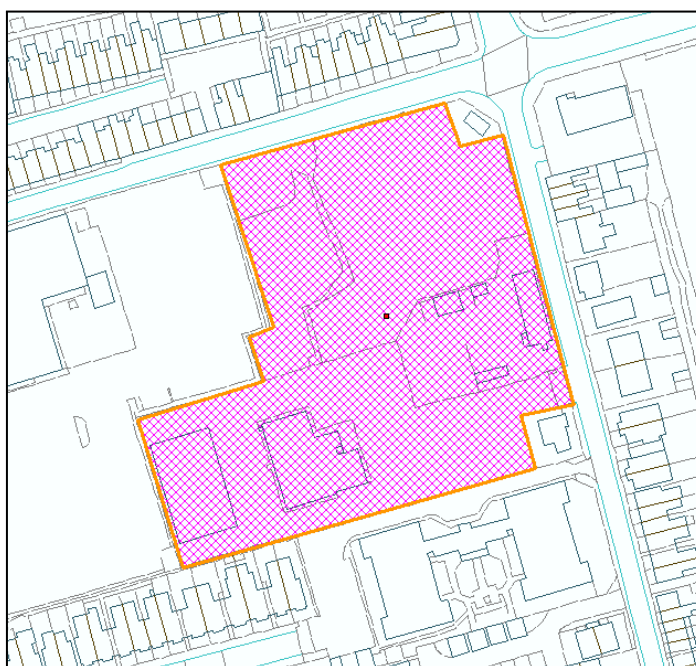


Application Number:	AWDM/0083/24	Recommendation - APPROVE subject to a Deed of Variation to the original planning obligation and the receipt of satisfactory comments from WSCC Highways and Environmental Health.
Site:	Land At Former Gas Works Site, Park Road, Worthing	
Proposal:	<p>Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise).</p> <p>ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping</p>	
Applicant:	St William Homes LLP and Berkeley Homes (Southern) Ltd	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	



Not to Scale

Proposal, Site & Surroundings

This application proposes amendments to the planning permission AWDM/1459/21 granted in October 2022 after the Planning Committee of December 2021, for redevelopment of the site by the construction of a series of five apartment blocks (Blocks A-D).

The proposed amendments involve the following changes:

- i)* An additional (eighth) storey to Block B broadly within the approved massing envelope
- ii)* Reduce building heights (by between 0.3 metres and 1.3 metres)
- iii)* Provide an additional 19 apartments (giving a new total of 228 dwellings)
- iv)* Reconfigure the internal floor plan layouts
- v)* Additional internal staircase to Block B for added fire safety
- vi)* Amended Energy Strategy for connection to the District Heat Network,
- vii)* Amend external arrangements of Block C and D, move entrance lobby wings 3 metres northwards
- viii)* Two additional parking spaces (new total 112)

For planning purposes, this application would therefore amend conditions of the original permission including Conditions:- 1 (approved plans), 21 (Energy Strategy) and condition 35 of AWDM/1446/23 (number of dwellings 209 units and maximum 7 storeys in height).

The site is located on the corner of Lyndhurst Road and Park Road, which is within the edge of the Town Centre as defined in the Worthing Local Plan 2020-2036. It comprises approximately 1.1ha and is bounded by high walls along its road frontage, with the existing vehicular access in Park Road. Most of the gas works buildings, including the large storage tower, were demolished between 2012 & 2018.

Two large commercial buildings are located adjacent to the southern boundary of the site and were previously occupied by local charities. A smaller building adjacent to the entrance is used as a store & depot for Southern Gas Networks (SGN). The site has an irregular boundary with Waitrose car park to the west with high palisade fencing dividing the two sites.

The surrounding area is mixed, comprising the Waitrose food store and car park to the west, with views towards Union Place. Immediately to the north and east are small-scale 19th century terrace houses in Lyndhurst Road and Park Road is of a similar scale with generally two storey housing. To the south is Kings Hall, a three storey residential retirement block with a pitched roof. A similar 3 storey block fronts Park Road to the north of Lyndhurst Road.

Warwick Gardens and Steyne Gardens Conservation Areas lie to the south of the site (but excludes Kings Hall). To the east of Park Road is Beach House Park (an ornamental garden and bowling green) and Worthing Hospital. Little High Street and Francombe Road Conservation Areas are further north and west of the site and Steyne Gardens Conservation Area is located to the south of the Warwick Gardens Conservation Area.

There are listed buildings approximately 100 metres to the south west of the site, Nos 40-44 High Street (Grade II) and 135 metres to the south in Warwick Place (also Grade II). Further away the former St Paul's Church (Grade II) is visible in the distance, along Union Place.

Relevant Planning History

AWDM/1459/21: Full Planning Permission for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping.

Consultations. **Approved 4th October 2022 (with s.106 Agreement)**

AWDM/1446/23: Non Material Amendment to approved AWDM/1459/21 to amend description to: 'Full Planning Permission for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping.' **Approved 7th December 2023**

[Note: This 2023 Non Material Amendment approval had the effect of removing the words '*209 residential apartments*' from the description of development but moved this into a new planning condition, which reads:

'Condition 35: The development hereby permitted shall not exceed 209 units and 7 storeys in height'. It made no changes to the approved development.]

EIA OPINION/0006/20 - Land At Former Gasworks Site Park Road Worthing West Sussex - Environmental Impact Assessment (EIA) Screening Opinion in relation to residential development at the former Gasworks Site for up to 250 residential units (potentially including a building of up to 10 storeys): **EIA not required, 18th December 2020.**

Prior to 2018 are two permissions **WDM/1949/16 & AWDM/1013/12**, which allowed for the demolition of Gas Work's buildings

Consultations

West Sussex County Council Highways: Comments / Further Information

Impact: This application seeks to increase the total development by 19 units. The additional units would generate five two-way vehicle trips during morning and evening peak hours. This would still be a reduction in the overall morning peak

period compared to the previous usage of the site and a small increase in evening peak trips. As such the development would not have a severe impact on the highway network and in light of the minor change and limited trips a revised Road Safety Audit is not required.

Access: The access onto Park Road would remain the same as the approved scheme. The Lyndhurst Road access would be moved 0.75m to the west, revised visibility splay drawings have been requested to visibility splays here, also details of a small area within the turning area inside the Lyndhurst area, to ensure that this does not impact on manoeuvring by refuse & fire tenders and service vehicles.

Car and Cycle Parking: The proposed car parking spaces at a ratio of 0.49 is considered acceptable given the sustainable location of the application site and restrictions placed on future owners in applying for an on road permit for the Controlled Parking Zone. Given the reduced car parking ratio and reduced amount of cycle parking (205 to 192) and that more of the spaces are not within the core of the building, additional cycle parking should be incorporated.

Travel Plan: A travel plan and car park management strategy are secured via the existing permission have been supplied with the application,

Contributions. Within the signed agreement a £100k contribution was secured based upon the viability of the application. Given the increase in units, it is assumed the viability of the site is being reinvestigated and as such a higher figure would be expected to be secured.

West Sussex County Council Fire and Rescue: No Objection.

Recommends conditions to water supply for firefighting by storage or hydrants. [See condition 34 below]

West Sussex County Council - Lead Local Flood Authority: No Objection

The proposal has no impact on surface water flood risk or drainage, as the updated Flood Risk Assessment and Drainage Strategy (Flood Risk Assessment & Drainage Strategy, prepared by GTA Civils & Transport Limited, January 2024, Rev.06) adheres to the previously agreed principles. If the Council decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Environmental Health Officer: No further comments

Southern Water No Objection,

The Flood Risk Assessment indicates surface water flows no greater than existing levels being connected into the public system proving betterment of the surface water flows which would be satisfactory to Southern Water. We have no objection to the variation of conditions 17 & 20 relating to Foul & Surface Water Drainage.

Historic England comments,

Historic England does not wish to comment . We suggest that you seek the views of your specialist conservation and archaeological advisers.

Health and Safety Executive: No Objection,

The application proposes an additional floor and an increase in 19 apartments. Block B 8-storeys with a height of 21.15 exceeds 18m is a relevant building and therefore will be provided with a firefighting shaft in accordance with BS 9991 and a second stair. This is welcomed by HSE. The other blocks are located within the curtilage of a relevant building, and HSE has included them as part of this assessment.

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description. It is noted the fire statement was helpfully detailed and informative.

Further advice is given regarding the validation of smoke venting as part of the separate fire safety certification process.

Sussex Police: No Objection

I have had the opportunity to examine the detail as contained within this revised planning application and have no concerns or further comments to make from a crime prevention perspective.

Active Travel: Comments

Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-englandsustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.”

National Highways: No Objection

Representations: Three responses

- i) The development will block light and reduce privacy to my home to the extent that I may longer be able to stay here.
- ii) It is questioned how the original development was allowed as the eyesore will directly overlook the properties in the adjoining Conservation Area

- iii) The increase in traffic and inadequate parking will increase the already inadequate parking in the town centre.
- iv) It is stated that the developers will limit car usage and parking and this is absolutely preposterous.
- v) If occupiers of the new flats are discouraged from parking on the development they will find elsewhere to park. Parking is already at a premium and allowing more flats with less parking will be a further compromise.
- vi) The low parking ratio of 0.75 will reduce to 0.5 per flat and cannot be justified in any area where there is no spare capacity on surrounding roads.
- vi) The increase in traffic will add to highway safety problems in the area.
- vii) The increase in noise, disturbance and smells not only during the construction period but once occupied will be catastrophic and there is no need to add additional dwellings to an existing permission.
- viii) The development will cause overlooking of properties in Warwick Gardens and the planting of trees will have no impact on reducing the loss of privacy. In 10 years time the trees will probably just reduce available parking.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036, includes:

DM1 Housing Mix; DM2 Density; DM3 Affordable Housing

DM5 Quality of the Built Environment; DM6 Public Realm

DM7 Open Space, Recreation and Leisure;

DM8 Delivering Infrastructure

DM13 Retail & Town Centre Uses; DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design: DM17 Energy:

DM18 Biodiversity: DM19 Green Infrastructure

DM20 Flood Risk and Sustainable Drainage: DM21 Sustainable Water Use & Quality: DM22 Pollution

DM23 Strategic Approach To The Historic Environment: DM24 The Historic Environment

Site Allocation - A9 Lyndhurst Road (*Indicative Capacity 150 dwellings*)

Development Requirements - any future development proposals should:

- a) *deliver a residential scheme comprising of a minimum 150 dwellings;*
- b) *ensure that contaminated land is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;*
- c) *undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;*

- d) *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;*
- e) *address provision for suitable access/egress on Park Road and Lyndhurst Road;*
- f) *enhance permeability and provide an attractive and accessible pedestrian link from the site to the High Street and town centre – this should include consideration of an improved footway / cycleway along the northern boundary;*
- g) *protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;*
- h) *seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;*
- i) *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;*
- j) *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.*

National Planning Policy Framework, December 2023 ('NPPF')

National Planning Policy Guidance (NPPG)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

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

Planning Assessment

The principle of development has been established by the original permission and subsequent allocation in the adopted Local Plan. The site is in a highly sustainable town centre location close to all amenities and good public transport links.

The amendments to the scheme have come about following a review of the energy strategy for the site and a need to ensure that the scheme meets latest fire regulations. The original application proposed a communal heating solution with air source heat pumps on the highest apartment block and a backup gas boiler. As the Council was working to develop heat networks across the town, the emerging Local Plan sought to require new developments to connect to District Heat Networks if they are available.

The s106 agreement signed in connection with the original application required a heating options strategy to be submitted once an operator of the District Heat Network had been appointed. This study concluded that there was a viable case to connect to the District Heat Network and the current amendments seek to make use of the redundant space originally allocated for the on-site communal heating solution. In addition, the revised scheme seeks to accommodate two stair cores to the high risk building on the site to comply with latest requirements of the Building Safety Act which comes into force on the 6th April 2024.

The most significant changes to the approved scheme are set out below:

- i) Provide an additional 19 apartments (giving a new total of 228 dwellings)
- ii) An additional (eighth) storey to Block B broadly within the approved massing envelope
- ii) Reduce building heights (by between 0.3 metres and 1.3 metres)
- iii) Reconfigure the internal floor plan layouts
- v) Additional internal staircase to Block B for added fire safety
- vi) Amended Energy Strategy for connection to the District Heat Network,
- vii) Amend external arrangements of Block C and D, move entrance lobby wings 3 metres
- viii) Two additional parking spaces (new total 112)

The main issues for determination in this case are therefore whether the amendments materially affect:

- i) the overall sustainability of the project (including energy, transport and accessibility);
- ii) site density and the overall design quality of the original scheme and its impact on the character of the area (in particular nearby heritage assets);
- iii) the amenities of adjoining residents;
- iv) the overall viability of the scheme and the package of planning benefits necessary to mitigate the impact of the development on local infrastructure (including affordable housing).

Sustainable Development (Including transport)

The Energy Strategy for the amended scheme reflects the progress made since 2021 upon the Worthing Town Centre District Heat Network as part of the Council's Carbon Neutral Plan. The new strategy is to connect the development into the network to provide for space heating and hot water. This strategy, in combination with thermally efficient fabric and LED lighting is designed to achieve a carbon reduction of 56% compared to current Building Regulations (Part L, 2021).

The amended proposal meets the higher energy and carbon targets of the new Worthing Local Plan, in which policies DM16 & 17 require a target 31% reduction in CO2 reductions and at least 10% of energy to be supplied by renewable, low carbon sources.

This strategy removes the previous need for roof-mounted air source heat pumps and plant rooms at ground floor, although a new sub-station is proposed in the south west corner of the site and an emergency generator in a new housing to the north east frontage in Park Road. The removal of pumps and plant rooms contributes to the slightly reduced heights of the amended buildings by comparison with the approved. Compliance with these energy and carbon efficiencies would be verified by the requirements of condition 21 of the permission, which is repeated at the end of this report. (update cond wording)

In terms of sustainable transport the proposals would slightly increase the amount of peak-hour trips by five vehicles per hour by comparison with the approved scheme. The Highway Authority is satisfied that this is within road and junction capacity. Subject to confirmation of visibility splays at the slightly amended Lyndhurst Road access, the amended site layout provides for safe manoeuvring (including service and emergency vehicles), and visibility.

Car parking would be increased very slightly from 110no. spaces as approved, to 112no. This would give a rate of 0.49 spaces per dwelling, which is a reduction from the rate of 0.53 / dwelling in the approved scheme; the difference in rate being largely due to the 19no. additional apartments added by the amended scheme.

Whilst this rate is lower than the recommended rates of 0.6 to 1.1 spaces per dwelling in current County Parking Guidance, the difference between this and the approved scheme is not considered significant by the Highway Authority, mindful of the proximity of the site to the Town Centre and public transport links. Planning policies DM15 and NPPF support lower parking rates in accessible locations alongside measures to promote sustainable transport both for reasons of traffic management and air quality.

Whilst proposed cycle parking is 13 spaces fewer than the approval, it remains well in excess of (+78 spaces greater than) County Guidance and as such is considered acceptable in quantum. Secure cycle stores are located in accessible locations throughout the development.

As with the approved development, the applicant proposes the following sustainable transport measures. In the amended application these are augmented by a

commitment that all parking spaces will be provided with electric vehicle ('EV') charging facilities, instead of the 40 percent in 2021:

1. Car club spaces for two cars
2. Secure bike stores for 192 cycles i.e. 78 more than County guidance
3. Travel Plan measures, including promotion of public transport and walking routes
4. Wider pavements in Lyndhurst Road and Park Road, (including agreement by the applicant to use reasonable endeavours to secure additional pavement land from the adjoining gas governor site)
5. Lease restriction on future residents against on-street parking permits as a disincentive to car-reliance
6. Optional dedication of further land for a possible future cycle path in Lyndhurst Road

As with the approved scheme, the proposal would set back the new frontage boundary along Lyndhurst Road by approximately 0.8m to provide a wider public footpath of 1.8m (the existing boundary wall would be demolished). Beyond this initial widening, the option is also retained to set back the Lyndhurst Road frontage by a further 1.8m, in the event that land is needed to form a future cyclepath. There is a pinch point at the junction of Lyndhurst and Park Road and the original s106 required the developer to use best endeavours to negotiate with the owner SGN to widen this pinch point. The applicant has indicated that SGN has been approached and that Berkeley Homes is still committed to secure this improvement along both road frontages.

The greatly-increased (100%) EV charging proposal is considered to offset the air quality impact of the increased trip rate of the amended proposal. Five percent of parking spaces are suitable for wheelchair users.

Biodiversity net gain ('BNG') is provided in a similar manner as for the approved scheme. This comprises several areas of soft landscaping to contain trees, hedges, climbing plants, shingle beds and ornamental planting.

Areas of flat roof 'blue-green' roofs are proposed, with sedum planting for biodiversity value and water absorption. These replace the original intention to use 'brown roofs', which are typically a mixture of soil and wild-seeded granular material. One of the eight proposed trees at the southern boundary with Warwick Gardens is also removed to accommodate the sub-station building but bird and bat boxes and bricks remain as approved, along with sensitive external lighting.

These proposals provide a BNG value of 587% which, although a reduction from the 726% of the approved scheme, is still far in excess of both Local Plan policy DM18 (which requires 10%), and recently introduced National BNG requirements with similar targets. As such the proposal remains fully acceptable in biodiversity terms.

In overall sustainability terms, the energy, transport-accessibility, air and biodiversity aspects of the amended proposal are all considered acceptable, in accordance with planning policies.



Landscape strategy for the site

Density and Housing Mix

The proposed amendment would increase the number of dwellings by 19 no. to a new total of 228. This increases density from 187 dwellings/ha ('dph') to 204 dph. This is consistent with Policy DM2 which supports densities in excess of 100 dph in the town centre. Densities in excess of 200 dph have been approved at some other sites such as 201 dph at Bayside and 209 dph at 17-19 Crescent Road. The recent approval of the Union Place development was also at a density of 200 dph (AWDM/1618/23).

As previously, the proposal is for a range of studio, 1, 2, and 3 bed apartments. The following table shows the proposed size-mix and their percentages; the values of the approved scheme are shown in square brackets.

Accommodation	Type Number of Units	% of Total Provision
Studio Apartment	30 [10]	13% [5%]
1 Bed Apartment	57 [50]	25% [24%]
2 Bed Apartment	136 [141]	60% [67%]
3 Bed Apartment	5 [8]	2% [4%]

The proposal represents a slight shift towards a greater proportion of smaller units; one bedroom and studio apartments, most notably there are twenty more studios.

This change is achieved by reapportioning space from eight of the approved 2-3 bed units also by adding in space which was previously used for heating plant, plus a small redeployment of cycle parking space (although cycle parking remains well in excess of County standards).

This new mix moves the development a little further from the need profile identified in the 2020 Borough Strategic Housing Market Assessment (SHMA) for instance:

38% studio & one bed units proposed by comparison with SHMA 5-15%, and
25% two-bed units proposed by comparison with SHMA 40-45%

However, as Local Plan Policy DM1 (a) acknowledges, the precise mix is also dependent on the location of the site, with smaller properties focused on high density flatted schemes as stated in para 5.8 of the supporting policy text. Accordingly, the move towards smaller units in the amended proposal is considered acceptable in principle.

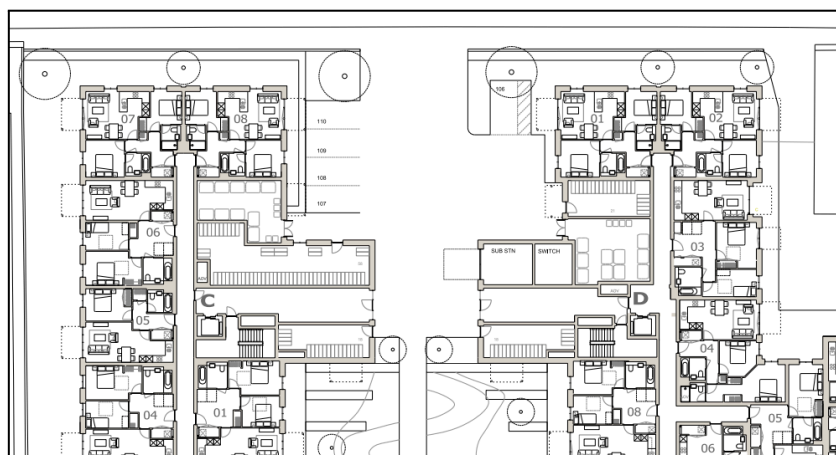
Each dwelling accords with current space standards and all will meet the requirement for accessible and adaptable designs under the Building Regulations standard M4(2), which is required under Policy DM1 (c). Each home has a balcony or small patio or garden space.

As previously there is no on site affordable housing proposed and a viability assessment is included with this application which is assessed later in the report.

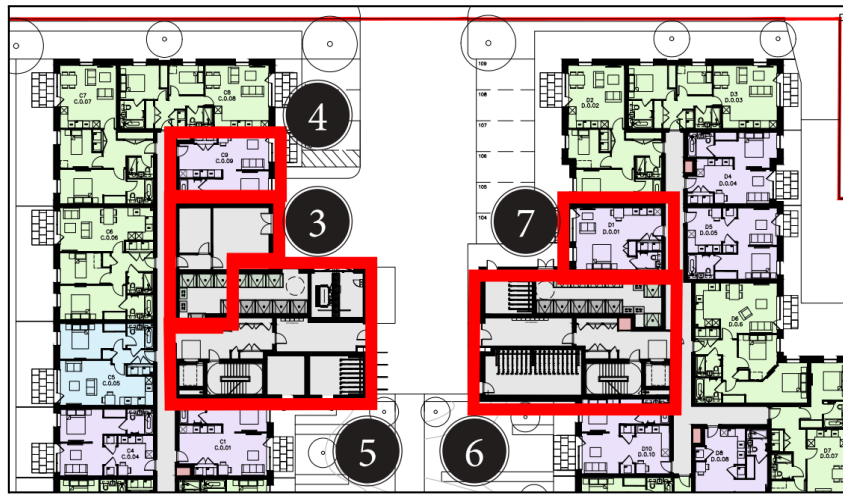
Character, Appearance, Townscape and Heritage

The applicant has been keen to keep within the overall footprint and approved heights for the site but has still been able to increase the number of dwellings through more efficient space utilisation and by replacing the proposed air source heat pumps on Block B.

In footprint terms the main changes relate to the alterations to Blocks C and D. These entrance lobbies are now shown 3 metres southwards. The change has an impact on the central amenity space but has little impact on the streetscene other than slightly recessing the lobby wings further from Lyndhurst Road. The amendment can be seen below with the approved and amended scheme:



Approved

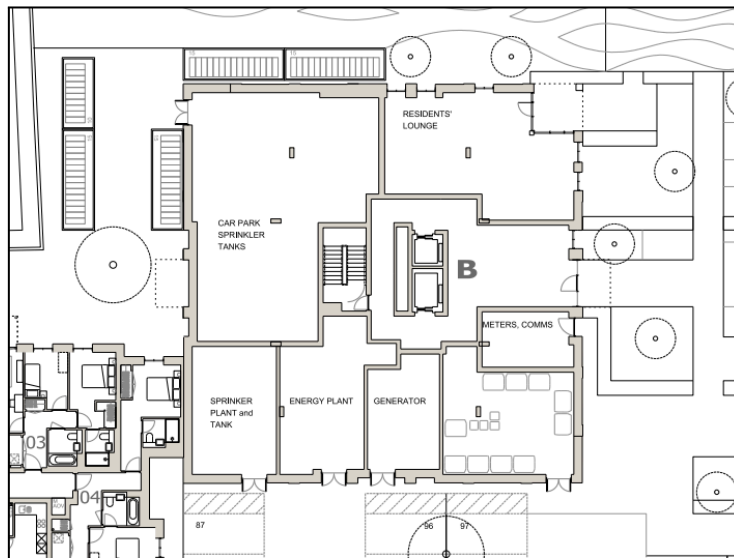


Proposed

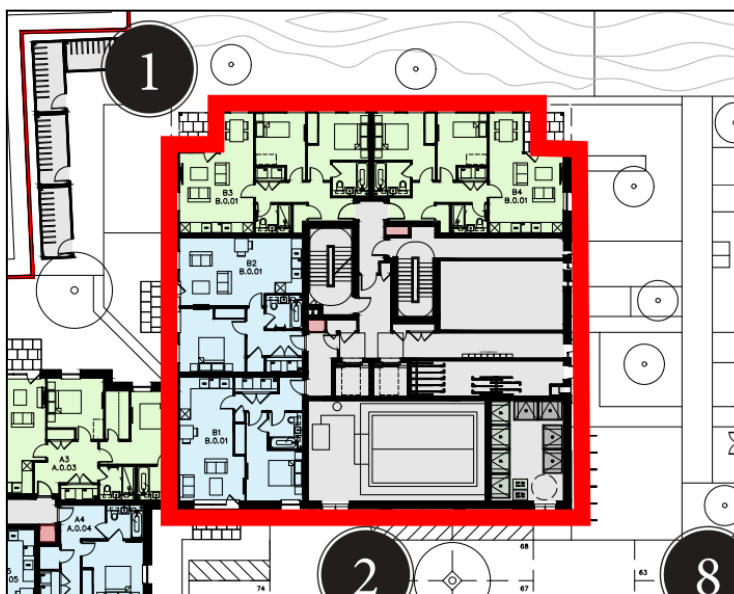
The alterations allow for an additional apartment at ground level in both blocks C and D (shown as Note 4 and 7 above) and larger apartments on the floors above.

The amount of plant space set aside for an on-site communal facility is illustrated by the image below showing the approved ground floor and the proposed amendment indicates how an additional 4 flats have been created on this floor.

Approved

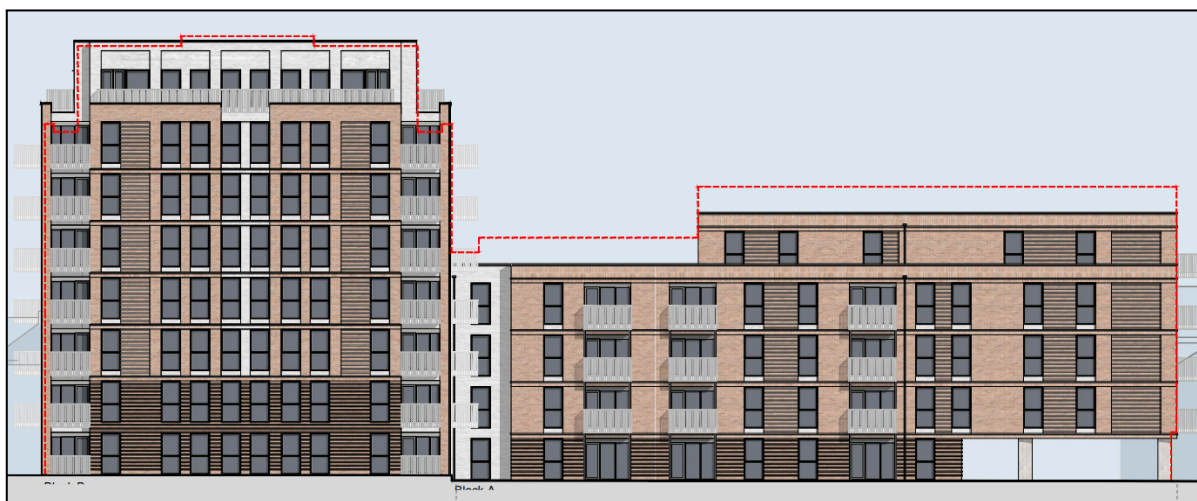


Proposed



Other changes relate to an additional apartment being added to block E and the southern block on the Park Road frontage has been handed to improve pedestrian access (via the landscaped frontage onto Park Road rather than off the main vehicular access road). A sub station is also now proposed in the south west corner of the site.

The main change to the scheme is the additional floor onto Block B, although the overall height of this block is not increased due to a combination of reducing ceiling heights and removing the air source heat pumps. There is an increase in the shoulder height of this block and this increases the overall mass but the proportions of this block are retained as well as the design approach of a set back top floor (white brick) and a red stock outer walling (supported by the Design Panel at the time of the original application). In terms of the overall height of this block, the Regional Design Panel felt that the site could accommodate additional height but in view of local residents concerns the height of this tallest element of the scheme was kept at a relatively low height. The comparison of heights is shown below with the original scheme outlined in a red line. The elevation also shows some of the corresponding reductions in heights for adjoining apartment blocks due to the reduction in ceiling heights.



The main concern in heritage terms was the impact on the Warwick Gardens Conservation Area immediately to the south of the site. This is assessed in the follow section which has been taken from the original Committee report:

'The main concern regarding the impact of any development has been on the setting of the Warwick Gardens CA immediately to the south of the application site. The majority of the development would not be visible, however, the top floors of Block B would be evident above the ridgeline of the three-storey terrace in Charlote Road when looking north from Warwick Gardens. Your Officers agree with the assessment of the Heritage Statement that this aspect of the proposal will cause some harm to the setting of the Conservation Area. It is also agreed that this harm is less than substantial (as defined by NPPF) and is at the lower end of the 'harm' scale.

During the pre-application discussions the form of the taller element was amended to provide a lighter and diminishing scale to the top floor and this has helped to reduce the visual impact of the taller element rising above the terraced properties

adjacent to the southern boundary of the site. The image below shows the backdrop from the key view set well within the Conservation Area and during the winter months. The existence of street trees would filter this view during summer months. The harm identified is minor in the context of the overall setting of the Conservation Area.'

It is not considered that this assessment changes with the revised scheme, albeit it was previously accepted that there would be some harm to this Conservation Area and other heritage assets in the vicinity of the site. The updated Heritage Report submitted with this revised application states that,

'While the majority of the proposed development will not be evident in views from within the designation, the upper storey to Block B will be visually evident above the ridgeline to the three-storey Charlecote Road terrace group (Plate 30). This aspect of the proposal will cause some harm to the setting of the Conservation Area (deemed to be at the lower end of the less than substantial harm scale). It is considered, however, that the lightness of the facing material to the top storey will lessen its visual prominence in views from within the designation, thereby lessening the degree of harm. Warwick Gardens also benefits a number of trees which line either side of the road, which has the benefit of impeding longer views of the Charlecote Road terrace group noted, although it is acknowledged that the top storey to Block B is likely to be evident during the winter months, in particular. The minor level of harm identified must also be weighed against the potential public benefits associated with the proposal which include utilising a previously developed, brownfield site to provide much needed housing within Worthing with enhanced landscaping and biodiversity benefits.'



View from Warwick Gardens Conservation Area looking north

It was previously assessed that the scheme would have no harm to the Steyne Gardens Conservation Area and in this respect there are no significant changes to the Park Road frontage (closest to the Conservation Area). Further to the east there are more open views from Beach House grounds and whilst Block B will be as prominent as before, the slightly lower heights of the surrounding blocks will reduce the wider townscape impacts of the development.

As before, key views of the development from nearby heritage assets are considered in the updated Townscape and Visual Impact Assessment (TVIA). To the west of the site there are a number of heritage assets, listed buildings in the High Street, Elm Lawn House and former Conservative Club building in Union Place. The following is an extract from the submitted TVIA,

'The Proposed Development would provide a backdrop to the Waitrose car park and Block B punctuates the view, Blocks A and C framing it on either side. The Block A has been stepped back to ensure Block B is the prominent feature within the view. The gap between Blocks B and C provide a view into the central communal courtyard of the Proposed Development.'

The façade material and approach to architectural treatment would respond to the existing buildings within the view and the emerging proposal of Union Place. The blocks provide visual interest to the view.'



In scale and massing terms it is not considered that the proposed amendments have any material effect on the surrounding heritage assets or wider townscape and the reduction in some of the blocks surrounding the tallest element are lower in height to reduce their overall impact.

Elevational Treatment and Design Quality

During pre-application discussions the developer expressed some concern about the buildability of the approved scheme and local architects ECE were requested to review elevational treatments and in some cases simplify the extent of brick detailing and variety of brick shades. The extent of changes proposed has concerned your Officers that some of the high quality displayed in the original approval may be lost.

The applicant has responded positively to some of these concerns and the revised drawings now received ensure that the same quality of design is carried through into this revised scheme. Some of key changes include:

Block B

- corner balconies to be reduced in scale to better reveal the brick edge facade as per the approved approach.
- reintroduction of the red brickwork to extend higher than white brickwork at parapet level.
- panels above windows at top floor level have been removed and replaced with a brick treatment to the top of the window.

Blocks E and C

- dentil course brick detail has been reintroduced as requested.
- reintroduction of different brick tone at upper floor level, distinguishing from lower floor material colouring.
- Block C west elevation – bay detailing has been amended to better reflect the approved drawings.

The re-introduction of rusticated brickwork, brick dentil course and a contrasting brick colour have all helped to provide the necessary design quality for this prominent town centre site. The elevations below show the changes negotiated since the application was submitted. **Appendix I** includes some updated computer generated images (CGI's) of the development.



Residential Amenity

In consideration of existing neighbours and policy DM5 (viii - Impact on Neighbours), the current application is accompanied by an updated sunlight and daylight assessment, in accordance with recently revised national guidance from the Building Research Establishment (BRE, 2022).

In 2021, assessment of the approved scheme found some daylight /sunlight reductions at two houses in Lyndhurst Road, four in Park Road, three in Warwick Gardens and to some of the Kings Hall flats to the south. In each case the effects were marginal or minor. In the current proposal, the new assessment considers the slight reductions in the height of the proposed buildings. This produces an improvement in the levels of light impact.

In respect of privacy, distances between windows and balconies of the proposed buildings are similar to those of the approved. This is with the exception of the inset entrance lobby wings (including upper floors thereof) of the northern pair of blocks C & D; these have been moved approximately 3m southwards, away from neighbours in Lyndhurst Road. Accordingly, their impacts are less than previously.

On the southern elevation an additional window has been added to the four approved windows at the fourth floor of Block A. This is unlikely to significantly impact the outlook or privacy at neighbouring buildings approximately 26m to the south in Warwick Gardens. However, an additional south-facing first floor window at the south east corner of Block E, facing towards the house and garden at no 83 Park Road, just under 12m away, is considered to be more significant in terms of overlooking. As this is a secondary bedroom window, it is recommended that this be deleted.

Balcony screens would continue to be required by planning condition 25 to parts of Blocks A & E. These would minimise risk of overlooking existing houses and flats to the south. New trees along this boundary will also assist in part-filtering views, although one at the south-west corner has been removed to accommodate the new substation building.

In terms of noise, the impacts of the development are likely to be largely unchanged by the proposals, the difference being chiefly the increased activity associated with a greater number of new residents. However, further information has been sought regarding the new substation at the south west corner, to minimise any risk from this source.

For residents of the proposed development, as aforementioned the proposals conform to space standards, including accessible and adaptable designs throughout. A consequence of the proposed internal re-planning to create additional flats is that there is a slight increase in single aspect homes, most notably in the area adjacent to the relocated entrance lobby wings at Blocks C & D.

Nevertheless, the updated assessment of light to the proposed reconfigured internal layout has identified only a one percent reduction in the number of proposed rooms receiving recommended light levels (now 97%), and that the small number of

reductions are partly due to the need to include projecting balconies, which slightly affect windows of the apartments below them.

In outdoor areas there is a one percent increase in daylight reaching amenity spaces (now 63%). Overall these results indicate little change from the approved light levels throughout the proposed development.

The impact of existing noise upon future residents has also been updated. This found that the existing noise climate is slightly improved following the introduction of electric vehicles at the adjoining Waitrose distribution and delivery facility to the west. Acoustic glazing would be used across the site with associated mechanical ventilation for some apartments, as previously accepted and dealt with under conditions 31-33 below.

In summary, subject to satisfactory acoustic information regarding the new substation, the impacts of the proposals upon neighbours and new residents are considered acceptable in accordance with Policy DM5.

Viability and Infrastructure Contributions

The applicant remains committed to meet the original development contributions set out in **Appendix II** attached to this report (updated to reflect the proposed Deed of Variation). However, as with the first application, the applicant maintains that the scheme cannot afford to deliver on-site affordable housing. An updated viability appraisal once again demonstrates the viability challenges in bringing forward development on this former gas works site notwithstanding the fact that these amendments propose an additional 19 flats.

To robustly test the viability position your Officers instructed the Dixon Searle Partnership (DSP) to review the submitted appraisal and its response is attached as **Appendix III**. In summary, whilst not all the assumptions are agreed by the Councils Consultants even with various adjustments DSP conclude that,

'Having applied a fairly positive set of assumptions in our base appraisal (for 100% market housing) the results indicate a significant deficit against the target level of profit. Although we do not necessarily agree with the target level of 20.0% profit, our base appraisal indicates a 13.24% profit which is below the 15 to 20% range suggested by the PPG and therefore indicates that the scheme does not show scope for a contribution to affordable housing.'

We have also sensitivity tested an optimistic development value assumption of £575/ft² (including parking) which in our view would require an improvement in values from the current market position as well as a significant uplift due to 'placemaking' as hoped for by the applicant.

Contrary to the submitted position which suggests that there would be very little profit at all from the scheme, our appraisals demonstrate that the scheme is deliverable, and our sensitivity test position above is likely representative of the position that Berkeley hope to reach if market conditions become more favourable.

However, stepping back and viewing the viability as a whole, we agree that based on present day costs and values the scheme will not support a contribution to affordable housing. This is principally due to the high build cost needed to support the assumed values, alongside site remediation costs.'

This is an important town centre site and the delivery of this site would make a significant contribution to meeting the Council's 5 year supply of housing. Whilst, Planning Committee was previously concerned about the lack of affordable housing it also recognised the regeneration benefits of delivering this town centre site. Notwithstanding the viability position the applicants offered s106 contributions with Members agreeing that the majority of any off site contribution should go towards affordable housing (£400k).

The applicant is keen to proceed with the site and avoid any additional delays that might further affect scheme viability. To this end the applicant has offered a further financial contribution (based on a pro rata increase in dwellings on the site:

'Whilst the viability review has confirmed that the scheme cannot viably support affordable housing (AH) I can confirm that Berkeley is willing to increase its Section 106 financial contribution for Worthing Gasworks on a pro-rata basis to reflect the additional 19 units in the revised scheme, as follows.

*The total agreed contribution in the signed Section 106 is **£563,200**, which equates to **£2,695 per unit** for the consented 209 unit scheme.*

*Applying the £2,695 per unit to 228 units results in an increased total offer of **£614,460**, which is an increase of **£51,260** to the total Section 106 contributions.*

We understand that Members may wish to reallocate the total s106 'pot' as they see fit, based on their priorities.

We make this offer on the basis that the Deed of Variation to the Section 106 is drafted between WBC and Berkeley as soon as possible.'

In line with previous priorities it is recommended that this figure be added to the £400 k previously negotiated for affordable housing. Members may be aware that the Highway Authority was also keen to see an uplift in the contributions previously agreed and any further comments received from the Highway Authority will be reported verbally at the meeting.

Remediation, Drainage and Flood Risk

The status of the site, within an area of low flood risk (Zone 1), remains unchanged since 2021. The current proposal slightly improves the sustainable approach to surface water drainage, by changing to the use of blue-green roofs. These help to store and dissipate rainwater in addition to the below ground storage tanks of the approved development.

The remediation of contaminated land is proposed by the same sequence of investigation, formulation of a remediation strategy as previously. The associated

management of odours together with a communications strategy to inform and update neighbours also remains a part of this; the Environmental Health Officer has recently received and is satisfied with these and as such conditions 11 and 12 below can be updated.

Further survey works have identified that a small area of the north east part of the site, the location of some of the proposed piling work occupies an area of lesser risks to groundwater than originally assumed. As such lesser remediation requirements should apply to these 12 piles but should remain in place for the others (200+ piles.) The Environmental Health Officer is satisfied and Condition 13 below can be amended to make this distinction.

Other Matters

Fire Safety improvements contained in the amended proposal are the provision of a second internal staircase and fire service shaft in the eight storey block B. The Health and Safety Executive has confirmed that it is content with the amended scheme. The County Fire Service has repeated its requirement for the provision of adequate fire hydrants and/or water storage for fire fighting, as already required by planning condition 34. This is repeated below.

Taking into account the limited changes to the scheme; that it is no taller than previously, that the associated additional traffic along with its air quality impact are small and CO2 saving is well above the 31% policy target; furthermore that site remediation requirements remain in place, it is considered that the overall environmental impacts of the scheme are little changed by the proposal.

Conclusion and Planning Balance

Following design improvements to the submitted scheme your Officers are satisfied that the proposed amendments do not materially affect the overall design quality of the scheme. The additional 19 flats on a sustainable town centre site within the overall scale and massing envelope of the original scheme is to be welcomed given the housing need within the town. The failure to meet the last Housing Delivery test means that the Council is a presumption authority and the tilted balance in favour of housing delivery adds weight in support of development in this sustainable location.

Whilst local residents are concerned about lack of parking facilities in the area, the applicant is committed to implementing a robust Travel Plan with various measures to encourage new residents to travel sustainably. The scheme includes a car club and the success of the Council's own car club in the High Street multi-storey car club demonstrates the ability of car clubs to encourage more sustainable travel. The Travel Plan ensures that all new residents will be given a two year membership, a drive time voucher and a welcome pack highlighting the public transport links available close to the site.

As before it is considered that the proposed development would have some harm to the setting of Warwick Gardens Conservation Area. However, this is at the lower end of the 'less than substantial harm' set out in the NPPF and is outweighed by the public benefits of the scheme. These public benefits include redeveloping a site that

detracts from the character and appearance of the area, remediating a contaminated site and delivering much needed housing in a sustainable town centre site. Despite the viability challenges the scheme provides an off site contribution of circa £450k towards the delivery of affordable housing, open space contribution and transport contributions to mitigate the impact of the development on the local highway network. The scheme will also improve the width of the footway along the frontage of the site.

The design of the scheme has sought to avoid harm to other nearby heritage assets including a number of listed buildings. This has been achieved by using a series of stepped building heights, lower at the site edge and increasing in stages towards the centre. This provides a sense of transition with the two storey and occasional three storey buildings around the site and nearby. The use of a varied architecture and materials ensures that there is distinction between the individual blocks, providing a terraced cottage style of the site frontage onto Park Road and a more formal and modern style deeper into the site and onto Lyndhurst Road.

These elements are harmonised by the widespread use of traditional proportions in details such as windows and doors, together with areas of simple or elaborate decorative brickwork. As such the development is both locally referenced but contemporary. It would be visible in views from surrounding streets, including the conservation area and setting of listed buildings, presenting a new high point on the local skyline but not in an abrupt or architecturally intrusive manner. Therefore it is considered to largely avoid harm in terms of the town's heritage but it is considered to add new and visually complementary elements to the wider townscape.

Recommendation

To APPROVE subject to completion of a Deed of Variation to the original agreement updating the District Heat Network clauses, seeking the additional development contribution (£51k) and awaiting the further satisfactory comments of the Highway Authority and Environmental Health and subject to the following planning conditions:

1. Approved Plans [*to be inserted*]
2. Time Limit - The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. Materials and Detailing

Prior to commencement of any works above slab level the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes,
- ii) large scale drawings (typically 1:20 scale) and cross sections where necessary of details including windows and doors, balconies and

balustrades / rails, roof intersections, soffits and eaves, rainwater goods and decorative brickwork and features.

Development shall be carried out only in accordance with the details thereby approved.

4. Access

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas serving it, have been completed in accordance with the approved plans and any parking phasing plan which shall have first been approved in writing by the Local Planning Authority. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

5. Parking

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until the car parking and associated turning space serving it has been provided and marked out in accordance with a parking and manoeuvring phasing plan, including details of marking out of spaces for wheelchair users and car club vehicles, which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

6. Electric Vehicle Charging

Parking spaces (provided under condition 5 above), shall include charging points for electric vehicles for all car parking spaces in accordance with details including, location, power rating, charge rate and cabling, which shall first be submitted to and approved in writing by the Local Planning Authority. All other parking spaces shall make provision for 'passive' charging - provided with ducting to allow for these spaces to be upgraded in the future.

7. Cycle Parking

Unless otherwise approved in writing by the Local Planning Authority no dwelling shall be occupied until secure cycle parking stores and bin stores has been provided in accordance with the details, including plans, elevations and materials details, including plans, elevations and materials, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

8. Travel Plan (to be updated)

Unless otherwise approved in writing by the Local Planning Authority no part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

9. Remediation (to be updated)

No development shall take place, including any works of demolition, (unless otherwise agreed in writing by the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency:

- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal, a detailed Remediation Method Statement (RMS) giving full details of the remediation measures required and a Remediation Implementation Plan (RIP). The RIP shall detail how the RMS will be implemented and incorporate strategies detailed within the approved Odour Management Plan. A Materials Management Plan (MMP) written in accordance with the CL:aire DoWCoP should also be provided.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details i)-iv) unless otherwise agreed in writing by the Local Planning Authority.

- v) Prior to the occupation of the site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10. Remediations - Precaution

If during development, contamination not previously identified is found to be present at the site, (for example, asbestos containing material, grossly impacted soils or highly odorous materials, underground tanks or associated pipework), then no further development within that localised area of the site that the contaminated material in question is discovered in shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority as part of the verification reporting associated with Condition 9.

11. Remediation - Odour Management (to be updated)

No development shall take place, including any works of demolition, until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall include the following:

- i) A risk assessment to identify potential sources of vapours and odour and how it may be released;
- ii) Identification of the most sensitive receptors, both residential and commercial, where assessment and monitoring of vapours and odours will be undertaken by an independent consultant before commencement of works (to establish baseline conditions) and as work progresses;
- iii) A suitable and efficient means of monitoring and suppressing vapours and odours, including where necessary the use of

suppressants, deodorising agents and adequate containment including the use of a fully enclosed system where appropriate and/or other best practice techniques so as to prevent nuisance.

The Plan shall have regard to the Environment Agency H4 Odour Management (2011) and the IAQM Guidance on the assessment of odour for planning 2018. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

12. Communications Strategy (approved)

Prior to the removal of structures from the site, demolition, remediation or commencement of development, a Communications Strategy shall be submitted to and approved in writing by the Local Authority. This shall include measures for communication with people in the local area, to be undertaken by a communications specialist during the site clearance, remediation and construction phases of the development. The Communications Strategy shall thereafter be fully implemented and adhered to for the full duration of the site clearance, remediation and construction phases of the development.

13. Piling

Piling or deep foundation using penetrative methods shall only be carried out in accordance with a foundation works & groundwater risk assessment which shall first be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

14. Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

15. Construction Management Plan

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

- a) the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- b) the method of access and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
- e) the location of any site compound, office, welfare facilities
- f) the location of storage of plant and materials used in construction of the development,
- g) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
- h) site lighting, including measures to minimise light nuisance,
- i) a commitment to no burning on site,
- j) 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),
- k) details of public engagement both prior to and during construction works to advise residents and workers of neighbouring land of works and possible emissions and noise from the scheme during remediation work,
- l) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
- m) methods to control dust and fumes from the site, including from engines,
- n) methods to manage the impact or noisy activities,
- o) construction waste management strategy,
- p) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site.
- q) details of how vehicles transporting contaminated waste that leave the site (including wheel washing and covering of loads) will be managed to prevent any contaminants from entering the environment.

16. Hours of Work

Unless otherwise agreed in writing by the Local Planning Authority, no construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

17. Drainage - Surface Water

With the exception of any demolition and clearance works and remediation development shall not commence, other than works of site

survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should be in accordance with the surface water drainage element of the drainage layout in Appendix D of the Flood Risk Assessment (June 2021) prepared by GTA Civils submitted in support of the planning application unless agreed otherwise with the Local Planning Authority. No apartment building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

18. Drainage - Maintenance

The development shall not be occupied until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

19. Drainage - As-Built Record

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

20. Foul Drainage

No development (excluding site clearance works) shall take place until details of foul drainage, which shall be in broad accordance with the Flood Risk and Drainage Strategy by GTA Civils, dated January 2024, have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

21. Energy & Water Efficiency

The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the submitted Energy Assessment (Revision V1.4 - dated 17th January 2024).

Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target of 32 percent CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy Assessment and confirming the installation of water goods and fixtures to achieve a target of <105L/Person usage/day.

Unless otherwise approved in writing by the Local Planning Authority the verification document shall include proposed and timetabled remedial measures if these targets have not been met and, the remedial measures thereby approved shall be implemented in accordance with that timetable.

22. Landscaping

With the exception of any demolition works or works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping in broad accordance with the submitted Landscape Masterplan Lan DWG-010 Rev 02 and Landscape Design Strategy Lan-REP-001 Rev 02, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity, including brown roofs,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar type, size & species.

23. Means Of Enclosure - Details

No block shall be occupied until all boundaries, external enclosures and gates related to that block have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

24. Means Of Enclosure - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order). No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

25. Balcony Screens

Blocks A and E shall not be occupied until balcony screens of not less than 1.7m in height have been fitted to the southern face of balconies to apartment nos. 02 and 03 on the first and second floors of Block A and apartment nos. 02 and 03 on the first, second and third floors of Block E. This will be in accordance with details, including design and degree of obscuration (which shall not be less than Pilkington Level 4 or similar index of obscuration) which have been submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south. The screens shall be permanently retained and maintained in accordance with the details thereby approved unless otherwise agreed in writing with the Local Planning Authority.

26. Roofs - Usage

No part of any roof to blocks A or E shall be used at any time for the purposes of a terrace or balcony without the prior written approval of the Local Planning Authority.

27. Lighting

No block shall be occupied until all external lighting related to that block (where applicable) has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside

the site without the prior approval in writing of the Local Planning Authority.

28. Security

Details of secure entrances to buildings, lighting within the site and security for cycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority before the fit out stage of each phase of development. The details thereby approved shall be implemented and fully adhered to in the completion of the relevant phase.

29. Accessibility

With the exception of any demolition works, site excavations and remediation, no other development shall commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

30. Aerials and Antennae

Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

31. Noise Insulation

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority these details shall accord with the Noise Assessment dated 17th January 2024 (reference: 12586B (NV) V1), submitted with the current application, and shall include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development.

32. Noise Insulation - Verification

Unless otherwise approved in writing by the Local Planning Authority no phase of development shall be occupied until all noise mitigation and ventilation approved under condition [31] above has been completed and details of the post implementation independent verification for that phase have been submitted to and approved in writing by the Local Planning

Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented prior to the occupation of that phase and permanently retained and maintained thereafter.

33. Plant & Noise (to be updated)

No external fixed plant, or mechanical vent or duct shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. Details should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

34. Fire Hydrants & Water Supply

In the event that the need for additional fire hydrants or stored water supply are required as part of the Building Regulations Approval process, the following details shall be submitted,

1. Unless otherwise approved in writing by the Local Planning Authority, prior to the commencement of the development (excluding demolition works, site excavations and remediation), or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or stored water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
2. Unless otherwise approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling forming part of the development the applicant shall install the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

35. Development Limitation - The development hereby permitted shall not exceed 209 units and 8 storeys in height.







APPENDIX II

**Table: Heads of Terms for Deed of Variation
(amendments to original s106 in bold)**

	Issue	Terms
	Accessibility and Parking	
1	Car club spaces for two cars	<ul style="list-style-type: none"> ● Space for two cars ● Procurement of a supplier to provide 2 cars ● Paid membership per household for 2 years ● £50 drive time per household
2	On-street parking permit restriction	<ul style="list-style-type: none"> ● Applicant agrees that no future residents will be able to apply ● Parallel restriction to apply in all leases/deeds.
3	Car Parks	<ul style="list-style-type: none"> ● Management: to ensure most effective practical uptake and minimise risk of locking-up spaces. ● Include visitor parking, Car Club Spaces, EV charging points and ducting.
4	Travel Plan	<ul style="list-style-type: none"> ● Appointment of Travel plan coordinator for five years ● Liaison with County Council ● Fees for County Council liaison (£3,500)
5	Wider Pavements in Lyndhurst Road and Park Road	<ul style="list-style-type: none"> ● Provision of wider footpaths (1.8m). ● Reasonable endeavours clause to secure additional land from the adjoining gas governor site
6	Cycle Path land in Lyndhurst Road	<ul style="list-style-type: none"> ● Ten years optional provision of further land (1.8m) ● Dedication of land for highway use if required ● No unauthorised development on this land
7	Footpath connection to Waitrose land	<ul style="list-style-type: none"> ● Ten year option ● Provision of unobstructed public access if required ● No unauthorised development on this land

8	District Heating Connection	<ul style="list-style-type: none"> ● Ensure connection to the District Heat Network ● Remove previous requirements for a Heat Options Study and future connection to District Heat Network
Contributions		
9	Open Space and Recreation	<ul style="list-style-type: none"> ● £65k towards improved open space provision at either Homefield Park or Beach House Park.
10	Air Quality Mitigation	<ul style="list-style-type: none"> ● Sum to be confirmed (by applicant), which may be discounted (subject to EHO comment)
11	Affordable Housing	<ul style="list-style-type: none"> ● £400k towards off site affordable housing provision ● Additional £51k secured through this current application
12	Transport	<ul style="list-style-type: none"> ● £100k Travel Plan commitments and sustainable travel improvements
13	Contamination	<ul style="list-style-type: none"> ● Contribution towards the cost of Independent Consultant to assist with discharge and monitoring of remediation strategy.
14	Viability Review	<ul style="list-style-type: none"> ● Pre-start viability review ● Development to commence within the next 12 months
Site Management		
14	General Management	<ul style="list-style-type: none"> ● Secure cycle stores to be maintained ● Implementation of Travel Plan ● All common areas to be maintained, including car parks. ● Sustainable drainage, including arrangements for maintenance and end-of-life replacement. ● Brown roofs to be maintained for biodiversity value
15	Local Procurement and Skills	<ul style="list-style-type: none"> ● minimum targets for apprenticeships ● local procurement of materials and contractors (Greater Brighton area).

Attached - Viability Review by Dixon Searle Partnership dated March 2024