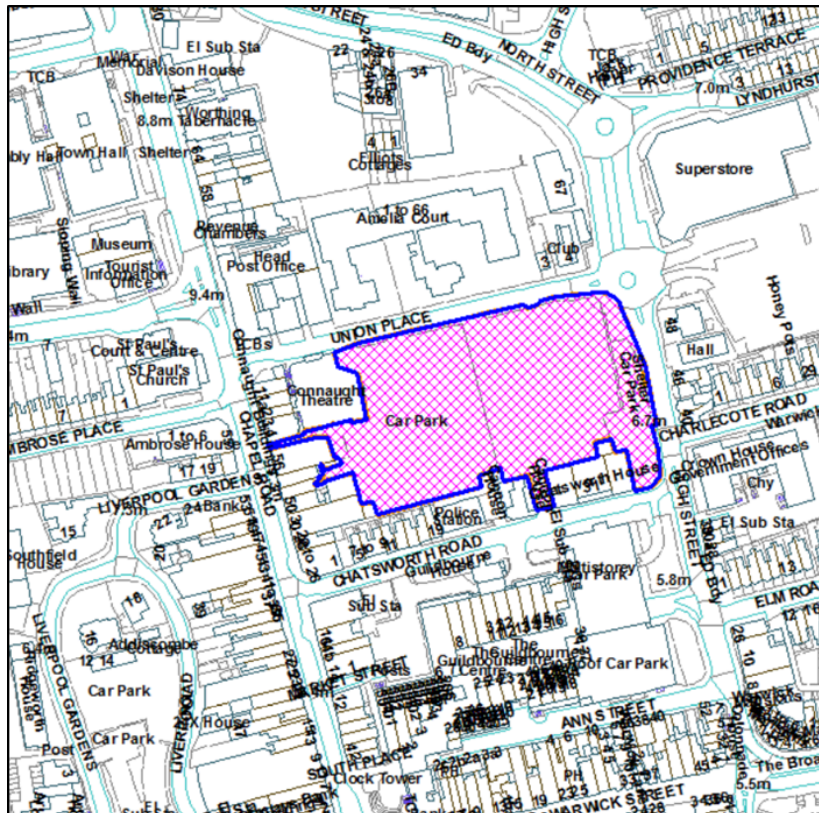


Application Number:	AWDM/1618/23	Recommendation - Delegate for approval subject to completion of a s106 Agreement and receipt of comments from consultees.
Site:	Union Place Car Park, Union Place, Worthing, West Sussex.	
Proposal:	Application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision.	
Applicant:	Roffey Homes Ltd	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	



Not to Scale

Site & Surroundings

The application site is located on the south side of Union Place and extends to 1.07 hectares. The site extends from the eastern wall of the Connaught Theatre to the High Street incorporating the NCP (operated) surface car park, the former Police Station site and the Council operated surface car park fronting the High Street. The site extends to the rear of ground floor commercial properties with a mixture of commercial and residential uses above on the Chapel Road and Chatsworth Road frontages. The site area also includes the existing footpath link from Chapel Road and an existing access into the site from Chatsworth Road.

The western section of the site is in use as a public car park and extends to 182 spaces. A wall divides this from the former Police Station site demolished some years ago and the foundations of the former buildings on the site are visible. The site is predominantly hard surfaced although its vacant condition has allowed some scrub vegetation to establish. The High Street surface car park has 47 spaces and an existing bus stop is located along this stretch of the High Street.

On the north side of Union Place lies Amelia Court, a McCarthy & Stone sheltered/extra care housing scheme. Amelia House is a grade II listed building refurbished as part of the redevelopment of the site with 3 and 4 storey new build apartments wrapping around the listed building. To the west of Amelia Court is the Royal Mail Sorting Office (former Post Office) and at the end of Union Place lies St Paul's a Grade II* listed building and former Methodist Chapel. To the east of Amelia Court lies a restaurant (MacMillans) and Storm House, another grade II listed building located on the corner of Union Place and the High Street. To the north east of the site is Waitrose supermarket and associated car parking. To the east of the site and the High Street lies Nos 40 – 46 a small group of two storey listed buildings (grade II).

Although the site does not lie within a Conservation Area it is immediately adjacent to Chapel Road Conservation Area which incorporates the Connaught Theatre a (local interest building). There are also Conservation Areas to the south of the Guildbourne Centre (Seafront and Hinterland) to the east (Warwick Road) and to the north east (Little High Street).

Proposal

The application is for full planning consent for the redevelopment of the site. The description of development is as follows:

Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision.

In support of the application the following documents have been provided:

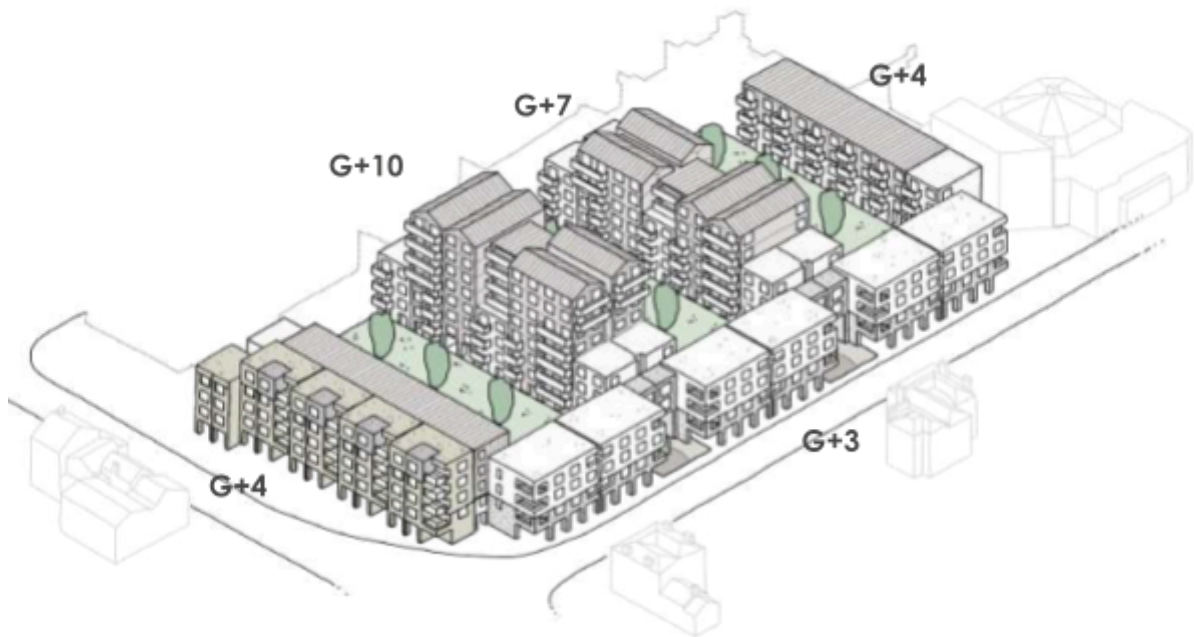
- Planning and Affordable Housing Statement
- Schedule of Development
- Application Drawings including Landscape Plans
- Design and Access Statement (DAS)
- Heritage, Townscape and Visual Assessment (incorporating Tall Buildings, Verified Views and Visualisations)
- Energy Statement
- Landscape Design Strategy
- Preliminary Ecological Appraisal
- Ecological Impact Assessment (including Biodiversity Net Gain Metric)
- Air Quality Assessment (including Emissions Mitigation)
- Daylight and Sunlight Report
- Flood Risk Assessment and Drainage Strategy (and Sustainable Drainage Systems Maintenance Plan)
- Acoustic Assessment
- Overheating Risk Assessment Report
- Fire Safety Strategy
- Fire Statement Form
- Phase 1 Geotechnical and Geo-Environmental Desk Study Report
- Statement of Community Involvement
- Transport Assessment (incorporating interim Travel Plans)
- Tree Schedule
- Tree Retention and Tree Protection Plan
- Arboricultural Assessment

The proposal is for a mixed use development of housing and commercial floor space. The built form consists of four blocks arranged north/south across the site with a row of three connecting blocks arranged east/west along the Union Place frontage. A replacement public car park is proposed at ground floor level underneath podium gardens at first floor level between the blocks. The car park includes spaces for the new residential dwellings.



The housing comprises 216 apartments across five main blocks consisting of a mix of 1, 2 and 3 bedroom properties and 6 live/work units. The blocks will vary in height from 4

storey fronting Union Place, 5 storey fronting High Street and taller blocks of 8 – 11 storey set back from the street frontages. The building heights are shown in the drawing below.



The 6 live/work units with their ancillary commercial floorspace at ground floor level (flexible to provide between 345m² and 417m² of commercial use) are located along the Union Place frontage. The High Street frontage incorporates 507m² of Class E floorspace at ground floor level.

Vehicular access to the public car park will be from Union Place as existing. Access to the residential car park will be from Chatsworth Road.

A total of 4,495m² of communal amenity space, public open space and public realm enhancements are provided in the form of the inter-connected community podium gardens. Apartments also benefit from balconies providing private amenity space. Pocket parks are proposed at the corner of High Street and Chatsworth Road and at the corner of High Street and Union Place. Additional frontage and avenue tree planting is also proposed. The existing mature Lime tree at the corner of Union Place and High Street will be retained.

The 216 residential units will include 43 affordable dwellings (20%). The affordable units will comprise 23 shared ownership homes and 20 affordable/social rented homes. All dwellings will meet M4(2) of the Building Regulations with a policy compliant level of M4(3) dwellings. The proposed mix of dwellings by size and tenure is set out in the tables below:

Proposed Residential Unit Mix		
Unit Type	No. Proposed	%
1 Bed 2 person	104	48
2 Bed 3 person	10	4.5
2 Bed 4 person	90	41.5
3 Bed 6 Person	12	6
Total	216	100

The mix of affordable and open market units is set out in the table below:

Proposed Tenure and Type Residential Mix					
Unit Type	Private	Social Rent	Affordable Rent	Shared Ownership	Total
1 Bed 2 person	66	10	10	18	104
2 Bed 3 person	7	0	0	3	10
2 Bed 4 person	88	0	0	2	90
3 Bed 6 Person	12	0	0	0	12
Total	173	10	10	23	216

The quantum of all proposed uses is set out in the table below:

Areas by Use			
	GEA (m²)	GIA (m²)	NIA (m²)
Residential		19,887	14,909
Commercial		519	507
Live/Work		449	417
Ancillary		1,151	
Parking		4,736	
Total	29,417	26,742	15,833

The proposals incorporate green roofs in addition to avenue tree planting. Overall the site achieves a biodiversity net gain of 10% and a hedgerow gain of 378%.

The fabric first approach to minimising energy consumption with the Be Lean scheme will enable a reduction of over 37% in CO₂ emissions.

The development has the option to connect to the proposed Worthing Heat Network. This in combination with the Be Lean measures will reduce CO₂ emissions for the development by 62% from a baseline scheme.

Sustainable urban drainage systems are incorporated to control surface water run off with a large area of green roof assisting in attenuation to geocellular tanks before discharge to the public sewer.

Most of the car parking at ground floor level is underneath the podium gardens although there is some external car parking to the southern edge of the site and to the west. The replacement public car park at ground floor level comprises 146 spaces, including 8 disabled spaces, and this will continue to be managed by NCP. The residential car park will comprise 90 car parking spaces for residents including 5 disabled spaces. 50% of the residential spaces will be unallocated. 29 spaces will have EV charging capability and these will be located in the external car park in line with fire regulations. The parking layout is shown below.



118 cycle parking spaces for residents are provided within shared communal stores. A further store is provided for commercial users including 5 double stacker and 4 Sheffield spaces. 4 additional Sheffield spaces are provided for visitors.

A loading bay for deliveries for residential and commercial purposes is located on the highway on Union Place.

Relevant Planning History

WB/05/0202/OUT - Outline application for the erection of a mixed-use development of retail and residential comprising 1,276 square metres of retail floor space on ground floor, up to 103 residential units and basement car parking within a building extending to 8 storeys in height. Former Sussex Police Authority, Union Place, Worthing. REFUSED on the grounds that it would prejudice the delivery of a new retail core and its height bulk, scale and massing would be out of scale with adjoining developments.

AWDM/0461/20 – Application under Regulation 3 for Outline planning permission (with all matters reserved except for access) for the construction of mixed-use development comprising residential units, commercial floor space, hotel, cinema and associated car parking, cycle parking, public realm and landscaping. at Union Place Car Park Union Place Worthing West Sussex. Committee resolution to grant in 2020 subject to completion of S106.

AWDM/0693/20 – Construction of a two storey extension to provide Offices at the Mill Building, 35 Chatsworth Road. Building immediately to the south of the site. Approved.

Consultations

Adur & Worthing Councils

The **Sustainability Officer** comments that:

Summary

Whilst the application demonstrates a commendable improvement in building fabric efficiency, the proposal fails to fully meet the requirements under DM17 as it:

- *Selects the least preferred option from the heating and cooling hierarchy, despite a heat network being planned in the immediate vicinity of the development*
- *Proposes utilising the higher carbon option, in contradiction of the requirement to select the lower carbon solution for all development*

Given the proximity, cost efficiency and carbon benefit of the heat network, it is recommended a Condition be applied that requires the development to connect to the heat network.

Relevant Policies

DM16 Sustainable Design - requiring all new build housing will achieve a minimum 20% CO2 reduction compared to the Building Regulations Part L 2013 standard

DM17 Energy - requiring:

- *Major developments must demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy*

- Major development[s] within areas identified as heat networks should demonstrate how they have considered connecting to a district heating networks
- The development of renewable, low carbon or decentralised energy schemes will be supported
- These comments are not fully comprehensive and focus principally on the requirements under DM17.

Comments

Please note these comments have only reviewed the Energy Statement. No assessment has been made regarding Overheating, Waste Minimisation or general approaches to other policy areas. Additionally, insufficient information (such as Building Emissions Rates) has been provided to fully interrogate the claims provided, as such, the information has been treated at face value.

The Energy Statement demonstrates a fabric first approach to emissions reduction, with reductions over building regulations requirements in all stated areas of building fabric, including a significant reduction in air permeability. This achieves compliance with DM16 b) and c), although insufficient information is provided regarding EPC ratings and BREEAM calculations to adequately assess this information. Where appropriate Conditions should be applied to ensure all elements of Policy DM16 are met.

The Energy Statement presents a clear assessment of two options of heating strategy:

1. Exhaust Air Heat Pumps (EAHP)
2. District Heating (DH)

Please note there is some ambiguity in the Energy Statement (specifically at 5.2) regarding the use of electric panel heaters.

As per policy DM17, the heating and cooling hierarchy requires developments to connect to an existing heating/cooling network. Given the imminent development of the Worthing Heat Network, this is the preferred and compliant route for this development. Moreover, the alternative EAHP solution is the least preferred heating solution in the heating and cooling hierarchy.

Both options reduce the carbon emissions associated with the development (although it is unclear as to what fuel source the baseline has been calculated), however the DH option emits 39.2% less carbon than the alternative EAHP. Policy DM17 requires the lowest carbon feasible solution to be installed. The application notes that this is the DH option.

Additionally, although not of material consideration regarding Planning Policy, the Energy Statement notes that the EAHP solution would be £325 per year more expensive for each flat.

Finally, the energy statement notes that the use of solar PV to further reduce carbon emissions is feasible but green roofs are being installed instead. Whilst this is a lost

carbon reduction benefit, it is felt that utilising green roofs is an appropriate alternative use of roofspace.

The **Head of Housing** comments that,

"I would not have supported the original request to have a mix of 10 social and 10 affordable rent, as affordable rent at 80% of market rent is unaffordable for anyone on the Councils waiting list. The revised approach of 20 rented units capped at Local Housing Allowance would directly benefit those in housing need and with 100% nomination rights will help to reduce the Councils housing waiting list. It is good to see a brownfield site delivering affordable housing as many other recent development sites in the town centre have argued that it is not viable to deliver any affordable housing in view of high conversion or demolition costs."

The **Parks Manager** comments that,

"The provision of a pocket park in the south east corner of the site together with opportunities for new landscaped public realm for both the High Street and Union Place frontages are welcomed and will provide an enhanced setting for the proposed development. If these areas are to be managed by the developer it will be important that there is a management plan in place setting out a detailed maintenance programme. The play areas, proposed at podium level, would provide attractive and safe areas for younger children to play with plenty of natural surveillance particularly if these areas can be carefully integrated with the proposed landscaping for the podium deck. Any development contributions for off site improvements should be for older children and allotments in line with our adopted Open Space calculator. There are opportunities for enhanced youth provision at various locations in the town centre including Homefield Park or Beach House Park which are relatively close to the site."

The **Tree and Landscape Officer** comments that,

"The proposal retains the most significant tree on the existing site, the Lime in the northeast corner close to the junction of Union Place and High Street. This is combined with the provision of new street trees around the site. Along with the less public areas and other tree planting onsite I consider the landscape plans can be supported."

Private Sector Housing:

"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 majority of units of accommodation have open-plan arrangements whereby bedrooms can only be accessed through kitchen/dining/living rooms. The

bedrooms are inner rooms and the cooking areas are located close to the flat entrance doors.

It is noted that the applicant proposes to use fire suppression systems within the flats and it is presumed that Building Control will ensure that this meets the appropriate British Standard. PSH are, however, concerned about the reliance on a system that will have to be regularly maintained with the subsequent problems of access and ongoing costs. Systems will always have the potential to fail and, bearing in mind the height of the development, there would be little or no chance of rescue from bedrooms in the case of fire. In the event of a system failure, this would present an imminent risk to health and safety, which the Council could be obliged to address.

This issue in some of the flats can be easily resolved through the simple matter of installing a suitably located substantial and close-fitting door and doorset – a straightforward one-off solution requiring no on-going maintenance issues – consideration should be given to addressing internal layouts of the flats so that the risks are removed entirely.

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”.

Environmental Health comments:

Air Quality

“The Air Quality Assessment produced by Phlorum dated October 2023 concludes that the site will not be exposed to levels of NO₂ and PM_{2.5} in excess of the current guideline values. Our own NO₂ monitoring in the vicinity confirms this.

The emissions mitigation assessment calculates an emissions damage cost of £24,232. The proposed mitigation includes cycle storage and electric vehicle charge points, provided in accordance with current standards from West Sussex County Council. The development must provide these anyway, even if no emissions mitigation assessment were provided, so the proposed mitigation is in effect double counting. We expect the calculated figure to be spent on specific on site mitigation over and above that already required through other means.

I recommend the following be attached as a condition to any permission granted.

The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the mitigation shall be at least equal to a value of £24,232 as identified in the emissions mitigation assessment contained within Section 7 of the Air Quality Assessment produced by Phlorum and dated October 2023.

The assessment makes various recommendations for construction phase mitigation in Section 5. It is recommended these are incorporated into a Construction & Environmental Management Plan. The following condition is suggested:

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

- **The mitigation outlined in Section 5 of the Air Quality Assessment produced by Phlorum and dated October 203.**
- **anticipated number, frequency and types of vehicles used during construction**
- **the method of access and routing of vehicles during construction,**
- **HGV construction traffic routings shall be designed to minimise journey distance through the Council's Air Quality Management Area (AQMA),**
- **the parking of vehicles by site operatives and visitors,**
- **the loading and unloading of plant, materials and waste,**
- **the storage of plant and materials used in construction of the development,**
- **the erection and maintenance of security hoarding,**
- **a commitment to no burning on site,**
- **the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),**
- **methods to control dust from the site,**
- **a commitment to following BS5228: Code of Practice for noise and vibration control on construction and open sites,**
- **details of public engagement both prior to and during construction works.**

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Noise

"Acoustic South East have undertaken a comprehensive noise assessment of the locality and have put forward a scheme of noise mitigation tailored to the noise exposure to the various dwellings. This includes glazing and ventilation specifications. These specifications included in the acoustic report should be conditioned in any permission.

Hours of delivery to any of the commercial units should be conditioned to daytime hours.

I would recommend that the sound insulation between the ground floor commercial property and first floor residential be conditioned to achieve a minimum airborne sound insulation value of 50 (DnT +Ctr dB)

I have looked at the NCP car parking and cannot see how placing hours of use on parking would work as the entrance provides access to both residential parking and

public parking areas. In any case the residential units overlooking the entrance will have noise mitigation in place because of the existing night time post office activities.

Noise mitigation to protect homes from noise from the nightclub has been put in place. Acoustic Associates has identified that much of the noise is breaking out of the structure of the premises although it was noted by the acoustician that the rear fire exit was left open to allow access to the smoking area. There are conditions on the night club's premises licence that requires all doors to be kept closed between use. There are also noise level conditions on the licence and a requirement for noise monitoring. That said, the acoustician has specified noise mitigation based on the night clubs operation as found at that time of assessment.

With regards to overheating. The acoustician has identified what residential units will be required to keep windows closed due to noise and this will be taken into account by Delta Green when they carry out the overheating assessment for the development under Approved Document O.

There are no EH objections to the development in principle subject to the recommended conditions.”

The **NHS Coastal West Sussex Clinical Commissioning Group (CCG)** has not yet commented on the current proposal but commented on the previous proposal that,

“Overview

Current Estate is at capacity in Worthing. Growth is expected from new housing, though this is limited.

West Sussex Clinical Commissioning Group (WSx CCG) is the lead organisation responsible for the health and wellbeing of more than 900,000 people. There are circa 120,000 residents in Worthing, with the area having 3 PCN (Primary Care Network) area and 10 GP practices.

Current GP primary care provision is delivered through an estate that has some purpose built structures and some that are developed from older housing style buildings. Overall, infrastructure levels are below recommendations and there are pressures on all services.

Worthing Integrated Care Centre is being developed with Worthing council, NHS Property Services, Primary Care, Mental Health Care and community services. This is being led by Worthing Council and Sussex Community NHS Foundation Trust are planned as the landlord.

Development proposal

WSx CCG predicts that most new residents will register at a Worthing practice or the planned new health hub. This application will centre on a contribution toward a proposed Health Hub or toward increasing GP premises.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site and so a contribution towards health infrastructure off-site via financial obligation is being sought, as noted.

*The planning permission should not be granted without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, W Sx CCG would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.***

*W Sx CCG requests a contribution from the applicant of **£175,447**, as quantifiably in the tariff section, which will be used most likely towards the new health hub, or additional estate. **The Tariff formula has been independently approved by the District Valuer***

Assessment & request

W Sx CCG has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the Borough serving this proposed development, and in particular the planned primary care premises project of Worthing. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledged as a fundamental requirement to the sound planning of the Borough.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on Borough wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded areas, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes. The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in Worthing

Primary Care services in Worthing are run from a mix of old and relatively new estate. The current town centre practice has outgrown the old population build size. Any new housing will have a big impact.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most accessible GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

Practices in Sussex are very diverse, with some in a strong position while others are significantly more vulnerable. Vulnerability factors include workload, workforce, lack of resilience and poor premises – which are all interlinked. Worthing is an area that is typical of the county wide picture.

Contribution Sought and Methodology

*The funding will be a contribution to **£175,447** for the infrastructure needs of Shoreham.*

A copy of the Developer application is at Appendix 1 – the main note

West Sx CCG, in line with NHS services and CCGs across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the CCG, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

*Build-cost data has been **verified by the District Valuer Service** (last update May 2018) and assumes £4,500/sqm, 'sense-checked' against two recent building projects undertaken by the CCG. The cost inputs refers only to capital construction costs; the CCG intends to fund the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.*

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

*The output of this model for the proposed development is an estimated population increase of 461 new residents with a consequential additional GP surgery area requirement of 38.99m². This equates to a direct cost of **£175,447** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.*

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Adur/Worthing council local plan has increasing incremental annual growth assumptions for housing development and this increased population makes estate s106 applications necessary in terms of planning services for the local area. The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

The aim is for a new build in the centre of Worthing (and this is part of a council and NHS project – led by the council.

ii. Directly related

*It is indisputable that the increase in population of approximately 340 people living in the new development at Union Place will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the Clinical Commissioning Group. **Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.***

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area. The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by the Clinical Commissioning Group are well evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Adur/Worthing to have access to the health care that it needs now and for future generations.”

Sussex Police Local Policing Support Team comments that

“Thank you for your correspondence of the 23rd of November 2023, advising me of a planning application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision at the above location, for which you seek advice from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government’s aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com.

Residential:

I direct the applicant or their agent to our website at www.securedbydesign.com where the SBD Homes 2023 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

I note that the scheme proposes a mix of 216 new residential apartments across four pavilion blocks, consisting of a mix of 1-, 2- and 3-bedroom accommodation.

From a crime prevention perspective with regards to the proposed apartments within the development, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Trades person or timed-release mechanisms are not advised as they have proven to be the cause of antisocial behaviour and unlawful access to communal developments.

There are also increasing crime problems associated with letter plate apertures, such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc). In order to address such problems SBD strongly recommends, where possible, that mail delivery is via a secure external letter box meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through the wall' into a secure area of the dwelling. These should be easily accessible i.e., at a suitable height for a range of users.

Thought should also be given to the implementation of compartmentalisation within the apartment blocks. Compartmentalisation seeks to curtail unlawful free movement throughout the building through the use of an access control system to reduce incidents of anti-social behaviour.

How this is achieved is a matter for the specifier, the following two methods are acceptable:

1. Lift and stairwell access controlled separately:

To prevent the lift and stairwell providing unrestricted access onto a residential landing, each resident should be assigned access to their floor only via the use of a security encrypted electronic key (e.g., fob, card, mobile device, key etc.) both on the stairwell/landing door and lift.

Access to stairwells from the communal lobby should be restricted to residents to reduce the risk of anti-social behaviour or criminal activities. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit should be provided at all times.

2. Lift and stairwell access jointly controlled via an additional secure doorset:

An additional secure doorset prevents access to each landing from both the lift and stairwell.

Each resident should be assigned access to their floor only via the use of a security encrypted electronic key (e.g., fob, card, mobile device, key etc.) for this doorset.

Access to stairwells from the communal lobby should be restricted to residents to reduce the risk of anti-social behaviour or criminal activities. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit should be provided at all times.

I do, however, appreciate that the ethos of communal buildings is that access should be free flowing with unrestricted socialisation between residents being actively encouraged between floors - so the implementation of this crime prevention measure may not be deemed as appropriate to this planning application.

I recommend that all balconies with the development are provided with balustrades sufficiently high to deter and prevent persons from falling or climbing over the top of them.

I note the provision for 118 cycle parking spaces for residential users is to be made within shared communal stores at ground floor level. Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows: • Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; • Minimum foundation depth of 300mm with welded 'anchor bar'. Ideally communal cycle stores should hold no more than 30 cycles as this will reduce the payoff for a would-be offender. NB: Vertical cycle racks can be difficult for some sections of the community to use.

With regards to footpath and cycle design - routes for pedestrians, cyclists and vehicles should be integrated into the development to ensure easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, which are proven deterrents for crime and anti-social behaviour. As stated in the Department for Transport Local Transport Note 1/20 (July 2020) Cycle Infrastructure Design: "Cycle networks should be planned and designed to allow people

to reach their day-to-day destinations easily, along routes that connect, are simple to navigate and are of a consistently high quality.”

In order to maintain as much natural surveillance as possible – ground planting throughout the development within the proposed green spaces and podium gardens should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will enable capable guardians to report incidents to the authorities should they occur. A capable guardian has a ‘human element’ that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues. Recent events that have made national news have become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020.

Commercial:

As indicated within the accompanying planning statement – provision of commercial floorspace is going to be within the 6 live/work units along Union Place, along with the provision of new Class E floorspace along the High Street at ground floor.

I direct the applicant or their agent to our website at www.securedbydesign.com where the Secured by Design (SBD) Commercial Guide 2023 can be found. This guide incorporates the latest security standards, developed to address emerging criminal methods of attack, and includes references to the Building Regulations and other statutory requirements across the United Kingdom.

The installation of an intruder alarm is a matter for the specifier, but consideration should be given to the installation of an intruder alarm as required by the eventual commercial tenants.

Should CCTV be a consideration the following documents will be of assistance to the applicant:

CCTV guidance for police requirements: HO (publishing.service.gov.uk)

CCTV at Commercial Business

<https://www.gov.uk/can-i-use-cctv-at-my-commercial-premises>.

CCTV | Search | Information Commissioner's Office (ico.org.uk)

Car Parking:

I note that the proposal includes a replacement public car park to be provided at ground floor level, under a podium (146 spaces, to be managed by NCP), together with 90 private car parking spaces for residents (5 of which are disabled spaces). As car parking is to be provided at ground floor level, under a podium - I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to this element of the scheme as soon as it is practicable. They can be contacted on this email: CTSASussex@thamesvalley.pnn.police.uk

Once the public car park is completed the applicant may wish to consider applying for a Parkmark accreditation. Parkmark and the Safer Parking Scheme is owned by Police Crime Prevention Initiatives Ltd on behalf of the police service and managed by the British Parking Association. It is aimed at reducing both crime and the fear of crime in parking facilities. Details can be found at www.parkmark.com

Finally, construction sites often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs.

The SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel.

It is also recommended that contact is sought by the developer with local Neighbourhood Police Team (NPT) to establish good relations whilst the development is in the construction phase.

Further advice on construction site security can be obtained from the Secured by Design Website:

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Thank you for giving me an opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act".

Southern Water comments that,

“The easement shown to the 1500 mm public foul sewer within Drawing No. 1100 Rev-P4 would be acceptable to Southern Water.

The submitted drainage strategy states specifics of SuDS will be confirmed at the detailed design stage and to be agreed upon 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 foul sewerage and surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.*
- Specify a timetable for implementation.*
- Provide a management and maintenance plan for the lifetime of the development.*

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

West Sussex County Council (Highway Authority) comments that,

“Background and Site History

WSSC in its role of Local Highway Authority (LHA) has been consulted on the proposals for highway safety, capacity and accessibility considerations. The development scheme follows a previous outline proposal in March 2020 under reference AWDM/0461/20, The proposals were the construction of a mixed use development comprising 186 residential units, 564m² of commercial floor space, a 90-bedroom hotel, 3 / 4 screen cinema providing up to 550 seats and associated 66 dedicated residential car parking, cycle parking, public realm and landscaping, along with the re-provision of the NCP car park via multi-storey car park at Union Place. The application was granted consent by the Local Planning Authority (LPA) and WSSC in its role of LHA advised no objections to the proposals from the highways perspective.

The latest development the subject of this application proposes the construction of a mixed use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated

residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road.

The applicant engaged in pre-application with the LHA in April 2023 this included a pre-application response. In addition, the proposals are supported by way of a Transport Assessment (TA) which incorporates Trip Rate Information Computer System (TRICS) data and a Stage 1 Road Safety Audit (RSA).

Access Strategy

Vehicular access to the site is available from 3 locations on Union Place (via the existing entrance for the NCP car park and 2 currently hoarded off entrances for the former Police Station), the A259 High Street into the High Street Surface Car Park and Chatsworth Road into the currently gated former police station car park.

Visibility splays of 2.4m x 25m have been demonstrated on drawing 08 C in both directions for the existing entrance on Union Place and the new entrance on Chatsworth Road in accordance with the requirements of Manual for Streets parameters for a 20 mph zone which is in place along Chatsworth Road and Union Place. The Union Place access point provides pedestrian crossing improvements in the form of tactile paving to connect either side of the access point.

Each access will require off site highway works for their implementation. This will need to be undertaken with the LHA's Highway Agreements Team and completed via a Section 278 Agreement and Stage 2 Road Safety Audit.

A lay-by is proposed on Union Place near the courtyard entrance of the proposed development to allow deliveries to the residential and commercial units. The layby is proposed at 18m long to accommodate 2 lorries if required. Vehicle tracking has been undertaken and confirms two vehicles can safely pass when the loading bay is in use. A TRO will need to be applied to facilitate the loading bays.

Stage 1 Road Safety Audit

The RSA was undertaken following our previous pre-application consultation discussions. The Audit has been undertaken in accordance with GG119 parameters. 2 problems have been identified within the Audit. Problem 3.4.1 has been agreed by the Designer. Problem 3.3.1 the Designer has provided a response which provides evidence from Manual for Streets (MfS2) Section 10.7. It is advised that the Auditor has sight of the Designer's Response in this instance, to confirm it satisfies their comments. The LHA would advise this process in the first instance as opposed to going through an internal procedure which would be required if the Auditor is not satisfied with the comments.

Capacity

The TA has assessed trips from the current and proposed uses including multimodal trips and provides a comparison with the approved 2020 proposals. Overall, the TA demonstrates that the proposed development is likely to result in an additional 10 daily

vehicle movements over the existing permission. It is not considered that the revised proposals would result in a material change in trip generation over what has been agreed. Throughout the day the proposals are likely to generate an additional 6 movements in the AM and 8 movements in the PM. The analysis within the TA has demonstrated that the development would result in a minor increase in vehicle movements during both the AM and PM peak hours compared to the existing permission. On balance the overall impact of this development over the 2020 consent is not considered to be 'Severe' in line with Paragraph 111 of the National Planning Policy Framework (NPPF).

Parking, Accessibility and Travel Plan

The site is well located within Worthing Town Centre, close to a wide range of employment, retail, education, health and leisure facilities. Worthing railway station is located approximately 1 kilometre to the north of the site, while a number of bus services route in close proximity. A series of improvements to the public realm are being delivered by the local authority that will improve various walking routes between the seafront and Worthing station. It has been demonstrated that a wide range of facilities and amenities are located within walking and cycling distance of the site. It is proposed that a total of 90 resident parking spaces will be provided across the site and with Electric Vehicle (EV) charging facilities. Given the site's central and sustainable location the LHA are satisfied that the proposed level of car parking is appropriate.

There is proposed to be some changes to parking on Chatsworth Road as outlined in the TA.

We have consulted the LHA's parking team and would have no concerns with the principle of what is proposed we would request that the east bay is left at 10m, with the increase in car size and the possibility of poor parking this would, hopefully ensure parking for two cars, allowing a bit of additional room to manoeuvre if required. Finally we do not mark out parallel parking bays as shown above. However we acknowledge that the TA's plans may be for illustration purposes only.

The development is supported by a sustainable access strategy which includes the provision of an onsite Car Club. Discussions were previously held with Co Wheels under the earlier 2020 application although the specifics of the car club have not been provided within this latest TA. Promotion and incentivisation of the Car Club should be included within a formal Travel Plan (TP). The TA indicates a Travel Plan will be provided and the LHA would advise this can be secured via a suitable planning condition.

The applicant should note that the LHA apply an auditing fee to all new travel plans. The travel plan and associated auditing fee would be secured via a s106 agreement. The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees

charged by other Local Authorities and are considered to be proportionate and reflective of the costs incurred.

Adur Worthing Local Cycling and Walking Infrastructure Plan

Improved cycling facilities along A259 High Street are identified within the draft Adur and Worthing Local Cycling and Walking Infrastructure Plan (published November 2019) (part of LCWIP route 311.1). In addition West Sussex County Council is currently finalising the Worthing Area Sustainable Transport Package Feasibility Study which is considering cycling infrastructure improvements on a route from Grove Lodge along the A24 Broadwater Road/Chapel Road corridor to South Street, and a spur along A259 North Street, High Street connecting via Steyne Gardens to Worthing Promenade.

Discussions were previously held with the LHA, LPA and the applicant on these matters. It was agreed as part of the original proposals the exact specification of the route could be modified at the detailed design stage. It is suggested this application applies a similar logic for this latest application. It is worth noting that the proposed cycle route does not integrate the proposed residential car park or existing car park access but that this could likely be achieved through continuing the segregated cycle route offset from High Street at the same distance as by the floating bus stop and then tying back into the south of the access.

Conclusion

Mindful of the comments made under AWDM/461/20 the LHA would in principle be satisfied with the information submitted within the TA to support the proposals. However we would request some additional information on the one point raised within the RSA as outlined above and a modification to the parking bay along Chatsworth Road, which should be provided in the form of a revised plan.

West Sussex County Council (Flood Risk Management Team) comments that,

“Thank you for your consultation on the above site, received on 23 November 2023. We have reviewed the application as submitted and wish to make the following comments.

This is an Application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision.

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy relating to:

- The application is not in accordance with NPPF paragraph 167, PPG Flood risk and coastal change & Policy 15 in the Worthing Adopted Core Strategy April 2011*

We will consider reviewing this objection if the issues as highlighted in bold on the attached Technical Response document are adequately addressed (issues listed with LLFA comments in bold below):

- Drainage survey required to provide evidence of existing discharge rate and condition (may include detailed asset or CCTV survey). **Objection: Please provide further information regarding the existing drainage**
- Evidence why rainwater reuse can't be included. **Informative: This should be provided.**
- Surface water sewer – no in principle agreement from owner of the asset. **Objection: Agreement in principle to be obtained from Southern Water.**
- Include appropriate climate change allowance for the lifetime of the development (including 3.33% AEP design) for storage volumes. **Objection: Please provide further information.**
- Use up to date FEH2022 rainfall parameters in any modelling scenarios. **Objection: Please use FEH2022 instead of FSR.**
- Drawings need to show all the drainage features (storage and conveyance) with labels the same as those in supporting calculations. Drawings need to show the final design (but not construction issue or preliminary issue). **Objection: Please provide a drainage layout which includes pipe numbers correlating to the calculations.**
- Updated supporting calculations required to show; 50% AEP rainfall event does not surcharge in the drainage network, 3.33% AEP rainfall event plus climate change does not flood outside the drainage network which is designed to hold water, the appropriate climate change allowance must be included. **Objection: 50% AEP currently surcharges. Objection: Please provide network calculations for the 3.33% AEP plus climate change.**
- Flood resistance and resilience must be shown to be included in the design. A minimum of 300mm must be provided between the design flood event and the finished floor level. A minimum of 150mm above external ground levels and shown that they are sloping away from vulnerable areas such as doorways. Exceedance of the design 1% AEP rainfall event plus climate change (or failure of the drainage network) must be shown on a drawing, minimising impacts to people and property. This drawing will include proposed external ground levels, finished floor levels and any designed slopes on impermeable surfaces such as highways or car parks. **Objection: Please provide further information on the exceedance plan to demonstrate levels.**
- A high level assessment of how water quantity and water quality will be managed during the construction phase is required. Identifying high level assumptions such as need to discharge to a sewer or watercourse will appropriate pollution measures. **Objection: Please provide further information.**

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council FRM team. It is advised to discuss proposals for any works at an early stage of proposals.”

Historic England comments that,

“On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England previously provided comments on an Outline planning application (LA Ref No AWDM/0461/20) for this site in our letters dated 29th June 2020 and 12th October 2020. This application was subject to a Committee Resolution to Grant but has not been taken forward.

The current scheme proposes improvements to the scale and design of the development compared to the previous 2020 outline application. In general, the overall scale and height of the development has been reduced and a more distinguished layout and articulation of blocks has been provided along with a higher quality design.

Historic England welcomes these changes. We consider that some harm still remains due to the scale, height and prominence of the development in some views over the established 19th and early 20th century heights that characterise the historic townscape.

We note that the wireframe view 8 looking north from the pier in the Heritage, Townscape and Visual Assessment is not particularly clear and therefore it is not possible to properly assess whether the new towers would compete with the prominence of the Dome Cinema, a grade II listed building and an important landmark on the seafront.*

We advise that in order for your Authority to be able properly assess this impact and whether any harm would be caused to the significance of The Dome Cinema that Actual Verified Views of this view are provided by the applicant.

It will then be for your Authority to weigh the harm to heritage assets caused by the proposal against the public benefits of the scheme, as set out in paragraph 202 of the NPPF.

Recommendation

Historic England considers that the scheme will cause some harm to heritage assets but acknowledges the efforts that have been made to reduce that harm.

We advise that paragraphs 195, 200 and 202 of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits of the proposal outweigh what we assess to be less-than-substantial harm.

In determining this application, you should bear in mind the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

Following confirmation that wireframe view 8 is already a verified view Historic England has not commented further.

South Downs National Park Authority (SDNP) comments that,

“Although the application site is located outside of National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

Purpose 1: *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*

Purpose 2: *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*

Duty: *To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.*

The National Park’s comments on the development are as follows:

The SDNPA was consulted on a previous proposal for this site in 2020 (AWDM/0461/20 – resolution to permit but not progressed). That application included a maximum building height of 14 storeys and we recommended additional information be provided to allow for an assessment of distant views from within the SDNP, due to the potential for taller buildings to break the skyline and sea horizon. This resulted in three additional wireframe images being produced to represent views from within the SDNP.

As with the previous application, a detailed Townscape and Heritage Impact Assessment has been produced but again distant views from the SDNP appear to have been missed. I acknowledge that the current scheme reduces maximum heights to 11 storeys and that these taller buildings are visually subdivided and have varied roof lines. Nevertheless, it would have been useful for some representative verified wireframes/photomontages to be produced”.

Active Travel England comments as follows:

Notice is hereby given that Active Travel England’s formal recommendation is as follows:

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

Active Travel England (ATE) welcomes the opportunity to comment on this planning application. Based on the site area and the number of dwellings proposed it has triggered statutory consultation with ATE. There has been no previous engagement with ATE on this site.

The site is located within the town centre of Worthing, an 880m walk, wheel or cycle from the town's rail station. It is currently partly used for car parking which the plans would replace combined with a mixed-use scheme including 216 residential apartments including 6 comprise Live/Work Units with commercial ground floor space at High Street. The description also includes cycle parking and public realm contributions. The site is allocated in the 2020 Worthing Local plan as site A13. The Local Plan also includes policy DM15 on sustainable travel and active travel, which states the LPA will ensure the design and layout of new development prioritises the needs of pedestrians and cyclists, and further requires new development to provide for an appropriate level of cycle parking.

It is noted that the local authority is also supported by the recent West Sussex Transport Plan (2011-2026); the West Sussex Walking & Cycling Strategy (2016 - 2026); and the Adur and Worthing Local Cycling and Walking Infrastructure Plan (2020). The LTP includes the aim to ensure parking provision at new developments takes account of prevailing parking standards and provides enough spaces to accommodate the expected number of vehicles and cycles at the site.

It is noted that the site is well located in the town centre with a good range of facilities and amenities nearby, which is relatively compact with a level gradient in a strong position to support active travel. It is noted that the coastline, 460m to the south of the site, includes the England Coast Path National Trail and National Route 2 of the National Cycle Network (NCN2) which provides links to Brighton and when complete will link Cornwall to Kent. Elsewhere across the town and in the vicinity of the site there is no specific cycle infrastructure; cycles must mix on road with other vehicles.

The local plan notes that the A259 that runs immediately to the site's eastern boundary, severs the town centre and safe crossing points are limited.

It is noted that the existing site includes 178 car parking spaces and on the high street a further 47 spaces. The local plan policy states that an appropriate level of replacement car parking is expected. 146 car parking spaces are proposed to be replaced in the NCP area and 90 residential spaces with 50% unallocated and 30 visitor spaces. There is no public cycle parking proposed for wider town centre users.

2.0 Summary

In considering the matters now being considered and led by the criteria with our toolkit checklist, ATE recommend that any decision on the application be deferred until more information is supplied to be certain of how the development will support active travel.

3.0 National Policy and Guidance

The National Planning Policy Framework (NPPF) states:

104. Transport issues should be considered from the earliest stages of... development proposals, so that:

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

e) patterns of movement, streets, parking and other transport and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable.

110. In assessing... specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and]

b) safe and suitable access to the site can be achieved for all users;

112. ...applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and]

c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...;

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Manual For Streets (MfS, 2007) in section 4 describes layout and connectivity and in particular that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walking distance, typically a distance of 800m. MfS encourages a

reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents. Section 3 requires that the movement of all users should be key to the design and layout of new development.

Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure, including chapter 14 which sets out how to plan for and integrate cycling infrastructure with new development.

Gear Change: a bold vision for cycling and walking, is the Government's cycling and walking plan for England. This sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. ATE's responsibilities for walking also extend to "wheeling", such as the use of wheelchairs (self propelled or powered) and mobility scooters.

Inclusive Mobility: making transport accessible for passengers and pedestrians, provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

Active Design (Sport England, supported by Active Travel England and the Office for Health Improvement & Disparities) sets out how the design of our environments can help people to lead more physically active and healthy lives. This includes, among other things, providing walkable communities, connected active travel routes, multi-functional open spaces, and high quality streets and spaces.

4.0 Opportunities

Transport Assessment

It is welcomed that the TA specifically recognises the identified route no. 310 in the LCWIP which would run adjacent the site boundary, along the A259 High Street. As a result a 5.3m buffer from the kerb line of the carriageway into the proposed development has been provided and cleared from any obstructions to allow the cycle route to be implemented in this area in the future. It is noted that local plan policy DM15 and it's supporting text would allow for Section 106 Agreements to be used to deliver sustainable and active travel improvements. This route would support north/south movements across the town centre and connect well with the east/west route along the seafront as mentioned above. This would help provide a very useful alternative to car use along the A259, something the Council would wish to see given local air quality matters and town centre severance.

It is noted that there is a range of local collision data provided, several of which include pedestrians and cyclists at Chapel Road, Union Place and the A259. The latter road is identified as a key severance route for the town centre and requires uncontrolled crossings of two-lane roundabout arms to the local supermarket and one accident occurred on the controlled crossing further south on the A-road. The specific delivery of new, very closely related cycle infrastructure would significantly assist in remedying these issues which would be amplified by a new residential and commercial development so close by.

Cycle parking

The Transport Assessment makes it clear the West Sussex cycle parking standards have been followed on page 24. Plans show cycle parking located inside the buildings and dispersed through the development. These are secure however the levels of passive surveillance or any specific security measures are not clear. If passive surveillance is limited, CCTV could be an alternative along with a lockable route.

In addition to the cycle parking proposed, LTN 1/20 advises at least 5% of communal cycle spaces should be provided for adapted and larger bikes to accommodate people with mobility impairments (see paragraph 11.3.2). Whilst EV charging points are included there is nothing for E-bike charging or space allowed for cycle maintenance or provision of a pump or tool station.

It is noted that there are some vertical or raised level cycle stands, unfortunately these are less usable for people with mobility issues or larger and adapted cycles that are difficult to lift. Children's bikes may also be too small to fit into the hangers and be left without space to park, thus being vulnerable to theft or having to be taken inside. A covered and secure set of 'Sheffield' stands would be far more versatile.

It is noted that whilst there is cycle parking for the commercial units, there are no showers, changing/drying rooms or locker facilities. No detail is apparent on the plans for these requirements which are also vital to support local modal shift as these units are trip destination points in themselves.

This application also represents an opportunity to incorporate new short-stay cycle parking for shoppers and visitors to the town centre generally. A big proportion of the site is car parking, which although reduced from existing levels, remains a significant land take on the site. For medium retail units, 1 space per 200sqm is recommended in LTN 1/20. This site should be considered for a cycle parking destination for the wider town centre, and car parking spaces changed for cycle parking. In particular, this accords with the Adur and Worthing Local Cycling & Walking Infrastructure Plan, under its Liveable Cities and Towns page, with principle 10 stating:

"Give everyone the opportunity to take up cycling by providing cycles, including electric and adapted, improving cycle parking, and expanding public cycle scheme provision, inclusiveness and integration."

5.0 Areas of Concern

Transport Assessment

The TA includes some analysis of the quality of surrounding roads and footways. No tools are used e.g. propensity to cycle or the walking route audit tool (WRAT), and no technical design guidance are referred to. It is disappointing that there is no quality audit of surrounding footways (identifying widths and quality in line with Inclusive Mobility) or cycle paths (to determine whether in accordance with LTN 1/20). It provides only a desktop assessment of cycle routes and isochromes. There is no assessment on the quality of the local highway environment for wheelers or those using other mobility aids.

This is a very well located development and a wide range of facilities can be accessed by active travel modes and without reliance on the private car.

Whilst the TRICS analysis helps forecast the multi-modal journeys likely, there is no vision to create a development that delivers modal shift to sustainable transport in a location extremely likely to support this further. This does not reflect the Government's aspirations in 2020's Gear Change that 50% of all journeys in towns and cities should be by active modes. Nor does the TRICS analysis assign journeys to any likely destinations, crucial to unpick to support travel planning. There is no travel plan to further assist delivery.

Travel Plan

There is no stand alone travel plan submitted with this application, just a limited 1 page at section 11 in the Transport Assessment. This is contrary to paragraph 113 of the NPPF, which states all development likely to create significant movement should include a Travel Plan. Travel plans have a significant role to play in support of modal shift, which this town centre location would strongly encourage.

Travel plans should be aspirational and address both the soft measures, such as a cycle training, walking and wheeling support, bike purchase scheme and travel planning; alongside hard measures such as on-site quality and design-compliant wheeling, walking and cycling connections to meet the recommendations of LTN 1/20 and Inclusive Mobility. These must be along desire lines and tapping into and extending links which adjoin the site and improving connections for walkers, wheelers and cyclists beyond the site boundary.

Travel plans should have high modal shift targets in line with the aforementioned Government objectives in Gear Change. A travel plan should be supported by survey work to inform modal shift targets and understand barriers to active travel; in order to help address them in future measures. Targets should be scrutinised through the planning system to ensure they comply with relevant policies and guidance. Travel plans must also be monitored and include remedial measures should targets not be met.

Travel plans should not prevent movement but only set targets and put measures in place to ensure that modes should be as sustainable as possible, and for mental and physical health as well as carbon reduction, be as active as possible.

Based on the above, ATE would encourage the submission of a Full Travel Plan at this stage in the process, to understand and secure the infrastructure and measures that are needed to achieve an ambitious modal shift.

6.0 Next Steps

There are clear opportunities for this proposal to contribute more to active and sustainable travel in this very well located town centre site. This should be focused on helping deliver the Government's commitment for 50% of urban journeys being walked, wheeled or cycled. ATE advise that the following amendments should be secured:

- 1. A more holistic Transport Assessment to include local quality information and trip assignment via active modes, having regard to the increase in active modes needed to meet the Gear Change commitment.*
- 2. A vision-led Travel Plan, to help support modal shift to meet the aims of the NPPF and local plan policy DM15, with both hard and soft measures linked to the findings of the TA.*
- 3. Provision of supporting cycle infrastructure (pumps, tools, showers, changing/drying rooms) and a town centre cycle parking hub on site”.*

Following receipt of further information from the applicants and sustainable transport improvements being carried out by the Borough Council **Active Travel England** have recommended a condition and indicated that further comments will follow. The recommended condition is:

“Travel Plan

Condition: No development shall commence until [or Prior to first occupation of the development], a Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the council.

Reason: In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling”.

West Sussex Fire and Rescue comments as follows:

Having viewed the plans for the planning application no. AWDM/1618/23 for the Application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision; evidence is required to show that all parts inside all flats are within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 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 sprinkler or water mist system complying with BS9251 or BS8458 standards.

Any blocks having a dry riser installed will need to show fire appliance access to within 18 metres of the dry riser inlet and in line of site for the fire appliance operator in accordance with AD-B Volume 1 B5 section 13 para’s 13.5 & 13.6. Also need to show a

fire appliance will not need to reverse more than 20 metres to make their exit or reach a turning facility, in accordance with AD-B vol. 1 B5 section 13”.

Representations

The Worthing Society objects to the applications and comments that:

The development site is located on the boundary of the neighbouring Chapel Road Conservation Area (CA). There are also proximate Listed Buildings which have ‘group value.’ These include the Grade II listed St Pauls Centre, Elm Lawn House and Storm House, both Grade II listed. The Connaught Theatre, just within the CA, is a landmark Art Deco building adjacent to the site and included on the Council’s Local Interest List. To the north of the development site the Little High Street Conservation Area is visible together with the Grade II Listed The New Amsterdam Public House (formerly The Swan) and The Hollies. Located at the corner of the CA is the landmark Victorian building, The Corner House, in what is predominantly, a low rise area. In addition, the High Street/Charlecote Road section is defined by the Council as an ‘Environmental Area of Special Interest’ which states:*

“Character derives from an isolated group of small historic buildings of varying but sympathetic architectural quality; a remnant of original High Street, Nos. 40, 42 and 44 High Street (all statutorily listed buildings) together with 46 High Street contribute to the area’s special character”.

I have now had the opportunity to discuss the proposal with our Heritage Team. We consider this site is ripe for redevelopment with mixed usage. This redevelopment provides a unique opportunity to create a characterful town centre area for Worthing when viewed from Chapel Road, Union Place and High Street. The plans are an improvement on the earlier approved outline application. In particular, the view looking west along Union Place without the curved hotel structure and the provision of more landscaping is a positive step forward. However, the proximity of the conservation area and the heritage assets requires the new buildings to be sensitive in terms of design height, and mass. The site is located within a fairly compact area with a distinctive character as defined in the reference to the Environmental Area of Special Interest.

We therefore have the following concerns:

(i) Tall elements:

a) In our view it would be desirable to reflect the traditional character in the new development. Many historic buildings were lost in High Street during the 1960’s, 70’s and 80’s. The development of this brownfield site presents the opportunity to reference and repair the traditional character of the area. We consider that the height, scale and mass of the tall elements, although set back, still appear over-dominant and out of proportion with the surrounding area. There are taller buildings to the south of the development site, such as the carpark but the Society takes the view that the context of the design should be led by the heritage assets. If

a taller building is considered it should be no more than 6 storeys to reference the height of the Post Office building.

- b) *At 7 and 11 storeys, these new blocks also indicate a potential over-development of the available site area. These elements will not, in our view, enhance the setting of the nearby CA, the Grade II* St Paul's and associated heritage assets. They will not be consistent with the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Policies DM 23 and DM 24 of Local Plan.*

(ii) Bland Design

- a) *The 4 storey blocks lining Union Place are an improvement but in our view still appear rather bland in design. We consider more could be achieved to reflect the character of the area. To achieve this, we suggest more classical proportions and detailing are needed. Attention throughout the development is required to include traditional Worthing materials such as proper yellow brick and slate and maybe some stonework.*

(iii) Daylight/Sunlight

- a) *We have noted the concerns re the adverse effect on the daylight and sunlight regarding the buildings opposite the development such as the McCarthy & Stone retirement residences of Amelia Court and Elm Lawn House. A recessed roofline for the upper storeys fronting Union Place may contribute to resolving this problem.*

(iv) East Elevation: High Street

- a) *The design of these buildings is an improvement towards repairing the more traditional street scene in the High Street. However, the facades are rather bland again. Perhaps consideration could be given to creating a design more reminiscent of a 'town house' similar to the Georgian buildings in the nearby Steyne Gardens Conservation Area. Perhaps further consideration could also be given to referencing the character of The Colonnade and the group of Georgian Buildings at Nos. 5 and 7 High Street.*

(v) Space Standards

- a) *Further consideration needs to be given to fulfilling the commitment to meeting the required space standards to ensure the safety and amenity of future residents. The propensity to what we consider to be over development within the design needs to be considered together with overlooking from the balconies within the green areas.*

SUMMARY

In summary, and for the reasons stated, the Society objects to this present application”.

4 letters of objection were received in connection with the application raising the following concerns:

- i. McCarthy Stone Retirement Lifestyles Ltd is the leading provider of retirement accommodation in the UK and is responsible for the management of Amelia Court which is a retirement living development of age restricted apartments for people over the age of 60. McCarthy Stone have been contacted by residents of Amelia Court who are deeply concerned about the development proposed. They strongly object to the imposition of the application next to this apartment building. The residents of Amelia Court have several legitimate concerns which we would like to reiterate as detailed below.
- ii. This large building will affect the Grade II listed heritage asset Elm Lawn House contained within the frontage of Amelia Court (this is inaccurately referred to as the Adult Education Centre within the planning submission) as well as other listed buildings including the Grade II* Church of St Paul. The development will fail to preserve or enhance the character and appearance of the immediately adjacent Conservation Area and is therefore contrary to Policies DM23 and DM24.
- iii. The mass and height are overbearing and the proposal will have a negative impact on the visual amenity of the residents of Amelia Court and in wider views from the public realm. We submit the proposal, by reason of its design, siting and visibility would result in an oppressive form of development which is inappropriate in this location and would harm the amenities of neighbouring occupiers. The proposal would therefore conflict with chapter 10 of the NPPF and policy DM5 of the Local Plan (2003)
- iv. Residents of Amelia Court have legitimate concerns that the proposal will have a negative impact on the light/daylight to their properties. This is acknowledged in the applicant's daylight and sunlight assessment. Once completed, several apartments would receive 'minimal' level and sunlight/daylight. While the Planning Statement notes that this scheme performs better than the outline scheme in terms of daylight and sunlight this was allowed prior to the new Building Regulations guidance on adequate sunlight and daylight and the impact on the residents of Amelia Court cannot be considered to be acceptable.
- v. Only 74% of proposed rooms tested in the calculation met the BRE standards. This again shows that the proposal is a poorly considered form of development and should be refused to avoid unacceptable living standards of its future occupiers.
- vi. We also consider that the scheme is very deficient on parking spaces. The site is within WSCC Parking Behaviour Zone 5 where ordinarily 193 spaces would be needed and yet the scheme includes only 90 parking spaces. This is worsened by the NCP being reduced from 178 spaces to 147 spaces which may affect visitors to Amelia Court. So the scheme should be refused on this basis.
- vii. Residents of McCarthy Stone move into such development to ensure that their later years are as carefree as possible as well as to ensure secure and comfortable living. Applications such as this one cause huge pressure on the residents who are legitimately concerned with the scale, massing and impact on daylight and sunlight on their properties.
- viii. I would like to object to the current planning application and proposed development as the design doesn't take into account the servicing and fire safety requirements of the properties on Chapel Road. These properties are currently serviced to the rear by vehicles of all sizes via the Union Place car park. This needs to be considered in any proposal to prevent a loss of amenity to the development's neighbouring owners and occupiers.

- ix. The fire strategy of the development's neighbouring buildings requires that a fire engine can access dry risers to the rear of the buildings. This is a safety issue that has been blatantly ignored. It is essential that the neighbouring properties servicing/fire requirements are urgently addressed and a suitable unimpeded route be designed into the development to allow this. Based on the documentation lodged under the current planning application, I strongly object to the development due to loss of amenity.
- x. I am writing to confirm my serious concerns with the following proposals for union place. 150yr Lime tree, 2 oaks and a cherry tree will be lost. The biodiversity value of these trees can't be replaced once lost.
- xi. The Lime tree is a sufficient pollinator for insects and has high biodiversity value. Basically irreplaceable!
- xii. The Lime tree represents historical value to our area. The last of its kind in the road and planted by the Victoria's to counterbalance air quality. If this tree is removed, then residents will lose the balance of air quality. Please remember it takes 100 years for a tree to become valuable.
- xiii. I am sick and tired of developers ripping out mature trees to tick a box of lies to present sustainability! For the important historic natural value of the town, we must maintain mature trees. They control air quality and pollinate insects.
- xiv. Please please retain the tree and stop concreting Worthing and affecting our quality of life.
- xv. Despite your consultation letter being dated in November, it arrived immediately before Christmas. I am not sure whether this was through intent as the application is for the benefit of the Council, or in error. Either way, it is poor practice to undertake such consultations over a prolonged holiday period when people have family commitments.
- xvi. I live in Amelia Court retirement complex where many residents are confined to their accommodation due to their age and physical ability. To my knowledge no meaningful engagement has been carried out with this vulnerable group of residents who are so directly impacted and have difficulty reading and understanding plans of this magnitude. My single aspect apartment will face the proposed development and is directly impacted.
- xvii. Whilst I understand that redevelopment of this area is somewhat inevitable, what is proposed is an unacceptable overdevelopment of the site which will result in excessive levels of traffic, parking, noise, disruption and a detrimental impact on the residential amenities of adjacent properties, including my own.
- xviii. The siting, scale and massing of the development would result in a significant loss of light /daylight to my property, as acknowledged in the applicant's daylight and sunlight assessment. Once completed, my apartment would receive 'minimal' levels and sunlight / daylight according to the assessment. From my assessment of the plans, I would have to be sat /stood within a metre of my window to view the sky!
- xix. The close proximity of the proposed four-story building fronting Union Place, will result in a significant loss of my privacy with many windows, walkways and balconies in very as well as the entrance to a new car park within close proximity to my single aspect apartment.
- xx. I opposed the previous proposals for development of the site which were not progressed. The current proposals are far inferior to those previously submitted, and will have a much greater impact on my apartment.

- xxi. Aside from the direct impact of the development on my property I am of the view that the development proposed is unacceptable for the following reasons:
- xxii. The scale and massing is out of character with development in the area. How are 7 and 11 storey blocks in character with the area?
- xxiii. The development will fail to preserve or enhance the character and appearance of the immediately adjacent conservation area.
- xxiv. It would detract from the setting of the listed building in Amelia Court (incidentally, had ECE visited the site they would have observed that this is not an Adult Education Centre).
- xxv. The proposed development will present a bland, repetitive, and monotonous four storey frontage to Union Place representing none of the existing character of Union Place with its varied frontages, individual blocks, walling and tree and landscaped lined street frontage.
- xxvi. The proposed development will provide a hard edge to the pavement with inadequate opportunities for landscaping to mitigate the impact of the development and provide for biodiversity.
- xxvii. The Council should aspire to a far superior design for this prime town centre site which they now own. Anything short of an exemplary development will set an unfortunate precedent for similarly poor developments.
- xxviii. The level of affordable housing is below that which the Council should aim for. Whilst the 20% provision complies with the Council's policy, given that it is an 'open' brownfield site without any development, the higher requirement of 30% should be sought.
- xxix. No provision is made for an extension to The Connault Theatre that the previous scheme promoted.
- xxx. There appear to be inadequate arrangements for the servicing of the development once completed which will result in larger vehicles parking in Union Place to the detriment of the amenities.
- xxi. The applicants have not addressed how they intend to ensure that the underground car park does not become a haven for anti-social behaviour.
- xxii. I strongly urge you to reject these plans and request that the applicant return with a more considered scheme that enhances Worthing and protects the interests of residents and the heritage assets nearby.

Two letters of comment have been received stating the following:

- i. The proposal is for 11 stories, higher than any nearby building. In my opinion the mass and height is overbearing. Height Should be no higher than nearby Guildbourne House and multi story car park.
- ii. Need to ensure adequate parking for residents
- iii. I would like to see some credit in naming area to the former Thurloe House that was on the corner of High Street and Union Place demolished around 1950 to develop police station.
- iv. The conifer trees have been incorrectly identified. They are Cupressocyparis leylandii
- v. We are ok in principle about the proposed development. However, there does not appear to be sufficient parking. We live in the centre of town Zone A and struggle to find somewhere to park in the street we live on, so new housing will require significantly more parking.

- vii. We would like to see more green landscaping on the site.
- viii. The 11 storey buildings are too high (even though we are aware it has already been reduced in size). They should be no higher than 7 storeys. From the Conservation Area we live in, we have views of the Dame Elizabeth Frink statues in the town centre. We worry that we would see the top of the 11 storeys towering over the famous statues. 11 storeys are too high. It is overdevelopment. The existing buildings surrounding this development are no higher than 7 storeys.
- ix. While we are happy in principle for this new development to go ahead and we recognise the need for more housing please register the above concerns against this planning application.

Three letters of support have been received stating the following:

- i. I think the overall design looks amazing and will be a great addition to this part of Worthing.
- ii. The affordable housing is much needed and will provide opportunities to many young people to get on the housing ladder.
- iii. I've seen many Roffey Homes apartment blocks go up over the years, and how well they fit into the Worthing landscape, this will provide a much needed boost to this part of Worthing, fantastic vision with lots of sustainable features. Get it done ASAP.
- iv. Excellent design! I'm delighted to see that the location of this development has been carefully considered, providing a design that compliments the centre of Worthing and the surrounding architecture. Having been brought up in Worthing and knowing the architectural heritage this is one to show others and at last completes one of the most significant pieces of Worthing's regenerative land puzzle. Another exceptional brown field development from Roffey Homes. I particularly like the higher level open spaces and gardens maintaining the provision of public parking underneath. It looks like a very sustainable development of which I understand there is also affordable housing included, something of which is very much needed. Looking forward to seeing it built in this area in need of much regeneration.
- v. This site is right in the heart of the town centre and it is great to see, at long last, that this mixed use development provides not just the 216 apartments which the town needs (20% will be affordable including 6 Live/Work Units), but also residents parking, cycle parking, some commercial space and also a replacement public car park. The site has been empty for far too long and this sort of development is just what the town needs.

Relevant Planning Policies and Guidance

National Planning Policy

National Planning Policy Framework (as amended December 2023)
Planning Practice Guidance (as amended)

Worthing Local Plan (2023)

Policy SP1: Presumption in favour of sustainable development
Policy SP2: Climate change
Policy SP3: Healthy communities
Policy SS1: Spatial strategy
Policy SS2: Site allocations
Policy SS3: Town centre
Policy A13: Union Place
Policy DM1: Housing mix
Policy DM2: Density
Policy DM3: Affordable housing
Policy DM5: Quality of the built environment
Policy DM6: Public realm
Policy DM7: Open space, recreation and leisure
Policy DM8: Planning for sustainable communities/community facilities
Policy DM9: Delivering infrastructure
Policy DM10: Economic growth and skills
Policy DM13: Retail and town centre uses
Policy DM14: Digital infrastructure
Policy DM15: Sustainable transport and active travel
Policy DM16: Sustainable design
Policy DM17: Energy
Policy DM18: Biodiversity
Policy DM19: Green infrastructure
Policy DM20: Flood risk and sustainable drainage
Policy DM21: Water quality and sustainable water use
Policy DM22: Pollution
Policy DM24: The historic environment

Policy A13 - Union Place: allocates the site for a residential and employment scheme comprising a minimum of 150 residential units and approximately 700 sqm commercial floorspace. The policy sets out key development requirements which are repeated in the Planning Assessment section of the report below.

Relevant Local Supplementary Documents and other Guidance

Retail Core Development Brief (2008)
Space Standards SPD (2012)
Guide to Residential Development SPD (2013)
Tall Building Guidance SPD (2013)
Worthing Evolution: Town Centre and Seafront Masterplan (2006)
Developer Contributions SPD (2012)

Relevant Legislation

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

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

Section 72(1) requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s 72(1) Planning, Listed Buildings and Conservation Areas Act 1990).

In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) requires planning authorities to 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.

The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

Planning Assessment

Site History and Policy Context

This is an important town centre site that has been left undeveloped for a number of years with the former Police Station site left surrounded by hoardings and having a negative impact both visually and economically on the health and vitality of the town centre.

Despite various policies seeking to encourage development, particularly a comprehensive form of development, the market has failed to deliver.

A previous proposal to create a retail led development was not considered economically viable being affected by the recession in 2008 and the general lack of demand and investment in new retail floorspace. Planning policies have since relaxed the requirement for commercial uses particularly as the primary retail function of town centres has reduced and there has been concern about diluting the retail function of the existing town centre located around South Street and Montague Street.

The Worthing Core Strategy 2011 set out the Vision and Strategic Objectives for development in Worthing up to 2026. The central thrust of the vision was that by 2026 development will have provided “the impetus for regeneration to ensure that Worthing plays a leading role within the wider sub-region. The vision sets out that the “town centre and seafront will be a more accessible, thriving area that provides a vibrant mix of commercial, retail, residential, cultural and leisure activities”.

A scheme submitted in 2020 sought outline permission for a mixed use development including residential, commercial, hotel and a cinema along with public realm and landscaping. This balanced the vision for the town set out in the Core Strategy with the

pressure on the Borough to deliver more housing following the publication of the Localism Act and the NPPF. The application was given a resolution to grant permission, subject to completion of a S106 Agreement. This Agreement has not yet been completed.

The adopted Local Plan recognises the considerable difficulties in accommodating the level of new housing necessary to meet the Boroughs objectively assessed housing need. Even with the release of greenfield sites on the edge of the town and maximising the density for brownfield sites the Plan indicates that it can deliver 3,672 dwellings over the Plan period (2020-2026), an annual target of 230 dwellings. This is significantly lower than the need calculated using the standard method set out in national planning policy of 14,160 dwellings over the Plan period, an annual target of 885 dwellings.

The adopted Local Plan recognises the housing challenge and far greater emphasis has been placed on delivering additional housing on key brownfield sites. The policy for the Union Place site (A13) seeks to provide a minimum of 150 dwellings and the delivery of a landmark development. Policy A13 states that future development proposals should:

- a) deliver a residential and employment scheme comprising of a minimum of 150 residential units and approximately 700 sqm commercial;
- b) create a landmark development in the heart of the town centre which creates a sense of place and provides an attractive setting to the historic environment;
- c) protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;
- d) provide a mix of uses including homes and commercial floorspace with the potential for restaurants and leisure uses;
- e) enhance permeability and provide a high quality public realm (that incorporates green infrastructure) and generate new retail / leisure circuits connecting to Chapel Road, High Street and South Street;
- f) introduce active usages along Union Place and the High Street (employing natural surveillance to design out crime);
- g) ensure that any contaminated land issue is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;
- h) provide a high quality design with particular attention to height and massing. Ensure the scale of development, particularly on the boundaries of the site, respects the scale and established building line of adjoining properties. Ensure that development has a suitable relationship with and does not have an unacceptable impact on neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed;
- i) provide an appropriate number of replacement car parking spaces;
- j) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;
- k) comply with the requirements of policy DM17 (Energy) with regards to the delivery of district heat networks located within the identified opportunity clusters;
- l) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;
- m) a site specific Flood Risk Assessment should consider all sources of flooding and the impacts of climate change over the lifetime of the development. It must

demonstrate that any residual risk can be safely managed, development will not increase flood risk elsewhere and where possible will reduce the overall level of flood risk;

- n) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.

It is also relevant that the Council adopted a Tall Buildings guidance note in 2013 and the principle of tall buildings in town centres is supported subject to securing high quality design and having due regard to heritage constraints. The guidance notes that *'Towers can be particularly appropriate on town centre sites where their density and prominence can act to enhance the vitality and wellbeing of the town.'*

As the above policy context clearly sets out, the scheme which seeks to deliver commercial ground floor uses, replacement public parking and high density residential development is acceptable, in principle, and complies with both national and local planning policies.

Central government policy is contained within the National Planning Policy Framework (NPPF), a key principle of which is the presumption in favour of sustainable development. Local Plan policy SP1 integrates this presumption into the new Local Plan by stating:

- a) Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay.
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, the Council will grant permission unless:
 - i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

The development promoting high density in a very accessible town centre location would be sustainable development provided that it satisfactorily address other policies in the NPPF, in particular the requirement for good quality design and layout and relates sympathetically with the townscape and heritage assets. These matters are now assessed.

Design and Layout

Whilst there is policy support for the proposed mix of uses and high density development on this site, policies of both the Local Plan and the NPPF place particular

emphasis on achieving good quality design. Furthermore the importance of having regard to local context, heritage assets and of course the legal duties placed on section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

It is essential that any high density scheme secures good quality design and layout particularly where such development includes tall buildings. Consequently, the application seeks to address detailed matters of design, scale, bulk and massing and materials.

The density of development is 200 dph which is comparable to the previous scheme (148 dph overall although 195 dph for phase 1) and with other schemes recently approved by the Council for tall buildings. The Bayside development has a density of 204 dph whilst Teville Gate was approved (subject to a legal agreement) at approx. 259 dph (albeit a mixed use scheme incorporating a large food store). Other schemes such as The Warnes for instance has a density of 190 dph and The Beach has a density of 147 dph (but also includes an Hotel with 81 rooms). However, it is important to stress that density figures, in themselves, do not provide any basis for an assessment of the acceptability of a scheme (particularly comparing different mixed use schemes). This should be judged on an overall assessment of its design quality, form, scale and layout.

In view of the heritage assets surrounding the site it is important to assess the existing character and setting of these assets and the townscape context to determine the extent of any harm and whether the proposals would help to mitigate harm and ensure a high quality architectural response to the different streets around the site.

The Local Plan refers to the Council’s Tall Buildings SPD and states that this sets out the criteria by which the quality of developments will be assessed and controlled. The table below sets out how the proposal addresses each criterion.

Table 3 – Tall Buildings in Worthing Assessment Criteria	
Assessment Criteria	Scheme Response
Locational Criteria	
Tall buildings should be sited around transport corridors and interchanges. Where appropriate, improvements must be made to the local transport infrastructure to ensure that future demand can be adequately met.	<p>The site is situated in a town centre location. The application site is highly accessible to public transport, pedestrians and cyclists and offers significant opportunities to travel by sustainable transport modes. The site is located approximately 700m south east of Worthing Train Station, near existing bus routes on High Street and within walking distance to all town centre amenities.</p> <p>The proposal includes cycle parking facilities, EV charging points and a car club space with the option to provide</p>

	<p>additional car club spaces subject to demand.</p> <p>Improvements to local transport infrastructure would be captured by CIL contributions.</p>
<p>Parking implications must be taken into account during all stages of the design process.</p>	<p>Parking has been carefully considered throughout the design process and minimised on site. It is located away from key pedestrian routes and spaces and optimises the provision against residential quantum with respect of its sustainable location.</p> <p>The proposal includes the re-provision of the NCP car park currently on site with 146 spaces.</p> <p>In addition, the site and the surrounding roads are located within Worthing Controlled Parking Zone (CPZ) 'A'. With this CPZ in operation, future users of the site will not be able to practically park on surrounding roads and therefore the proposals will not result in an overspill of parking on the surrounding road network.</p>
<p>Proposals for tall buildings should seek to strengthen existing centres by focussing intensification on areas well served by existing facilities and services. Proposals which are located in areas which do not strengthen existing centres are far less likely to be supported.</p>	<p>The site is situated in a town centre location and represents a key regeneration site for Worthing. The site is located in close proximity to existing facilities and sustainable transport modes and represents a significant opportunity to strengthen the existing centre.</p>
<p>Proposals for tall buildings must understand and respect the fine historic townscape and character of Worthing. As such, their design would need to fully consider the potential impacts on each historic asset adjoining, or in close proximity to, the proposal site.</p>	<p>The proposals have been prepared following the resolution to grant permission for a previous scheme on the site which was subject to comprehensive pre- and post-submission engagement with regards to heritage and townscape. The current scheme has made a number of revisions (including reduction in height and massing) and is of a higher quality design overall which gives full consideration of the heritage assets in the immediate vicinity and further afield. The improvement in the design compared to</p>

	<p>the previous scheme with resolution to grant is acknowledged by Historic England and The Worthing Society in their consultation responses.</p> <p>The submission is supported by a Heritage Townscape and Visual Assessment which provides additional justification, views, and massing analysis.</p>
Tall buildings will not be permitted on land that currently falls outside the Built-Up Area Boundary of the Borough (as illustrated on the Core Strategy Proposals Map).	The site is situated in a town centre location and represents a key regeneration site for Worthing.
The relationship of any new tall building with its topographical context must be appropriate for its urban role within the town.	The acceptability of the proposal in this regard is demonstrated by the allocation of the site for development in policy A13 of the Local Plan. It is considered to be further demonstrated by the approval of a previous scheme for a taller building. The submitted documents including the Design and Access Statement, Planning Statement and Heritage Townscape and Visual Assessment confirm that the relationship between the proposals and the surrounding area is appropriate.
Tall buildings should complement, and not compromise strategic views, in the Borough and respect significant local views	The acceptability of the proposal in this regard is set out within the Design and Access Statement and the Heritage Townscape and Visual Assessment
Land that is currently used for recreation or informal open space is not appropriate for tall buildings.	Not applicable.
The development of tall buildings should add vitality to the town by creating vibrant and lively environments.	The tall building and wider development including commercial floorspace at ground floor level as well as public open space in the pocket parks and podium gardens has significant potential to add vitality to the town centre with the creation of active frontages.

<p>Where appropriate, proposals must ensure that the symbolic qualities of tall buildings build on and exemplify the regeneration of the town centre and seafront.</p>	<p>The site is situated in a town centre location and represents a key regeneration site for Worthing allocated within the Local Plan.</p>
<p>The Council will be supportive of well-designed tall buildings where they help to promote sustainable development.</p>	<p>The site is situated in a town centre location and represents a key regeneration site for Worthing. The site is located in close proximity to existing facilities and sustainable transport modes and represents a significant opportunity to strengthen the existing centre.</p> <p>The existing site comprises underutilised brownfield land and represents a key opportunity for sustainable development aligned with the principles of the NPPF.</p>
<p>Design Criteria</p>	
<p>Proposals for tall buildings must be sustainable. To ensure this, design proposals must consider:</p> <ul style="list-style-type: none"> ● the need to achieve the latest standards for sustainable construction; ● the need to reduce energy use and minimise carbon emissions; ● the long term management and maintenance of the building; ● the long term adaptability and flexibility for productive reuse. 	<p>The application is supported by an Energy Statement Report which demonstrates that the energy strategy has been assessed using the Energy Hierarchy (Be Lean, Be Clean, Be Green). This has resulted in an energy efficient scheme that has reduced the CO2 emissions through passive design measures, increasing insulation in the building fabric to reduce heat loss, highly efficient heating and cooling systems and LED lighting enabling an overall CO2 emissions reduction of 37%.</p> <p>It notes the option to provide clean energy via the connection to the proposed Worthing Heat Network which (combined with the measures above) will reduce the CO2 emissions by 62%. Alternatively green energy can be provided through the use of Exhaust Air Heat Pumps (EAHP) for the residential elements of the scheme which (combined with the measures above) will reduce the CO2 emissions by almost 53%.</p> <p>The design proposals are aligned with policies relevant to sustainable design</p>

	and construction and will meet, or where viable exceed, policy requirements.
<p>It is vital that proposals for tall buildings relate and respond to the townscape and enhance the public realm. To ensure this proposals must:</p> <ul style="list-style-type: none"> - understand and respect the local context which will inform the appropriate massing, scale and height of the building; - complement the existing urban fabric; - promote a high level of interest at ground level and integrate visually with the streetscape; - seek to enhance the public realm, add vitality and regenerate areas. 	<p>The proposals have been prepared following the resolution to grant permission for a previous scheme on the site which was subject to comprehensive pre- and post-submission engagement with regards to design and townscape. The current scheme has made a number of revisions (including reduction in height and massing) and is of a higher quality design overall which gives full consideration of the assessment criteria.</p> <p>The proposals incorporate commercial uses at ground floor level to create an active frontage along the High Street and Union Place. The pocket parks and avenue tree planting will further improve the public realm promoting the streets as a pedestrian and cycle link route.</p>
<p>Design details can have a significant impact on the success, or otherwise, of a tall building. For this reason, proposals must:</p> <ul style="list-style-type: none"> - ensure that the choice of materials and detailing responds to the local environment; - carefully consider the buildings night-time appearance and lighting strategy; - avoid the use of advertisements; - consider the design of the top of the building and keep to a minimum the number of masts and apparatus. 	<p>The outline submission is supported by a Design and Access Statement which details the evolution of the design. This includes the consideration of materials and how these have been chosen to reflect the local character and enhance the appearance of the scheme.</p> <p>Details of a lighting scheme will be secured by an appropriately worded planning condition.</p> <p>The scheme does not propose the use of advertisements and seeks to minimise the amount of apparatus at the top of the buildings.</p>

Local Historical Context

It is worth a brief analysis of the development of Worthing and in particular why the High Street does not appear as a traditional high street and has a very different character comprising secondary land uses and acts as a bypass for through traffic. In the 18th century, and probably earlier, the hamlet of Worthing comprised the modern High Street,

North Street and Warwick Street. Between 1798 and c.1812 the town expanded very rapidly, with early development around the modern Warwick, South, and Montague streets. The first shops of the seaside resort were predominantly in the High Street and Warwick Street, the latter also containing banks and the post office but by c.1820 there were also shops in South and Montague streets.

Meanwhile at the north end of the old hamlet some houses were built at the same time in what was later the northern part of Chapel Road. Chapel Road was named after the chapel of ease opened in 1812 and it is at this point that Chapel Road became the main entrance to the town rather than the High Street. Ambrose Place behind the Chapel was built c.1815, while on the other side of Chapel Road Union Place was laid out by 1826 to link the chapel to High Street. Chapel Road was further built up between the 1840s and 1870s. The southern part of Chapel Road was occupied by shops and businesses by 1927, and at about the same date the detached houses of the northern part in their leafy gardens were being replaced by new offices and public buildings like the town hall and post office. High Street to the east, by now superseded as the spine of the town, had taken on the industrial character of the land around it to the east and north.

This evolving character of the High Street is referenced in the Worthing Historic Character Assessment Report (December 2009) which was published as part of the Sussex Extensive Urban Survey (EUS). This report describes the historic urban character of the High Street as an

“area occupied by the hamlet of Worthing immediately prior to the development of the resort, together with the area to the east that saw expansion in the early 19th century and consolidation by c.1875. The HUCA is focused on the north-south High Street and its continuation of North Street, which were superseded by Chapel Road (built 1805-6) in the early 19th century. This secondary role was exacerbated by redevelopment and road widening schemes since 1945, which have removed most of the historic buildings and street frontages. Today, the HUCA has a mixture of commercial premises (including a supermarket), car parking, public buildings, and residential streets. HUCA 1 has seen major change in the 20th century, which has seriously damaged the historic environment. The continuing nature of development in this area, is balanced by the modest Historic Environment Value, meaning that vulnerability is medium.”

As this assessment identifies there has, over time, been an incremental destruction of the historic buildings along the High Street, this having accelerated in the later Twentieth Century as a result of widening and rerouting the roads with associated roundabouts together with the construction of the Guildbourne Centre and the associated multi-storey car park. However some early to mid-Nineteenth Century buildings still exist, most notably 40-44 High Street, which form an attractive group on the east side opposite the development site, and are statutory Listed.

The buildings that were first laid out along the northern side of Union Place were large south facing residential villas, whilst the southern side remained undeveloped until the 1930's when a new Police Station building was erected. Two of these Regency villas, Elm Lawn House and Storm House still exist and both are statutory listed. Set back in landscaped gardens behind front boundary walls, these buildings are significant mid-nineteenth century town centre residences. The settings of both buildings have

changed over the years with the loss of the villa east of Storm House due to road widening, opening up greater views of the building from the High Street, whilst more recently Elm Lawn House has become the centrepiece for a wraparound development of retirement apartments.

St Paul's Church, Grade II* listed, terminates and focuses west facing views along Union Place. Originally erected as a chapel of ease to serve Worthing when this was still part of the parish of Broadwater, the building was designed to be the most important and prominent building in the area. The building is very prominent in views from the east along Union Place.

There are also two Local Interest Buildings close to the development site, the Neo-Georgian Post Office building and the Connaught Theatre. The Post Office, which replaced a previous detached villa on the corner of Chapel Road and Union Place, has its main public frontage onto Chapel Road acting as a focal point for Richmond Road, with its secondary service elevation on Union Place. This imposing building carries its scale through both these street frontages. The Connaught Theatre occupies Worthing's first purpose-built cinema, the Picturedome originally accessed from Chapel Road through Connaught Buildings, but re-modelled and given a new Art Deco entrance lobby in 1935.

Although the development site is not within a Conservation Area much of the local area resides in a series of conservation areas close to the site. These include the Chapel Road, South Street, Steyne Gardens, Warwick Gardens and Little High Street conservation areas. Within these areas it is easy to understand the hierarchy of the streets and buildings that formed Worthing's historic seaside resort. Here the scale of development is generally low, with an interesting silhouette formed by varied roofscapes.

Impact of Development on Heritage Assets and Proposed Mitigation

High Street frontage

The significant changes to the High Street particularly over the last 60 years has dramatically changed the setting of the two listed buildings Nos 40 – 42. The width of the highway and the scale of more modern infill development is out of scale and character with the older, smaller scale listed buildings. It is accepted therefore that there is an opportunity for an appropriate increase in the scale of new buildings without detriment to the significance of the historic building remnants of the street.

The height of the building fronting the High Street would be 5 storeys which is in line with the height of the previous proposal. The tree planting along the frontage and the pocket parks at either end of the High Street building would soften the scale of the building in a similar way to the previous scheme.

The chosen palette of materials for the development results from a study of the materials and building elements found within the town. The High Street buildings are composed as a series of terraced townhouses. They will be formed of buff brick

fragmented by white brick lined recesses and white projecting balconies. Commercial space at ground floor level has large glazed openings to the landscaped public realm.



It is also relevant to note that permission has been granted for an additional two floors onto the Mill Building immediately to the south of the site, albeit this does not alter the scale of Chatsworth House on the High Street frontage. An extract of the approved scheme (south elevation) is shown below:



A pocket park/piazza is proposed at the corner of the High Street and Chatsworth Road. The drawing below shows the relationship between the existing Chatsworth House and the proposed development on that corner.



The previous scheme proposed a hotel building wrapping around the corner from the High Street into Union Place which had a continuous 5 storey elevation with a 6th storey set back. There was criticism of the curved form of the hotel which in the words of the Design Panel celebrated the over-engineered large roundabout. The current scheme reduces the bulk and massing of the built form in this location by introducing a pocket park on the corner and lowering the height of the buildings; 5 storey fronting the High Street and 4 storey fronting Union Place. This significantly improves the impact of the development on the heritage assets, particularly reducing the adverse effect on the setting of Storm House on the northern side of Union Place. It also allows the retention of the existing mature Lime tree on the corner of the site. The images below show a comparison between the previous scheme (left) with the building wrapping around the corner and the current scheme (right) reducing the bulk, mass and height at the site frontage and introducing a pocket park including the retained Lime tree on the corner.



Union Place frontage

The proposed buildings along the southern side of Union Place are set back from the road side to allow the opportunity for tree planting. The proposed avenue of trees would help frame the views to the most significant heritage asset close to the site - St Paul's a grade II* listed building. The impact of any development on the character of Union Place was previously of greatest concern to both Historic England and the Design Panel in relation to the previous scheme and that scheme was amended to reduce the scale of the Union Place frontage buildings. The current proposals have further reduced the scale of these frontage buildings from 5 storeys to 4 storeys and have reduced the bulk and massing by including gatehouses; inset courts forming the entrances along Union Place set further back from the road and including additional planting. The image below shows an example of one of these gatehouses along Union Place.



Although the higher blocks behind the frontage buildings would be noticeable in the streetscene it is accepted that the current views across the car park are less than attractive and certainly detract from the current setting of Elm Lawn House. Looking south from Union Place the Environment Agency building, Guildbourne House at 7 storeys is a very prominent structure and provides an unattractive profile with its large array of telecommunications equipment on the roof.

Overall the buildings along Union Place are considered to have successfully balanced providing higher density residential development with the need to have regard to the lower scale, secondary nature of Union Place and the setting of key heritage buildings. An active ground floor frontage and public realm with the commercial element of the

live/work units and the tree and gatehouse area planting further enhance the pedestrian and cycling experience and address the current featureless south side of the road.

11 Storey Block

The central block on the site is proposed to be 11 storeys in height. This is a reduction from the 14 storey tower proposed in the previous outline scheme given a resolution to grant.

The site allocation policy in the Local Plan (A13) sets out an intention for proposals to create a 'landmark development' and it is accepted that in the right place tall buildings can make positive contributions to urban life in a way that can also create a distinctive skyline. The key issue is that tall buildings need to be excellent works of architecture in their own right. In this town centre location close to the key central axis from the station/Broadwater Road down to the Pier the intention is for the tall central building to act as a beacon of regeneration helping to stimulate further investment and support new public spaces. However, the policy also requires the development to provide an attractive setting to the historic environment and protect nearby heritage assets, ensuring no unacceptable harm is caused to them or their settings.

The tallest element of the scheme, 11 storeys in height, is located in the centre of the site, set back from the main frontages along the High Street and Union Place with its lower levels being screened by the frontage buildings already considered.

In relation to the previous outline scheme, the Coastal Design Panel made reference to the importance of local context and materials, in particular stating that, '*the traditional architecture of Worthing is notably white in colour with lots of applied features and detailing.*'

The proposed taller blocks in the centre of the site (11 storey and 8 storey) are described in the Design and Access Statement as garden or pavilion buildings. These take their form and silhouette from the double pitch roof and gable found throughout the town. The materials are white brick on top of buff bases forming distinctive 'tops' to each of the garden pavilions as shown in the image below.



Members will recall with the Bayside development, that tall buildings need a strong and coherent design philosophy which ideally reflects the local context. The proposed palette of materials and design is considered to reflect this local context as described above.

Local and more Distant Views - Impact on Heritage Assets

The applicants have produced a detailed “Heritage Townscape and Visual Assessment” containing a number of static viewpoints of the proposal from locations within conservation areas around the development site and from the pier. The 11 storey building would be visible from a large number of vantage points, including designated heritage assets (conservation areas and listed buildings) and will have a direct impact on the setting of a number of designated heritage assets (conservation areas and listed buildings).

It is apparent that the nature and scale of the development proposal would result in some harm to the setting of heritage assets and will introduce a major change to the wider townscape.

The view from Charlecote Road in the Warwick Gardens Conservation Area is directly to the east of the site. From this position the scheme would be prominent above the existing roofline as indicated below. This view highlights that the full extent of the 11 storey building would dramatically change the current outlook from this Conservation Area and would be recognised as being harmful to its setting.



Current View



Proposed Scheme

This is the most prominent viewpoint and whilst affecting the setting of the Conservation Area it is not considered that this amounts to substantial harm. The essential character of Victorian terraced housing would not be unduly diminished and the lower scale of the perimeter blocks would help to provide a transition in scale.

Viewpoint 6: From Ambrose Place looking east and the Viewpoint 10: From Christ Church looking east along Ambrose Place suggest quite limited views of the 11 storey building obscured by leafy trees in the summer. It is accepted that the close knit urban grain of the town centre would restrict views from a number of vantage points particularly from South Street, however, as with Bayside at 15 storeys, the development would appear in a number of locations close to and in more distant views. Viewpoint 7 below shows the view from St Paul's closer to the site. The orange wireline is the previous scheme and the green wireline is the current scheme. This shows the reduction in overall height from the previous tower.



Viewpoint 8: Worthing Pier looking north again shows the previous scheme with an orange wireline and the current scheme with a green wireline. In this view from the Conservation Area, it is accepted that the tallest buildings will make a substantial change to the existing skyline and silhouette. Currently the Grade II* Listed Dome Cinema building creates the strong visual break in the generally continuous horizontal skyline, but the height of the new development will inevitably distract attention away from the historic feature. This will result in some harm to the setting of the Dome Cinema and views across the rooftops of the Seafront and Hinterland Conservation Area. However, the height and impact will be reduced compared to the previous scheme which was approved by Planning Committee.



Impact on the South Downs National Park (SDNP)

The consultation response from the South Downs National Park Authority notes the reduction in height of the proposal from 14 to 11 storeys compared to the previous scheme with the resolution to grant. It also acknowledges that the taller buildings are visually subdivided and have varied roof lines. It notes that wireframes/photomontages showing distant views of the site from the SDNP would have been useful but it raises no overall objection to the proposal.

The SDNP considered that the viewpoint assessment undertaken for the previous scheme demonstrated that the proposal would be seen in the context of other taller buildings in the town. Furthermore, it did not have concerns about the Bayside development in terms of setting of the SDNP or Teville Gate at a higher 22 storey height. Therefore, your Officers are satisfied that this development would not have a material effect on the South Downs. Your Officers have viewed the site from other

vantage points including Mill Hill but at a distance of some 7km the impact on the SDNP would be largely imperceptible.

In terms of overall impact (heritage and townscape) the scheme has made further improvements on the previous scheme with a resolution to grant. Historic England confirm this in their consultation response where they note that 'the current scheme proposes improvements to the scale and design of the development compared to the previous 2020 outline application'. However, it is acknowledged that they consider that 'some harm still remains due to the scale, height and prominence of the development in some views over the established 19th and early 20th century heights that characterise the historic townscape'. It is considered that this harm is less than substantial and should be weighed against the public benefits of the application.

Public Benefits

Paragraphs 195 and 196 of the NPPF address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 195). Whereas, Paragraph 196 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.

The NPPG identifies that public benefits "*could be anything that delivers economic, social or environmental progress* and that they should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The public economic, social and environmental benefits of the proposal are set out below.

Economic

It is considered that the proposed development would provide significant economic benefits for the town. The site, as already described, has a negative impact visually and economically on the town centre. The proactive approach of the Council in securing ownership and entering into a partnership with Roffey Homes has secured a planning application for the site which promotes a suitable mix of uses that would positively add to the vitality and viability of the town centre whilst maximising the provision of much needed housing.

In terms of employment the development would provide employment on the site in the commercial units and live/work units. It would also support jobs during the construction phase. It is noted that Roffey Homes Ltd are a family run business utilising local labour for construction. The new employment on the site would lead to wider economic benefits including employee spending.

The application proposes 507m² of flexible commercial space under the new Class E use class which could include a variety of uses such as retail, café, office, gyms and health related uses. These uses combined with the 345m² – 417m² of commercial

floorspace within the live/work units would help to enhance the quality of retail and/or leisure facilities within the town. The Worthing Retail and main Town Centre Uses Study (2017) identifies that there is a substantial opportunity to transform Worthing town centre to increase its attraction and competitiveness. The report particularly emphasises the leisure sector as having a substantial opportunity to enhance the number of visits to the town centre.

Other economic benefits include payment of business rates, New Homes Bonus and the additional spend on Council tax as well as increased local spend in the area from new residents.

On the basis that as the Tall Buildings SPD indicates tall buildings of the right architectural design can be a catalyst for regeneration the development as a whole provides an opportunity to provide greater economic confidence to the town and an opportunity to encourage investment on other key town centre sites.

Public Car parking

A key element of the proposal is to unlock the redevelopment of the NCP car park and this would require replacement of the existing car park. Currently there are 178 spaces on the site and the development would provide a new NCP car park with 146 spaces. This replacement parking is essential to help support the town centre and is in line with the Council's adopted Car Parking Strategy. The continued success of the town centre and the seafront as a destination requires an appropriate level of public car parking and this is a significant cost to the overall development of the site. The national decline of retailing even before the pandemic has affected the economic performance of town centres and in particular Coastal towns with only a 180 degree catchment have to compete even harder with larger inland retail centres.

Social

In light of the housing need in the town and in particular the acute shortage of affordable housing the provision of 216 apartments with 20% affordable housing is a significant public benefit of the scheme. As stated earlier in the report the lack of land within Worthing means that the Council will not be able to meet its objectively assessed housing need and therefore it is important to make efficient use of brownfield land to seek to meet our future housing needs.

As Members are aware viability is a key issue for brownfield sites and has prompted the Council to propose a change to the Community Infrastructure Levy (reducing the contribution from £100 per sqm to £25 per sqm for flatted developments of more than 10 units). It is significant therefore that despite the overall viability issues the applicant is committed to delivering a policy compliant 20% affordable units. There is also the scope, depending on the final affordable housing delivery partner, to secure rent at Local Housing Allowance rates which would more effectively provide rented accommodation to those in greatest housing need and currently on the Council's Housing Waiting list. This is a significant benefit of the scheme particularly where many other brownfield sites are unable to meet affordable housing requirements.

There is also a social benefit to the provision of public spaces including the podium gardens for residents of the development and pocket parks for general public use which would enhance social interaction.

Environmental

New Public Realm

As the Design and Access Statement sets out, a key objective of the scheme has been to comply with Local Plan policy A13 to make improvements to the public realm with the provision of high quality green infrastructure and pocket parks, avenue tree planning and a 'repaired' High Street frontage. The proposed layout includes three interconnected podium gardens between the blocks in the middle of the site which will provide a more attractive setting for the tower element of the scheme. Pocket parks are created at the corner of the High Street and Chatsworth Road and at the corner of the High Street and Union Place.

Two public squares enhanced with benches and tree planning are proposed along the High Street including planting within the paving along the frontage of the ground floor commercial uses. Tree planting is also proposed along the frontage of Union Place with feature planting to the four core entrances landscape area to further enhance the public realm.

A total of 4,495m² of public realm and amenity space will be created comprising the inter-connected community podium gardens (including children's play space) the pocket parks and the public realm enhancements. This would represent a significant improvement in terms of green infrastructure, biodiversity and environmental enhancement of a site which has been partly vacant and boarded for many years. Whilst the scheme does involve the loss of some frontage trees along the High Street, this is more than compensated by the proposed areas of planting across the site and it retains the Lime tree at the corner of the High Street and Union Place.



Conclusion on Heritage impact and Planning Benefits

The many and varied benefits set out above, including social, economic and environmental together with the regenerative benefits of the proposal are considered collectively to be public benefits, which would outweigh the less than substantial harm to heritage assets. While the impacts of scale and overall height are considered to have an adverse impact on heritage assets, the Council's adopted SPD on tall buildings recognises the benefits of tall buildings in town centre locations and as a beacon for regeneration.

The scheme has sought to reduce harm on the heritage assets immediately surrounding the site with its high quality design and setting back the tallest element of the scheme from the site frontages. The density and quantum of development will ensure a viable development to secure the significant planning benefits outlined above.

Residential Amenity

Proposed Dwellings

The submitted floor plans show separation distances between blocks A (4 and 5-storey) and B (11-storey) of 17.5m, between B and C (8-storey) of 21m and between C and D (5-storey) of 17.5m. These distances are acknowledged to be relatively close and two would be below the accepted 21 metres between dwellings. However, this is generally a distance used between dwellings rather than across public areas or streets and for high density regeneration schemes various detailed adjustments to orientation of habitable rooms can ensure that undue overlooking is avoided. In town centre locations the distance between terraces either side of a street is often 17 metres or less and therefore this indicates that a more flexible approach can be taken. It is also noted that these separation distances are the same as the recently completed Bayside apartments development. Furthermore, the podium gardens at first floor level enhance the interface between residential units.

The plans show a significant number of single aspect apartments although all units benefit from a private balcony or terrace space. Overall, in respect of aspect, privacy and amenity space, the proposal is considered acceptable taking into account that this is a town centre site, and people choosing to live there will balance the dense living environment with the advantages of the location.

The proposals have been assessed against national housing space standards and all apartments meet these minimum space requirements. In terms of daylight and sunlight the submitted daylight and sunlight report indicates that 74% of the rooms assessed meet the minimum daylight BRE guidelines. It is noted that when developing in an urban area particularly with high rise buildings it is inevitable that some rooms on lower floors will have their ability to receive daylight obstructed by surrounding properties. The rooms which fall below the guidelines are generally located in the courtyard and have their ability to receive daylight hindered by balconies. There is always a balance between the need to provide private amenity space, protect against overheating and provide good levels of daylight. Overall, it is considered that the scheme provides an

acceptable level of adherence to the BRE guidelines which is commensurate with other schemes of this nature.

It is also recognised that the separation distances between higher density developments in town centres can often result in closer relationships between housing and commercial development and this is generally accepted. Environmental Health has requested conditions to ensure the control of noise through insulation between commercial and residential units and limiting commercial delivery hours as well as securing the glazing and ventilation specifications set out in the noise assessment.

Open Space and Recreation

The Borough wide Open Space Study (2019) indicates new open space provision will be required where there is a new development and a planned increase in population and/or an existing deficiency in supply or access to facilities exists. Based on the housing schedule of 216 units (comprising 104 x 1 bed, 100 x 2 bed and 12 x 3 bed - equivalent to 440 residents), the proposal would generate the following open space requirements:

Allotments	-	880m ²
Amenity Green space	-	2,640m ²
Parks and recreation grounds	-	3,520m ²
Play space (children)	-	264m ²
Play space (youth)	-	264m ²
Natural Green Space	-	4,400m ²
TOTAL	-	11,968m²

The proposal would be located in the 'Central' Ward of Worthing which the Open Space Study indicates suffers from a shortfall in open space provision relating to allotments, amenity green space, children's (play space) and youth (play space). However, there is good provision of Parks and Recreation grounds. The full cost of providing these facilities on site would amount to £564,036.

Communal Private Space

In respect of private communal space, the Council's Space Standards SPD further indicates a minimum of 20m² per flat should be provided which is normally in the form of communal areas and/or private outdoor space such as balconies, roof terraces. On the basis of 216 proposed housing units this would equate to a further 4,320m² of communal private amenity space, in addition to the above mentioned open space requirements.

Indicative Open Space Provision on Supporting Plans

The Council's SPD on Tall Buildings indicates where tall buildings are acceptable they will be expected to help deliver new open spaces and public realm improvements as part of the scheme. It goes on to say, open space requirements for residents could be accommodated through roof, terraces, balconies and internal courtyards. However,

where these elements alone are insufficient, proposals will be required to contribute proportionately to the enhancement of the existing public realm and parks in the vicinity.

The layout plans propose a series of distinct green spaces comprising three interconnected podium gardens at first floor level along with two pocket parks at ground floor level along with public realm enhancements such as benches and tree planting along the Union Place and High Street frontages.

The open space in relation to 'Play Space' is met by the provision of a series of safe and accessible play spaces in the podium level garden. Play spaces are designed to meet the needs of the different age ranges of users, whilst also benefiting from passive surveillance. The eastern garden would be focused on play for family recreation with a children's play area for younger children. The central garden would provide a mixed space for all as a residential community activity hub. This space would incorporate elements of play space along with more seating and planting. The western garden would provide a quieter space with tree and shrub planting to provide a green enclosure.



Plan showing first floor level podium gardens and pocket parks etc at ground level

Overall, the supporting information demonstrates the following provision could be made on-site - Children's Play Space - 648m², Green Space (including podium gardens) – 1,997m² and Public Realm (including pocket parks) -1,850m² (total 4,495m²). This would equate to a shortfall in open space requirements on site of 7,473m² (11,968m² – 4,495m² = **7,473m²**).

The Open Space calculator takes into account the level of open space provided on site and provides a calculation of the offsite contribution required to deliver the full open space requirements for the development. This would normally require a contribution of £308,840.

The alternative put forward by the applicant and as currently proposed in the draft s106 planning obligation, is that the actual cost of providing these areas of open spaces on the site is taken off the overall cost of £564,036. Any remaining open space contribution would be paid to the Council and would be used to help deliver off site open space improvements in the vicinity of the site.

Whilst this approach would not strictly accord with adopted policy it is considered an acceptable solution as the cost of provision (and on-site management costs) are likely to be higher than off-site provision. It is also relevant to note that any off site open space contribution was waived for the outline scheme in light of public realm improvements and open space provided on that scheme albeit that was prior to the adoption of the Local Plan.

In summary, subject to the above provisions being secured through the legal agreement, the proposal would ensure appropriate open space provision to meet the needs of future occupiers and to mitigate the impact of the development on local open space infrastructure.

Existing Dwellings

The submitted Daylight and Sunlight report assesses the impact of the development on neighbouring dwellings and provides a table summarising the VSC (vertical sky component) and NSL (no-sky line) impacts to neighbouring properties as shown below:

Table 8 – Summary of VSC impacts to neighbouring windows

Property address	No. of windows tested	Windows inside VSC guidelines		Windows outside VSC guidelines					
				Low reduction 0.79-0.70 x FV		Medium reduction 0.69-0.60 x FV		High reduction <0.60 x FV	
		No.	%	No.	%	No.	%	No.	%
Elm Lawn House	19	7	37%	3	16%	9	47%	-	-
Storm House 4 Union House	5	5	100%	-	-	-	-	-	-
Rowland House 65 High Street	3	3	100%	-	-	-	-	-	-
42 High Street	3	1	33%	2	67%	-	-	-	-
40 High Street	3	1	33%	2	67%	-	-	-	-
30 & 30a High Street	6	6	100%	-	-	-	-	-	-
17 and 19 Chatsworth Road	12	6	50%	3	25%	2	17%	1	8%
15 Chatsworth Road	9	8	89%	1	11%	-	-	-	-
13 Chatsworth Road	4	4	100%	-	-	-	-	-	-
11 Chatsworth Road	8	7	88%	1	13%	-	-	-	-
9 Chatsworth Road	4	4	100%	-	-	-	-	-	-
7 Chatsworth Road	7	7	100%	-	-	-	-	-	-
5 Chatsworth Road	3	3	100%	-	-	-	-	-	-
50 to 54 Chapel Road	19	19	100%	-	-	-	-	-	-
56 Chapel Road	12	12	100%	-	-	-	-	-	-
41 Chapel Road	7	7	100%	-	-	-	-	-	-
32-34 Chapel Road	21	21	100%	-	-	-	-	-	-
Amelia Court	75	61	81%	14	19%	-	-	-	-
Totals:	220	182	83%	26	12%	11	5%	1	0%

Table 9 - Summary of NSL impacts to neighbouring rooms

Property address	No. of rooms tested	Rooms inside NSL guidelines		Rooms outside NSL guidelines					
				Low reduction 0.79-0.70 x FV		Medium reduction 0.69-0.60 x FV		High reduction <0.60 x FV	
				No.	%	No.	%	No.	%
Elm Lawn House	8	6	75%	-	-	2	25%	-	-
Storm House 4 Union House	5	5	100%	-	-	-	-	-	-
Rowland House 65 High Street	2	2	100%	-	-	-	-	-	-
42 Hight Street	3	1	33%	1	33%	-	-	1	33%
40 High Street	3	2	67%	1	33%	-	-	-	-
30 & 30a High Street	5	5	100%	-	-	-	-	-	-
17 and 19 Chatsworth Road	10	9	90%	1	10%	-	-	-	-
15 Chatsworth Road	6	4	67%	-	-	1	17%	1	17%
13 Chatsworth Road	4	4	100%	-	-	-	-	-	-
11 Chatsworth Road	7	7	100%	-	-	-	-	-	-
9 Chatsworth Road	4	4	100%	-	-	-	-	-	-
7 Chatsworth Road	6	5	83%	1	17%	-	-	-	-
5 Chatsworth Road	3	3	100%	-	-	-	-	-	-
50 to 54 Chapel Road	13	13	100%	-	-	-	-	-	-
56 Chapel Road	5	5	100%	-	-	-	-	-	-
41 Chapel Road	3	3	100%	-	-	-	-	-	-
32-34 Chapel Road	14	14	100%	-	-	-	-	-	-
Amelia Court	41	35	85%	1	2%	3	7%	2	5%
Totals:	142	127	89%	5	4%	6	4%	4	3%

The report goes on to note that the impacts on both VSC and NSL are within the BRE guidelines for 10 of the neighbouring properties.

It provides a more detailed assessment of the remaining 8 properties where the impact is beyond the BRE guidelines as follows:

Elm Lawn House

This is the two-storey listed building located directly to the north of the development site. The property currently benefits from an open outlook across the car park.

The VSC results indicate that of the 19 windows considered, 7 (37%) would satisfy the BRE guidelines, 3 (16%) would experience a low reduction beyond the BRE guidelines and the remaining 9 would experience a medium reduction. None of the windows tested will experience a high reduction. All windows will remain with a VSC of at least 16.1% with all but 3 windows retaining a VSC greater than 20% which is generally considered acceptable for a town centre regeneration location.

The NSL results indicate that of the 8 windows considered, 6 (75%) would satisfy the BRE guidelines and the remaining 2 (25%) would experience a medium reduction beyond the BRE recommendations.

While there are some transgressions beyond the BRE guidelines, this is inevitable as the building faces a vacant site and currently benefits from an unobstructed outlook to the south. The VSC and NSL results both show that Elm Lawn House will remain with acceptable levels of daylight in the post development condition and the scheme will not cause unacceptable harm.

42 High Street

This is the three-storey semi-detached commercial/residential property located to the west of the development site.

The VSC results indicate of the 3 windows considered, 1 (33%) will experience a low reduction beyond the BRE guidelines and 2 (67%) a medium reduction. However, with the exception of one window in the flank elevation, the remaining 2 main windows will retain a VSC of at least 24.0% in the post development condition, which is generally considered good for a town centre location.

The NSL results indicate that of the 3 rooms considered, 1 (33%) will satisfy the BRE guidelines, 1 (33%) will experience a medium reduction and 1 (33%) will experience a high reduction. The results show that both rooms that fall below the BRE guidelines will retain NSL coverage to over 50% of the space.

Overall, when the VSC and NSL results are evaluated, this property is expected to remain well-lit in the post development condition and the scheme will not cause unacceptable harm.

40 High Street

This is the three-storey semi-detached commercial/residential property located to the west of the development site.

The VSC results indicate that of the 3 windows considered, 1 (33%) will satisfy the BRE guidelines and the remaining 2 (67%) windows will experience a low reduction.

The NSL results indicate that of the 3 rooms considered, 2 (67%) will satisfy the BRE guidelines and the remaining 1 (33%) will experience a low reduction.

Overall, the results indicate that while minor transgressions beyond the BRE guidelines will occur, 40 High Street will remain with acceptable levels of light in the post development condition.

17 & 19 Chatsworth Road

This is the two-storey commercial/residential property located directly to the south of the site adjacent to the existing car park. The rear of the property currently has an open outlook across the development site.

The VSC results indicate that of the 12 windows considered, 6 (50%) satisfy the BRE guidelines, 3 (25%) experience a low reduction beyond the BRE guidelines, 2 (17%) a

medium reduction and 1 (8%) a high reduction. For completeness all ground floor windows with an aspect of the site have been considered. Due to the layout of the property several windows have their ability to receive daylight hindered by the rear additions enclosing the windows and obstructing the passage of light. All first-floor windows either experience a small quantum of change or remain with good retained VSC levels of over 25%.

The NSL results indicate that of the 10 rooms considered, 9 (90%) will satisfy the BRE guidelines and the remaining room will only experience a low reduction beyond the BRE guidelines.

Due to the location and layout of this property in relation to the development site, it is inevitable that transgressions will occur, however, the retained light levels are generally acceptable, and we are of the opinion that the scheme will not cause unacceptable harm to this property.

15 Chatsworth Road

This is the two-storey mid-terraced commercial/residential property located to the south of the development site.

The VSC results indicate that of the 9 windows considered, 8 (89%) will satisfy the BRE guidelines and the remaining window will only experience a low reduction beyond the BRE guidelines.

The NSL results indicate that of the 6 rooms considered, 4 (67%) will satisfy the BRE guidelines, 1 (17%) medium reduction and 1 (17%) a high reduction. Both rooms that fall below the BRE guidelines are located at ground floor level, one will remain with NSL coverage of over 50% and the remaining room is located in the flank elevation and has its ability to see sky obstructed by the close proximity of the neighbouring rear additions.

Generally, the scheme will only have a negligible effect on the habitable windows/rooms within this property and 15 Chatsworth Road is expected to remain with adequate levels of daylight in the post development condition.

11 Chatsworth Road

This is the two-storey mid-terraced commercial/residential property located to the south of the development site.

The VSC results indicate that of the 8 windows considered, 7 (88%) will satisfy the BRE guidelines and the remaining window will only experience a low reduction beyond the BRE guidelines.

The NSL results indicate that all 7 (100%) of the rooms considered will satisfy the BRE guidelines.

The results indicate that the proposed scheme will generally only have a negligible effect on the daylight levels to this property

7 Chatsworth Road

This is the two-storey mid-terraced commercial/residential property located to the south of the development site.

The VSC results indicate that all 7 (100%) of windows considered will satisfy the BRE guidelines.

The NSL results indicate that of the 6 rooms considered, 5 (83%) will satisfy the BRE guidelines and the remaining room will only experience a low reduction beyond the BRE guidelines.

Overall, the proposed scheme will only have a negligible effect on the daylight levels to this property.

Amelia Court

This is the four-storey residential building located to the north of the development site across Union Place.

The VSC results indicate that of the 75 windows considered, 62 (83%) satisfy the BRE guidelines and 13 (12%) will only experience a low reduction beyond the BRE guidelines. All windows will retain a VSC of at least 22.7% in the post development condition which is considered good for a town centre location.

The NSL results indicate that of the 41 windows considered, 35 (85%) satisfy the BRE guidelines, 2 (5%) experience a low reduction beyond the BRE guidelines, 3 (7%) a medium reduction and 1 (2%) a high reduction. All rooms will maintain an NSL coverage of over 54%, which is generally considered acceptable.

While there are some transgressions beyond the BRE guidelines, this is inevitable as the building faces a vacant site and currently benefits from an unobstructed outlook to the south. The VSC and NSL results both show that Amelia Court will remain with acceptable levels of daylight in the post development condition’.

It should be noted that it is unusual to have such an open aspect in a town centre location and any development would be likely to have some impact on surrounding properties. The comparative nature of BRE with an open site does therefore distort the results regarding impact. Furthermore, the advice contained in the BRE guide is not mandatory and its numerical guidelines should be interpreted flexibly with daylight and sunlight only one of many factors to consider when evaluating the acceptability of a scheme. There is also national planning policy support for taking a flexible approach to daylight and sunlight standards. As indicated by the NPPF,

*‘local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a **flexible approach in applying policies or guidance relating to daylight and sunlight**, where they*

would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.

In the circumstances and having regard to the advice in the NPPF it is considered that the impact on the surrounding properties is considered acceptable in amenity terms.

It is also noted that in comparison to the previous scheme (which received a resolution to grant subject to completion of a Section 106 Agreement) the proposed scheme performs better in terms of daylight and sunlight and is fully BRE compliant regarding sunlight.

Transport, Servicing and Accessibility

Parking and Accessibility

The location is highly sustainable and therefore an opportunity to reduce reliance on the private car and promote a residential lifestyle which does not require use of unsustainable travel modes.

The revised indicative scheme proposes 216 apartments with 90 residential parking spaces with at least 50% unallocated spaces. At least one car club space will be provided and secured through the Section 106 Agreement. The applicant has also stated that, subject to demand, up to 4 additional car club spaces could be included. Approximately 1/3 of the residential spaces are provided with EV charging capabilities. This site would not be able to support higher numbers because of the fire risk associated with underground EV charging points.

This parking ratio calculates at just over 0.4 of a car parking space per apartment. This is significantly below the adopted WSCC Parking Standards but has been accepted by the County Council as appropriate provision given the highly sustainable location of the site within the town centre. Members will be aware that a number of car free developments have been allowed in similar town centre locations. It is relevant to note that car ownership levels in the town centre wards are also low at 0.53 of a car parking space per dwelling. Given this and the clear advice in NPPF that priority should be given first to pedestrian and cycle movements both within the proposed scheme and neighbouring areas, it is considered that this level of car parking provision is acceptable.

The scheme incorporates 114 cycle spaces compared to a requirement of 102 spaces. A Travel Plan will incorporate the requirements requested by the County Council, in particular, to provide car club membership for one year, provide a £50 drive time credit for each flat and pay the LHA monitoring fee. Although the application only originally indicated that one car club space would be provided the applicant has since indicated that up to 5 would be provided if demand dictated more spaces are provided. It is also relevant to note that the Council has car club spaces available at the High Street multi-storey car park. There would also be a welcome pack for all residents including a £150 travel voucher to encourage sustainable travel and provide information in relation to bus and train services and other sustainable travel information. The key Travel Plan requirements will be set out in the s106 Agreement.

In terms of promoting sustainable travel it is relevant that the development is providing significant areas of new public realm to encourage pedestrian movements to and from the town centre. Members will be aware that the Local Cycling and Walking Improvement Plan (LCWIP) has recently been adopted and this promotes a cyclepath along the A259 (adjacent to the site along the High Street). This route is also identified in the emerging Sustainable Transport Plan for Worthing and the Highway Authority has been drawing up feasibility plans which would potentially provide a segregated route on the west side of the High Street. The submitted scheme has been designed to avoid planting along the eastern edge of the High Street frontage to allow a cycle route to be introduced in the future. The s106 would ensure that this land is reserved for a minimum of 10 years to assist the delivery of the north – south cycle route.

Although Active Travel England (ATE) originally raised concerns about the lack of detail submitted with the application, ATE has subsequently accepted that the s106 will include some of the key measures to encourage more sustainable transport to and from the site. Although its further comments are awaited the indication has been that ATE would be satisfied with the imposition of a Travel Plan condition.

It is not proposed that any dedicated parking would be provided for the commercial floor space element of the proposals. It is anticipated that the re-provision of 147 of the existing 178 spaces in the NCP car park on the site would cater for demand generated by these uses, as well as nearby car parks including the multi-storey car park at the High Street. The Worthing Parking Study confirms that this would provide sufficient car parking spaces for vehicles within the vicinity of the site.

Servicing and Trip Generation

The development has been designed to incorporate appropriate service routes through the site including refuse collection.

In terms of the anticipated vehicle trips generated by the development, the submitted Transport Assessment considers that the proposed development is likely to result in an additional 10 daily vehicle movements over the previous scheme with a resolution to grant. The analysis within the TA has demonstrated that the development would result in a minor increase in vehicle movements during both the AM and PM peak hours compared to the existing permission. This level of vehicle movements is low and would not result in a material change in trip generation and this is accepted by the Highway Authority.

The Highway Authority raises no objection to the reduction in public car parking.

Sustainability

In accordance with policy DM16 and DM17 of the Local Plan, The Tall Buildings SPD, the Council's recently declared Climate Emergency and the NPPF, the design proposals must take account of the:

- need to achieve the latest standards for sustainable construction;
- need to reduce energy use and minimise carbon emissions;
- long term management and maintenance of the building; and

- long term adaptability and flexibility for productive reuse.

Local Plan Policy DM16 relates to sustainable design and indicates all major development will be required to achieve the minimum standards as set out below unless superseded by national policy or legislation or unless it can be demonstrated that it is not practical, feasible or viable (in which case the minimum standard should be met as far as possible):

- i. Secure a minimum 20% reduction in CO2 emissions in dwellings over Part L Building Regulations requirements (2013) through energy efficiency measures;
- ii. Secure an average 27% reduction in CO2 emissions over Part L Building Regulations requirements (2013) per building for non-domestic buildings;
- iii. All new build housing should seek to achieve an 'A' rating (with a minimum expectation of a 'B' rating) Energy Performance Certificate. New housing should achieve a minimum 'C' rating Energy Performance Certificate;
- iv. Non-domestic properties should achieve a 'B' rating Energy Performance Certificate;
- v. Achieve a minimum BREEAM 'Very Good' for major non-residential floorspace.
- vi. Incorporate design measures to minimise solar gain and maximise opportunities for passive cooling. Multi-functional green infrastructure should be integrated into public spaces.
- vii. Major development should reduce potential overheating and reliance on energy intensive air conditioning systems and demonstrate this in accordance with the cooling hierarchy.
- viii. Follow the waste hierarchy to minimise the amount of waste disposal to landfill and incorporate facilities that enable and encourage high rates of recycling and re-use.
- ix. Minimise construction waste and maximise recycling and re-use of demolition materials.

All major developments must submit a sustainability statement demonstrating how the minimum requirements of policy DM16 have been met and where possible exceeded.

Policy DM17 relates to Energy and requires the following:

- a) All new housing and major non-residential development should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after CO2 reductions from energy efficiency measures).
- b) All proposals for major development must demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy and that the lowest carbon solution that is feasible is used. Applicants will be required to submit a feasibility assessment to provide a rationale for the chosen heating/cooling system.
- c) Applicants for major development within areas identified as heat network opportunity clusters should demonstrate how they have considered connecting to district heating networks where:
 - i) they exist at the time of permission being granted;

- ii) the heat network route lies adjacent to the site; and
 - iii) otherwise it is feasible and viable to do so. Alternatively, where a heat network route is planned but has not been delivered, sites adjacent to the planned heat network routes should consider being heat network ready to enable a future connection.
- d) The development of renewable, low carbon, or decentralised energy schemes will be supported and community initiatives encouraged where proposals:
- i) are located appropriately and do not cause an unacceptable impact on surrounding uses or the local environment, landscape character or visual appearance of the area (including the South Downs National Park), taking into account the cumulative impact of other energy generation schemes; and
 - ii) mitigate any potential noise, odour, traffic or other impacts of the development so as not to cause an unacceptable impact on the environment or local amenity

Policy DM21 also requires that new dwellings should achieve a water efficiency standard of no more than 110 litres/person/day (lpd).

In accordance with the above policy requirements, the application is supported by an Energy Statement Report which demonstrates that the energy strategy has been assessed using the Energy Hierarchy (Be Lean, Be Clean, Be Green). This has resulted in an energy efficient scheme that has reduced the CO₂ emissions through passive design measures, increasing insulation in the building fabric to reduce heat loss, highly efficient heating and cooling systems and LED lighting enabling an overall CO₂ emissions reduction of 37%.

The design proposals are aligned with policies relevant to sustainable design and construction and will meet, or where viable exceed, policy requirements.

The supporting information for the application (within the Planning Statement, Design & Access Statement, Flood Risk Assessment and Drainage Strategy and Energy Assessment Report) states that the development would seek to meet the following sustainability performance indicators:

- Installation of PV panels.
- The use of sustainable drainage systems to target a site-wide greenfield runoff rate to ensure there is no net increase in surface water runoff.
- An increase in urban greening with the introduction of podium gardens and pocket parks as well as avenue tree planting to help alleviate urban heat island effect, aid sustainable drainage and provide wellbeing benefits to residents and visitors;
- Ecological enhancements including green roofs that will achieve a site-wide net gain in biodiversity;
- A site that will create safe and healthy internal and external living and working environments;
- A site that, as far as possible, will be resilient to the impacts of future climate change.
- Incorporate sustainable transport measures, including minimised car-parking, cycle parking, electric car charging spaces and a car club space.

- The use of materials with a lower environmental impact and being responsibly sourced.
- Provision would be made to facilitate connection of the proposal to a future district heating network when it becomes available.

The Energy Statement Report notes the option to provide clean energy via the connection to the proposed Worthing Heat Network which (combined with the measures above) will reduce the CO2 emissions by 62%. Alternatively the Energy Statement report states that green energy can be provided through the use of Exhaust Air Heat Pumps (EAHP) for the residential elements of the scheme which (combined with the measures above) will reduce the CO2 emissions by almost 53%.

At this stage the applicant does not feel that he can commit to connect to the District Heat Network as there is still some level of uncertainty about its delivery timescale and connection costs. However, the applicant is committed to review the energy strategy following the grant of planning permission and if sufficient certainty exists, ensure that the scheme is designed to connect to the District Heat Network from day one of the build. If for any reason there is a delay or uncertainty remains the applicant has also committed to install the necessary infrastructure to allow connection at a later date.

The Sustainability Manager has questioned whether the EAHP option is in accordance with the Energy Hierarchy which encourages a communal system if a District Heat Network is not available. The applicant has discounted the communal solutions (air source heat pump/temporary gas boiler solution) on the basis that these options cause issues in terms of noise for residents and on the basis that if the development does then connect to a District Heat Network there is lots of empty space left by any redundant on site communal solution. This matter is still under discussion with the applicants and Members will be updated at the meeting.

Nevertheless through the implementation of the measures and approaches set out above, along with appropriately worded planning conditions and s106 agreement, the proposal would achieve the sustainability aspirations as envisaged in the NPPF and Local Plan policies. Certainly the provision of a District Heat Network to serve the town centre would provide the scheme with the lowest carbon solution, the most energy efficient and cheapest heating solution for future residents of the development.

Biodiversity Net Gain

Policy DM18 of the local plan requires new development to demonstrate a 10% Biodiversity Net Gain (BNG), preferably on site. The application scheme proposes the removal of the existing habitats and boundary trees (with the exception of the Lime tree on the corner of Union Place and the High Street which would be retained) and the provision of an ecological led soft landscaping plan incorporating native shrubs and trees. The building fronting Union Place will have a biodiverse roof comprising log piles, dew ponds, sand piles and a variety of different sized substrates, vegetated with a planting mix of appropriate sedum, wildflower and herb species providing habitat for invertebrates and birds. The submitted BNG metric calculation states that the proposals would result in a BNG of (or in excess of) 10% on the development site. This is composed of a 10% gain in habitat units and a 378% gain in hedgerow units. The

submitted BNG statement has been reviewed internally and has been considered a robust assessment of the biodiversity net gain that can be achieved on the site (notwithstanding the removal of the large conifer trees along the High Street frontage).

Fire Safety

The scheme has been designed to meet the new fire safety requirements of the Building Safety Act which comes into force from the 6th April 2025. The comments of the Health and Safety Executive (HSE) are not available at the time of writing this report but will be reported verbally at the meeting.

Assessment of Scheme Against Policy A13

Policy A13 of the Local Plan sets out a list of detailed criteria which development on the site should meet. The criteria are set out below along with an assessment of how the scheme responds to each of them.

- a) *deliver a residential and employment scheme comprising of a minimum of 150 residential units and approximately 700 sqm commercial;*

The scheme provides 216 residential units along with 507m² of dedicated commercial floorspace. There is further ancillary commercial use within the proposed live/work units providing between 345m² and 417m² of floorspace. This criterion is met.

- b) *create a landmark development in the heart of the town centre which creates a sense of place and provides an attractive setting to the historic environment;*

The proposal is considered to represent a landmark development given the high quality design with the varying heights of the blocks including a tall building in the centre of the site and the extensive podium gardens. The lower height of blocks on the frontages along the High Street and Union Place including set back entrance points with planting along with the pocket parks will provide an appropriate and attractive setting to the historic environment. The new avenue trees along both roads but particularly along Union Place help to restore the historic appearance of the road and seek to encourage its use as a pedestrian and cycle connector link. The proposal also screens the public car park from view with well-designed buildings and podium gardens further improving the appearance of the site and the setting of the heritage assets. Criterion met.

- c) *protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;*

As set out above, the scheme has made every effort to minimise the impact on surrounding heritage assets with the high quality design, choice of materials and lower rise perimeter buildings; restricting the tallest buildings to the centre of the site. In terms of overall impact (heritage and townscape) the scheme has made further improvements on the previous scheme with a resolution to grant. Historic England confirm this in their consultation response where they note that 'the current scheme proposes improvements to the scale and design of the development compared to the previous 2020 outline application'. Whilst some harm to the heritage assets is acknowledged,

this is inevitable in the development of any buildings on a site which is currently a car park. It is considered that this harm is less than substantial and should be weighed against the public benefits of the application. No unacceptable harm is caused by the development and therefore this criterion is met.

d) provide a mix of uses including homes and commercial floorspace with the potential for restaurants and leisure uses;

The proposal includes residential and commercial uses. The commercial floorspace will be Class E which includes the potential for restaurants and leisure uses. Criterion met.

e) enhance permeability and provide a high quality public realm (that incorporates green infrastructure) and generate new retail / leisure circuits connecting to Chapel Road, High Street and South Street;

The proposal includes significant improvements to the public realm with the introduction of tree planting along the High Street and Union Place along with the pocket parks with benches and the setback residential entrances with associated planting. The commercial floorspace will be Class E to allow for new retail and leisure uses, primarily along the High Street but also along Union Place. This will encourage pedestrians and cyclists to travel along the site frontages linking to Chapel Road and the existing retail and leisure uses in the vicinity. Criterion met.

f) introduce active usages along Union Place and the High Street (employing natural surveillance to design out crime);

As set out above, the development proposes commercial floorspace at ground floor level along the High Street with the commercial element of the live/work units at ground floor level along the Union Place frontage. This floorspace will be Class E allowing for retail and leisure uses which will create active usage and allow for natural surveillance of the pocket parks/piazzas. Criterion met.

g) ensure that any contaminated land issue is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;

A Phase 1 geo-technical and geo-environment desk based study was submitted with the application. This recommends further phased ground investigations prior to development. These investigations along with any remediation works (if required) can be secured by an appropriately worded planning condition.

h) provide a high quality design with particular attention to height and massing. Ensure the scale of development, particularly on the boundaries of the site, respects the scale and established building line of adjoining properties. Ensure that development has a suitable relationship with and does not have an unacceptable impact on neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed;

The design of the proposal is of very high quality and the height of the tallest building is reduced compared to the previous scheme with a resolution to grant. The massing, particularly on the corner of Union Place and the High Street has been reduced in the current scheme compared to the previous scheme. This reduction in massing better respects the scale of surrounding development and provides an improved relationship between the proposal and the existing neighbouring buildings. The application is supported by a daylight and sunlight report which demonstrates that the proposal will not have an unacceptable impact on neighbouring residents. The development is also bounded by streets intervening between the new buildings and existing dwellings which will help to prevent any material loss of privacy to neighbouring residents on these streets. The outlook and privacy for residents in flats above commercial properties on Chatsworth Road are also protected, with the outlook from the new development oriented towards the garden spaces, and with any windows sufficiently offset from these boundaries. Criterion met.

i) provide an appropriate number of replacement car parking spaces;

It is considered that the re-provision of 147 of the existing 178 spaces in the NCP car park on the site would sufficiently cater for demand generated by the commercial uses on the site in addition to current levels of usage. The Worthing Parking Study confirms that this would provide sufficient car parking spaces for vehicles within the vicinity of the site. Criterion met.

j) undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;

An appropriately worded planning condition can be attached to any permission to secure the necessary archaeological assessment and any associated requirements. Criterion met.

k) comply with the requirements of policy DM17 (Energy) with regards to the delivery of district heat networks located within the identified opportunity clusters;

The application proposals include an option for connection to the District Heat Network and the requirement to submit a post approval energy review assessing the business case for connection will be required by the s106 planning obligation. It is hoped that the certainty the developer requires to enable connection will be available at this point to ensure that the lowest carbon solution for the site is delivered.

l) seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;

The residential uses would be the most vulnerable to flooding. The dwellings are located at first floor level and above which are at lower risk of flooding than ground floor level. The ground floor comprises car parking, commercial floorspace or the commercial element of the live/work units. Criterion met.

m) a site specific Flood Risk Assessment should consider all sources of flooding and the impacts of climate change over the lifetime of the development. It must

demonstrate that any residual risk can be safely managed, development will not increase flood risk elsewhere and where possible will reduce the overall level of flood risk;

The application is supported by a Flood Risk Assessment which considers all sources of flooding including the impact of climate change. It concludes that the main risk of flooding to the site is from surface water flooding. Geocellular attenuation tanks are proposed to store water before gradual discharge to the public sewers and the rate of discharge will be controlled by a flow control device to the greenfield runoff rate. It confirms that the surface water drainage system will be designed for all storms up to and including the 1 in 100 year plus 45% climate change allowance. An exceedance plan has also been produced in the event the drainage system is overwhelmed. Criterion met.

n) development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network.

The existing Lime tree on the corner of Union Place and the High Street is considered to be the most important tree on the site and this will be retained as part of the development proposals. Whilst some other boundary trees along the High Street will be lost, the development includes significant replacement planting including the pocket parks, residential entrance areas, podium gardens and avenue tree planting. The building fronting Union Place will have a biodiverse roof comprising log piles, dew ponds, sand piles and a variety of different sized substrates, vegetated with a planting mix of appropriate sedum, wildflower and herb species providing habitat for invertebrates and birds. The proposals would result in a Biodiversity Net Gain of (or in excess of) 10%. This is composed of a 10% gain in habitat units and a 378% gain in hedgerow units. The submitted BNG statement has been reviewed internally and has been considered a robust assessment of the biodiversity net gain that can be achieved on the site (notwithstanding the removal of the large conifer trees along the High Street frontage). Criterion met.

Planning Obligations and Community Infrastructure Levy

Under Section 106 of the Town & Country Planning Act 1990 an agreement or planning obligation can be made between a person interested in the land, usually the developer, and the local authority or a unilateral undertaking can be submitted by a person interested in the land:

- restricting the development or use of land in any specified way;
- requiring specified operations or activities to be carried out in, on or under or over the land;
- requiring the land to be used in any specified way; or
- requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

Planning obligation arrangements were modified by the Community Infrastructure Levy Regulations 2010 as amended ('the CIL Regulations'). The Regulations introduce statutory restrictions on the use of planning obligations to clarify their proper purpose, and make provision for planning obligations to work alongside any Community Infrastructure Levy ('CIL') arrangements which local planning authorities may elect to adopt.

Regulation 122 states that it is unlawful for a planning obligation to constitute a reason to grant planning permission when determining a planning application if the obligation does not meet all the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Whilst, the CCG previously requested a significant contribution to improve local health facilities, it was accepted, at the outline stage, that this was not necessary as the Council had indicated that CIL could be used to meet strategic health needs in the Borough. In this respect the Council had already stated in its approved Infrastructure Investment Plan (2020 - 2023) that a proportion of CIL should be used to help fund the delivery of the new Integrated Care Centre at Stoke Abbott Road. A formal request was made and a CCG contribution towards this project has been paid. Further discussions are being held with the CCG to identify other projects in the Borough that might need CIL or s106 funding but the current request is not considered appropriate given the payment towards the new health hub that will serve the town centre.

A summary of the matters to be included in the planning obligation is set out at Appendix I.

Conclusion and Recommendation

The proposed redevelopment of the site has been the subject of planning policies for some time and a previous outline scheme benefitted from a resolution to grant subject to completion of a S106 Agreement. There is support for the overall objectives of the development to secure the comprehensive redevelopment of the site and this has been a long held Council aspiration. The site currently detracts from the setting of heritage assets and has a negative impact on the vitality and viability of the town centre.

There is no objection to the principle of development, as demonstrated by the policy allocation (Local Plan policy A13) and the previous resolution to grant permission. The proposed mix of uses on the site complies with the Local Plan policy. A key challenge has been seeking to secure an appropriate quantum of development whilst having regard to the proximity of a number of listed buildings and conservation areas.

The maximum height of the proposed development is 11 storeys which is a reduction compared to the 14 storey height of the previous application. The overall scale has also been reduced and the design is of a higher quality. These changes seek to reduce the impact of the proposal on the historic environment. The consultation response from Historic England states that the current scheme proposes improvements to the scale and design of development compared to the previous scheme and welcomes the

changes. It confirms that it does consider that some harm to heritage assets will remain although it acknowledges that efforts have been made to reduce that harm. As the harm is less than substantial, Historic England confirms that it is up to the Local Planning Authority to weigh the harm to heritage assets against the public benefits of the scheme as set out in para 208 of the NPPF.

Your Officers agree with Historic England that the proposal will cause “less than substantial harm” to heritage assets. The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

While the impacts of scale and overall height are considered to have an adverse impact on heritage assets, the Councils adopted SPD on tall buildings recognises the benefits of tall buildings in town centre locations and as a beacon for regeneration. The proposal provides a number of significant public benefits including contributing to the overall regeneration of the town centre, providing much needed housing (including 20% affordable housing), replacement public parking and public realm improvements. These significant public benefits are considered, on balance, to outweigh the acknowledged harm to heritage assets.

Whilst the density of development is high the supporting statements have carefully analysed the impact on existing properties and the impact is considered acceptable given the town centre location of the site. Within the site overlooking distances across communal and public areas are at or above the minimum considered appropriate and the podium gardens at first floor level enhance the interface between residential units.

The scheme is fully compliant with the site allocation policy (Local Plan policy A13) which is the most relevant policy in relation to the site.

The scheme complies with policy DM17 on the basis that the scheme connects with the District Heat Network as expected. The only question mark about compliance with this policy is if the applicant proposes to employ the option of the EAHP and as indicated earlier this is being discussed further with the applicant and Members will be updated at the meeting.

The scheme also complies with policy DM18 as it can demonstrate a 10% BNG on site. The submitted BNG statement has been reviewed internally and has been considered a robust assessment of the biodiversity net gain that can be achieved on the site (notwithstanding the removal of the large conifer trees along the High Street frontage).

Overall the significant economic and regeneration benefits of bringing forward this vacant town centre site with a mix of uses and a significant proportion of housing, including affordable housing, in a scheme which represents an improvement over the previous scheme in terms of design and impact on heritage assets justify supporting this scheme.

Recommendation

It is recommended that the application be delegated to the Head of Planning and Development subject to the completion of a planning obligation, the receipt of satisfactory comments from the HSE and LLFA and subject to the following conditions:

1. Standard List of Plans and documents
2. Time limit – 3 years for implementation.
3. Submission of Sustainability Plan incorporating the measures outlined in the submitted Energy Statement Report.
4. Details of an energy solution for the development which shall be designed to allow future connection to a District Heat Network if a viable solution is implemented within 3 years of the completion of the development.
5. Details of external materials.
6. Submission of a Construction Management Plan including details of hours of working, and controls to limit disturbance from noise, vibration and dust and a communications strategy to engage with adjoining neighbours pre and post construction activities on site.
7. Hard and soft landscaping plans
8. Landscaping Condition – requiring replacement of trees to be lost by the development to be replaced by heavy standard trees.
9. Tree protection details for the retained lime tree.
10. Travel Plan details.
11. BNG of minimum 10% net gain and management plan to secure delivery and future maintenance.
12. Submission of external lighting strategy and management plan
13. Archaeological Investigation and watching brief.
14. Existing and proposed levels relative to a nearby datum point.
15. Access in accordance with approved details
16. Parking and cycling to be provided in accordance with the approved plan.
17. Provision of Electric Vehicle Charging Points
18. Submission of foul and surface water drainage solution including SuDS
19. Submission of drainage verification drawings
20. Ground Contamination Survey and Remediation
21. Protection of existing surface water sewers (SWA)
22. Noise assessment and mitigation measures to be implemented to protect proposed dwellings from noise from Class E uses and existing night club.
23. Noise assessment and implementation of mitigation measures to protect adjoining residents from noise from the proposed car park.

**Summary of Terms
Planning Obligation (s106)**

No	Development Contribution and or on site provision.	Specific Requirements
1	Affordable Housing	<p>Minimum provision of 20% (43 units) comprising 23 Intermediate Housing Units, 10 affordable rented units and 10 social rent housing units.</p> <p>Affordable Rent to be defined as 80% of local market rent or at Local Housing Allowance (LHA) - whichever is the lower.</p>
2	Travel Plan	<ul style="list-style-type: none"> i) Appointment of Travel Plan coordinator ensuring implementation and monitoring of Travel Plans over a five year period. ii) Financial contribution to Highway Authority to cover work in liaison and monitoring. iii) Travel plan to include as per the submitted transport assessment. Including £150 travel voucher to all apartments and car club membership (see below).
3	Car club	<ul style="list-style-type: none"> i) Provision of a car club bay on the site (with the option to increase to 5 spaces subject to demand). ii) One year Car Club Membership iii) £50 drive time credit for car club to incentivise use and take up of the car club.
4	Open Space and Recreation	<ul style="list-style-type: none"> i) Delivery of on site open space ii) Financial contribution for off site open space improvements if cost of on site provision below cost calculator sum of £506k
5	Cyclepath	Reserve land along the High Street frontage for future provision of cyclepath (minimum of 10 years).
6	District Heat Network	i) Provide for future connection to the District Heat Network

		<p>ii) Submit a Heating Supply Options Study within 3 months of the Council appointing an Operator. If the Study concludes that the whole life cost of connection to the District Heating Network is lower than the cost of alternatives methods of heat supply, including the costs of on-site plant and associated infrastructure, the Developer will use reasonable endeavours to connect the Development to the DHN</p>
--	--	---



High Street



Three pairs of villas frame the axial view of St Paul's providing a calm backdrop to Union Place

Union Place

Atter and Morrison

Union Place

28 February 2024

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

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