



**WORTHING BOROUGH
C O U N C I L**

**Planning Committee
18 December 2019**

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1676/19 Recommendation – Approve

Site: 12 Wordsworth Road, Worthing

Proposal: Change of use from one 4no. bedroom dwellinghouse (Use Class C3) to one 7no. bedroom House of Multiple Occupation (Sui Generis), and installation of 3no. front rooflights to west elevation and 1no side rooflight to north elevation, along with amended fenestration to ground floor east and north elevations.

2

Application Number: AWDM/1681/19 Recommendation – Approve

Site: The Moorings, 4 Selden Road, Worthing

Proposal: Proposed Change of Use from C1 (Bed and Breakfast) to Large HMO (10-14 people) (Sui Generis).

3

Application Number: AWDM/1759/19 Recommendation – Approve

Site: Splashpoint Leisure Centre, 60 Brighton Road, Worthing

Proposal: Application under Regulation 4 of Town and Country Planning General Regulations 1992 for installation of 100kwp PV array on the flat roof and on sloping roof.

Application Number: AWDM/1676/19

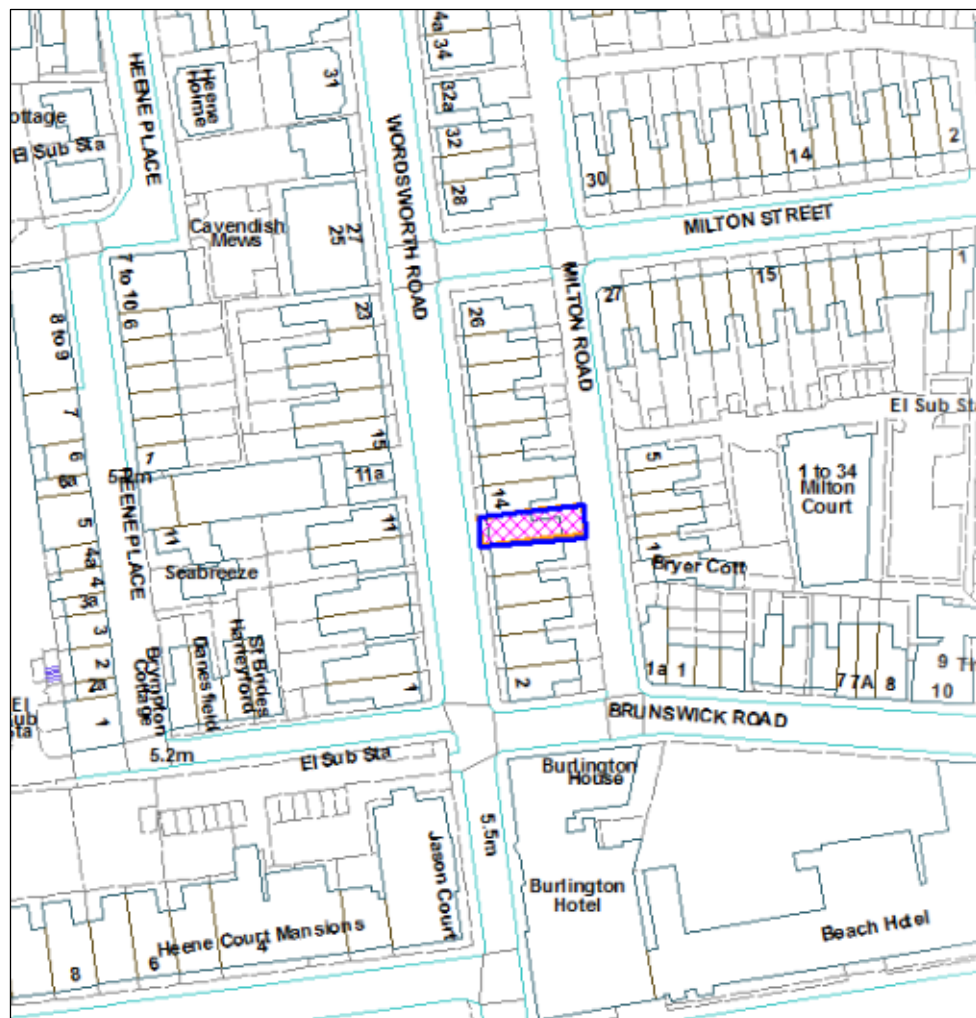
Recommendation – APPROVE

Site: 12 Wordsworth Road Worthing West Sussex BN11 3NH

Proposal: Change of use from one 4no. bedroom dwellinghouse (Use Class C3) to one 7no. bedroom House of Multiple Occupation (Sui Generis), and installation of 3no. front rooflights to west elevation and 1no side rooflight to north elevation, along with amended fenestration to ground floor east and north elevations.

Applicant: Mrs Jane Gray
Case Officer: Jackie Fox

Ward: Heene



Not to Scale

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Introduction

Councillor Paul High has requested this application be determined by Committee.

Site and Surroundings

Wordsworth Road comprises a primarily residential road of two storey dwellings leading from the sea front. The application site is outside of the Conservation Area which is a short distance to the east.

The properties have narrow walled area to the front and parking on street. The properties tend to have small courtyards to the rear

To the north and south of the property are terraced properties.

Proposal

Permission is sought for a change of use from a four bedroom dwellinghouse (Use Class C3) to a 7 bedroom House of Multiple Occupation (Sui Generis).

At ground floor the proposal shows 2 bedrooms and a shared kitchen. Bedroom 2 and the kitchen show access onto a shared courtyard area which contains cycle store, washing machine store and bin store. At first floor are three further bedrooms, two with en-suite shower rooms, a separate shower room and separate WC. At second floor in the loft are two further en-suite bedrooms.

The application also proposes the installation of 3 front rooflights to the west elevation and 1 side rooflight to north elevation, along with amended fenestration to the ground floor east and north elevations.

The application also proposes the insertion of a new gate into the Milton Road Frontage within the existing wall.

Relevant Planning History:

None

Consultations:

WSCC:

Access: The property benefits from pedestrian access onto the publicly maintained network via Wordsworth Road. The proposal includes the provision of a new pedestrian gate to the rear via Milton Road.

This gate will open directly onto the Milton Road carriageway. However the Local Highways Authority is mindful that other properties benefit for such pedestrian access arrangements, which according to recent personal injury accident data have been operating safely.

The applicant has not demonstrated how the gate mechanism will operate. Due to the location and nature of Milton Road (with the absence of a footway), the LHA seeks details pertaining to the gate mechanism. We would wish to see that the gate opens into the applicants land and not into the publicly maintained highway.

Vehicle Parking and Cycle Parking: A nil car parking provision is proposed for the new HMO (SUI Generis). Therefore any parking demand created by the proposal will need to be accommodated on street. It should be noted that this would also have been the case with the existing use.

Under the WSCC Car Parking Guidance (adopted August 2019) a parking standard for HMO's is not provided. Prior to August 2019 a standard of 0.5 spaces per bedroom would have been applied. In this case that would result in an anticipated demand of 3/4 spaces. The existing use as a 4 bed dwelling, without any allocated parking, would be expected to create the demand for 3 car parking spaces. As such the expected shortfall over and above the existing position is minimal. Given the sustainable location of the site and urban character of the area the Local Highways Authority would not be able to justify that the shortfall of one space would create a highway safety issue. The LPA may wish to consider on street car parking amenity implications.

Cycle Parking has been demonstrated on the proposed plan WG-192-02

Southern Water: An informative is requested advising the applicant of the need for an application for a formal connection to the public foul and surface water sewer.

Adur and Worthing Councils:

The EHO (Private Housing) comments: - The property will fall under the requirement of mandatory licencing of Houses in Multiple Occupation which must be applied for before the property is occupied as an HMO. The owner should be aware that the Housing Act 2004 may place additional requirements above and beyond those covered under building regulations and as such it is recommended that they engage with this department at an early stage to avoid any additional costs resulting from missed/erroneous works.

The EHO (Public Health) has no adverse comments

Waste Services - No objections

Representations:

7 letters of representation have been received on the following grounds:

3, 8, 10, 14, 18 Wordsworth Road

2 Thorley Terrace

Bryer Cottage Milton Road

- Additional pressure on parking in the area
- Concentration of HMO in Wordsworth Road with 16,17,20 and 24 already in HMO use resulting in the loss of further family housing
- Contrary to Draft Worthing Local Plan CS and para 4.17 which states that 'This consideration will also take into account the concentration of HMOs in close proximity to the proposed site to ensure that additional provision of this form of housing would not result in an imbalance of housing in the local community.'

- There are already a significant number of properties in one and two bedroom flats in the area. Of the 5 properties opposite No 12 only 2 remain as family homes, the rest converted to flats. The provision of family homes in the town centre is now under pressure contrary to policy CS8
- Potential noise from waste pumps from internal bathrooms
- Out of character
- Impact on Marine Conservation
- Increased anti-social behaviour

Relevant Legislation

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

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

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7
 Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 9, 16
 National Planning Policy Framework (CLG 2019)
 Planning Practice Guidance (CLG)

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

Planning Assessment

The main issues are:

- HMO policy and the impacts on the local area
- The effects of the development on the residential amenities of existing and future occupiers;
- Highway safety and parking considerations.

Impacts on the Local Area

The existing property is a four/five bedroom terraced house over three floors.

There are no development plan policies directly governing the provision of HMO accommodation. Government planning policy is set out in the National Planning Policy Framework (NPPF). At the centre of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out the overarching objectives of economic, social and environmental. It indicates that a social objective is to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing.

The Worthing Core Strategy does not include any specific policies relating to HMOs the following policies are of relevance: Policy 8 -Getting the right mix of homes -this policy seeks to ensure that a wide choice of high quality homes are delivered to meet the needs of the community and Policy 16 - Built Environment and Design - this policy seeks to ensure that new development is of high quality. These, and other policies in the Core Strategy, are also supported by the Guide to Residential Development Supplementary Planning Document (2013). However, it should again be noted that this SPD does not specifically address any issues relating to HMOs.

In October 2016 Planning Policy produced a report on the subject of HMO's which concluded that there was no need, at this time, to create a specific HMO policy. No over concentration of HMO's was identified in the borough as a whole, in any particular ward nor in and around Worthing Town Centre.

The policy report did identify that there is greater pressure for more HMO accommodation and that the planning system has an important role to play in meeting this growing need whilst protecting and enhancing the local area. Houses in Multiple Occupation (HMOs) are recognised as a valuable source of low cost accommodation for a number of sections of society including students, temporary workers, those on low incomes and/or benefit and young professionals. They play a particularly key role in the context of housing affordability, where open market housing is increasingly unaffordable and, following changes to the housing benefit system, this form of accommodation is often the only option available for specific parts of the housing market.

The Draft Worthing Local Plan was published for consultation between 31st October and 12th December 2018. The plan is currently under further review with a number of studies and consultation being undertaken to take it to the next stage. In view of its early point in the process the Draft Local Plan currently has little weight in the determination of applications.

Local residents have raised concerns on the concentration of HMOs and pointed out its insertion in the Draft Local Plan. This is recognition of the pressure for this form of accommodation and further work that may be required. It is not however a policy and as stated above the 2016 report did not identify an over concentration.

At the start of 2019 Environmental Health confirmed that there were HMOs in Milton Road, Montague Street, Queens Road, Rowland Road, Shelley Road and Western Place, but in view of the number of houses in the area this is not considered to be a significant concentration. It is appreciated that there are a range of housing types in

the area and the proposal would involve the loss of a family house however this form of housing also provides a much needed type of accommodation. A key issue is ensuring that the properties are well managed.

The effects of development on residential amenity

Future Residents

The property is currently a 4/5 bedroom house with living rooms on the ground floor, 3/4 bedrooms at first floor with a bathroom and separate WC and a further en-suite bedroom at second floor. The proposal would involve converting the existing rooms plus creating an additional bedroom in the loft space to provide a 7 bedroom 7 persons HMO. The accommodation would be over three floors as currently exists in the property. The 7 occupants would share the kitchen/dining area on the ground floor. Three of the occupants would share shower room and the separate WC which is situated on the first floor. The occupants would also have access to a courtyard garden to the rear which would contain cycle parking, bin stores and laundry facilities.

The Council's minimum floor space standards set out in the 'Space Standards' SPD do not apply to HMOs but the development would comply with licensing requirements for HMO rooms to be at least 6.51m² and no objections have been raised from the PSH team regarding the layout and overall arrangement of the rooms. The rear garden space is reasonable but also serves the waste and cycle parking leaving a small useable amenity space that would be available to all residents which would be acceptable.

It is considered that the accommodation provides a good standard of accommodation with adequate shared facilities for 7 occupants.

Existing residents

The property is situated in a street of primarily terraced houses, flats and also some HMOs

The proposal would involve internal works to create the bedrooms and external works to insert roof lights and changes to the fenestration on the ground floor.

The internal works would create bedrooms and en-suite bathrooms not uncharacteristic of a family dwelling. The proposed 7 occupants would not be out of character with the size of the property. It is therefore not anticipated that the increased number of occupant would result in unacceptable noise disturbance or activity to a degree that would be detrimental to residential amenity. Sound insulation to mitigate any noise disturbance would typically be dealt with under Building Regulations.

The external works involve three roof lights to the front elevation in a street which has a number of properties with roof lights. The amendments to the fenestration to the north and east would not cause any overlooking or loss of privacy to neighbouring properties.

Concerns have been raised regarding the HMO and the potential impact on crime and disorder. There is no compelling evidence linking directly between HMOs and antisocial behaviour. Problems with HMOs often relate to the quality of the

management and are a matter more appropriately dealt with under the licensing regime.

Highway safety and parking

WSCC have raised no objections. They indicate that under the WSCC Car Parking Guidance (adopted August 2019) a parking standard for HMO's is not provided. Prior to August 2019 a standard of 0.5 spaces per bedroom would have been applied. In this case that would result in an anticipated demand of 3/4 spaces. The existing use as a 4 bed dwelling, without any allocated parking, would be expected to create the demand for 3 car parking spaces. As such the expected shortfall over and above the existing position is minimal.

Given the sustainable location of the site and urban character of the area the Local Highways Authority would not be able to justify that the shortfall of one space would create a highway safety issue.

A cycle parking area has been provided as well as a refuse and recycling point to the rear of the property. They can be accessed from the main property but also by the rear via a new gate from Milton Road.

As part of their consultation WSCC highways also raised the provision of a new pedestrian gate to the rear via Milton Road and the gate opening directly onto the Milton Road carriageway. They raised no objections subject to the gate opening into the applicants' land. The applicants' agent has confirmed that this is the case and this can be conditioned accordingly

Recommendation

The proposal would provide accommodation which would be well suited to the size and location of dwelling without a detrimental impact on character of the area, future or existing residents. It is within a sustainable location without a detrimental impact on the highway. It is therefore recommended that the application be **APPROVED** subject to Conditions:-

1. Approved plans
2. Standard time limit
3. Agree and implement management plan for controlling tenancies
4. New gate opening
5. Implement cycle parking in accordance with approved plans unless otherwise agreed
6. Implement refuse store in accordance with approved plans unless otherwise agreed
7. Hours of construction

Application Number: AWDM/1681/19

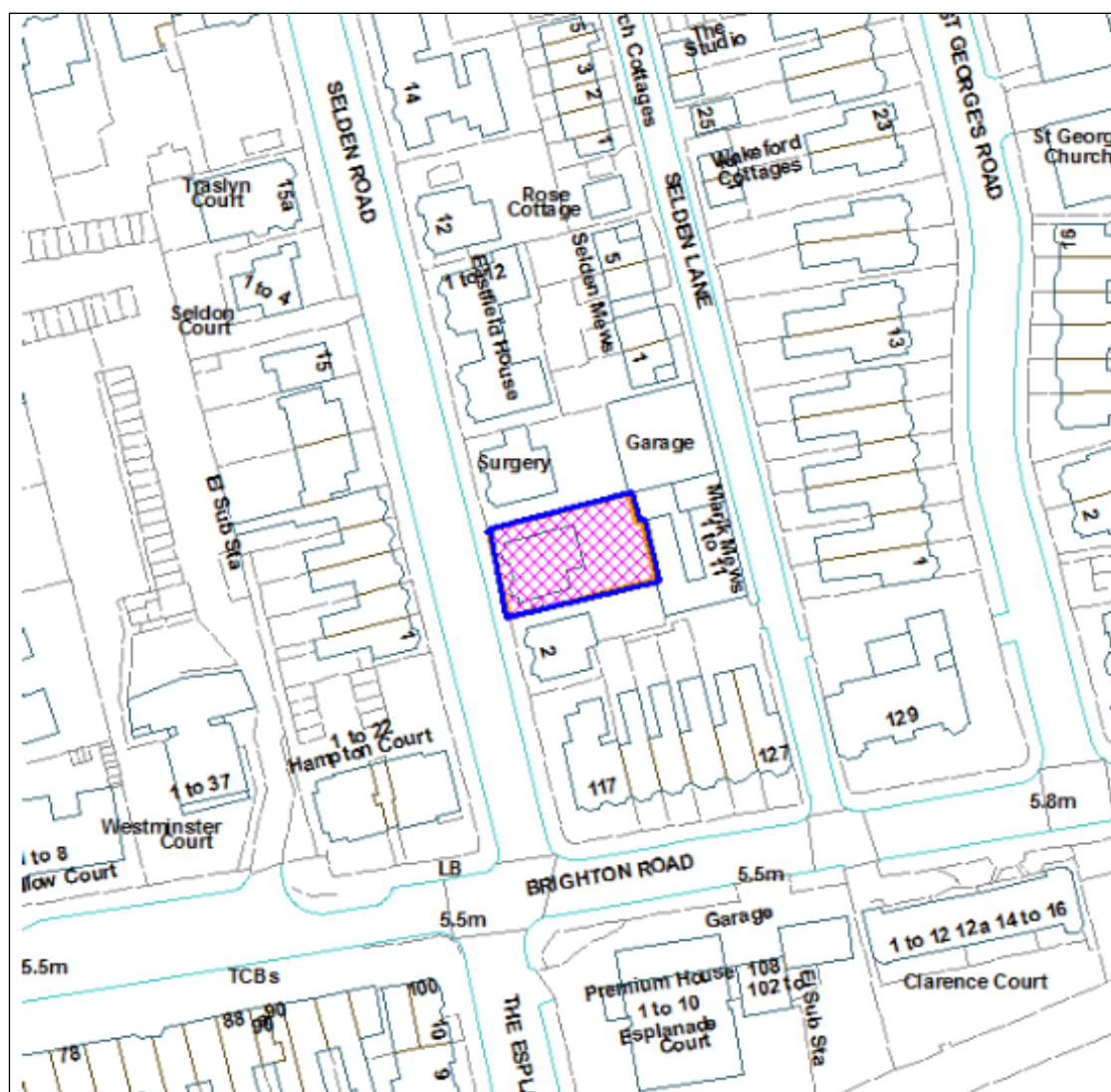
Recommendation – APPROVE

Site: The Moorings 4 Selden Road Worthing West Sussex

Proposal: Proposed Change of Use from C1 (Bed and Breakfast) to Large HMO (10-14 people) (Sui Generis).

Applicant: Mr Colin Huckwell
Case Officer: Jackie Fox

Ward: Selden



Not to Scale

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Introduction

Councillor Carl Walker has requested this application be determined by Committee.

Site and Surroundings

The property comprises a former bed and breakfast on the east side of Selden Road. Selden Road comprises a range of primarily residential properties of varying ages and types although the neighbouring properties are of a similar style.

The property is a distinctive double fronted detached Victorian property set back from the road behind a low flint wall. It has a shallow hipped roof, bays and is rendered in salmon pink colour.

The property has a drive/access to both sides with a range of outbuildings and a garden at the rear.

The property to the south is in flats and there is medical centre to the north.

Proposal

Permission is sought for change of use from an eight bedroom bed and breakfast establishment (C3) which includes owners accommodation to a ten bedroom Large HMO (10-14 people) (Sui Generis)

At ground floor the proposal shows 3 en-suite bedrooms and a communal kitchen, dining room and laundry area. At first floor there are five further en-suite bedrooms and a kitchen. At second floor in the loft space are two further en-suite bedrooms.

The existing owner's basement flat will be closed off for owners use and storage.

No external changes are proposed

Relevant Planning History:

None relevant to the determination of the application.

Consultations:

WSCC:

The site currently benefits from two vehicular crossovers (VCO) and no alterations to either VCO are proposed. The proposed plans indicate that only the crossover to the north of the site can provide parking spaces which meet the required minimum specifications as set out within Manual for Streets (MfS) of 2.4 x 4.8m. This provides two parking spaces for the proposed HMO use. The VCO to the south does not provide parking spaces which meet the minimum specifications set out in MfS and cannot be counted towards parking provision. Nevertheless it is acknowledged that the southern VCO is existing and owners of smaller cars may utilise the smaller additional parking area available.

The applicant has not set out which of the proposed parking spaces are for use by residents of the HMO, and whether any parking spaces will be allocated to the owner. Under WSCC Parking Standards (revised August 2019) there is no longer a standard for either HMO or C1 use. Under the superseded Parking Standards, the LHA would anticipate a maximum of 1 parking space per guestroom for a B&B and one parking

space for owner's accommodation, This would have totalled a maximum requirement of 10 parking spaces for the existing use of the site. Under the superseded Parking Standards a minimum of 0.5 parking spaces per HMO bedroom would be required. For this proposal this would result in a minimum requirement of 5 parking spaces for the HMO use plus one additional parking space for the owner's accommodation. Given the existing use of the site, which operates with a higher parking demand, this proposal is not anticipated to result in a material increase in vehicular movements to or from the site and the level of traffic generated is anticipated to be similar in nature to the existing use.

As stated above, only 2 parking spaces can be formally counted towards the proposed parking provision, although it is acknowledged that a smaller vehicle may be parked to the south of the site. In reality, one of these spaces is likely to be allocated to the owner, and the one space remaining allocated to the HMO use. However, it is questionable whether this proposed parking layout is a workable solution in reality, due to the tandem nature of the parking spaces and restricted space on site for manoeuvrability around parked vehicles and exiting onto the public highway. Whilst this may be a workable arrangement if the dwelling was being habited by a single family, the use as a HMO would promote the use as independent residents. It is however appreciated that residents of the HMO will share some communal areas and thus some arrangement could be agreed upon by residents regarding parking. Any overspill parking could be accommodated on-street. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed car parking provision. The Local Planning Authority would therefore be advised to consider the amenity implication of the proposed parking arrangement on on-street parking, particularly as Selden Road is within a Controlled Parking Zone.

It is acknowledged that the site is sustainably located within walking distance of Worthing town centre, including a variety of shops and services, bus stops and Worthing Train Station. The sustainable location reduces the reliance upon the private car. Cycling is a viable option within the vicinity and details of secure and covered cycle parking can be secured via condition.

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

If the Local Planning Authority is minded to grant planning consent a condition securing the cycle parking provision should be included.

Southern Water: An informative is requested advising the applicant of the need for an application for a formal connection to the public foul sewer.

Adur and Worthing Councils:

The EHO (Private Sector Housing) comments: - The property would require a licence for the proposed change of use to a large HMO, and would be subject to additional requirements above and beyond Building Regs/Planning.

In this instance the owners have already sought initial advice from the Private Sector Housing (PSH) team.

Engineer- The application is for a change of use and the site is within flood zone 1 and is not shown as being at significant risk of surface water flooding. Therefore I have no objections or conditions to request.

The Worthing Society

Object on the following grounds:

- Overdevelopment of a fairly compact Victorian villa
- Impact on the character of the area
- Already HMO in the area
- The rooms are small and would not comply with space standards
- Only one kitchen and communal room for 10-14 people

Representations:

2 letters of representation have been received from Ground Floor flat, 32 Seldon Road and Flat 2, 7 Seldon Road on the following grounds:

- Already a high density of HMOs
- Create unbalanced communities
- Potential for increased noise, litter and anti - social behaviour

Relevant Legislation

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

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

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7
Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 9, 16
National Planning Policy Framework (CLG 2019)
Planning Practice Guidance (CLG)

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

Planning Assessment

The main issues are:

- HMO policy and the Impacts on the local area
- The effects of the development on the residential amenities of existing and future occupiers;
- Highway safety and parking considerations.

Impacts on the Local Area

The existing property is an eight/nine bedroom four/five bedroom guest house over 3 floors plus a basement.

There are no development plan policies directly governing the provision of HMO accommodation. Government planning policy is set out in the National Planning Policy Framework (NPPF). At the centre of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out the overarching objectives of economic, social and environmental. It indicates that a social objective is to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural wellbeing.

The Worthing Core Strategy does not include any specific policies relating to HMOs the following policies are of relevance: Policy 8 -Getting the right mix of homes -this policy seeks to ensure that a wide choice of high quality homes are delivered to meet the needs of the community and Policy 16 - Built Environment and Design - this policy seeks to ensure that new development is of high quality. These, and other policies in the Core Strategy, are also supported by the Guide to Residential Development Supplementary Planning Document (2013). However, it should again be noted that this SPD does not specifically address any issues relating to HMOs.

In October 2016 Planning Policy produced a report on the subject of HMO's which concluded that there was no need, at this time, to create a specific HMO policy. No over concentration of HMO's was identified in the borough as a whole, in any particular ward nor in and around Worthing Town Centre.

The policy report did identify that there is greater pressure for more HMO accommodation and that the planning system has an important role to play in meeting this growing need whilst protecting and enhancing the local area. Houses in Multiple Occupation (HMOs) are recognised as a valuable source of low cost accommodation for a number of sections of society including students, temporary workers, those on low incomes and/or benefit and young professionals. They play a particularly key role in the context of housing affordability, where open market housing is increasingly unaffordable and, following changes to the housing benefit system, this form of accommodation is often the only option available for specific parts of the housing market.

The Draft Worthing Local Plan was published for consultation between 31st October and 12th December 2018. The plan is currently under further review with a number of studies and consultation being undertaken to take it to the next stage. In view of its early point in the process the Draft Local Plan currently has little weight in the determination of applications.

Although there are existing HMOs in Selden Road the area is still mixed with a good range of house types and services on the edge of the Town Centre. The previous use as a guest house, as a commercial use, would have had a high turnover of customers and could have potentially been use by a range of customers at different times of the day and night and a transient population. The guest house occupants would not be part of the existing community. A HMO provides a much needed type of accommodation which would be likely to have occupants that would integrate into the community. A key issue is ensuring that the property is well managed.

The effects of development on residential amenity

Future Residents

The property is currently an eight/nine en-suite bedroom guest house. The proposal involves primarily using the existing en-suite bedrooms plus converting the existing lounge and dining room to two further en-suite bedrooms. The proposed 10-14 occupants would share the kitchen/dining area and laundry on the ground floor plus an additional kitchen at first floor.

The Council's minimum floor space standards set out in the 'Space Standards' SPD do not apply to HMOs but the development would comply with licensing requirements for HMO rooms to be at least 6.51m² and no objections have been raised from the PSH team regarding the layout and overall arrangement of the rooms. The property also has a rear garden and potential for 2 car parking spaces.

It is considered that the accommodation provides a good standard of accommodation with adequate shared facilities for 10-14 occupants.

Existing residents

The property is situated in a street of houses, flats and also some HMOs. To the south are flats and to the north is a medical centre.

The proposal would involve internal works to create the bedrooms at ground floor to a detached property; the works would not therefore have an impact on the neighbouring residential flats to the south.

Concerns have been raised regarding the HMO and the potential impact on noise, litter and anti - social behaviour. There is no compelling evidence linking directly between HMOs and antisocial behaviour. Problems with HMOs often relate to the quality of the management and are a matter more appropriately dealt with under the licensing regime.

Highway safety and parking

WSCC have raised no objections. Given the existing use of the site, which operates with a higher parking demand, this proposal is not anticipated to result in a material increase in vehicular movements to or from the site and the level of traffic generated is anticipated to be similar in nature to the existing use.

It is acknowledged that the site is sustainably located within walking distance of Worthing town centre, including a variety of shops and services, bus stops and Worthing Train Station. The sustainable location reduces the reliance upon the private car. Cycling is a viable option within the vicinity and details of secure and covered cycle parking can be secured via condition.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Recommendation

The proposal would provide accommodation which would be well suited to the size and location of dwelling without a detrimental impact on character of the area, future or existing residents. It is within a sustainable location without a detrimental impact on the highway. It is therefore recommended that the application be **APPROVED** subject to Conditions:-

1. Approved plans
2. Standard time limit
3. Agree and implement management plan for controlling tenancies
4. Details cycle storage
5. Details of refuse and recycling
6. Hours of operation

18th December 2019

Application Number: AWDM/1759/19

Recommendation – APPROVE

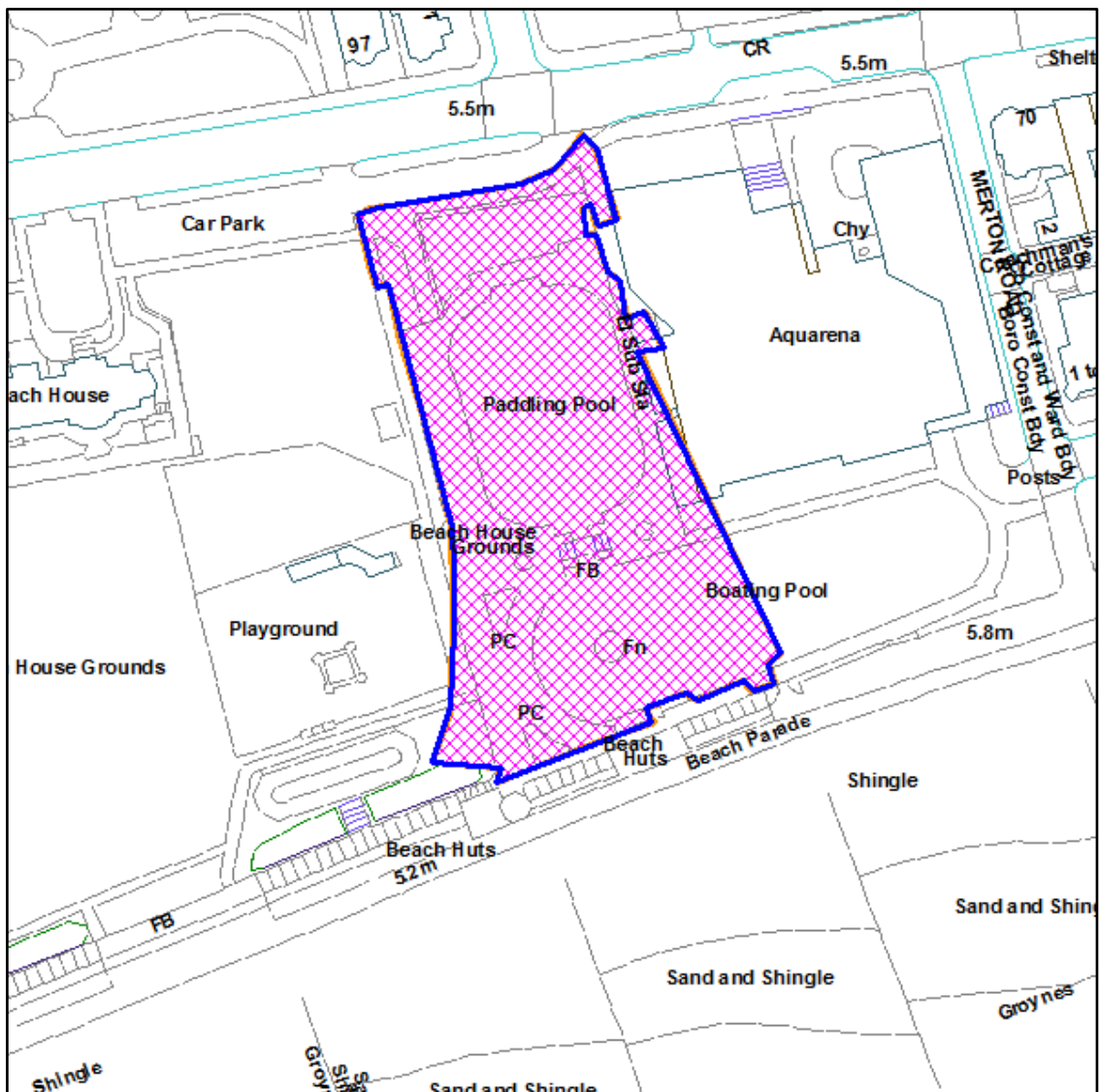
Site: Splashpoint Leisure Centre, 60 Brighton Road, Worthing

Proposal: Application under Regulation 4 of Town and Country Planning General Regulations 1992 for installation of 100kwp PV array on the flat roof and on sloping roof.

Applicant: Mr Damian Tow, Brighton Energy Coop

Ward: Central

Case Officer: James Appleton



Not to Scale

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Site and Surroundings

The application site is the Splashpoint Leisure Centre located on the south side of Brighton Road and adjacent to Beach House Gardens. Beach House is a Grade II* Listed Building and is located to the west of the site. The Leisure Centre incorporating a gym, café and swimming pool, fronts Worthing seafront. To the north is Farncombe Road Conservation Area and to the east the former Aquarena, currently being redeveloped by Roffey Homes to provide 141 apartments, café, retail and basement parking.

The Leisure Centre is owned by the Council but operated by South Downs Leisure Trust which has a 25 year Lease.

Proposal

The application proposes the installation of photo voltaic panels (PV) on a west facing roof slope and on a flat roof section of the Leisure Centre which incorporates the gym (this element projects out towards the Seafront).

The PV array would be mounted 1 metre away from the edge of the roof and would project no more than 0.297mm above the existing height of the roof. The Panels would also lie parallel with the roof.

The installation would normally benefit from permitted development rights but a condition was imposed on the original planning permission removing these rights for any subsequent alteration/extension of the building.



Supporting Statement

"We are proposing to install a 100kWp PV array on a flat roof and on a sloping roof at Splashpoint Leisure Centre, 60 Brighton Rd, Worthing BN11 2EN, in accordance with the site plans attached. We plan to use BYD solar PV panels and Valk Pro PV mounting system and we have attached datasheets for these. The proposed development is a relatively small scale PV installation, mounted on the asset's roof and planned sensitively not to compromise the visual aspect of the surrounding landscape and local amenities.

Due to the building's height, the roof is minimally visible from the vicinity. The proposed PV array would not be visible from ground level, and would only be fully visible from the flats higher up in the Bayside building built by Roffey Homes.

The panels will be mounted at least 1m from the edge of the roof, and will not exceed 0.297m above the existing height of the roof.

The design layout, prominence and relatively small scale of the installation is expected to have a very low visual impact on the surrounding area and views.

The arrays consist of blue cell polycrystalline panels mounted at an angle on a matt aluminium framework that causes no reflective issues. PV panels are designed to absorb light and not reflect it which is why the most detailed study into this issue by the Federal Aviation Administration in the US reports that "evidence suggests that either significant glare is not occurring during times of operation of it glare is occurring, it is not a negative effect and a minor part of the landscape to which pilots and tower personnel are exposed." The same survey presented a chart showing the percentage of sunlight reflected by common surfaces. On a scale of 100, snow and white aluminium sit reflect 70 to 80%, bare soil reflects approx. 30% whilst solar PV panels reflects only approx. 10%: The link below provides more information regarding solar panel reflectivity: <http://www.solarcentury.com/uk/media-centre/glint-and-glare-how-dazzling-is-pv/> The installation will require some construction works at the asset's site which will include the erecting of scaffolding and mounting of panels and associated equipment. The project is expected to take no longer than 2 weeks to complete."

A further supporting statement has been submitted which states that,

"A little background on Brighton Energy Co-op, we are a community owned renewable energy developer that has operated since 2010 and has raised £3M to date from community share offers. With this investment we have installed 52 solar arrays to date on churches, community centres, schools, factories and University buildings. In 2018 we won a tender with both Brighton & Hove City Council to install PV on schools and also with the University of Brighton.

The benefits our business model provides includes financial savings on electricity and reduced carbon emissions for our landlords, a reasonable return on investment for our members and a growing community fund which donate to local environmental initiatives. We estimate this will contribute over £1M locally over the next 25 years of BEC's operations. Our mission has always been to help reduce carbon emissions whilst providing local financial benefits, and in the context of the recently declared 'Climate Emergencies' we are passionate about deploying as much community owned PV as possible.

In terms of the benefit to South Downs Leisure from installing PV on Splashpoint, the carbon savings we estimate as follows:

- 0.45kgs of CO2 saved per kwh of electricity from renewable sources*
- 100kw array proposed at Splashpoint will generate 95,000kwhs per year*
- So CO2 saving per annum from the PV would be 42,750 tonnes CO2 per annum*

The financial savings we estimate as follows:

A 100kw array will generate around 95,000kwhs of electricity per year and at a saving of 6.1p per kwh (13.6p - 7.5p) as Splashpoint will easily use all the electricity the PV generates that would be an annual saving of £5795 per year for the 20 year lease.

So, £115,900 in today's money but also if the array was kept on Splashpoint after that for another 15 to 20 years SDL could benefit from free electricity so a saving of £12,920 per year after year 20 (based on today's output and prices).

There is often concern about the potential reflection and glare from solar panels, however solar PV is designed to absorb as much light as possible, so glare is minimal.

In the report at this link <https://tinyurl.com/vyp8deq> prepared for Nottinghamshire County Council the conclusion is that solar PV has the same reflectivity as that of water and “solar panels have less reflectance than many other everyday things such as vegetation, concrete and snow”.

Relevant Planning History

Planning permission was granted for the new Leisure Centre in 2010 under reference WB/10/0489/WBR3. At the time Historic England was concerned at the potential adverse impact on the setting of Beach House and the application for the new Leisure Centre was amended to incorporate new walling and railings in front of Beach House to enhance its setting.

Consultations

Adur & Worthing Councils:

The **Technical Services Officer** comments,

“I have no objection to the proposal but do have some general engineering observations as follows:

- 1. The integrity of the roof must be ensured throughout installation and use.*
- 2. Loadings should be checked by a competent professional on behalf of the client.*
- 3. Safe maintenance of both the roof and solar panels must be considered.”*

The Sustainability Officer comments that,

“The application for the approval of a 100kwp PV array on the roof of Splashpoint Leisure Centre accords with Worthing Core Strategy (2011) objectives and policies.

Splashpoint Leisure Centre has been built to high standards of sustainable design, and includes a ground source heat pump which provides renewable heat to the swimming pool and building. However, Leisure Centres, particularly those with swimming pools, have massive energy demands and therefore emit massive amounts of carbon emissions annually. This is the case with Splashpoint. The installation of photovoltaic panels would substantially improve the energy and carbon performance of Splashpoint, particularly as the heating technology at the site (a ground source heat pump) relies on electricity to run the pump.

In July 2019, Worthing Borough Councils declared Climate Emergency and committed to work towards being carbon neutral by 2030. As part of this the council committed to produce a Carbon Reduction Plan: the Draft Plan was approved on 3rd December 2019 at Adur & Worthing Joint Strategic Committee. This identifies that the council has a total carbon footprint of circa 3,000 tonnes emissions a year but that if Splashpoint and Worthing Leisure Centre were included it would increase to circa 4,000 tonnes of carbon a year. This illustrates the scale of emissions associated with the local Leisure Centres.

In January 2019, Worthing Borough Council committed to work towards 100% clean energy by 2050 for the area (UK100 Cities Pledge) and have committed to work with

partners across the County and region to deliver this goal. Approval of the photovoltaic array for Splashpoint whilst meeting SO1, and Policies 17 and 18 of Worthing Core Strategy, will go a considerable way towards offsetting the emissions from Splashpoint, providing renewable energy for the next two decades, and reducing the carbon footprint of Splashpoint and Worthing.”

Representations

Any representations received will be reported at the meeting.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011):

Strategic Objective 1 Protect the Natural Environment and Address Climate Change

The overarching principle of the Local Development Framework is that the borough's future will need to be sustainable. Development will give due regard to mitigating and adapting to the adverse impacts of climate change. This will demand a reduced carbon footprint from existing and future businesses, residents, services and visitors

Key outcomes: SO1:

- The supply of energy from renewable sources has increased
- Worthing's carbon footprint is reduced – working towards becoming a carbon neutral town.

Policy 17 Sustainable Construction

All new development (including conversions, extensions and changes of use) will contribute to making Worthing a more sustainable place to live and work by reducing its contribution to carbon emissions and ensuring that the town is resilient to the local impacts of climate change. Development will be required to: Demonstrate how the development addresses climate change mitigation and adaptation and more specifically how it addresses issues such as pollution, energy, water efficiency, waste minimisation, drainage, sustainable construction and recycling. All new development should be built to a standard which minimises the consumption of resources during construction and thereafter in its occupation. Enable existing buildings to become more energy and water efficient wherever possible

Policy 18 Sustainable Energy

- In order to support the Council's objective to achieve the highest sustainability standards: New development will be required to include sufficient on-site renewable energy generation to match the requirements of the South East Plan (or any subsequent national/regional targets that supersede these). Where developers cannot meet this requirement evidence will be required to demonstrate why it is not feasible or viable.

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
National Planning Policy Framework (February 2019)

Relevant Legislation

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

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

Planning Assessment

The main issues in this case are the sustainability benefits of the proposal and the visual impact of the development on the amenities of the area and the setting of heritage assets.

At the July meeting, the Joint Strategic Committee declared a climate change emergency which aims to see both authorities become carbon neutral by 2030. The report highlighted that the Councils are now embarking on a programme of work over the coming decade to reduce carbon emissions and transition to clean transport for all Council services and operations, improve energy efficiency of Council buildings and install renewable energy on Council buildings and land.

The application has been submitted following discussions between Brighton Energy CoOp, the Leaseholder South Downs Leisure Trust and the Council and is part of the commitment to become carbon neutral by 2030. As the Sustainability Officer comments the Council is pursuing the implementation of solar panels on a number of its buildings and improving energy efficiency is a key material planning consideration.

The Leisure Centre was built with ground source heat pumps to help provide renewable power and the proposed PV array would make both significant financial savings as well as a further reduction in carbon. As indicated by the applicant, the proposal would result in a CO₂ saving of £42,750 tonnes per annum and a financial saving of approximately £5,700pa over the remaining period of the lease. The sustainability benefits of the scheme are, therefore, significant and a material consideration in the determination of the application.

The location of the PV array has been sensitively sited to avoid any impact on the setting of Beach House. Given the buildings listing, as Grade II*, it is a building of significance both architecturally and historically. However, the location of the PV array on a western roof slope and the flat roof section of building furthest away from

the listed building would ensure there is no harm to its setting. Equally the proposal would have no harm to the setting of Farncombe Road Conservation Area to the north of the site.

In terms of residential amenity the only issue would be from the outlook of the properties being built on the adjoining development. This would be particularly the case for upper floor flats on the east elevation including the main 15 storey tower. From these properties, the only possible concern would be reflection but as the applicant demonstrates the level of reflection or glare is not significant and in many respects the view will be of a darker grey/black then the existing flat roof and brown/green copper western roof slope. It is not considered therefore that the proposal would materially affect the amenities of future residents of the adjoining development (Bayside).

Recommendation

The Committee is therefore recommended to approve subject to the following Conditions:

1. Approved Plans
2. Standard 3 year time limit
3. The PV array hereby approved shall be installed in accordance with the submitted details and shall be positioned at least one metre away from the edge of the roof and positioned parallel with the roof.

18th December 2019

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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