



**WORTHING BOROUGH
COUNCIL**

**Planning Committee
4 November 2020**

Agenda Item 6

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWD/0461/20

**Recommendation – Delegate for
approval subject to completion of a
s106 Agreement**

Site: Union Place Car Park, Union Place, Worthing, West Sussex.

Proposal: Application under Regulation 3 for Outline planning permission (with all matters reserved except for access) for the construction of mixed-use development comprising residential units, commercial floor space, hotel, cinema and associated car parking, cycle parking, public realm and landscaping.

Application Number: AWDM/0461/20

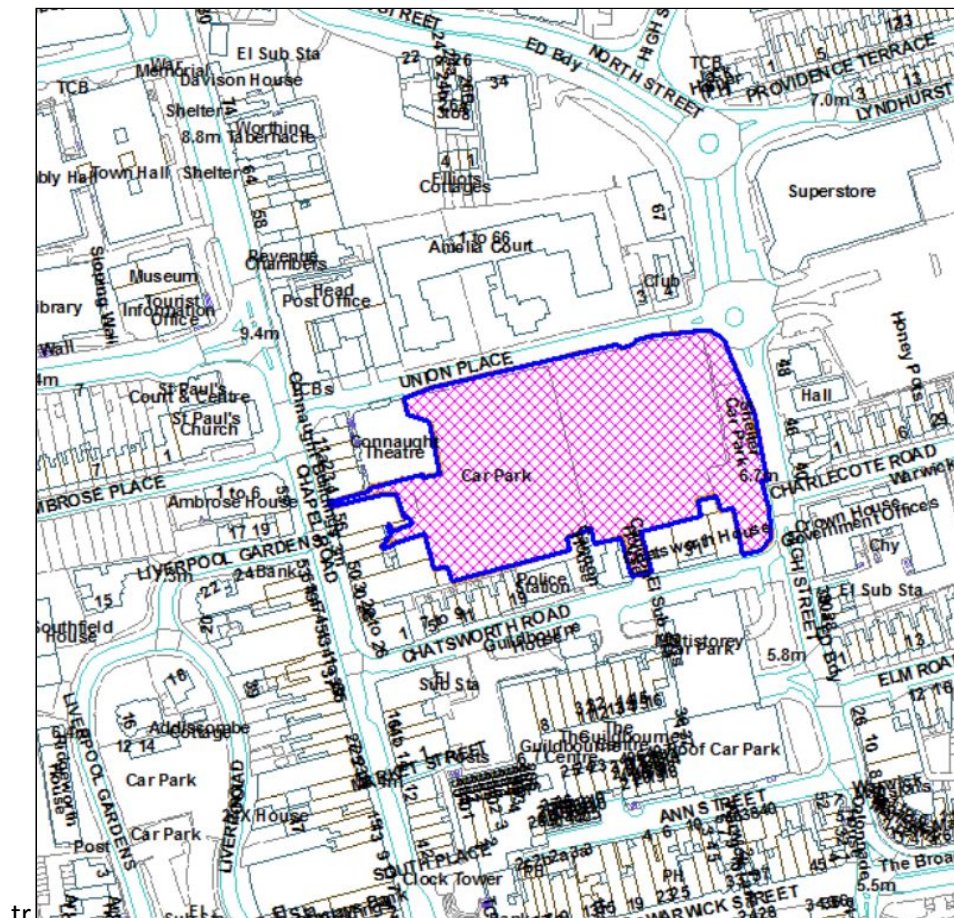
Recommendation: Delegate for approval subject to completion of a s106 Agreement

Site: Union Place Car Park, Union Place, Worthing, West Sussex.

Proposal: Application under Regulation 3 for Outline planning permission (with all matters reserved except for access) for the construction of mixed-use development comprising residential units, commercial floor space, hotel, cinema and associated car parking, cycle parking, public realm and landscaping.

Applicant: Worthing Borough Council & LCR **Ward:** Central

Case Officer: James Appleton



Not to Scale

Site & Surroundings

The application site is located on the south side of Union Place and extends to 1.14 hectares. The site extends from the eastern wall of the Connaught Theatre to the High Street incorporating the NCP (operated) surface car park, the former Police Station site and the Council operated surface car park fronting the High Street. The site extends to the rear of ground floor commercial properties with a mixture of commercial and residential uses above on the Chapel Road and Chatsworth Road frontages. The site area also includes the existing footpath link from Chapel Road and an existing access into the site from Chatsworth Road.

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

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

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

Proposal

The application is in outline form with all matters reserved other than access. In support of this approach the agent submits that,

'There is a clear and compelling case for an outline planning application in this instance in the context of the following (which are further detailed within this Planning Statement):

- *Under-delivery of housing;*
- *Long-term regeneration aspiration for the site;*
- *Deliverability of the site;*
- *Extent of engagement on an acceptable Design Code, which will control development coming forward at the reserved matter stage;*
- *Commitment to design review within reserved matters stage to confirm acceptable detailed design;*

- *Comprehensive heritage assessment securing a preservation and enhancement to the heritage setting within which the site sits.*

In the context of no harm, it is appropriate to secure the principle of height in this location in outline form, secured against design code and physical parameters set out in the structure of the planning permission.'

It is submitted that the scheme has been designed to,

'achieve a wider regenerative impact by driving a mix of uses on the site, providing ground floor activation and a leisure offer. The proposed scheme makes re-use of a highly accessible brownfield site, delivering a higher density of housing in a sustainable manner. Sustainability is achieved through measures such as a reduced quantum of car parking, environmental improvements and alternative heating systems. The proposed scheme will deliver a quality of mixed use residential, commercial and cultural offer that will support the council's priorities of ensuring a thriving local economy.'

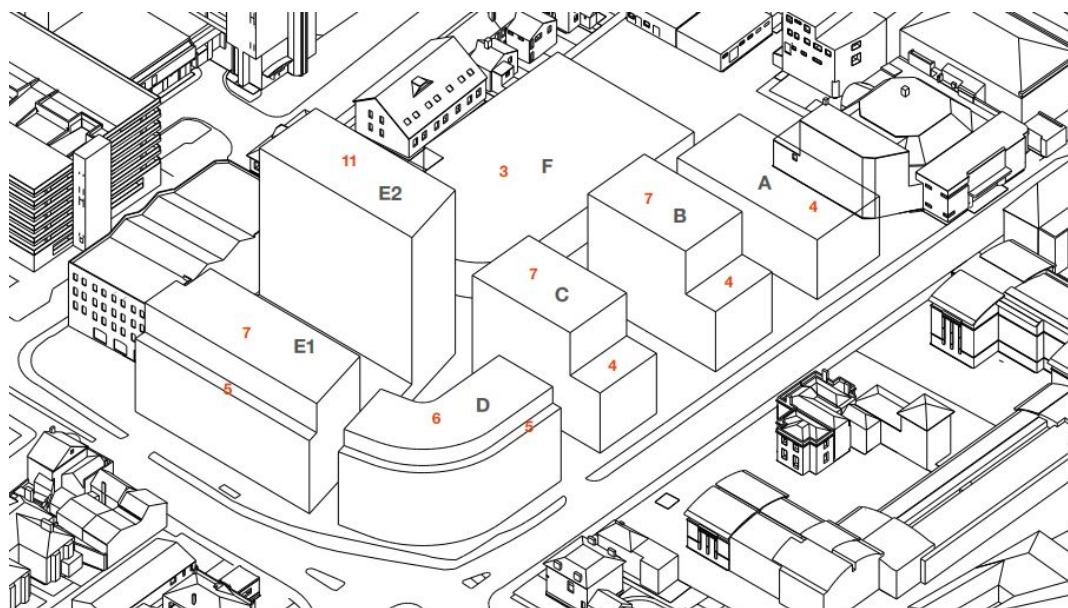
In support of the application the following documents have been provided:

- Planning Statement
- Development Specification
- Application Drawings
- Design and Access Statement (DAS)
- Design Code
- Air Quality Assessment
- Daylight/Sunlight Assessment
- Regeneration Statement
- Flood Risk Assessment (including SUDs strategy)
- Statement of Community Involvement
- Transport Statement and Travel Plan
- Tree Survey
- Energy and Sustainability Statement

As an outline application the key document in terms of addressing the level of development proposed is the Design and Access Statement. The illustrative scheme submitted in support of the application originally proposed 186 new homes, 610 sqm of flexible commercial space, a 90 bed hotel, a cinema extension (3 – 4 screens) and 1072 sqm of flexible cultural space to support the Connaught Theatre, along with car parking (246 spaces), cycle spaces (199) and 5,747sqm of new public realm enhancements, 1,129sqm of green space and 1,870sqm of play space.

To demonstrate how this development could be accommodated on the site a masterplan has been prepared together with design codes and parameter plans to guide future reserved matters applications. The DAS sets out the extensive pre-application consultation with Officers and details of the public consultation exercise. The DAS includes the review of where height should be on the site and the iterative discussions about how best to reduce the scale/height of perimeter buildings.

A number of Masterplan principles are identified and in relation to building heights and the following plan identifies *scale, massing and articulation of the built form, within maximum parameter envelopes: (the numbers represent storey heights):*



This massing approach together with key principles which include improving pedestrian linkages and permeability, addressing heritage constraints, securing active frontages and accommodating uses across the site has informed the illustrative Masterplan (ground floor) as set out below:



Amended Plans

In response to consultations with your Officers, Historic England and Design South East (DSE) the illustrative scheme has been amended and the quantum of development envisaged slightly reduced. As the description of the development is

flexible it has not changed, however, the illustrative scheme incorporates the following key changes:

- A reduction in height along Union Place comprising:
 - Reduction in height and massing of the proposed Connaught Theatre extension (Block A) from a 4-storey building to a 4-storey building with a 3-storey set back. The building has increased in width and reduced in height to improve the relationship with the existing theatre.
 - Reduction in the height and massing of Block B from a 7-storey building with a 4-storey set back to a 5-storey building with a 3-storey set back.
 - Reduction in the height and massing of Block C from a 7-storey building with a 4-storey set back to a 6-storey building with a 4-storey set back.
- Reduction in height along the High Street comprising a reduction in height and massing of Block E (1) from an 8-storey building with a 6-storey set back to a 6-storey building with a 5-storey set back.
- Improved tall building articulation, profile and silhouette achieved by an increase in building height of Block E (2) from an 11-storey building to a 14-storey building with setbacks at 10 and 6 storeys.
- Enhanced central public realm and tall building setting, achieved by a reduction in width and increase in building height of Block F from a 3-storey building to a 4-storey building.
- Design Code provides for the introduction of bay window frontage to the High Street Elevation and [further introduction of Worthing local vernacular aspects through the detailed design]
- Improved route legibility and hierarchy of public spaces. Landscape design influenced by historic pattern of gardens and introduction of tree lined streets as part of the amended public realm scheme.
- Introduction of further commercial use on corners to activate adjacent spaces.
- Demonstrated flexibility of robust masterplan able to respond to changes in future demand, particular in respect of the residential unit mix, removal of the MSCP and replacement of a hotel by residential uses.

In terms of the quantum of development indicated in the revised illustrative scheme the key changes are a reduction in residential units from 186 to 169 new homes.

- 670 sqm (GIA) of flexible commercial floorspace – at ground floor level across blocks B-E. The floorspace has been designed to activate all frontages on the exterior and interior of the site to provide high quality, safe and enjoyable spaces in and around the new development.
- Extension to the existing Connaught Theatre. The cultural offer is located to engage with the existing Connaught Theatre and enhance Worthing's cultural

and night-time economy. The proposal seeks to provide an active ground floor entrance or food and beverage offer, with flexible cultural or performance space in the form of a 3-4 screen cinema extension.

- Provision of 245 parking spaces (comprising 20% accessible spaces, 67 residential parking spaces (inclusive of 3 car club spaces) and 178 replacement NCP parking spaces). 20% of the residential vehicle parking spaces are to be provided with electric vehicle charging points. Parking is located away from key pedestrian routes and spaces and optimises the provision against residential quantum with respect of its sustainable location.
- Provision of 184 cycle parking spaces (comprising 169 residential spaces and 15 spaces dedicated to commercial, hotel and cinema use).
- High quality revised public realm strategy that seeks to enhance tall building setting, permeability, provide new off-street spaces, activate commercial and cultural uses, and to provide high quality residential amenity.

The following documents have also been updated following the revised illustrative scheme:

- Updated Accommodation Schedule – Prepared by Hawkins Brown
- Updated Development Specification – Prepared by Quod
- Updated Daylight and Sunlight Assessment – Prepared by Delva Patman Redler
- Design & Access Statement - Addendum – Prepared by Hawkins Brown
- Response to WSCC Highways Comments – Prepared by Vectos
- Heritage and Townscape Assessment Addendum – Prepared by Icen

Table 2 – Proposed Unit Mix		
Unit Type	No. Proposed	%
1 Bed 2 Person	136	80
2 Bed 4 Person	33	20
Total	169	100

In terms of the revised illustrative proposal for a 14 storey building the Planning Agent has also set out the following table which highlights how the scheme complies with the Councils Tall Buildings SPD.

Table 3 – Tall Buildings in Worthing Assessment Criteria	
Assessment Criteria	Scheme Response
Locational Criteria	
Tall buildings should be sited around transport corridors and interchanges.	The site is situated in a town centre location. The application site is highly

<p>Where appropriate, improvements must be made to the local transport infrastructure to ensure that future demand can be adequately met.</p>	<p>accessible to public transport, pedestrians and cyclists and offers significant opportunities to travel by sustainable transport modes. The site is located approximately 700m south east of Worthing Train Station, near existing bus routes on High Street and within walking distance to all town centre amenities.</p> <p>At present the proposal is in outline format, but any identified improvements to local transport infrastructure would be captured by CIL contributions at reserved matters phase.</p>
<p>Parking implications must be taken into account during all stages of the design process.</p>	<p>Parking has been carefully considered throughout the design process and minimised on site. It is located away from key pedestrian routes and spaces and optimises the provision against residential quantum with respect of its sustainable location.</p> <p>In addition, the site and the surrounding roads are located within Worthing Controlled Parking Zone (CPZ) 'A'. With this CPZ in operation, future users of the site will not be able to practically park on surrounding roads and therefore the proposals will not result in an overspill of parking on the surrounding road network.</p>
<p>Proposals for tall buildings should seek to strengthen existing centres by focussing intensification on areas well served by existing facilities and services. Proposals which are located in areas which do not strengthen existing centres are far less likely to be supported.</p>	<p>The site is situated in a town centre location and represents a key regeneration site for Worthing. The site is located in close proximity to existing facilities and sustainable transport modes and represents a significant opportunity to strengthen the existing centre.</p>
<p>Proposals for tall buildings must understand and respect the fine historic townscape and character of Worthing. As such, their design would need to fully consider the potential impacts on each historic asset adjoining, or in close proximity to, the proposal site.</p>	<p>The proposals have been subject to comprehensive pre- and post-submission engagement with regards to heritage and townscape which has resulted in positive design revisions which give full consideration of heritage assets in the immediate vicinity and further afield.</p>

	The revised submission is supported by a Design Addendum Report and Heritage and Townscape Addendum which provides additional justification, views, and massing analysis.
Tall buildings will not be permitted on land that currently falls outside the Built-Up Area Boundary of the Borough (as illustrated on the Core Strategy Proposals Map).	The site is situated in a town centre location and represents a key regeneration site for Worthing.
The relationship of any new tall building with its topographical context must be appropriate for its urban role within the town.	The acceptability of the proposal in this regard is set out within the Design Addendum Report and Townscape and Heritage Addendum.
Tall buildings should complement, and not compromise strategic views, in the Borough and respect significant local views	<p>The acceptability of the proposal in this regard is set out within the Design Addendum Report and Townscape and Heritage Addendum.</p> <p>The revised submission includes further, comprehensive views analysis / assessment.</p>
Land that is currently used for recreation or informal open space is not appropriate for tall buildings.	Not applicable.
The development of tall buildings should add vitality to the town by creating vibrant and lively environments.	The tall building and wider development has significant potential to add vitality to the town centre.
Where appropriate, proposals must ensure that the symbolic qualities of tall buildings build on and exemplify the regeneration of the town centre and seafront.	The site is situated in a town centre location and represents a key regeneration site for Worthing.
The Council will be supportive of well-designed tall buildings where they help to promote sustainable development.	<p>The site is situated in a town centre location and represents a key regeneration site for Worthing. The site is located in close proximity to existing facilities and sustainable transport modes and represents a significant opportunity to strengthen the existing centre.</p> <p>The existing site comprises underutilised brownfield land and represents a key</p>

	opportunity for sustainable development aligned with the principles of the NPPF.
Design Criteria	
<p>Proposals for tall buildings must be sustainable. To ensure this, design proposals must consider:</p> <ul style="list-style-type: none"> • the need to achieve the latest standards for sustainable construction; • the need to reduce energy use and minimise carbon emissions; • the long term management and maintenance of the building; • the long term adaptability and flexibility for productive reuse. 	<p>The application is supported by a full Energy and Sustainability Statement which demonstrates that key opportunities for implementing sustainability and CO2 reduction measures and solutions appropriate to the Development masterplan have been identified guided by the trajectory to net zero carbon by 2030. This has ensured that the design proposals are aligned with policies relevant to sustainable design and construction and will meet, or where viable exceed, policy requirements.</p> <p>The sustainable nature of the proposals will be detailed further at reserved matter stage.</p>
<p>It is vital that proposals for tall buildings relate and respond to the townscape and enhance the public realm. To ensure this proposals must: - understand and respect the local context which will inform the appropriate massing, scale and height of the building; - complement the existing urban fabric; - promote a high level of interest at ground level and integrate visually with the streetscape; - seek to enhance the public realm, add vitality and regenerate areas.</p>	<p>The proposals have been the subject of comprehensive pre- and post-submission engagement with regards to design and townscape which has resulted in positive design revisions which give full consideration to the identified assessment criteria.</p> <p>The outline submission is supported by a Design Code which has evolved through discussion with WBC. The Design Code acts as a 'control document' which will form the basis for guiding and assessing detailed proposals for the site at reserved matters stage.</p>
<p>Design details can have a significant impact on the success, or otherwise, of a tall building. For this reason, proposals must: - ensure that the choice of materials and detailing responds to the local environment; - carefully consider the buildings night-time appearance and lighting strategy; - avoid the use of advertisements; - consider the design of the top of the building and keep to a</p>	<p>As part of pot-submission correspondence with statutory consultees the articulation of the tall building has been increased to enhance profile and silhouette.</p> <p>The outline submission is supported by a Design Code which has evolved through discussion with WBC. The Design Code acts as a 'control document' which will form the basis for guiding and assessing</p>

minimum the number of masts and apparatus.	detailed proposals for the site by the Planning Authority at reserved matters stage.
--	--

In terms of Heritage, the Addendum report concludes that,

“Consultees understand and are supportive of a comprehensive approach to the regeneration of this Town Centre site, including the possibility of a taller landmark element to catalyse regeneration as set out in Local Policy. Consultees also acknowledge that the existing redundant site currently has a negative impact on Worthing town centre. The client team, led by the architects Hawkins Brown, has listened to the concerns of consultees and sought to improve the proposed development while maintaining its viability, in order that any harm to the character and appearance of Worthing’s historic townscape, and the significance of heritage assets within it, is minimised or avoided.

The improvements to the proposed development are expressed in the illustrative scheme produced by Hawkins Brown, and translated into a comprehensive Design Code and Parameter Plans which support the Outline Application. Additional visual material has been provided to illustrate the effects of the proposed development more fully in the round. This includes additional wireline AVRs and ‘qualitative’ CGI’s of the proposed development from similar positions in the townscape.

In our view, harm arising from the proposed development, as revised, is largely avoided. It is acknowledged, however, that perceptions of harm may remain given the additional height and scale of the proposed development within the setting of a number of heritage assets. Any ‘less than substantial harm’ arising of this type is justified by bringing this underused site into an appropriate town centre use which meets the ambitions of WBC, while mending much of the long standing fragmentation of the High Street and Union Place.

The benefits of the proposed development are part of a wider suite of public benefits which should be weighted in the balance against any ‘less than substantial harm’ identified, in accordance with paragraph 196 of the NPPF, thus allowing WBC to conclude that the proposed development represents sustainable development and an appropriate regeneration of this underused Town Centre site.

In terms of balancing any remaining heritage harm the Planning Agent submits that the scheme provides the following public benefits:

- *Much needed new housing, including policy compliant affordable provision. The latest AMR suggests that when measured against the Objectively Assessed Needs figure, Worthing cannot demonstrate a five-year supply of available land for development.*
- *Significant economic benefits in the form of Council Tax, new homes bonus, and household spending as well as new end use jobs generated.*
- *Employment opportunities during both construction and operation.*
- *Support for the tourism industry via the new hotel provision.*
- *Enhanced leisure provision in the form of the Connaught Theatre extension.*
- *Overall town centre renewal and significant contribution to long-term economic sustainability.*

Relevant Planning History

WB/05/0202/OUT - Outline application for the erection of a mixed-use development of retail and residential comprising 1,276 square metres of retail floor space on ground floor, up to 103 residential units and basement car parking within a building extending to 8 storeys in height.

REFUSED on the grounds that it would prejudice the delivery of a new retail core and its height bulk, scale and massing would be out of scale with adjoining developments.

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

Consultations

Adur & Worthing Councils'

Technical Services comments that,

'Flood risk- The application is within flood zone 1, and has small areas shown as being at risk from surface water flooding. We therefore have no objections to the proposed development on flood risk grounds.

Surface water drainage- The surface water drainage strategy discounts infiltration due to the cramped nature of the proposed site layout. This isn't sufficient justification to not use infiltration. Site design should consider drainage requirements, drainage should not be fitted in around proposals.

The FRA states that it is unachievable to discharge at greenfield rates, and states that this is demonstrated. We would argue that if the site layout/ proposals for buildings were altered there would be far larger scope for a reduction in proposed discharge rate. Given that southern water states there is not capacity for the proposed discharge rate the rate must be reduced. Further consideration of blue/green roofs is also recommended. We do not believe that sufficient justification for the proposed discharge rate has been provided. If you are minded to approve this application details of the surface water drainage design can be secured via the following conditions, this information should be submitted at reserved matters stage due to the implications on site layout and landscaping proposals.

In addition a CCTV survey should be undertaken prior to demolition to confirm existing connectivity to the southern water network and the suitability for re-use.

"Reserved matters planning approval shall not be granted, 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 follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended 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.”

“Reserved matters planning approval shall not be granted, 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.”

An informative is also requested requiring infiltration rates for soakage structures to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures.

In response to additional information, **Technical Services** comments that,

If you are minded to approve this application please apply the following conditions to ensure the development is adequately drained and does not increase flood risk.

“Reserved matters planning approval shall not be granted, 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 follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and there commendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building/ No part of the extended 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.”

“Reserved matters planning approval shall not be granted, 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.”

“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 independent 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.”

The **Head of Housing** comments that,

"I am pleased to see a commitment to 30% affordable housing and I would hope that the Councils preferred tenure split in favour of rented accommodation is delivered for this project (i.e. 75% rented and 25% shared ownership) to support meeting our identified local housing need. It would further assist the Councils objectives if this affordable rent could be delivered at the equivalent Local Housing Allowance rate (i.e. less than 80% of market rent) as this would provide genuinely affordable housing to those currently on the Councils housing waiting list and in temporary accommodation to whom we have a duty to provide suitable affordable accommodation."

The **Parks Manager** comments that,

"I welcome the provision of play opportunities within public realm areas particularly integrated with new landscape areas. These need to be carefully designed to ensure low maintenance and future management of these areas will be important. The podium decks can also provide play areas with natural surveillance but are only likely to provide facilities for younger children. There will be a need to secure offsite contributions for youth facilities and enhancement of local parks and gardens in line with our recent completed Open Space Strategy. There are opportunities for enhancing youth provision at Homefield Park which is relatively close to the site."

The natural landscapes within this area will play a key role due to the nature of high density building within the space. The use of SUDS schemes to support the drainage on the volume of hard standing should be maximised on within the site as a whole to ensure that this is not a missed opportunity within the development. Selection of species within the planting design will play a key role to offer some form of biodiversity as well as really maximising the opportunities of natural capital aspects such as improve air quality. I would expect all of this to be delivered through these designs."

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

"The loss of the Leyland Cypress G2 and G3 and the Turkey Oaks T6 & T7 are acceptable but that consideration should be given to retaining the established large Lime tree T5 and the Sycamore T1, both of which are mature trees that would help to break up the view of the proposed development to an extent that cannot be achieved by tree planting."

Private Sector Housing:

There is insufficient detail of the layout of the residential properties to allow the PSH teams to make meaningful comments at this stage of the development.

Environmental Health comments:

Air Quality

"The following comments are made in relation to Air Quality, with particular reference to the Air Quality Assessment dated 4 February 2020."

- The objectives outlined in paragraph 1.2 of the report should also include the effects of the development (on site generated and transport emissions) on existing receptors in the area.

- From the DAS the development outline proposal includes 246 car parking spaces. The vehicle emissions associated with these have not been assessed, although I note from Paragraph 3.3.1 that the traffic assessment predicts an increase of 89 Light duty Vehicle AADT movements, hence why no operational phase assessment has been included. However I suggest that the impacts on existing receptors should have been considered, not just new receptors.

- Paragraph 2.3.4 refers to outdated guidance. The previous version of the Sussex Air Quality Guidance was superseded in January 2020 (which predates this report).

- The assessment recommends mitigation during the construction phase in order to minimise potential impacts on local receptors. These are contained within Paragraph 6.2 and should be incorporated into a Construction Management plan, required by condition, such as:

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall incorporate the mitigation specified in Appendix A of the Air Quality Assessment prepared by Hydrock dated February 2020. The Plan shall also provide details as appropriate but not necessarily be restricted to the following matters:-

- the anticipated number, frequency and types of vehicles used during construction -HGV construction traffic routings shall be designed to minimise journey distance through AQMA's and the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- a commitment to no burning on site,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

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

- The report includes an emissions mitigation assessment calculation to the value of £12,755, which appears a very small sum given the proposed number of parking spaces. Assuming this value is correct this sum should be put towards onsite mitigation such as car clubs. EV charge points are already covered by WSCC Parking Guidance."

Noise

"Several options have been presented to mitigate noise from existing music and entertainment noise including from the existing nearby night-club premises. It is considered likely that the closest proposed dwellings would require enhanced acoustic attenuation as part of their design, to achieve acceptable internal noise levels. These proposed measures include:

- *Consideration of the building design and room layouts such that residential windows face away from the night club and buildings provide acoustic screening to properties at greater distances within the site;*
- *Improved attenuation measures within the night-club premises to minimise noise emissions (subject to agreement with the night-club premises owners and appropriate planning route);*
- *Enhanced acoustic glazing (e.g. laminated or secondary glazing types) and ventilation measures (including mechanical ventilation systems). Suitable mitigation could be secured by the LPA standard conditions regarding noise.*

Are there going to be hours of use conditions on the commercial property? Obviously the hotel needs to be 24 hour but the cinema and other commercial units could be conditioned. There is a risk of noise nuisance from the multi-storey car park given its proximity to existing and proposed dwellings and therefore it is recommended that the following condition is imposed:

Before development commences the design details of the multi storey car park shall be agreed with the local planning authority. The design shall consider and where necessary mitigate noise from use of the car park impacting on existing residential property on Chatsworth Road and Chapel Road.

The **NHS Coastal West Sussex Clinical Commissioning Group (CCG)** comments that,

"Overview

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

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

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

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

Development proposal

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

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

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

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

Assessment & request

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

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

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

Current Primary Healthcare Provision in Worthing

Primary Care services in Worthing are run from a mix of old and relatively new estate.

The current town centre practice has outgrown the old population build size. Any new housing will have a big impact.

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

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

Contribution Sought and Methodology

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

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

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

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

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

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

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

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

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

Compliance with National Policy and CIL regulations

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

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

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

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

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

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

ii. Directly related

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

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

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

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

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

Conclusion

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

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

Natural England comments that,

“Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making

process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on [gov.uk](https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice) at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>”

Sussex Police Local Policing Support Team comments that,

“Thank you for your correspondence of 20th March 2020 advising me of a planning application for Application under Regulation 3 for Outline planning permission (with all matters reserved except for access) for the construction of mixed use development comprising residential units, commercial floor space, hotel, cinema and associated car parking, cycle parking, public realm and landscaping which you seek advice from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government’s aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Worthing district being above average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are;

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.”

Southern Water comments that,

“Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site and surface water sewer in the immediate vicinity. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note: - The 1500mm public foul sewer require a clearance of 5 metres on either side of the public sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 5metres of the external edge of the public foul sewer without consent from Southern Water.*
- No development or tree planting should be carried out within 3metres of the external edge of the public surface water sewer without consent from Southern Water.*
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5metres of public sewers.*
- All existing infrastructure should be protected during the course of construction works.*

In order to protect public sewers, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers. We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication “A Guide to Tree Planting near water Mains and Sewers” and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

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

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/infrastructure-charges

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

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

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

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

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

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

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

West Sussex County Council (Highway Authority) comments that,

"Background

The site currently comprises two car parks and an area of land that was previously a Police Station. High Street car park, located on the eastern side of the site provides access to 47 parking spaces while Union Place National Car Parks (NCP) is located on the western side of the site providing access to 178 parking spaces.

Part of the site (the eastern half) has an allocation in the Draft Worthing Local Plan; Policy A6 Union Place. The site is one of eight allocations and is identified for the potential to deliver a mixed use development comprising 128 residential units, 2,390sqm of commercial use and 3,088sqm of leisure use. The current development proposals relate to a mixed-use scheme including 186 residential units, a 90 bedroom hotel, commercial accommodation and expansion of the existing Connaught Theatre. It is proposed that development be brought forward in two phases with Phase One covering the eastern side of the site and Phase Two the western side.

The applicant engaged in pre-application with the Local Highway Authority in September 2019 this included a meeting at the LHA's offices. In addition further meeting was held which the LHA attended in November 2019 at the Local Planning Authorities (LPA)'s offices.

The proposals are supported by way of a Transport Assessment (TA) which incorporates Trip Rate Information Computer System (TRICS) data and a formal Travel Plan (TP).

Stage 1 Road Safety Audit (RSA)

At the pre-application meeting in September 2019 it was advised that a RSA was required for the proposed highway works on Union Place (loading bays and the re-siting of the existing vehicle access onto Union Place). The LHA would request the RSA is undertaken on the access and off site highway works prior to determination of the planning application. Our understanding is at the time of writing an RSA is being commissioned. The RSA should be undertaken in line with GG119.

Adur Worthing Local Cycling and Walking Infrastructure Plan

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

As the feasibility plans are not finalised it is not possible to share the plans at this stage. However, the design assumes the provision of a bi-directional segregated cycling/pedestrian facility along the western side of A259 High Street including along the eastern frontage of the Union Place development site (the overall width of the proposed facility would be 5 metres from the existing western kerbline (Cycle lane 2.5m effective width plus 0.5m buffer and assumed a 2m footway for pedestrians). This path is assumed to connect across the western arm of Union Place roundabout and utilise the existing shared use path which connects to the junction of North Street and High Street. There are aspirations to provide greater levels of priority and connectivity for both pedestrians and cyclists across the Union Place crossing.

WSCC would look for the Union Place redevelopment to demonstrate that it does not preclude the improvements being developed through the LCWIP and

Sustainable Transport Package Feasibility Study and to consider how the development can contribute towards their implementation.

Public Realm Improvements

To enhance the walking and cycling routes within the local area there are a number of public realm improvements that have been identified in the area. The site is identified as site 'A6' in the Worthing Local Plan (WLP). One of the main aspirations is to provide a high quality public realm and generate new retail circuits connecting to Chapel Road, High Street and South Street. Whilst the sites TA gives details of recent public realm improvements the LHA would request that the TA is updated to give more specific clarity on improving accessibility in line with the WLP.

Travel Plan (TP)

The LHA's Travel Plan (TP) officer has reviewed the proposals based on the latest TP (TP) submitted as part of the TA. There are several amendments and changes that are required. We have attached guidance and the WSCC policy for referral.

Specific areas that need attention include:

- *Named TP Co-ordinator in place **3 months** before first occupation*
- *£150 Voucher offer per unit on occupation then again offered at 5 years if monitoring shows not meeting targets*
- *Travel data monitoring*
- *Expected target is 15% reduction for urban locations (Target based on expected vehicle trips)*

Conclusion: *The LHA would request further information on the points raised in the report above to assess the application further."*

Updated Response to Further Information

Travel Plan

The Travel Plan is being updated. In terms of the second sustainable travel voucher the LHA requests that the second round of travel vouchers is required at Year 5.

Road Safety Audit

In summary the points raised by the Auditor have been addressed as part of the Designers Response. On that basis the RSA points have now been addressed. Anything outstanding can be addressed at Detailed Design.

Contributions

We note an agreement, in principle acceptance and we are happy for it to be land and a contribution. We do however need a steer for the value of the land. We would be happy with a claw back clause but this would be likely to be the standard 10 years. This can be agreed at later date however.

Parking

However given the sites location we have always been of the view that whilst it is below the required standards, the application would be hard to resist on these grounds.

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

“West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

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

Risk Summary

<i>Current surface water flood risk based on 30year and 100year events</i>	<i>Low risk</i>
<p><i>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although two small pockets of higher risk do exist on the site.</i></p> <p><i>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</i></p> <p><i>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</i></p>	
<i>Modelled groundwater flood hazard classification</i>	<i>Moderate risk</i>
<p><i>Comments: The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</i></p> <p><i>Ground water contamination and Source Protection Zones.</i></p> <p><i>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</i></p>	
<i>Ordinary Watercourses nearby?</i>	<i>No</i>
<p><i>Comments: Current Ordnance Survey mapping shows no ordinary watercourses running across the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</i></p> <p><i>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</i></p>	
<i>Records of any historic flooding within the site?</i>	<i>No</i>
<p><i>Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</i></p>	

Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk Assessment included with this application state that geocellular crate attenuation with a restricted discharge to the main sewer would be used to control the surface water runoff from the site.

As per the District Drainage Engineer's comments, the drainage hierarchy should be followed and further justification as to why infiltration is not being used should be provided. If sustainable drainage is implemented at the early stages of master planning, this should be possible within even highly constrained sites. This would also have the benefit of achieving discharge rates closer to greenfield rates.

In the spirit of SuDS implementation, and in line with many of the policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through green/blue roofs, rain gardens, permeable paving, bioretention systems or tree pits prior to disposal to reduce peak flows. SuDS landscaping also significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

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

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

Historic England comments that,

"Summary

Historic England acknowledges that there are clear benefits in redeveloping this derelict site for a high density, mixed-use scheme which will help in the regeneration of this part of Worthing. However, we have a number of concerns regarding the scale, massing and design of the proposed development and the impacts this would have on the significance of surrounding designated heritage assets and the historic townscape.

We do not think that harm to heritage significance has been avoided or minimised in the application and therefore we advise you to ask the applicant to do so, as required by paragraph 190 of the NPPF. In our advice below we identify ways in which harm could be further reduced, including through changes to design and through additional views analysis to ensure all potential impacts have been properly assessed.

We also think the proposal fails to meet NPPF's aspirations (paras 127 and 192) of high quality design in the historic environment and development that makes a

positive contribution to local character and distinctiveness. In light of this we recommend that the application is in detailed rather than outline form and that advice from a Design Review Panel is used by the Local Authority in assessing the design quality of the scheme.

When considering the impacts of this proposal on the significance of designated heritage, the Local Planning Authority will also need to give great weight to the heritage assets' conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (Para 193).

Historic England Advice

Significance

Overview of Historic Townscape and Conservation Areas

The site occupies a central position in Worthing with frontages to Union Place and the High Street and situated to the rear of Chatsworth Road and Chapel Road.

Most of central Worthing is made up of a series of conservation areas which comprise in the main late eighteenth and early nineteenth century terraces. They provide a consistent ensemble of Regency or Victorian buildings associated with the growth of the town as a successful seaside resort from the 1750s onwards.

Adjacent to the west of the site is the Chapel Road Conservation Area. Its character is derived from two and three storey mixed use, 19th century, commercial buildings along the principal road and a distinct group of more substantial civic buildings further north. Chapel Road itself provides the main thoroughfare from Worthing Station to the Seafront and Worthing Pier. The secondary streets within the conservation area boundary are narrower. They often have their own distinctive character, such as the white stucco Regency residential buildings in Ambrose Place with delicate balconies, and the more robust flint and stucco properties in Portland Road.

Located to the south of the Chapel Road Conservation Area is South Street Conservation Area, which comprises a busy retail area with historic buildings principally of the early 19th Century. Building heights remain relatively low at between two and four storeys. To the west of South Street is Steyne Gardens Conservation Area adjacent to the seafront, which contains some of Worthing's most important buildings and civic open spaces in the form of late eighteenth and early nineteenth century terraces, in a similar fashion to grander schemes in nearby Brighton or Hove. To the north of Steyne Gardens is Warwick Gardens Conservation Area, which includes a collection of narrow, two storey Edwardian semi-detached dwellings and terraces corresponding to a period of rapid growth of the town. The Little High Street Conservation Area, located to the north of the site contains a number of former institutional buildings and residential terraces from the early 1900s.

From these conservation areas it is still possible to easily understand the hierarchy of buildings and streets that formed the historic seaside resort. Along principal

routes buildings are generally no more than four storeys, while on more minor roads, two or three storeys is common. Each street generally therefore has an established scale and this is a key characteristic of the historic townscape. There is also a high degree of architectural integrity, derived largely from the relatively narrow construction time span, consistent scales, narrow plot or bay sizes, traditional facing materials and ornamentation. While this picture has latterly been augmented with modern development, including some taller buildings, the scale of development is however generally low, with an attractive silhouette formed by the varied roofscape.

Listed Buildings

The site lies within the setting of a number of listed buildings. For example, the grade II* listed St Paul's Church by John Biagio Rebecca (famous as the designer of Castle Goring) sits along Chapel Road. This handsome, classically designed building has a stucco pedimented Doric portico frontage with yellow brick along the Ambrose Place elevation. It was originally designed to be the most dominant and important building in this area as a Chapel of Ease for Broadwater Parish. It is a reminder of the wealth and energy of Worthing in its early 19th Century. At present westward views from the High Street down Union Place are terminated by, and focused towards, the portico of St Paul's Church.

Attached to the west of St Paul's Church is 1-14 Ambrose Place, a delightful Regency terrace with gardens opposite and listed at Grade II. It developed in a piecemeal fashion and is described as one of the most attractive terraces in Worthing. Terminating the views west from Ambrose Place is Christ Church on Grafton Road (Grade II* listed), which is an attractive neo-Gothic church of knapped flint and stone dressings.

The setting of these listed buildings is currently formed by the fairly intact historic townscape of this area. This contributes to their significance as it helps in the appreciation and understanding of how this part of the town originated from Worthing's heyday as a successful Regency and Victorian seaside resort.

On the western side of Union Place, opposite the site, are two Grade II listed Regency villas, Elm Lawn House and Storm House, which are designed in the Neo-Classical style, possibly taking inspiration from St Paul's Church. The villas are set back from the road behind a boundary wall and landscaping. Storm House is also seen as a prominent and attractive historic corner building in views from the High Street. Opposite the eastern boundary of the site are Nos 40-44 High Street, which are early to mid-19th century vernacular houses with commercial uses at ground floor. They form an attractive grouping and are listed at grade II. They are the last remnant of the historic High Street.

While the site in its current derelict condition does not enhance the setting of the listed villas along Union Place or the vernacular buildings of the High Street, it forms part of their close setting and therefore its redevelopment needs careful and sensitive consideration. There are opportunities for re-knitting this part of the townscape and enhancing the setting and significance of these listed buildings.

Impact of the proposal

The proposed development is an Outline planning application (with all matters reserved except for access) for the erection of a mixed use development comprising residential units, commercial floorspace, hotel, cinema and associated car parking, cycle parking, public realm and landscaping.

Supporting information explains that the development is to be laid out in a series of even blocks of differing scales and heights of between four to seven storeys with an eleven storey tower. Along Union Place the development would comprise one four storey block and two blocks with four storeys on the frontage rising to seven at the rear; on the corner of the High Street and Union Place would be a large curving block of five storeys plus one additional storey set in; along the High Street would be another large block of six storeys plus two storeys set in; and there would be a block of three storeys behind the existing terraces in Chatsworth Road. The 11 tower block would sit behind the block fronting the High Street.

As explained above, the site is located with a sensitive location within the setting of a number of conservation areas and listed buildings. As a result of its large scale and massing and tower element, the development would rise up behind the established scale of the historic townscape, and would appear as an overbearing and dominating presence in a number of different viewpoints.

It would therefore harm how Worthing's historic townscape is currently experienced by competing visually with the generally low scale and distinctive silhouettes of the rooflines of the conservation areas. It would also cause disruption to the human scale which has largely persisted in the development of the town.

Of most concern to us are the massing and design of the blocks along Union Place and the impacts on views towards St Paul's Church and back from the Church towards the site; impacts on the setting of the listed villas in Union Place opposite the site and also on the setting of the vernacular buildings in the High Street. Impacts on views from Christ Church and Ambrose Place need further analysis in the form of rendered views before we can comment on them. We are also concerned about the proposed design of the tower, which in the illustrative material appears slab like and has the potential to appear in large number of views above the prevailing built form when moving through the conservations areas.

Policy Context

As the application would affect conservation areas and the setting of listed buildings, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) and to have special regard to the desirability of preserving the setting of listed buildings s.16, 62, 1990 Act) must be taken into account by your authority when forming a view about the likely acceptability of a proposal when a planning application is made. The National Planning Policy Framework sets out the Government's objectives for the historic environment. Chief among them is the requirement to conserve heritage assets in a manner consistent with their significance. Paragraph 190 refers to avoiding or minimising harm and 194 sets out that significance can be harmed or lost by development within the setting of heritage assets. Any harm should require a clear and convincing justification. Paragraph 200

of the NPPF takes the requirement to preserve the setting of heritage assets set out in primary legislation further by encouraging local planning authorities to look for opportunities for new development to enhance or better reveal the significance of heritage assets.

Where a proposal would be harmful to the significance of designated heritage asset and amendments cannot mitigate all the harm, then any residual harm must be weighed against the public benefits of the proposal (para.196, NPPF).

Chapter 12 of the NPPF refers to achieving well-designed places. Paragraph 127 refers to developments adding to the overall quality of the area; to be visually attractive and provide good architecture; and to be sympathetic to local character and history, including the surrounding built environment. Para 129 refers to using tools to improve design quality such as Design Review Panels.

Historic England has produced Advice Note 4 on Tall Buildings (2015). A revised consultation draft version of this was prepared in March 2020. This recommends a development plan-led approach to identifying areas as appropriate or otherwise for tall buildings. The Advice Note points out that in the right place, well-designed tall buildings can make a positive contribution to urban life. It also notes that if a tall building is not in the right place and is not well designed, by virtue of its size and widespread visibility, it can also seriously harm the qualities that people value about a place. It goes on to set out criteria for evaluating proposals for tall buildings, which include: form and massing; proportion and silhouette; facing materials and relationship to context.

Historic England's suite of Guidance also includes the Good Practice Advice (GPA) 3 'The Setting of Heritage Assets'. This aims to assist applicant's in understanding the concept of 'setting' and then sets out a framework for assessing the significance of assets, the contribution made to that significance by their settings, and how to minimise the impact of development proposals on the setting of assets.

Worthing's Core Strategy 2011 designates the application site as 'Union Place South' an 'Area of Change' within Worthing i.e. an area that is not fulfilling its potential and in need of redevelopment. The Core Strategy also includes an overarching policy on the Built Environment (Policy 16) which requires new development to respond positively to Worthing's historic environment, important aspects of local character while exploiting all opportunities for enhancement.

The new Draft Local Plan identifies this site as a 'Key Development Site' for a mixed use scheme. Draft Local Plan Policy CP15 (A Strategic Approach to the Historic Environment) seeks to conserve and enhance the historic environment and character of Worthing, which includes historic areas, buildings, features, archaeological assets and their settings and important views. Draft Local Plan Policy CP16 (The Historic Environment) states where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

Worthing has also produced an SPD on Tall Buildings (2013), which identifies the Union Place site as offering opportunities for a taller building which could also be a catalyst for regeneration. It however acknowledges that this opportunity must be seen in the context of the existing historic character of the surrounding area.

Position

We acknowledge the ambition of Worthing and Adur to exploit the potential of the town, including through the redevelopment of this site to provide a taller 'landmark' building. The redevelopment of this site presents an opportunity for a higher density scheme on a redundant site which currently has a negative impact on this part of the town centre. However we have concerns regarding the scale, massing and design of the development and the resulting harm this would cause to the character and appearance of Worthing's historic townscape.

We think the harm could be lessened by reducing the scale and height of the two larger blocks fronting Union Street and the stepping down of the corner block on the High Street as it turns into Union Place. This would result in the development being less overbearing and dominant in views towards and back from St Paul's Church and also in views from and towards the listed Villas opposite. In addition, we do not think that the proposed massing and form of these blocks with four storeys at the front with a tall and bulky section up to seven storeys at the rear provides a suitable and attractive form of development. More efficient use of this part of the site could be achieved through the re-arrangement and consolidation of some of the blocks. We also have concerns regarding the scale of the development of the blocks along the High Street opposite the listed vernacular buildings of 40-42 High Street. We consider that these should be reduced in height and set further back into the site so as not to so completely overwhelm and dominate these relatively small scale buildings.

In terms of the tower element of the scheme, the Council's Supplementary Planning Document (SPD) on Tall Buildings highlights that towers should not have the appearance of isolated slab blocks. The bulk of these types of tower means that they often have a less successful relationship to their context and street edge and often block rather than define views. The SPD explains that instead they should be designed with a tall and thin slender profile so that they can create a distinctive and elegant skyline. If this development is to include a tower element, we consider that it is crucial that its design is of a high quality. This advice is also reinforced in Historic England's Tall Buildings guidance.

We appreciate that undertaking views assessment for a large scale development with a tall building in an urban environment may affect the setting of numerous heritage assets but may not impact on them all equally. However, we recommend that further views analysis is carried out to establish whether the development and tower will be visible in any kinetic views when moving through the surrounding conservation areas as well as from the seafront and listed pier. In addition, we consider that Rendered Views should be provided, rather than Wireframe views, of the key viewpoints identified by the Council in order to help us more fully understand the impacts and level of harm to heritage assets, including from Ambrose Place and Christ Church in Grafton Road.

We note that this is an Outline application with all matters reserved apart from access. Historic England's Tall Buildings Guidance advises that in sensitive historic environments, applications for tall development should be in the form of a detailed planning application to enable the Local Planning Authority to fully assess the impact and planning merits when taking a decision. It explains that outline

applications should be rare and only be justified in exceptional cases where the impact on the character and distinctiveness of local areas and on heritage assets can be assessed without knowing the detailed form and finishes of the building. We do not think this proposal is an exceptional case and have concerns regarding agreeing the principle of this quantum and form of development without having sufficient understanding of and control over eventual scale, massing and design of the scheme.

Finally, the NPPF (para 129) also encourages Local Authorities to ensure they have access to, and make appropriate use of tools and processes for assessing and improving design, including Design Review Panels (DRPs), and notes that local planning authorities should have regard to the outcome of these processes including recommendations made by DRPs. Therefore, we encourage your Council to seek advice from a DRP to help in consideration of this application. The success of this scheme will be dependent on appropriate scale and massing, as well as high quality design and detailing, that reflects and references the surrounding historic townscape with its varied roof forms and silhouette, narrow plot or bay sizes and high quality materials.

Recommendation

Historic England has concerns about this application on heritage grounds.

We think the proposal fails to meet NPPF objectives to avoid or minimise harm to designated heritage (as it has not been proven that the proposal represents the least harmful way to deliver a regenerated site) and consequently it also fails to meet the requirement to clearly and convincingly justify harm to heritage significance (NPPF, Paras 190 and 194). We recommend that further work is carried out to establish whether the harm to designated heritage assets, can be minimised by reducing the scale of the buildings and considering different massing options so that the bulk of the proposed development is not visually dominant in views from designated heritage assets. We also recommend that the tower element is redesigned to provide a more sculptural and streamlined silhouette.

Historic England recognises the importance of the site to the Council's ambition to regenerate Worthing and we would be pleased to work with you and the applicant to address our concerns.

In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas."

In response to the amended plans Historic England has stated that,

"Historic England Advice Historic England previously provided comments on application AWD/0461/20 in our letter dated 29th June 2020. In that letter we recognised that there were clear benefits in redeveloping this derelict site for a high

density, mixed-use scheme which will help in the regeneration of Worthing Town Centre.

However, we highlighted that we did not think that harm to the significance of the surrounding heritage assets had been avoided or minimised as required by paragraph 190 of the National Planning Policy Framework (NPPF). We identified ways in which harm could be further reduced, including through changes to scale, height, design and through additional views analysis.

This letter should be read in conjunction with our previous correspondence, which sets out our assessment of significance of the listed buildings, conservation areas and historic townscape surrounding the site, relevant policy and the background to our position.

The proposals have now been amended to take on board some of the advice in our previous letter. In summary these include: a reduction in height of the development along Union Place and along the High Street; changes to the massing and height of the tall building; detailed Design Codes referencing Worthing's local vernacular; additional view analysis including from the seafront and listed pier; and review of the proposals by the South East Design Review Panel.

Historic England welcomes the proposed amendments to the scheme and acknowledges that they have resulted in significant improvements that have reduced the level of harm to heritage assets.

We consider that some harm still remains due to the scale, height and dominance of the development in some views over the established nineteenth and early century heights that characterise the historic townscape. We also advise that your Authority ensures that sufficient measures are put in place to be able to control the massing and design of the tower element so that a high quality, distinctive and streamlined silhouette is delivered at the Reserved Matters stage.

Recommendation

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

We advise that paragraphs 190, 194 and 196 of the NPPF should inform your decision as to whether all harm has been avoided or minimised; that there is a clear and convincing justification for the harm that remains; and the public benefits of the proposal outweigh what we assess to be less-than-substantial harm.

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

South Downs National Park Authority (SDNP) comments that,

"I would be in agreement that the recent amendment to raise the height of the tallest element of the proposals from 11 to 14 storeys would justify an assessment of some representative views from within the SDNP. There are already a variety of tall buildings within the Worthing area, and these will be added to by the recently permitted Teville Gate scheme, but the interaction of any new tall buildings with the sea and sky beyond will be nevertheless be important to assess (in particular where the horizon is broken). The assessment should comprise of both verified wireframe and CGI photomontage views, as already provided for other views within the submitted Heritage, Townscape and Visual Assessment.

Our Cumulative Viewshed Map (part of our Viewshed Study Report) indicates that the site would be theoretically visible from a number of key viewpoints, and I have spent this morning visiting these and other points in the surrounding area to verify this. I would suggest the following be considered for inclusion as representative views:

- Highdown Hill (south-western corner of ramparts of SAM), 5.6 Km NW from site – *This is one of the viewpoints selected in the Viewshed Study. ZTV data on views from here suggests that any development on the site from ground level upwards would be visible, and although in real world terms lower elements would be obscured by surrounding buildings, the proposed development would nevertheless extend well above these and break the sea and potentially the horizon beyond.*

- Cissbury Ring (southern side of SAM, 4.9 Km N from site) – *This is another viewpoint selected in our Viewshed Analysis. Mount Carvey conceals some views of the site from this SAM, but it is revealed as you travel west along the ramparts. Again there is a potential to break the view of the sea and horizon.*

- Lambleys Lane, near chalkpit south of Lambley's Barn (3-3.5 Km NE from site) – *This is not a key viewpoint, but gives good views from the elevated ground to the northeast. Particularly good spots are a view over a gap in the hedgerow opposite the old chalkpit, and again over a double gate a little further south.*

I would suggest these would be the minimum number of viewpoints to select, although I would welcome consideration of the following additional locations, neither of which are viewpoints identified in our Viewshed Study:

- Bridleway leading south from Cissbury Ring through Hillbarn Golf Course (3.5 Km N from site) – *Glimpsed views are possible - eg from a little above Mill Plantation. This would be similar to the Cissbury Hill view, but at closer range.*

- Mill Hill Nature Reserve, Shoreham, near upper car park (7 Km NW from site) – *Good views possible from here, but at 7 Km, this is getting some distance away from the site.*

My initial feeling is that a development of the range of heights proposed may be more acceptable for this site than some of the isolated towers in the wider area. However, what will be crucial is that the taller buildings (including any apparatus or equipment on the roofs) are not externally finished in a light or highly reflective surface. Particularly with a low winter sun shining upon them, some buildings in the

coastal plain can stand out starkly in views from the higher ground in the SDNP to the north. In the case of this scheme, I am not overly concerned by the materials indicated to be used, and the glazing will be less of a concern due to the way it is recessed. However, I'd appreciate your confirmation as to what changes may have been made to materials since the CGI visualisations were created, and to what extent you may be considering conditioning these for later approval."

Updated Response to Views from the SDNP

Thank you for sight of the wireframe drawings from viewpoints within the SDNP. I think this is sufficient to give an idea of the outline of the buildings against the coast and sky beyond in views from within the SDNP and demonstrates that the buildings would be seen in the context of other taller buildings in Worthing. It does, however, raise the question of whether Adur and Worthing Councils have a tall buildings policy or study that demonstrates which areas are better placed to accommodate taller buildings. If no such study or policy exists, we would recommend consideration of this in order to guide future proposals in the area.

In my initial comments, I mentioned a potential concern if the taller buildings on the site (including apparatus on the roofs) were to be finished in brightly or highly reflective surfaces and I would therefore welcome consideration of suitable conditions to cover this matter if permission is to be granted.

Design South East - Coastal (West Sussex) Design Review Panel considered the application and its response is set out in full below:

"Site details - *The site is 1.14 hectares in size and lies to the south of Union Place, which is bound by the A259 (High Street) in the east and Chapel Road in the west. There are a number of conservation areas in close proximity to the site. Although the site itself does not sit within a conservation area, there are a number of listed buildings in close proximity, including Grade II listed Elm Lawn House and the former Conservative Club Headquarters to the north of Union Place; both white mid-nineteenth century regency villas. The Grade II* listed Church of St Paul and its portico terminate westward views along Union Place from the High Street.*

Proposal - *This is a joint endeavour between Adur & Worthing Councils and LCR. The proposal is for 186 new homes in a mix of studio, 1-bed and 2-bed homes, including 30% affordable housing provision. Alongside this, circa. 600sq.m of flexible commercial floorspace, an extension to the existing Connaught Theatre, a 90-bed hotel and 310 vehicular parking spaces (the majority in a self-contained, multi-storey car park), circa. 200 cycle spaces, associated public realm improvements and open spaces are proposed.*

Planning history - *An outline planning submission (AWDM/0461/20) has already been submitted (Tuesday 17th March 2020) with all matters reserved except for access. An August or September committee date is targeted, dependent on the time required to revise the proposal following the design review and stakeholder engagement.*

Planning context - *The site is subject to the Area of Change Policy in the Core Strategy (2011). It seeks a comprehensive redevelopment that forms a new retail quarter, with a high-density of mixed uses including retail and residential, an*

expansion of cultural and leisure activities, and high quality public spaces and improved connectivity.

Planning authority perspective - The Council, as a planning authority, understood the sensitivities surrounding the proposal for a tall building and sought the panel's views on this. Historic England have expressed their concerns in writing to the planning application proposals.

The independent view of the panel is sought on the overall design, in addition to whether the material developed (parameter plans and design codes) are of a sufficient standard to deliver a high-quality development.

Previous reviews - An earlier iteration of this scheme, proposing development primarily on the site of the former Police Station, was previously reviewed by the panel in 2016. We advised on the need for a comprehensive brief and design proposal for this part of Worthing, inviting the authority and applicant team to explore the wider regeneration potential of the site.

Engagement - A comprehensive engagement process has been carried out on this site through the scheme's various iterations. Most recently, Historic England set out a number of concerns with the scheme submitted for planning which the team have begun to address and intend to develop further. This includes a concern over the large scale and massing of the tower element which would rise above the established scale of the historic townscape and potentially impact views to and from St Paul's Church.

Summary

We commend the comprehensive approach to this site that considers the broad regeneration potential of this part of Worthing.

The presentation was comprehensive and informative. We thank the team for the opportunity to review the scheme again and commend the constructive design development process. This iteration has evolved to take into account our earlier advice with regards to the need for a full and comprehensive redevelopment. It is a shame that we were not able to review the scheme prior to a planning submission being made. However, we are confident there is willingness to improve the design further.

The overall brief for the site is clear. We welcome the cultural and commercial component of the scheme and the extension of the theatre. The vision needs to be more clearly articulated however, to highlight and inform additional strategic parameters and codes, in particular the quality and amenity of the residential elements.

Key recommendations

1. Explain more clearly how the unique urban character, history, grain, landscape and architecture of Worthing has influenced the plan, massing and details of the proposed development, and how the associated parameters and codes will be secured through conditional consent.

2. *Explore opportunities for smaller, fine-grain interventions, for which clear guidelines are set within the application documentation.*
3. *Redress the balance between architecture and public realm giving more emphasis to the public realm/landscape. Develop a single unifying idea to determine and define the character of key spaces.*
4. *Develop a robust servicing, access and fire strategy with delineated zones for different modes of movement.*
5. *Explore treatments for the taller building element such that it makes a distinctive contribution to Worthing's skyline in longer views, while complementing the public and private uses and spaces at the lower levels.*
6. *Rationalise and reduce the extent of the road infrastructure around the north-east boundary of the site to allow more pedestrian and amenity space. Engage and collaborate with relevant highways authorities and consider commissioning independent specialist advice.*
7. *Acknowledge the differing characters of Union Place and High Street, developing a specific response to each edge together with a corner design that resolves and exploits the potential of these conditions.*

Detailed advice and recommendations

1. Vision

- 1.1. *The overall brief for the site is clear but the vision needs to be more clearly articulated. There is extensive detail in the application, which has been diligently developed, but is subsidiary to more pressing requirements. Key priorities, strategies and concepts should be determined through the vision and expressed robustly through parameter and design code drawings.*
- 1.2. *The residential component of the vision should be emphasised and enhanced. More thought should be given to the amenity of those who will live here; to the quality & variety of living accommodation, including private and shared spaces that will enhance residents' experiences.*

2. Relationship with the wider context, heritage and character of Worthing

- 2.1. *The best of Worthing's historic architecture is playful and extrovert. A stronger link should be demonstrated between this context and the proposal. Within the scope of this application, we would expect to see provision for the small scale commercial spaces that the accompanying analysis suggests is appropriate. For example, maximum widths for shopfronts at ground floor or strategic locations for small-scale interventions could be defined. We acknowledge that such details will be reserved matters but a commitment to their provision is required within the parameters to be set at this outline stage.*
- 2.2. *Union Place and High Street are rightly noted as key frontages. We commend the reinstatement of the street frontage on the western side of High Street but question the dominance of the proposed curve of the hotel as appropriate architecture for the junction of these two streets. The north-eastern corner should differentiate between the two distinct characters of Union Place and the High Street. An orthogonal corner with varied responses on each street could be explored.*

- 2.3. *We are broadly comfortable that a taller element within this scheme would not have a necessarily negative impact on views of or from the wider town setting; in our view, it is the immediate setting of Union Place and the contribution this proposal makes to this street which is the primary heritage consideration. More careful tuning of the northern edge of the development would ensure that the character of Union Place is strengthened by this proposal.*
- 2.4. *A closer study of the existing and historic urban character, grain and landscape is advised. The study may inform the form and massing of the blocks immediately to the south of Union Place and how they frame or enclose landscape. The team could explore the pre-existing history of Union Place as a series of linked gardens.*
- 2.5. *The rationale for the position of a taller element on the site has been driven predominantly by a response to the immediate site context and drawing height away from Union Place and the High Street. However, the team should explore a taller element that is a distinctive and attractive positive feature from a distance, and a feature within the site context that is sympathetic to the massing of other elements and to the quality of the open spaces and landscape between them.*

3. Public realm, landscape and connectivity

- 3.1. *The quality of the public realm and landscape is currently underplayed, with spaces subordinated to buildings that should prioritise, frame or enclose the open spaces in order to enhance them. A unifying idea for landscape, with an appropriate and coherent character, is needed. Parameters and expectations for landscape and open space should be established in addition to those for buildings.*
- 3.2. *A review of the roundabout to the north-east of the site, associated transport routes and public realm is advised. This will require collaboration between the applicant, Worthing Council and the local highway authority. A rationalisation and contraction of the road infrastructure is advised, to provide more area for landscape and open space. Different approaches are likely needed for the public realm and street trees of Union Place and High Street, to be resolved between the statutory authorities. It may be appropriate to commission independent specialist advice.*
- 3.3. *A site with a diverse mix of uses such as this should have a robust servicing, access and fire strategy. The team should develop this as a key component of the outline application. Access and egress, routes through the site and their relationship to the public and private spaces will affect the residential amenity of the development.*
- 3.4. *We commend the principle of an east-west route through the site, but the depth of the buildings to the south of Union Place could be reduced to allow more space for this connection and associated landscape. The parameters should ensure potential conflicts at the ground plane between differing modes of movement are avoided or accommodated with shared surface areas as appropriate.*

- 3.5. *There is concern over the immediate environment of the proposed car park and its impact on the quality of the north-south connection and landscape. The panel queried whether car parking could be reduced on site and accommodated within the MSCP to the south. The Council highlighted the local sensitivities and politics surrounding this, however, the panel advised this discussion remain open. The high level of public and private car parking proposed may need to be revised down in the future. Parameters should be identified that enable the multi-storey car park to be adapted to another use within its lifetime, for example to accommodate space for employment.*

4. *Layout and living accommodation*

- 4.1. *Concerns were expressed regarding the layout with regard to the high number of single aspect apartments and their internal corridor access from single cores. The proximity of the buildings to each other create potential overlooking and privacy issues including between external balconies. The layout should be considered with regard to the quality of the proposed living accommodation and a wider variety of building typologies explored. This should include opportunities to include land based housing and well-designed deck access dual aspect housing as an alternative to single aspect apartments accessed from single cores.*

5. *Materials and details*

- 5.1. *The local character and distinctiveness of the town and site should be encapsulated into the design codes and illustrative masterplan work. The proposals as presented appear too generic and disconnected with the analysis outlined at the beginning of the masterplan principles.*
- 5.2. *The traditional architecture of Worthing is notably white in colour with lots of applied features and detailing. The proposed design code could reduce the proportion of masonry construction (although generally welcomed) and promote the use of good quality stucco and other and decorative treatments.*
- 5.3. *The applicant team should note the panel's general guidance at planning application stage that the quality of the detailing needs to be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building and landscape and should be accompanied by actual material samples which should be secured as part of any planning approval.*
- 5.4. *Paragraph 130 of the National Planning Policy Framework (2018) states: 'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

6. *Energy strategy*

- 6.1. *Our guidance at the planning application stage is that the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables*

in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

7. Monitoring quality

7.1. The continuing role of the design review panel will be particularly important through the planning process given the Council's chosen route through an Outline Planning Application."

Representations

The Worthing Society objects to the applications and comments that,

(I) INTRODUCTION

Whilst we appreciate that this important town centre site is ripe for redevelopment, we are deeply disappointed that the proposed plans are at odds with the prevailing street scene, the character and appearance of the area. The centre of Worthing reflects its heritage as a traditional seaside town with predominantly low-rise buildings in Victorian, Edwardian or Art Deco style.

This application, in fact, merits close scrutiny as Worthing Borough Council (WBC) is the joint applicant together with the developer. The public have a right to expect that the Council will set an example when presenting plans for a significant site in central Worthing and will implement its own planning policies and those of central government. Residents also held an expectation that the proposal for this site would afford the opportunity to provide enhanced public amenities. The proposal is, instead, a high density residential development. Furthermore, the architecture shown in these development plans would be a 'step change' in design and would significantly harm the overall character of the town as well as the proximate conservation area and listed buildings. I have identified, in the following detailed sections, what we perceive to be the defects in the scheme:

(II) RELEVANT PLANNING POLICIES

The new layout which includes six and seven storey blocks together with a tall building of eleven storeys would look completely incongruous. This represents a serious defect in that the proposal is not, in our view, commensurate with both national planning policies and the Council's own local planning policies which I have itemised as follows:

- a) National Planning Policy Framework: Importance of design proposals which complement and enhance heritage assets, of good design. **This guidance is not, in our opinion, reflected in the proposal.***
- b) Planning (Listed Buildings Conservation Areas Act) 1990: Protection of the setting of listed buildings and conservation areas - **not adhered to.***
- c) National Design Guide of October 2019 repeatedly states that 'a well-designed development will integrate into the surrounding context of the area reflecting local history, culture and heritage'. **The new buildings should therefore reflect the local vernacular, but seriously fail to do so in this case.***
- d) Worthing Core Strategy Policy 16 - **not fulfilled by the architecture and design presented in the proposal***

e) Worthing Local Guidance: SPD - Tall Buildings (pages 29 – 32):

- Although this guidance refers to a town centre site close to transport links as a potentially suitable location for a tall building, the document also states that Worthing has a rich and varied architectural context with Regency, Victorian Art Deco and later 20th century buildings. There is a clear acknowledgement that these historic buildings are an important feature contributing positively to the town's built environment.
- This is a town centre site but the close proximity of the heritage buildings and conservation area make it particularly sensitive. The introduction of a tall building would be intrusive, out of context, and oppressive.
- It is important to note that there are 6no. Listed Buildings, a Local List building and the Chapel Road Conservation Area in close proximity to the proposal site.
- The SPD goes on to clearly state that 'tall buildings must ensure that they do not impact negatively on these historic assets'.
- Additional guidance in the SPD states 'proposals for tall buildings must understand and respect the fine historic townscape and character of Worthing'.

We therefore consider that the height and design of the eleven storey block clearly fails to reflect the intentions of the SPD guidance. Instead, the inclusion of the tower would have a harmful effect on the character of the area and proximate heritage assets. The proposal would therefore contravene the guidance of the Council's local SPD in respect of the historic built environment.

(III) THE CONSULTATION RESPONSE

Another major concern is that the proposed development reflects none of the comments submitted by residents following the Public Consultation held in November 2019. These comments are included in paragraph 4.1 of the Design and Access Statement and are detailed as follows:

- The most significant response expressed a specific desire to create lower buildings influenced by local styles. Residents clearly appreciate the historic character of the area.
- There was in addition a significant public expectation that the proposal would include enhanced greenery, and increased leisure facilities.
- The importance of Increased parking facilities was also identified by the public.

Sadly, these firmly held views and representations are not respected in the resultant proposal. This development would be inappropriate for the location and therefore Worthing as a whole. It would represent a missed opportunity.

(IV) ADVERSE EFFECT ON THE SETTING OF THE HERITAGE ASSETS

The maximum height levels should be four, maybe five, storeys to complement the existing buildings, with a design that balances with the surroundings and shows the local architecture to advantage. Introducing a modern contemporary design to this landmark site could add interest and enhance the area but any new buildings must 'sit well' with their heritage neighbours, as stipulated by the NPPF and local planning policies.

The heritage assets in Chapel Road and Union Place include the Grade II listed St Paul's Centre situated within the Chapel Road Conservation Area, the Art Deco Connaught Theatre together with the Grade II listed Elm Lawn House and Haverford House in Union Place.*

The setting of Haverford House, particularly, would be adversely affected by Block C at seven storeys in Union Place; the curved Block D (six storeys) situated directly opposite at the corner of High Street and Union Place, as well as the eleven storey tower situated behind Block D, which would be oppressive.

On the east side of High Street, facing the site, is a group of early Grade II Listed Buildings, 'survivors' of the early commercial layout of the area. The new design does not reflect their scale or character. Block E, situated opposite, would be oppressive and 'harm' the setting of these important heritage assets which contribute positively to the existing street scene.

The style and height of the west facing elevations of the development shows there would clearly be a negative impact on the setting of both the Chapel Road Conservation Area and, importantly, the setting of the Grade II Listed St. Paul's Centre. The bulk, size and mass, as well as the tower element behind, would be oppressive and out of scale. The effect on the setting and character of these heritage assets would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and provisions of the NPPF.*

These points clearly illustrate that the height, design, size and mass of the proposed development would harm the setting of these important heritage assets. The development will therefore be oppressive when viewed from all sides. The illustrative street elevations shown on page 3 of the Planning Application documents clearly show this to be the case.

(V) DENSITY

a) *The plans provide 186 flats, mostly 1 bedroom, and 90 hotel rooms. The site area is 1.14ha. The density in flats alone is 170/ha; if 2 hotel rooms equal 1 flat, the density is 215/ha.*

b) *The Design and Access Statement shows only narrow gaps between buildings for exercise, culture or play activities. The combined effect of the 6, 7 and 11 storey blocks would be oppressive, making the narrow gaps and alleys very dark. This could also encourage anti-social behaviour.*

c) *There is only 15 metres between the blocks facing Union Place and 20 metres between the block on the High Street and the tall buildings behind it. We understand that the 'rule of thumb' is that there should be 20 metres but, even at this distance, overlooking would occur. This could have an adverse effect on the well-being and personal privacy of future occupiers.*

d) *The effect of the narrow gaps between the buildings on Union Place would be accentuated by the provision of balconies.*

Given these figures, as presented in the plans, and even acknowledging that a higher density is a feature of tall buildings, we consider the number of units to be excessive so that the plans represent over-development of the available site.

(VI) SITING OF THE BUILDINGS

- a) *The siting of an eleven storey tower element in this location will be intrusive, oppressive and out of character with the scale of the surrounding area.*
- b) *The proposed seven storey blocks B and C are on Union Place. They are very urban in style. Even with three recessed upper floors they would still appear over-dominant and oppressive in regard to the street scene, particularly as Union Place is a relatively narrow thoroughfare.*
- c) *As they are sited on Union Place, and directly border the pavement, Blocks B and C will be in stark contrast to the green street frontage which is on the opposite side. This attractive green area forms part of the setting of Grade II Listed Elm Lawn House. Contrary to the Planning (Listed Buildings Conservation Areas) Act 1990, the setting of this building would be harmed by the oppressive seven storey blocks. The south side of the development should, in turn, reflect the character of the north side of Union Place and be recessed to include greenery and trees.*
- d) *Blocks D (6 storeys) and Block E1 will adversely affect the appearance of the High Street and the group of listed buildings on the east side. Block D is at the corner of High Street and is six storeys in height (1no. floor recessed) and Block E1 is seven storeys (2no. floors recessed). The height and mass of these buildings would be overbearing to both the High Street and Haverford House at the corner of Union Place.*
- e) *We would question the siting of the hotel block in this position as there could be a serious health and safety issue generated by cars, taxis and delivery vehicles parking or stopping in the road. This is a very busy roundabout and junction with a nearby bus stop.*

(VII) PARKING

- a) *There are concerns here – 63 parking spaces will be provided for the 186 flats and none for the hotel.*
- b) *The net increase in parking spaces in the area is only 19 because the car parking on High Street with 47 spaces would be eliminated.*
- c) *Workers and shoppers would find difficulty in parking which would produce a negative effect on the prosperity of the town.*

(VIII) LACK OF A NEW LEISURE FACILITY

- a) *During 2018 when Worthing Borough Council first announced that the site would be redeveloped, the public were asked, via a local media exercise, to give suggestions for the development. The request for landmark leisure facilities to be incorporated into the proposal was a major response. Popular choices included a skating rink, indoor tennis centre or a new bowling alley. Similar comments were expressed by residents at the Public Consultation in 2019.*

It is disappointing therefore that the proposal has not fulfilled any of these expectations which would have contributed so positively to Worthing's economy, the identity of the area and the well-being of the community.

(IX) THE CONNAUGHT THEATRE

The building does not, in our view, require three new screens. The Art Deco style theatre is included on the Local Interest List and it is concerning that only an outline image of Black A has been published. It is imperative that the design of the cultural element should clearly show how it would complement and highlight this important historic theatre which is a major asset for Worthing.

(X) CONCLUSION

In conclusion the Worthing Society considers the current proposal would represent a missed opportunity to provide a much needed leisure venue and to showcase this important part of the town centre which will clearly be visible to tourists and visitors arriving from the station. The redevelopment of this site is a once in a generation chance to enhance this area of the town by creating a high quality design to link the northern section of the town centre through to the seafront.

Unfortunately the present proposal shows NO regard for the immediate surroundings and associated heritage assets or the traditional character of Worthing as a whole. The inappropriate design would appear alien in this setting and clearly contravenes both the government and local planning policy guidance. Given the size and significance of the development, it is both unusual and very concerning that the South East Design Panel appear not to have been consulted.

WBC should urgently review their position regarding the scheme to ensure the creation of a development which enhances the town, follows government and local planning policies and respects the views of residents. It is very worrying indeed that the current proposal seriously fails on all accounts. There is a clear indication that commercial profit has been given a greater priority than producing a high quality design to complement the area.

We consider there are many clear deficiencies including over-development. The plans should be re-designed, following the principles in the National Design Guide, the NPPF, the Planning (Listed Buildings and Conservation Areas) Act and the Council's own planning policies. The proposal is so 'out of step' with government and local policies that we consider the Council would be failing in their statutory duty in supporting the proposed design.

In fact the whole purpose and character of the development needs to be re-thought if it is to serve both the public good and enhance the town.

The present application should be withdrawn and re-designed."

Response to amended plans

"I have now had the opportunity to discuss the revisions with our Listed Buildings and Conservation Areas Sub-Committee, (LCAS). We welcome the fact that some improvements have been made to the original scheme, particularly in relation to the buildings along Union Place and High Street. However after due consideration these changes are not sufficient to justify the withdrawal of our original objection.

The reasons for our decision in respect of the amendments are as follows:

**The overall design and layout still fails to reflect the local character and therefore does not blend with the proximate heritage assets. We note that the comments from the Coastal West Sussex Design Review Panel show similar opinions to those of the Society regarding this aspect. Our heritage gives us a sense of place and Worthing reflects its heritage as a Regency and Victorian seaside town.*

**The reduction in the height of the buildings facing the north side of Union Place, and those along South Street, although welcome, has unfortunately resulted in a corresponding increase in height to the tallest element which is now shown as fourteen storeys.*

**The increased height and mass of the tall block will be a step change in design and appears clumsy and bulky in this setting. Although recessed at the sixth storey level this building will nevertheless still appear incongruous and over dominant as this area is predominantly low rise. We consider that the somewhat, bulky oppressive design of this element is not consistent with Worthing Councils Supplementary Document on Tall Buildings.*

**The tallest element should not in our opinion exceed the height of the High Street Car Park and the 'Mill Building' on Chatsworth Road to the south of the site. The scale and massing of the tower element will be clearly visible above the established scale of the proposal site and importantly the wider townscape. There could be a negative impact on the views to and from the Grade 11* Listed St Pauls Church as noted by Historic England.*

** The overall design of the buildings remains bland and urban, with a brick finish. This fails to reflect historic character of the heritage assets within the immediate vicinity of the development. This again is not in our view consistent with the revised National Planning Policy Framework, (Section 16) which emphasises the importance of good design and materials to complement the neighbouring historic buildings.*

**The layout of the development lacks a distinctive theme and therefore appears rather disjointed. There is further scope for the new buildings to draw on the traditional style and 'colour palette' of this seaside town.*

**The plans are aiming to incorporate residential, commercial and cultural facilities. Whilst we appreciate the intentions of this concept, the Society considers that the bulk, size and mass of the scheme remains 'overly ambitious' for the available site area and location.*

**The density of the plans which will result in overlooking between flats remains a concern and on our view would still constitute overdevelopment.*

**We are concerned that apart from a reduction in height to Block A there is still no indication of a design theme. Block A is the extension to the Connaught Theatre which is an Art Deco building included on the Local Interest List. This is an important element of the overall development and the new building must be complementary in style.*

**Regarding the flow of traffic: there is we note room for improvement here. This area is presently rather grim and would benefit from discouraging the use of Union Place by through traffic. The provision of more public green space than shown in the plans would be desirable. The building line on the south side of Union Place could be set back and made to resemble the north side with increased trees and landscaping. This would create a more attractive public realm, leading to both the Connaught Theatre and the Chapel Road Conservation Area and town centre beyond. This could result in upgrading the area and giving an attractive definition to the area.*

**The Public Consultation of 2018 showed that residents were keen to see a new leisure centre facility included as part of the development. It is disappointing that this facility is not shown in the amended plans which are predominantly for residential units.*

**Planning Policies:*

a). The 'Planning (Listed Buildings and Conservation Areas Act) 1990 is very relevant here and we consider insufficient weight has been given to Sections 66(1) and 72 respectively to protect and enhance the 'setting' of the affected heritage assets.

b). In addition, the design of the tallest element does not fulfil the aspirations of the Councils SPD on Tall Buildings,(paras 29-32) which states that 'tall buildings must respect the historic character of Worthing' and should be 'elegant' in design. In our view the plans do not achieve this.

c). The National Design Guide October 2019 intends that 'a well-designed local development will integrate into the surrounding context of the area reflecting local history culture and heritage' together with the use of vernacular materials. Unfortunately the Society considers the amendments to the plans have still failed to achieve this.

d). The NPPF Section 16: we submit that again insufficient weight has been given to the guidance regarding heritage assets.

CONCLUSION

This is a sensitive town centre site which will be viewed by visitors to Worthing arriving by road or rail for many years to come.

This development site is located at the north east section of the town centre area. Union Place and High Street are some of the oldest parts of Worthing. Although many heritage buildings were lost following during the period from the 1950's to the 1980's there are remaining heritage assets which still contribute significantly to the character and group scene of the area.

This is a unique opportunity for a high quality development reflecting both the historic features of the immediate environs whilst providing an enhanced connectivity to the wider town centre and public realm. The development is adjacent to the Chapel Road Conservation Area and close to the Civic Centre which includes the Grade 11 Listed Museum and Town Hall. The Society considers therefore, that the proposal site can't be viewed in isolation and that these plans merit special consideration. The site must be developed in context with attention being given to its relevance to the wider town centre and associated elements.

The current plans are out of step with the character of the surrounding area and lack a unifying design. Worthing does not need a high density, unimaginative and oppressive development in this location. The present proposal should be withdrawn to produce a scheme echoing the historic charm but with a contemporary twist. It would be a once in a generation chance to produce a new, prestigious square for Worthing based perhaps upon the traditional Georgian and Victorian squares or terraces, combining residential development with green spaces. This would constitute a characterful, landmark development which Worthing could be proud of.

Additionally we consider it very significant that the Design Panel's comments indicate that they agree with the Society's view: that the new development should reflect the character of Worthing. The opinion of the Panel also implies that the present scheme should be abandoned. It considers the apartment blocks are badly designed, with many single aspect flats, and placed too close together so overlooking would be a resultant, unwelcome problem.

The Worthing Society considers that for the reasons stated the plans should be withdrawn and re-designed following more closely the principles of both the national and local planning policies as they relate to the sensitive requirements of this historic part of the town centre area.

Unfortunately the amendments do not in our opinion overcome the defects of the scheme and for the reasons stated we therefore stand by our original objection to the application."

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

- i. The long lease holder of 52 Chapel Road, which is currently let to NSL Parking Shop, strongly objects to the current application as the imposed access limitations of the scheme and its construction will have a negative impact and disturbance on existing business operations. The established route to the rear of the premises is used for parking and electrical charging of NSL's vehicles. These movements occur on a regular basis throughout the working day, any restrictions imposed by the development or construction will have a negative impact on No.52's long term use and investments made at the property.
- ii. The proposals are completely unsuitable for the middle of Worthing. We do not want any tower blocks in the town centre as they would be too much for a small seaside town such as Worthing. We need something which complements the town and is in keeping with the surrounding and very attractive buildings such as the Connaught and St Pauls.
- iii. Please do not allow this monstrosity to take place EVER!!!
- iv. During the Public Consultation last November residents expressed a preference for low rise buildings in the local style together with a large leisure facility possibly an ice rink, tennis centre or bowling alley. Instead we have a high density residential development without adequate parking provision, including an hotel. I consider the proposal represents overdevelopment.
- v. In my view, Worthing Borough Council, who are joint applicants with the developers, have failed to respect and deliver the public's expectations. Worthing deserves a landmark development combining historic charm with contemporary design.

- vi. This development and Teville Gate and the medical centre area behind Portland House all propose new commercial space for leisure such as bars and cafes and supermarkets and the influx of national chains will be harmful to our existing locally owned businesses.
- vii. There are already sufficient supermarkets, bars and cafes in the centre of Worthing plus plenty of empty commercial properties in the centre. Given ever increasing online shopping retail units are less in demand and life can only be injected in the town centre by increasing the number of people who live there.
- viii. It is suggested that Union Place should only be developed as a cinema, hotel, public area and car/cycle parking, Teville Gate as an hotel and residential (there is no need for a supermarket directly opposite Morrisons and close to Waitrose and Lidl) and the Medical centre/Stoke Abbot Road - medical centre and residential uses.
- ix. I am writing with dismay that the council may be considering a predominantly residential proposal of blocks of flats, one of which could be 11 stories high. This is an old part of Worthing so buildings should be considered with that in mind.
- x. As Worthing is a town for tourists we should consider entertainment for our own community and for visitors. Milton Keynes had a whole complex of Bowling Alley, Cinemas, dry ski slopes etc. for visitors to the town which would have worked very well at Teville Gate.
- xi. As a seaside tourist town we should have things in the town that encourage visitors, well into the long summer evenings. There have been many good things I know but when it comes to redesigning sites I despair. Please consider planning with the character and heritage of the town and also include some form of entertainment, not high rise flats. The free paddling pool should be replaced as its loss was a significant blow to the town.
- xii. The proposed redevelopment is out of proportion to surrounding buildings and the bulk of the proposed structures creates an oppressive atmosphere to the street scene.
- xiii. The proposed structures lack any architectural merit and appear to mimic the worst of 1960's municipal housing. The only structure in the immediate vicinity sharing a similar architectural style is the nearby multi storey car park which has itself no ascetic value.
- xiv. The design incorporating internal courtyards, accessed from adjoining roads, does not design out crime but seems to encourage it through creating insecure areas difficult to police.
- xv. The buildings facing the courtyard through ways, have windows and balconies designed to face directly across to those opposite, thereby lacking privacy for the residents. This also affects light, as through the design there will be significant shading of many of the flats.
- xvi. The proposal to create street cafes and bars at street level within the development will negatively impact on the quiet enjoyment of the proposed residents.
- xvii. The increase in density will inevitably lead to parking problems and congestion in the immediate area, including deliveries to and refuse removal from the business units.
- xviii. The proposals in this application is a significant overdevelopment of Worthing Town Centre generally and the site in particular.
- xix. The overbearing nature of this development will not enhance Worthing's reputation as a visitor attraction as its predominance on the skyline will

change the whole vista of the Town Centre when viewed from the Shopping area and Promenade.

- xx. The prominently low rise nature of the wider surrounding area will be compromised if this development is allowed to proceed, making it more difficult in the future to refuse further applications of similar height, bulk and density.
- xxi. This Proposal is completely out of character with the rest of Worthing. The proposed Tower Block is far too tall and would be too dominant. Worthing is a town with its own character, with only one or two high rise buildings, which were built against the wishes of the town's population who objected to them. Any development should be in keeping with the town's character, so the plans need to be redesigned.
- xxii. I am extremely disappointed to view the plans submitted for the Union Place site, due to the inappropriate scale, massing and architectural quality of the proposal. Any hope of introducing a sense of 'place' and character has been lost in the interests of developer profits. We need the council to prioritise good quality, contextual and contemporary design, in harmony with the varied surroundings.
- xxiii. This area of the town is undoubtedly in great need of investment and strategy to ensure the long term prosperity of Worthing. Many of our town centre sites appear increasingly unkempt, but it is imperative that any new additions must be improvements. In recent years, too many new buildings have been substandard in design quality, and are simply detractive to an already struggling town centre. Bland, generic and uncontextual has become acceptable amongst the likes of local authorities, but residents, workers and visitors deserve better than mediocrity.
- xxiv. It is particularly alarming that the Council chooses to ignore its own policy on this matter in suggesting a twelve storey tower is appropriate. The unsightliness of the neighbouring Environment Agency/Guildbourne Centre, just 50m away, is perhaps the greatest reminder that a bulky 'tower' typology does not belong here. A complex of 5-6 storeys should be encouraged, and would greatly reduce the risk of a future eye-sore.
- xxv. It is understood that any project must be economically viable; operators demand a certain quantity of area, retail space, or hotel rooms. But please remember that visitors, tourists and shoppers do not visit overdeveloped and soulless towns, but rather, places that are interesting and beautiful. Retail connections and public spaces which are flanked by decorated overground carparks do little to inspire the sense of discovery or that illusive 'genius loci'.
- xxvi. Within recent years we have seen an upward trajectory in the urban intensification of our town, to great loss and demise. We should avoid the mistakes of the post war years, and only when large scale developments are of sufficient architectural quality, should we accept them.
- xxvii. On grounds of inappropriate bulk and massing, the Council is urged to reject this application.
- xxviii. I am very sad about the plans for Union Place where it is suggested to squash as many flats in as possible.
- xxix. There is a wonderful nature reserve on the site and it would be wonderful to keep this as a resource for those who live opposite and elsewhere in the town centre.
- xxx. We are hearing so much about how we all need open spaces and wildlife for our mental health, especially at this time, please cut back the height and reduce the number of dwellings so that the existing area that the existing

- area that is developed into a nature reserve can be developed and improved for all who visit our town centre.
- xxi The analysis of the issues are not carried through to the Design Code which is going to shape future applications.
 - xxii The Investment Prospectus (2016) correctly states that people chose to live, work and visit Worthing because of its environmental benefits as a coastal town and its low rise built environment. The Council in seeking to maximize the development potential may well change the character of the town forever.
 - xxxiii During design development the height was reduced from 14 to 11 storeys, however, this is considerably taller than surrounding properties.
 - xxxiii The slab like treatment of the High Street elevation will dwarf Nos 40-44 rendering their listed status irrelevant.
 - xxxiv The maximum height of the development should be 7 storeys (the height of the EA building) and development on High Street/Union place restricted to 4/5 storeys.
 - xxxv There has been little consideration of wind and microclimate effects, only 2 hours sunlight on amenity space for new residents should be improved and in accordance with the NPPF all residential accommodation should have dual aspect not as indicated primarily single aspect flats.
 - xxxvi The architectural approach is fundamentally inconsistent with a coastal town and Worthing specifically. The rigid monolithic form with an expressed structural grid is a London vernacular which does not suit replication by the sea. The extensive use of fair face brick has little joy or reflection of local vernacular. The scheme lacks vision and an understanding of seaside architecture – the location could explore more adventurous architectural designs.

In addition to the above comments the following detailed letter of objection has been received:

'I write to object to the above Union Place planning application (Proposal) in its entirety as currently proposed on planning grounds set out further below.

Firstly, however, I'd like to say that I make this objection notwithstanding the evidence to date of the disappointing record of our planners in taking little heed of objective truth or the views, legitimately expressed through the planning process (rather than anecdotally through social media according to hearsay), of the majority of the public they serve.

I make this objection in the face of yet another suite of supporting statements providing so-called expert assessment reports which by normal standards when put forward by a private developer still ought to be objective; which recite the relevant planning framework to be abided by, yet then proceed to twist and corrupt the plain meaning of the planning instruments by stating biased opinion as fact as to how a subject proposal complies - not only without evidence to support that subjective assessment presented as fact, but actually against clear objective evidence to the opposite - that the proposal offends and does not comply with the planning instrument by any objective interpretation of the ordinary English meaning of the words therein.

It is as a result of this token regard for relevant planning instruments that, to date, we've ended up with:

a. 3 multi-storey car parks in Grafton, Buckingham and relevantly as regards this Proposal, High Street MSCP, where its open concrete levels are a health and safety hazard for things and people to fall or be thrown over, light and noise pollution escaping to the detriment of the surrounding amenity and in the case most relevantly to this Proposal of High Street car park the perpetual shade of its concrete & brick access-ways, such as to the Guildbourne Centre, which functions mainly as a urinal;

b. the Guildbourne Centre which has utterly failed to thrive throughout its 45 years since it was built, without doubt due to the objective ugliness caused by its dysfunctional design - there is nothing else to blame the failure on (it's no coincidence that Wilko and Robert Luff, being the only functional and relatively attractive face of the building in getting lots of light and sun - are its only success stories).

c. the Roffeygate "Bayside" development, standing in the lee of which on precious sunny days, one is in a deadening, cold shade for hundreds of yards for significant periods of time. A loss made the more stark by the contrast with that building itself, which is bathed in the sunlight it blocks out from the houses, gardens and streets of our town and also from the beach at key times of the day. A loss made all the worse as the hundreds of residents and street level public are adversely affected for the sake of the 28 households or so of the upper 7 storeys who will benefit from the light and views they have taken from so many others.

To those who say that beauty is subjective, there is a universal objective aspect acknowledged since time immemorial. People respond to what looks, feels and functions well through good design, while ugliness will be proven by failure.

I make this objection because the present Proposal has not been submitted by a private developer but by LCR at the request of our Council and therefore funded by us the taxpayer - including funding the consultants who have provided the supporting statements all of whom therefore (including Icen Projects with its Heritage Townscape and Visual Assessment and Delva Patman Redler LLP with its Daylight & Sunlight Report) must be held to the highest obligation to abide by objective, balanced assessment free of bias to LCR's proposal and proper advertence to the Public Consultation brief to maintain the local style and character of Worthing in its low rise buildings, of beauty, character and heritage in this part of the town and to incorporate provision for public leisure facilities such as a skating rink, bowling alley or for tennis. As that obligation has not been met here, I ask the planners including the planning Committee to critically examine all supporting statements and to take into consideration the strong objections to this Proposal that can be the only valid conclusion – to withdraw it.

Examples of the fabricated compliance of this Proposal, which I ask the Council to consider, will be cited in an appendix below.

Planning objections

It is clear that the Proposal has taken its cue from the multi-storey car park on High Street (and then slightly more than doubled it in height), rather than taking its cue from the surrounding heritage and character buildings it is required by law to respect, but which instead this Proposal overbears and overshadows, dwarfing

those buildings to toys, blocking out large slabs of sky and consigning our cherished low-rise, open sunny streets and experience of the brightness of indirect light to the effects of hemmed-in prospect, cold shadow and loss of light of lengthy duration.

The extension to the Connaught has taken its cue from the only ugly, non- deco part of that building being the blank brick wall facing east to Union Place car park. Yet it is more than possible to have a contemporary extension that functions well, is beautiful and complements the art deco style of the existing building.

1It is clear that the Proposal has ignored the brief of Worthing's public consultation, which public the Proposal, and Worthing's planners (including the planning committee) are required to serve at all times, though even more so when it is tax payers' funds which have funded the purchase of the land, the development proposal and the supporting assessment documents.

The Proposal does not comply with Worthing's Tall Building Guidance. There is so much in that document that this Proposal is in breach of I cannot cover it here. I therefore reference the document as a whole and have picked out a very few specific quotes as follows:

*a. pp6-8 Designers of tall buildings in Worthing should be clear about the character and role of their proposals and how these will fit into the wider urban context. ... [Townscape Buildings] are often linear buildings arranged to form streets, squares and crescents. They are most successful when they help to define the character of a street, rather than standing out from it. **They are generally only slightly higher than their context and, in this sense they often have less impact beyond their immediate vicinity (as they form areas of traditional townscape, albeit at an expanded scale).** Townscape buildings can help to create new streets and squares, support a greater mix of uses and services and add to the vitality, interest and viability of an area. **However, townscape buildings can be both long and bulky and can as a result have a considerable impact on the townscape, in limiting connectivity or negatively affecting levels of sunlight and daylight to surrounding properties.** As such, they need to be inserted into streetscapes in a sensitive way if they are not to be perceived as isolated slab blocks... . – I would suggest that the Proposal is an example of a bulky slab buildings which will have great negative impacts on the private and public (street level) domain of a cherished part of town. I would further suggest that the tall block towards the centre of the site be reduced to a maximum of 8 storey and all the other buildings be stepped down to maximum 2 storeys where the development meets the streets.*

b. ... by virtue of their size and prominence, such buildings can also dominate and harm the qualities that people value about a place ... they can cause issues of overlooking and overshadowing. – without doubt this Proposal does dominate and harm I this way

*c. Design solutions should optimise [not maximise!] the potential of a site to accommodate development, great importance should be attached to the design of the built environment, Local Planning Authorities should consider and help to guide the appropriate scale, massing and height of new development; **Design solutions should seek to integrate** new development into the natural, built and historic environment. Contrary to what is stated in the Icen Heritage Townscape and Visual Assessment, it is demonstrably clear that there is no integration as the scale,*

height, massing, shape of the Proposal. It is furthermore clear that the materials used, the direct street frontage with little or no curtilage bears no relation to the low-rise domestic scale, architectural style, or predominantly white facades of the surroundings and does **not** “provide appropriate framing on the left side, of the axial view towards the portico of St Paul’s Church, to match the framing provided by the Post Office HQ on the right” as falsely claimed at p32 section 7 of Iceni’s report.

d. Among other things, good tall building design contributes positively to the skyline and to the public realm at ground level. – I would suggest that the Proposal does not achieve this by blocking out sky and light and addressing an out of scale mass at street level as it does.

e. 127. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) **are sympathetic to local character and history**, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) **establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit**; e) optimise the potential of the site to accommodate and sustain an **appropriate** amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39 f) create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users⁴⁶**; and **where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience**. – Yet the Proposal here is objectively not site specific to Union Place in particular or to Worthing town centre in general. It is a non-site specific characterless style reproduced many times and tweaked to plonk it into Union Place. It is objectively not in keeping with the design, character or materials of either the immediate site surrounds or the town in general. Rather the design is of the “Hilton International” style - the architectural equivalent of muzak (American lift music) in its derogatory sense – at very least dull, characterless, unnecessary, pervasive, bland, monotonous; it references nothing about the site, the genius loci; it creates no new sense of place – this place (not any place); and at Union Place it is far worse than that because of the extremely negative impact it will have on the location which is a particularly lovely part of Worthing. Furthermore, the Proposal is precisely of the low amenity kind known to foster antisocial behaviour and crime.

In the words of the NPPF extracted here:

a. “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by

the benefit of bringing the site back into use. ...” Here, by contrast, the Proposal is needlessly non-compliant. There is no reason whatsoever, let alone a good reason, to over-develop this site or not require it to be of the highest planning and design standards, it being in Council’s hands and so belonging to the people of Worthing.

I ask our planners, to decide that the Union Place site offers ample opportunity to provide what is needed without loss of or damage to the surrounding amenity and heritage.

Lastly, I ask the planning committee decision makers to be aware that Union Place, its beautiful trifecta of buildings at the western end (St Paul’s, The Connaught and the Royal Mail building), the heritage buildings on Union Place and around the corner on High Street, the streets around Union Place, the daily walk along the buildings that one passes, the sight of the sky, the light (direct and indirect), the domestic scale of buildings and gardens and trees, are deeply loved by countless numbers of people who live, work and walk around here.

I ask our planners, the planning committee decision makers to respect the wishes of the majority of the public they serve and not override with their individual preference in the name of planning twisted and falsely interpreted or indeed according to needs which can equally be fulfilled by a much higher quality proposal.

The question that needs to be answered in response to this Proposal is why this Proposal here. Furthermore, those in support of it, including the applicant and the various consultants, must be held to the same standards as objectors and required to evidence their claims in support of this Proposal here (i.e. not the need for development needs generally) on the same planning grounds by the same objectively ascertainable criteria, through the same formal planning process as those who object ie not via unascertainable hearsay reports of social media responses.

There are very few people if any who would not wish to see Union Place developed. Nor do the heritage considerations and preferences of Worthing’s public mean that a modern building can’t be the right solution. My objections are to this Proposal which is so thoroughly objectively inappropriate it should be withdrawn.

Examples of twisting meaning and intention of the planning framework

Example 1

It should also be recognised that the baseline condition for the site is unusual for a town centre location such as this with its low/no density nature which itself will have a bearing on the presentation of findings against neighbouring properties when measured directly against the primary BRE Guidance which are comparative analyses.

In its discussions (notably p14 section 6.0 “BASELINE CONDITION FOR NEIGHBOURING PROPERTIES”) and in its conclusion in support of the Proposal at page 19, Delva Patman Redler LLP’s Daylight & Sunlight Report states “It should also be recognised that the baseline condition for the site is unusual for a town centre location such as this with its low/no density nature which itself will have a bearing on the presentation of findings against neighbouring properties when

measured directly against the primary BRE Guidance which are comparative analyses. “

In other words, rather than respect the unique low density, low rise nature of Union Place and surrounds and use it to inform a site-specific, integrated, sensitive, design, the consultants have instead used that unusualness to diminish the significance of the impact of overshadowing and loss of light from the Proposal and justify support for the Proposal by a compliant end result with reference to the minimum legal light standards of the BRE rather than on the magnitude of the loss.

Example 2



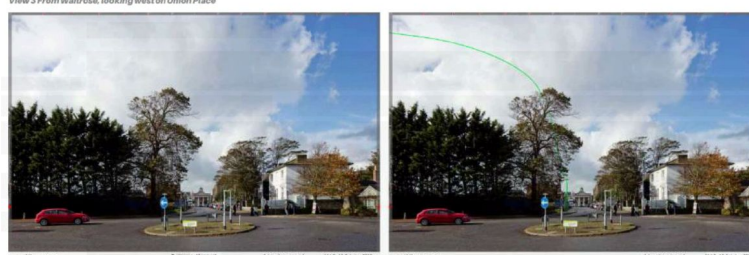
Figure 6.3 Union Place Illustrative View- Union Place, Hawkins Brown, Feb 2020

At p24 6.3 of Icen Projects with its Heritage Townscape and Visual Assessment is the picture above which shows the view of St Pauls intruded on by the line of buildings and building materials and scale which do not appear anywhere in the Union Place or reference the low-rise, white painted, heritage buildings nearby or in most sections of Worthing’s adjacent conservation areas. Yet the accompanying text states:

“6.3 Each of the blocks within the development will be distinct, in order to the respond architecturally to the surrounding context, including the presence of heritage assets. A clear articulation of the roofline will be created, and has been carefully judged to contribute positively in views towards the Site from elsewhere in the town centre. The architects have sought to facilitate a human scale in the development through articulation in each of the elevations, and subtle variations in the use of materials. Blocks within the development are laid out, including setting back from the street line where appropriate, to retain the visibility of key features within the existing townscape, including the Connaught Theatre. The architectural detailing responds to local context by taking cues from it in terms of materiality and colour, as set out in detail in the Design & Access Statement.” !!!

At p32 section 7 Viewpoint assessment is a picture entitled “View 3 From Waitrose, looking west on Union Place” with the following caption below:

View 3 From Waitrose, looking west on Union Place



This view shows how Block D would turn the corner, by way of a continuous curve, from the High Street on to Union Place. Its principal form is of five storeys, with a

set back sixth. The proposed development then steps down into Union Place, where Blocks C and B, moving west, are of four storeys to the street edge. **These latter elements provide appropriate framing on the left side, of the axial view towards the portico of St Paul's Church, to match the framing provided by the Post Office HQ on the right.** The trees on the site would be removed as part of the proposed development, meaning that the Block D would address the road and roundabout in the foreground directly.

I have edited the picture to fill in the outline and also extrapolate shadows of the building to the same proportion and direction as the ones caused by the red car shown:



At p33 section 7 Viewpoint assessment is the below picture entitled View 4 From Charlecote Road, looking west being a view “from the Warwick Gardens Conservation Area, looking across a characterful terrace of early 20th century houses ...” The rest of the caption is carefully phrased to avoid mention of the impact of the building blocking the sky at the end of the street - an effect which would be far worse in winter when the trees have no leaves and light (direct and indirect) is at a premium.



Amended Plans Representations

Four letters of objection have been received in connection with the revised plans raising the following concerns:

- i. The revised proposal includes commercial space as well as leisure, residential and hotel. The leisure (presumably cinema and associated uses), residential and hotel are needed in the centre. However, the past 6 months have exacerbated the move from retail shopping to online shopping leading to increasing numbers of empty retail shops. There is no need new commercial space for cafes, bars and restaurants - we need more people living in the centre to bring back life to the centre.
- ii. The proposed development would have a significant impact on Amelia Court with four storey development directly opposite and even taller multi-storied development beyond. This will cut out significant light and sunlight and I will no longer be able to see the sky from my apartment other than when close to

the window. This impact will have a significant impact on my mental health and wellbeing as I spend a lot of my time in my bright and airy apartment. It will also be very oppressive being within approx. 12m of the front of my property. Any windows in this elevation within close proximity will cause unacceptable levels of overlooking of my property which is currently very private.

- iii. The significant construction works over a number of years will be very disruptive and cause noise, dust and disturbance at a time of my life when I should be enjoying a peaceful retirement. As the application and consultation has been happening during the Covid 19 pandemic, it has not been possible for myself and fellow residents in Amelia House to properly view the plans nor have sufficient time to consider the full implications due to the restrictions in place. Many of the residents do not have access to computers and they will be denied the opportunity to properly consider the implications of the application. Putting forward and determining this scale of development at this time during the pandemic is just not right as it affects a significant number of residents in Amelia Court who are elderly and have other concerns at this time. I am sure this is also the case with other surrounding residents and commercial enterprises who are struggling on a day to day basis without worrying about this significant scale of development.
- iv. Although it is agreed that some form of redevelopment is required on this site, the scale of the development proposed is out of proportion with surrounding development in terms of the scale and height. If you look at all the typical elevation plans you can see how it would impact on the scale of surrounding development. It will completely dominate the area and the tall building will be another carbuncle with no relationship or context to surrounding development. It would be completely out of place. Worthing is a pretty traditional seaside town and any development on this site should reflect this heritage not introduce inner city development completely out of scale and context.
- v. The proposal would represent an over development of the site. The height, density and massing is not in keeping with the surrounding buildings or local policy.
- vi. Due to the height and dense massing of the proposal, the development would have an unacceptable impact on the South Downs National Park as it would be too prominent on the southern coastline.
- vii. The development would have an adverse impact on the five Conservation Areas in close proximity to the site and diminish the heritage asset that Worthing offers.
- viii. The amount and location of green spaces and public spaces has not been fully addressed in the proposal and a pocket park is insufficient on a site of this size and lacks vision.
- ix. Based on the height of the proposals, and the space in between the blocks, a large wind funnel will occur between the buildings creating windy and shady areas rendering the green spaces unusable. Please clarify how planting of trees will mitigate the wind turbulence created by the proposal.
- x. The scheme provides insufficient civic and public realm space. This is a missed opportunity to create public space to attract Worthing residents and visitors.
- xi. The Daylight and Sunlight report clearly states that the proposal will impact upon some of the existing neighbouring dwellings. This is unacceptable and should be addressed.

- xii. The design of the accommodation blocks has not given consideration to local Sussex architecture, materials or heritage assets. Whilst these aspects are referred to in the Design and Access Statements, they are not reflected in the architecture of the actual scheme which is of a current typical generic residential style. This should be addressed.

One letter of comment has been received stating that the plan looks good but,

- i. It needs more mature trees, soft landscaping and a fountain.
- ii. It goes way too high; the hotel and apartments should not exceed a maximum of six or eight floors. (Similarly, 'Bayside' was allowed to set a precedent on the sea front and, though quite attractive is far too high.)
- iii. There should be statues commemorating famous Worthing residents, such as Billy Idol (born and raised in Worthing), Oscar Wilde or Harold Pinter. (David Klein is an excellent local sculptor.)

Relevant Planning Policies and Guidance

National Planning Policy

National Planning Policy Framework (CLG – as amended)
Planning Practice Guidance (as amended)

Worthing Core Strategy (2011)

Policy 3 Providing for a Diverse and Sustainable Economy
Policy 5 The Visitor Economy
Policy 6 Retail Policy
Policy 7: Meeting Housing Need
Policy 8: Getting the Right Mix of Homes
Policy 10: Affordable Housing
Policy 11: Protecting and Enhancing Recreation and Community Uses
Policy 12: New Infrastructure
Policy 13: The Natural Environment and Landscape Character
Policy 14: Green Infrastructure
Policy 15: Flood Risk and Sustainable Water Management
Policy 16: Built Environment and Design
Policy 17: Sustainable Construction
Policy 18: Sustainable Energy
Policy 19: Sustainable Travel

Area of Change 4 - Union Place South

Development Principles

- Union Place South, incorporating Chatsworth Road and including the Guildbourne Centre will form a new retail quarter
- This quarter will accommodate new modern retail floorspace and high density residential development
- A varied mix of uses will also be encouraged to support the development, with linkages to existing areas around Union Place, Chapel Road, Warwick Street and the High Street

- The Connaught Theatre has also been included within the allocation specifically to provide opportunities for enhanced leisure and entertainment uses
- The creation of high quality public spaces, pedestrian / cycle routes and active street frontages will be integral to the design and layout.

Saved Local Plan policies (WBC 2003):

CT3: Protection and Enhancement of the Seafront Area

H18: Residential Amenity

LR8: Provision of Play Space/Outdoor Recreation Space in Housing.

RES7: Control of Polluting Development

RES9: Contaminated Land

TR9: Parking Requirements for Development

Relevant Local Supplementary Documents and other Guidance

Retail Core Development Brief (2006)

Space Standards SPD (2012)

Guide to Residential Development SPD (2013)

Tall Building Guidance SPD (2013).

Worthing Evolution: Town Centre and Seafront Masterplan (2006)

Developer Contributions SPD (2012)

Emerging Local Plan

As the Core Strategy pre-dates the NPPF, NPPG, and the Localism Act (and the subsequent withdrawal of the South East Plan), Members will be aware that the Council has embarked on a review of the Core Strategy and is preparing a new Local Plan. The Plan was subject to public consultation in 2018 and the latest Regulation 19 Consultation version will be considered by Planning Committee on the 11th November. The intention is for the emerging Plan to be considered by Full Council in December 2020 with the Plan being published early in the New Year. It is anticipated that an Examination in Public would be considered next summer with the Plan hopefully adopted by the end of next year.

Relevant Legislation

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

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

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

In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) requires planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Planning Assessment

Site History and Policy Context

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

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

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

Whilst the vision for the town set out in the Core Strategy remains highly relevant, the pressure on the Borough to deliver more housing has changed significantly following the publication of the Localism Act and the NPPF. The emerging Local Plan recognises the considerable difficulties in accommodating the level of new housing necessary to meet the Boroughs objectively assessed housing need. Even with the release of greenfield sites and maximising the density for brownfield sites the Plan indicates that it can deliver only 4,749 dwellings over the Plan period and this would result in a shortfall of over 10,000 dwellings over the Plan period.

The emerging Local Plan recognises the housing challenge and far greater emphasis has been placed on delivering additional housing on key brownfield sites. The emerging policy for the Union Place site talks of an indicative threshold of 150 dwellings and the delivery of a landmark development. The emerging Policy for the site indicates that future development proposals should:

- *create a landmark development in the heart of the town centre which creates a sense of place and provides an attractive setting to the historic environment;*
- *ensure that careful consideration is given to the protection of the listed buildings and other heritage assets that are in close proximity to this site;*
- *provide a mix of uses including homes and commercial floorspace with the potential for restaurants and leisure uses (such as a multiplex cinema);*
- *provide a high quality public realm and generate new retail / leisure circuits connecting to Chapel Road, High Street and South Street;*
- *introduce active usages along Union Place and the High Street (employing natural surveillance to design out crime);*
- *ensure that any contaminated land issues are appropriately assessed and managed;*
- *manage daylight and sunlight implications appropriately;*
- *ensure that any archaeological assessment requirements are met.*

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

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

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

a) When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

b) Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

c) Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise taking into account whether:

- i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

- ii. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

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

Outline Approach - Masterplan

Whilst, there is policy support for the proposed mix of uses and high density development on this site, policies of both the emerging Local Plan and the NPPF place particular emphasis on achieving good quality design. Furthermore the importance of having regard to local context, heritage assets and of course the legal duties placed on section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990

It is essential that any high density scheme secures good quality design and layout particularly where such development includes tall buildings. This is normally secured by a full planning application addressing detailed matters of design, scale, bulk and massing and materials. Guidance within both the Councils Tall Buildings SPD and Historic England Advice Note states that,

'Outline applications are only likely to be justified in exceptional cases where the impact on the character and distinctiveness of local areas and on heritage assets can be assessed without knowing the detailed form and finishes of the building. This is likely to be rare. If an outline application is sought in these circumstances it is important to ensure that the parameters for development are derived from a thorough urban design analysis that clearly demonstrates impact.'

In this case the applicant has sought to justify the approach because of the desire to fix a certain quantum of development (and height) on the site to find a development partner to secure comprehensive redevelopment (a long held aspiration for the Planning Authority). The failure of the market to deliver development on the site has prompted the Council, utilising LEP Local Growth Funding to purchase the former Police Station and to enter into partnership with LCR. The Council has also purchased the freehold to the NCP site and Canon House on Chatsworth Road to have some element of control over the majority of the site, albeit it is acknowledged that any development is likely to come forward on a phased basis given that the NCP has a long lease on the western portion of the site.

It is considered that there are exceptional circumstances in this case, that would justify an outline approach, provided that Planning Committee is satisfied that the Design Codes and parameter plans provide sufficient safeguards to control subsequent reserved matters applications and ensure the highest quality of design necessary in this sensitive location. Whilst, all matters are reserved other than access, the Design Codes and Parameter plans provide considerable detail to try and demonstrate that any harm to the wider townscape and heritage assets can be mitigated. The success or otherwise of the detailed Design Codes and Parameter Plans is addressed below.

The Masterplan approach has sought to address some key development principles to maximise opportunities for connections with existing retail frontages and create active frontages. The indicative layout also ensures an appropriate extension of the existing cultural offer and accommodate a new hotel. The illustrative Masterplan has been prepared having regard to market advice about the size and location of the Hotel and has sought advice from Cinema operators about the scope to extend the cinema offer provided by the Connaught. The illustrative layout plan in broad use terms is therefore supported.

The ability to secure the redevelopment of the existing NCP car park is likely to require the provision of a replacement number of spaces and locating the car park to the rear of the site would help to screen such provision from the road (its impact on adjoining properties is assessed later). The Design Review Panel raised some interesting comments about flexibility and how the scheme might respond if replacement public parking was not required. The need for flexibility also highlights the benefit of an outline permission albeit this is more problematic when dealing with a new tall building on the site. As the following plan highlights there is limited flexibility in terms of the movement of development blocks based on the extent of replacement parking, a viable Hotel as well



Securing appropriate public realm and spacing between apartment blocks. The blue hatched area identifies those areas where there can be some deviation in the size of and position of blocks on the site which illustrates the extent of detailed planning that has been undertaken to support the outline application.

Scale, bulk and Massing

Whilst, the outline description of development just seeks approval for a mixed use redevelopment of the site, as the above plan demonstrates the illustrative scheme seeks to justify a certain level of development with only limited variations in layout. Conditions attached to any outline permission can set the upper limit (i.e. up to 169 apartments). The key issue therefore is whether the supporting documents justifies this overall level of development.

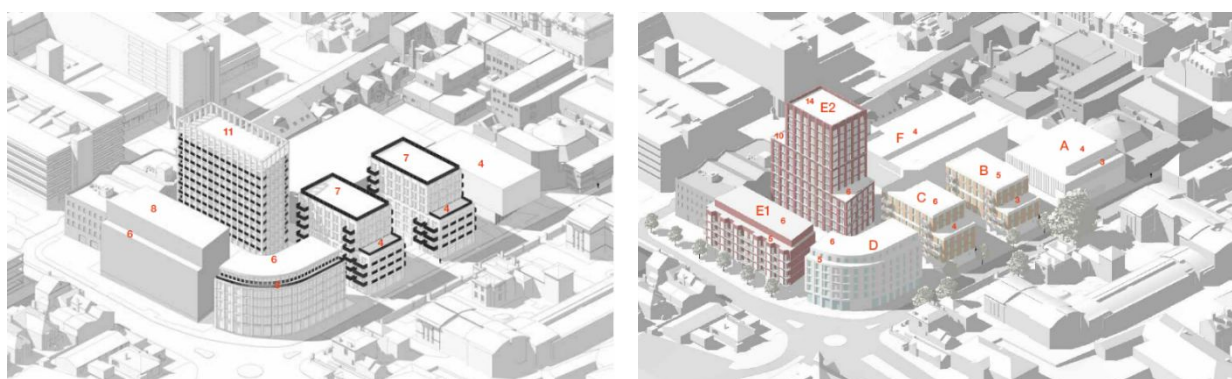
The amended illustrative scheme shows an overall density of development of 147.71 dwellings per hectare (dph). However, this is across both phases and the majority of the residential apartments are proposed on phase I (approx. 143). As a

result the density of phase I is a lot higher at 195 dwellings dph. This phase also includes the Hotel. As indicated by the Worthing Society this is high and would require careful layout to secure a high quality residential environment for future residents.

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

Perimeter Buildings

The two extracts from the DAS and the amended floorspace figures show how the scheme has been revised in response to concerns from Historic England and the Design Review Panel.



As the above plans illustrate the key changes to the scheme have been around reducing the scale of perimeter blocks in response to both townscape and heritage concerns and addressing the rather slab like appearance of the highest 11 storey element of the scheme. The desire to reduce the scale of the perimeter blocks was a key element of the pre-application discussions in response to an initial 10 storey block addressing the High Street. This approach of setting back any higher elements was also advocated in the original 2008 Retail Core Development Brief albeit this was for a retail led scheme incorporating the Guildbourne Centre and talked of 3 - 4 storey perimeter buildings rising up to 6 storeys set within the site.

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

Local Historical Context

It is worth a brief analysis of the development of Worthing and in particular why the High Street does not appear as a traditional high street and has a very different character comprising secondary land uses and acts as a bypass for through traffic. In the 18th century, and probably earlier, the hamlet of Worthing comprised the modern High Street, North Street and Warwick Street. Between 1798 and c.1812 the town expanded very rapidly, with early development around the modern Warwick, South, and Montague streets. The first shops of the seaside resort were predominantly in the High Street and Warwick Street, the latter also containing banks and the post office but by c.1820 there were also shops in South and Montague streets.

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

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

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

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

The buildings that were first laid out along the northern side of Union Place were large south facing residential villas, whilst the southern side remained undeveloped

until the 1930's when a new Police Station building was erected. Two of these Regency villas, Elm Lawn House and Storm House still exist and both are statutory listed. Set back in landscaped gardens behind front boundary walls these buildings are significant mid-nineteenth century town centre residences. The settings of both buildings have changed over the years with the loss of the villa east of Storm House due to road widening, opening up greater views of the building from the High Street, whilst more recently Elm Lawn House has become the centerpiece for a wraparound development of retirement apartments.

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

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

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

Impact of Development on Heritage Assets and Proposed Mitigation

Perimeter Blocks - High Street

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

The reduction in height of the perimeter on the High Street block by a floor and the addition of Victorian inspired bays helps to provide a more articulated form reflecting local vernacular in a contemporary way. The introduction of a landscaped frontage and a small pocket park to the south of this block would also help to soften the larger scale of this frontage building. The Design Codes and Parameter plans would ensure appropriate detail to ensure a high quality frontage block onto the High Street incorporating some reference to the surrounding townscape.

The frontage trees and indicative design approach is illustrated in the following images.



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



The proposed hotel building that wraps the corner from the High Street into Union Place would have a continuous 5 storey elevation with a 6th storey set back. Unlike the former Post Office at the other end of Union Place, this building has been designed to give equal prominence to two streets rather than a main frontage to the High Street and a secondary frontage to Union Place. The adopted approach following the curve of the road will not relate to the arrangement on the northern side of the road and has the potential to dominate Storm House to the north.



There was criticism of the curved form of the Hotel which in the words of the Design Panel celebrated the over-engineered large roundabout, however, its design reflects the extent of the applicants site and would in some respects deflect the scale of the proposed building retaining views of Storm House when travelling north along the High Street. It was noteworthy that the Design Panel did discuss having a taller element on the High Street and potentially on the corner

of the site. However, your Officers, supported by Historic England, consider that the correct approach is to lower the scale of perimeter blocks to better respond to the scale of surrounding buildings.

The Hotel by virtue of its scale and overall footprint extending into Union Place would have some adverse effect on the setting of Storm House although this harm can be considered as less than substantial. It would be important to require a very well-proportioned façade using high quality materials and detailing to create a strong corner building in this location. A similar designed rendered Hotel in Bath is included in the DAS (see below) and key design principles are included in the Design Codes. The need for appropriate proportions and a hierarchy for fenestration should be added to the list of Code requirements to ensure a high quality building can be secured at the detailed application stage. It would also be beneficial to set the top floor back from the side elevations particularly on Union Place to start to reduce the scale of buildings on this more sensitive frontage.

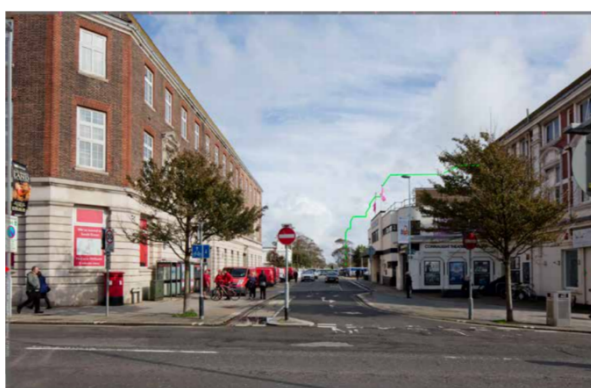


There have been discussions with the Highway Authority about the scope for reducing the extent of highway at the junction with Union Place but there is no public funding for such extensive alterations to this junction. Furthermore, whilst a signalized junction would improve cycle and pedestrian safety and potentially reduce road widths it would also require alterations with the Lyndhurst Road roundabout. Nevertheless, if this junction improvement came forward in the future, prior to any Reserved Matters application being considered, then there would be

scope for an alternative corner building and an example of an alternative approach is included in the DAS (as shown above).

Perimeter Blocks – Union Place

The proposed buildings along the southern side of Union Place are set back from the road side to allow the opportunity for tree planting. It will be important to ensure that laybys and car club spaces indicated do not diminish the extent of tree planting provided. The potential for an avenue of trees would help frame the views to the most significant heritage asset close to the site - St Paul's a grade II* listed building. The impact of any development on the character of Union Place has been of greatest concern to both Historic England and the Design Panel and the scheme has responded by adjusting the scale of these frontage buildings. The images below illustrate the impact of the revised scheme has made compared to the original submission in terms of reducing the scale, bulk and massing of the frontage



buildings.

Original Illustrative Scheme



Revised Scheme

The revised illustrative scheme now proposes buildings with three and four storey frontages adjacent to the street but rising up to 5 and 6 storeys following a fairly deep frontage setback. The Design Code recognises the need to secure a significant setback and a minimum of 5.5 metres is indicated. The frontage scale is considered to be appropriate to both the setting of Elm Lawn House and St Paul's with the illustrated views showing a gradual reduction in scale towards St Paul's (see below). However, the step up in scale is likely to be quite noticeable when viewed from along Union Place in view of the spacing between the blocks and proposed permeability of the site. This spacing is reflective of the buildings along the northern side of the street, but the predominance of terraced forms throughout the town centre could have been an alternative approach, albeit such an approach would not have been so successful in terms of achieving high quality homes with more dual aspect apartments.

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

Connaught is also a large blank wall that would be hidden by the contemporary extension to provide an extended cultural offer.

The proposed extension to the Connaught Theatre has been set back behind the current Connaught foyer and establishes the building line for the rest of the proposed development moving eastwards along Union Place. There would be a notable step up in scale from the Connaught, although this is partly due to the incorporation of the existing fly tower. Scalloped profile stone panel cladding has been proposed for the upper levels where the internal uses do not require windows. This simple high quality contemporary look could be very successful in this location. The Design Codes provide some clear design requirements and compelling precedents of similar cultural extensions as illustrated below:



Overall the changes to perimeter buildings along Union Place have successfully balanced introducing higher density with the need to have regard to the lower scale, secondary nature of Union Place and the setting of key heritage buildings. A successful, well animated, ground floor frontage and public realm would further enhance the pedestrian experience and the address the current featureless south side of the road.

14 Storey Tower

The changes to perimeter buildings has slightly reduced the overall number of dwellings and the revised scheme has also sought to address the criticism that the original illustrative scheme at 11 storeys and with an overall length of 37 metres would appear rather 'slab like' and create an inelegant block when viewed from east and west of the site. As indicated by the Worthing Society it would not have complied with the overall objectives set out in Councils Tall Buildings SPD. Discussions with Historic England raised the possibility of additional height, if the overall viability of the scheme required the density of development proposed, provided a careful analysis of its impact on the wider historic townscape was undertaken.

As the SPD states tower (landmark) buildings are generally buildings that are tall and thin with a slender profile, and contrast substantially in height from the majority of buildings within the surrounding area. By their very nature, they are designed to stand out and make an impact. In the right location landmark tower buildings can: make the best use of tight sites; add interest and drama to the skyline; have a positive impact on long range views; create a 'location'; provide a focus for regeneration; help with way finding; and create vitality and interest. However, the

SPD further states that the visual impact and prominence of a landmark tower will be felt over a wider area than that of a townscape building and because of this, they are usually a difficult type of higher building to design and integrate sensitively into the landscape.

The emerging Local Plan refers to the scope for a 'landmark' building and it is accepted that in the right place tall buildings can make positive contributions to urban life in a way that can also create a distinctive skyline. The key issue is that tall buildings need to be excellent works of architecture in their own right. In this town centre location close to the key central axis from the station/Broadwater Road down to the Pier a tall building could act as a beacon of regeneration helping to stimulate further investment and support new public spaces. Certainly the scheme would create new attractive open spaces (discussed in further detail later in the report) and enhance the existing cultural offer of the Connaught the only venue in the town with a fly tower to support the theatre and arts.

The principle of a taller more elegant structure is supported, however, it is essential that the townscape impact of a tall building is fully appreciated and as the emerging local plan policies state: the development should provide an attractive setting to the historic environment and ensure that careful consideration is given to the protection of the listed buildings and other heritage assets that are in close proximity to this site;

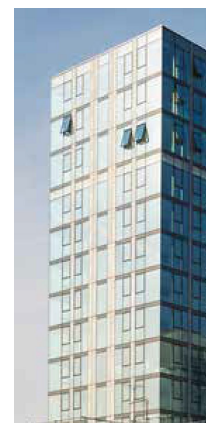
The Council's Tall Buildings SPD sets out Locational Criteria and Design Criteria as a tool to evaluate the suitability of the proposals. The eighteen locational criteria under the headings - context; accessibility; and regeneration are considered at various points throughout the report. The applicant's submitted Design and Access Statement sets out how the proposal addresses each criterion and a summary is included at page 7 of this report.

The four remaining criteria focus on the design of this tower which focus on sustainability; townscape/public realm; quality of life; and design detail. Sustainability, townscape and quality of life are considered in various sections below but the proposed design, impact on heritage and surrounding townscape and public realm are considered here.

The tallest element of the scheme is located deeper into the site, its lower levels being screened by the perimeter buildings already considered. The tower element terminates at various heights along its length, rising to a maximum 14 storeys.

Your Officers have some concerns that the form of the tower currently illustrated as part of the illustrative scheme is of a suitably high quality of design, nor does it succeed in referencing the historic townscape. The design code specifies red brick, similar to the environment building in nearby Chatsworth Road, with decorative stone banding at floors. For such large elevations the design code appears to be quite limited and could lead to fairly flat and austere looking building. The amended DAS indicates that the building could be topped by a 'crown', however, the indicative scheme incorporating a 'castellated' top with vertical banding breaking through to create a more varied profile was criticised by the Coastal Design Panel. Amended images have been submitted removing this detail but concern remains about the indicative design images.

It is important to stress that this is an outline scheme and the design for the tower feature is only indicative. The introduction of height has helped to address the scale of perimeter buildings and provide more of a vertical emphasis but it is important that this verticality is not diluted by the 10 storey shoulder. The Design Code and parameter plans are setting the benchmark to judge subsequent reserved matters applications as well as setting the maximum overall height and therefore it is important that the design codes set a high bar for design quality. The DAS and Design Codes do place emphasis on 'verticality and elegance' albeit the step from 10 to 14 storeys will be challenging in some views to achieve this objective and some of the images included in the Design Codes illustrate your Officers concerns, particularly about using a heavy red brick colour as illustrated below.



However, other images particularly the scope for a glazed tower feature (above right) highlight perhaps more acceptable design options and the Design Code makes it clear that any proposal for the tall building would need to revisit the criteria and provide a detailed design response to the following outstanding criteria:

- Accurate representation
- Form, massing, silhouette
- Facing materials
- Near views
- Distant views
- Impact on skyline

To address concerns about the indicative images it is considered that amendments need to be made to the Design Codes to add greater emphasis to ensure a subtle play of surface and shadow that is carefully crafted and well considered. The scope to use balconies to achieve a more sculptural and elegant building should also be considered to demonstrate more variety of form. The opportunity for a change of material or set back might help create more verticality when viewing the 10 and 14 storey elements of the tower. The Coastal Design Panel made reference to the importance of local context and materials, in particular stating that, '*the traditional architecture of Worthing is notably white in colour with lots of applied features and detailing.*' It will be important that the Design Code does not emphasise the predominate use of brick and in particular the grid form of many brick schemes which are currently in vogue and may not, as one objector comments, suit the particular seaside architecture of the south coast.

The central position and greater scale of the proposed tower feature compared to the surrounding town, will have the potential to define a new phase in the town's history. It is therefore very important that this new urban grain is recognised and the

full implications of its potential new skyline are understood. The Code does state that the tall building should contribute to the Worthing skyline and create a '*distinct and legible silhouette*'. This is an important objective and a flexible approach to design options would ensure that there is scope for a strong design philosophy to come forward at the reserved matters stage with the eventual development partner.

Members will recall with the Bayside development, that tall buildings need a strong and coherent design philosophy which ideally reflects the local context. The tower at Bayside reflects the many rendered regency seafront properties with balconies in a playful and curvaceous way. Whilst, this approach inland would not be appropriate, the scope for an elegant and even adventurous design is essential and needs to be facilitated by appropriate Design Code and parameter plans. It is considered that with some refinement this can be achieved. The importance of design is also highlighted with an analysis of views of the tower from a heritage perspective as well as an assessment of the impact on the wider townscape.

Local and more Distant Views - Impact on Heritage Assets

HE recommended that further views analysis were carried out to establish whether the development and tower would be visible in any kinetic views when moving through the surrounding conservation areas as well as from the seafront and listed pier. The architects have produced a number of static viewpoints from locations within conservation areas close to the development site but the opportunity to properly explore kinetic views appears to have been missed. Nevertheless, these static viewpoints were agreed with your Officers and it is apparent that the nature and scale of the development proposal, would result in some harm to the setting of heritage assets and will introduce a major change to the wider townscape.

The 14 storey tower would be visible from a large number of vantage points, including designated heritage assets (conservation areas and listed buildings) and will have a direct impact on the setting of a number of designated heritage assets (conservation areas and listed buildings). The applicants have produced detailed "Heritage Impact Assessment" and "Visual Impact Assessment" within their submitted Environmental Statement and included a series of Accurate Visual Representations (AVRs). The following paragraphs set out the main impacts of the development considering them on an individual basis and cumulatively.

The view from Charlecote Road in the Warwick Gardens Conservation Area is directly to the east of the site. From this position both the previous scheme and the higher 14 storey proposal would be particularly prominent as indicated below. This view highlights that the full extent of the 14 storey tower would dramatically change the current outlook from this Conservation Area and would be recognised as being harmful to its setting. The step up in scale would have been just as apparent with the 11 storey scheme and this view highlights the importance of creating a strong vertical emphasis to the tower feature.

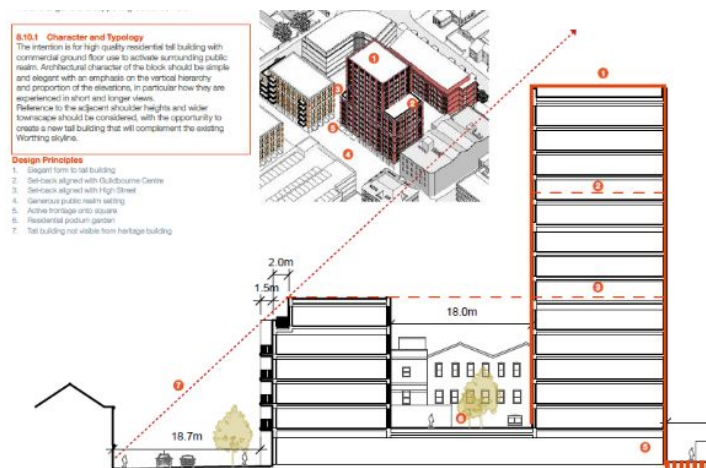


Original illustrative Scheme

Revised Scheme

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

The Design Code has also analysed views of the tower from the listed buildings in the High Street and this has been used to help justify a tower of 14 floors as indicated below:



Viewpoint 6: From Ambrose Place looking east and the additional New Viewpoint 10: From Christ Church looking east along Ambrose Place suggest quite limited views of the proposed tower obscured by leafy trees in the summer. It is accepted that the close knit urban grain of the town centre would restrict views from a number of vantage points particularly from South Street, however, as with Bayside at 15 storeys, the development would appear in a number of locations close to and in more distant views. The computer generated images (CGIs) help to also assess the views from St Paul's closer to the site. These east west views highlight the prominence of the tower feature and views from the north-west of the site from Chapel Road would have been also useful in identifying the changing skyline above the existing buildings.



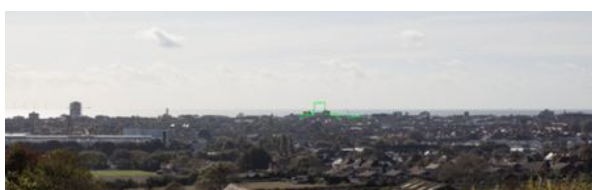
New viewpoint 8: Worthing Pier looking north shows that in this particular view from the Conservation Area, the tower element will make a substantial change to the existing skyline and silhouette. Currently the Grade II* Listed Dome Cinema building creates the strong visual break in the generally continuous horizontal skyline, but the proportions and height of the new tower will inevitably distract attention away from the historic feature. This will result in some harm to the setting of the Dome Cinema and views across the rooftops of the Seafront and Hinterland CA.



Impact on the South Downs National Park (SDNP)

The initial consultation response from the South Downs National Park Authority notes the change from 11 to 14 storeys and suggests that this change would justify an assessment of some representative views from the SDNP. The requested views from Highdown Hill, Cissbury Ring and Lambleys Lane have been taken and the further views of the SDNP received. The SDNP considers that the viewpoint assessment does demonstrate that the buildings would be seen in the context of other taller buildings in the town. The SDNP has indicated some concern about light and reflective materials as buildings on the Coastal plain can stand out starkly in views from the higher ground in the SDNP to the north particularly with the low winter sun. Detailed issues of materials would be dealt with at the Reserved Matters stage.

Given that the Park did not have concerns about the Bayside development in terms of setting of the SDNP or Teville Gate at a higher 22 storey height your Officers are satisfied that this development would not have a material effect on the South Downs. Your Officers have viewed the



site from other vantage points including Mill Hill but as noted by the SDNP at a distance of some 7km the impact on the SDNP would be largely imperceptible.

Two of the submitted wire frame views are produced above and these illustrate that at a lower level the tower would breach the horizon line (as does Bayside) but has significantly less visual impact from higher positions on the Downs. From public footpaths from Hillbarn Golf course the Environment Agency building is noticeable but again any additional height would be seen in the context of the wider built up coast line.

In terms of overall impact (heritage and townscape) the scheme has responded positively to the initial concerns about perimeter buildings and it is noteworthy that Historic England refer to 'significant improvements' to the scheme. With further refinements of the Design Codes, particularly in relation to the tower feature, the level of harm can be reduced but nonetheless harm to the setting of heritage assets (listed buildings and conservation areas) will remain. This harm reflects the scale of the historic townscape, however, it is considered that this is less than substantial and this conclusion is accepted by Historic England and the Councils Design and Conservation Architect.

Public Benefits

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

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

Economic

It is considered that the proposed development would provide significant economic benefits for the town. The site, as already describes, has a negative impact visually and economically on the town centre. The proactive approach of the Council in securing ownership and entering into a partnership with LCR has for the first time since 2008 secured a planning application for the site and one that is promoting a mix of uses that would positively add to the vitality and viability of the town centre. In support of the application a Regeneration Statement has been submitted which highlights a number of the employment and economic benefits of the scheme to the local economy.

In terms of employment the Agent submits that the development would *support between 69 and 97 FTE jobs, a significant uplift considering the site currently*

supports no full-time jobs. This level of new employment would lead to wider economic benefits including both employee spending and increased Gross Value Added (GVA). The supporting statement suggests up to £241,000 per year and overall generate up to 3.3 million per annum in GVA.

Whilst, any redevelopment of the site would have some economic benefit the introduction of both an Hotel and enhanced cultural offer would add to the evening economy and enhance footfall throughout the day and night. The economic impact of cultural facilities to the local and national economy is significant and has been estimated at £5.9 billion gross value added (GVA) to the UK economy. Clearly, this industry has been massively hit by the Covid 19 pandemic but this should not stop planning for an enhanced cultural offer for the town centre particularly given the decline in retail floorspace.

There has been criticism of the extent of retail space indicated in the Masterplan, however, the application proposes flexible commercial space and under the new Class E use class could include a variety of uses such as retail, café, office, gyms and health related uses. These uses combined with the new cultural space would help to enhance the quality of leisure facilities within the town. The Worthing Retail and main Town Centre Uses Study (2017) identifies that there is a substantial opportunity to transform Worthing town centre to increase its attraction and competitiveness. The report particularly emphasises the leisure sector as having a substantial opportunity to enhance the number of visits to the town centre. A key opportunity outlined in the study includes an enhanced cinema offer in the town centre, to reclaim some of its lost market share. The report further places a focus on the Connaught Theatre being dated and small – suggesting a need for a multiplex cinema in Worthing which is integrated with the primary shopping area, to increase visitor numbers. The extension of the Connaught Theatre would cater for these needs.

Members are aware that tourism is a major part of the economy and that tourism businesses account for 11.37% of all businesses in the town and supported 2,650FTE jobs (in 2015). The applicant submits that the proposed 90 bed Hotel would contribute approximately £3.4 million to the economy per annum through visitor spend. An additional Hotel is likely to increase the attraction of Worthing as a destination particularly given the greater likelihood of less overseas travel due to the pandemic. Whilst, smaller Guest accommodation continues to be in decline, there is a lack of high quality modern visitor accommodation (as evidenced by the success of Premier Inn on the seafront).

The Regeneration statement also highlights other economic benefits, up to £40,000 business rates (which does not include the Hotel or cinema screens), New Homes Bonus and the additional spend on Council tax up to £340,000 (based on the original scheme for 186 apartments).

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

Public Car parking

A key element of the proposal is to unlock the redevelopment of the NCP car park and this would require replacing the existing 178 spaces within the proposed multi-storey car park. This replacement parking is essential to help support the town centre and is in line with the Councils adopted Car Parking Strategy which stresses the importance of maintaining existing car parking numbers particularly with the loss of Teville Gate and, in time, the Grafton Multi-Storey car park. The continued success of the town centre and the seafront as a destination requires an appropriate level of public car parking and this is a significant cost to the overall development of the site. The national decline of retailing even before the pandemic has affected the economic performance of town centres and in particular Coastal towns with only a 180 degree catchment have to compete even harder with larger inland retail centres.

The applicants stress that the overall viability of the project has been challenging, particularly in terms of committing to the 30% affordable and including less commercial elements such as the Cinema. Delivering Phase II is dependent on securing agreement with the NCP and the Councils ability to secure an appropriate development partner to generate value and secure the stated aspiration of a comprehensive redevelopment of the site. It is likely that even with the density of development proposed Phase II would require additional public sector funding to ensure its early redevelopment. It is highly relevant that without the Councils intervention a comprehensive redevelopment would have been achieved by a commercial developer and it is clearly important that this is achieved as this forms an important part of the overall planning justification for the development.

Social

In light of the housing need in the town and in particular the acute shortage of affordable housing the provision of 169 apartments and 30% affordable housing is a significant public benefit of the scheme. As stated earlier in the report the lack of land within Worthing means that the Council will only be able to meet a fraction of its objectively assessed housing need and therefore the efficient use of brownfield land is essential to try and meet some of our future housing needs.

As Members are aware viability is a key issue for brownfield sites and has prompted the Council to propose a change to the Community Infrastructure Levy (reducing the contribution from £100 per sqm to £25 per sqm). It is significant therefore that despite the overall viability issues the applicant is committed to delivering 30% affordable and a significant proportion of affordable rent. There is also the scope, depending on the final affordable housing delivery partner, to secure rent at Local Housing Allowance rates which would more effectively provide rented accommodation to those in greatest housing need and currently on the Councils Housing Waiting list. This is a significant benefit of the scheme particularly where many other brownfield sites are unable to meet 30% affordable housing requirements.

There is clearly also a social benefit to the provision of an enhanced cultural offer and the ability to provide a more diverse offer of films, live music and theatre for the wellbeing of the town. The scheme incorporates public art in key locations and the provision of public spaces including a pocket park would enhance social interaction.

Some concern has been raised about the small community garden created along the frontage of the site, however, as detailed below the scheme creates new landscaped areas which would compensate for the loss and it is hoped that the local community could adopt some of these areas to assist future maintenance.

Environmental

New Public Realm

As the Masterplan illustrates a key objective of the scheme has been to comply with both the Core Strategy and emerging planning policy to enhance public routes through the site. The revised layout has responded to some of the criticism raised by the Design Review Panel and now includes a much larger area of open space in the middle of site which will provide a more attractive setting for the tower element of the scheme and benefit from a southerly aspect. A urban square is also provided to the west of the multi-storey car park along with areas described as ‘cultural led’ meanwhile spaces that would provide opportunities for public realm animation and all round year cultural activities and spill out space.

Overall 6,220sqm of new public realm will be created, 1350 sqm of green space and 300 sqm of play space. This is a significant cost to the scheme and would represent a significant improvement in terms of permeability, biodiversity and environmental enhancement of a site which has been partly vacant and boarded for many years. Whilst, the scheme does involve the loss of frontage trees this is more than compensated with the proposed areas of planting and reduction in hard surfacing across the site.



The scheme would include new pedestrian routes including new wayfinding and new street furniture, public play space and art installations to create new retail circuits from Chapel Road through to the High Street and Waitrose and from Chatsworth Road to Union Place. A new public view would be created of Elm Lawn House through the middle of the site

Conclusion on Heritage impact and Planning Benefits

The many and varied benefits set out above, including social, economic and environmental together with the regenerative benefits of the proposal are considered collectively to be public benefits, which would outweigh the less than substantial harm to heritage assets. While the impacts of scale and overall height

are considered to have an adverse impact on heritage assets, the Councils adopted SPD on tall buildings recognises the benefits of tall buildings in town centre locations and as a beacon for regeneration.

The scheme has sought to reduce harm on the heritage assets immediately surrounding the site and to improve the form and appearance of the tallest element of the scheme. To ensure a viable development to secure the significant planning benefits outlined above the density of development and quantum of development has been maintained. To ensure that a high design standard can be secured at the reserved matters stage some further refinement of the Design Codes are necessary and can be secured under delegated powers.

The public benefits of the development are largely delivered in phase II and therefore it would be important that the applicants work with any partner developer to secure the sites comprehensive redevelopment as soon as possible. Certainly the scale of the development on phase I would have a far greater impact on the existing townscape if it came forward without phase II. Normally in such circumstances the Planning Authority would want to tie delivery of phase I to the early delivery of phase II but given the involvement of two public sector partners and LEP funding to get to this stage such a requirement is not necessary.

Residential Amenity

Proposed Dwellings

The submitted parameters plan governs the broad block layouts and building heights. In addition, the design codes set out a number of measures to ensure adequate amenity would be achieved for future occupiers of the development.

The block parameter plans show potential separation distances between blocks A (4-storey) and B (5-storey) of 12m, between B and C (6-storey) of 15m, between C and D (6-storey) of 9.5m, between D and E1 (6-storey) of 5.5m, between D and E2 (14-storey) of 18m, between E2 and F (4-storey) of 18m. These distances are acknowledged to be relatively close and would be below the accepted 21 metres between dwellings. However, this is generally a distance used between dwellings rather than across public areas or streets and for high density regeneration schemes various detailed adjustments to orientation of habitable rooms can ensure that undue overlooking is avoided. In town centre locations the distance between terraces either side of a street is often 17 metres and less and therefore this indicates that a more flexible approach can be taken. Nevertheless, the distances are minimum figures and as the parameter plan allows for the blocks to be reconfigured slightly this does provide opportunities to increase the separation distances at the detailed design stage.

The supporting design code secures further measures to ensure the relationships between the proposed residential units and with the proposed commercial buildings would be carefully designed including:

- Allowing for alternative residential mixes - the residential floor space within the scheme can be flexibly deployed to reflect various home typologies and unit mix. The illustrative floorplans and design code principles set out the

requirements such as the requirement for prioritising dual aspect homes and mitigation of overlooking, and private amenity.

- Adjacencies and Offsets - habitable room to habitable room [single aspect] separation distance must be a minimum of 18m, habitable room to non-habitable room separation distance must be a minimum of 10m, block gauges should support well-proportioned homes to avoid inflexible layout arrangements and block orientation should avoid the need for single aspect homes.
- The careful design of amenity space as illustrated below with sensitive location of balconies to ensure adequate privacy.

Whilst, this may be sufficient to safeguard future residential amenity other design measures such as the angling of windows could also be incorporated into the design code to further enhance the relationship between residential units. This approach was taken at Bayside where distances between courtyard properties were greater than proposed (19 – 20 metres). The use of podium gardens and off-setting can also be used to enhance the interface between residential units.

Whilst the illustrative plans show a significant number of single aspect apartments, at the detailed design e.g. through the introduction of different typologies and unit mix, more dual aspect units could be incorporated. Overall, in respect of aspect, privacy and amenity space, the proposal is considered acceptable taking into account that this is a town centre site, and people choosing to live there will balance the dense living environment with the advantages of the location.

The relationship between the tower feature and the Mill Building would need careful consideration, particularly if this building is extended upwards following the grant of planning permission. This is covered in the Design Code which suggest no south facing habitable room windows at this point.

A notable positive of the scheme is in the consideration of the dwelling space standards. The Council has assessed the proposals against both the Borough and national housing space standards and all apartments meet these adopted minimum spaces requirements. In terms of daylight and sunlight the submitted daylight and sunlight report indicates that that 90% of the proposed apartment facades will receive good levels of light and that with further good design will ensure that the residential units within the development proposals will achieve very good levels of internal daylight and sunlight adequacy.

It is also recognised that the separation distances between higher density developments in town centres can often result in closer relationships between housing and commercial development and this is generally accepted. Environmental Health has requested a number of conditions to ensure the control of noise, opening hours and extraction/ventilation details particularly in relation to certain noise generating E use classes can open (e.g. food and drink and gyms).

In terms of other considerations such as microclimate impacts of the tall building on the site this would need to be undertaken at the Reserved Matters stage when the final form of buildings has been fixed to understand the impact of wind on living conditions and public spaces. The Design Code indicates that recessed balconies are proposed in the tower to reduce the effect of wind but a more detailed analysis would be required and can be added to the Design Code.

Open Space and Recreation

The recent Borough wide Open Space Study (2019) indicates new open space provision will be required where there is a new development and a planned increase in population and/or an existing deficiency in supply or access to facilities exists. Whilst the proposal is outline form based on the indicative housing schedule of 169 units (comprising 136 x 1bed and 33 x2 bed equivalent to 372 residents), the proposal would generate the following open space requirements:

Allotments	-	743m ²
Amenity Green space	-	2230m ²
Parks and recreation grounds	-	2974m ²
Play space (children)		223m ²
Play space (youth)	-	223m ²
Natural Green Space		3718m ²

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

Communal Private Space

In respect of private communal space, the Councils Space Standards SPD further indicates a minimum of 20m² per flat should be provided which is normally in the form of communal areas and/or private outdoor space such as balconies, roof terraces. On the basis of 169 proposed housing units this would equate to a further 3,380m² of communal private amenity space, in addition to the above open mentioned open space requirements.

The proposal would therefore generate a potential total open space requirement of **3,491m²** (or 80m² per dwelling/36m²/per resident).

Indicative Open Space Provision on Supporting Plans

The Councils SPD on Tall Buildings indicates where tall buildings are acceptable they will be expected to help deliver new open spaces and public realm improvements as part of the scheme. It goes on to say, open space requirements for residents could be accommodated through roof, terraces, balconies and internal courtyards. However, where these elements alone are insufficient, proposals will be required to contribute proportionately to the enhancement of the existing public realm and parks in the vicinity.

The indicative supporting layout plans propose a series of distinct green spaces within a series of routes and yards. This would include a formal garden and new public square. Whilst, the open space in relation to 'Play Provision' would be determined against the final mix and amount of housing proposed. The applicant's strategy is for the provision of a series of safe and accessible play spaces as illustrated below. The majority of this would be provided through the creation of playable spaces in the podium level garden and open space off-street, adjacent to the residential blocks and away from main vehicle routes. Play spaces would also

be incorporated into new public areas/gardens to meet the needs of the different age ranges of users, whilst also benefiting from passive surveillance.

For specific age groups, this would mean the on-site provision of play space for 0-5 year old children within 100m, for 5-11 years old, provision within 400m, and for 12+years old, provision would be made off-site.

Overall, the supporting information demonstrates the following provision could be made on-site - Children's Play Space - 300m², Green Space - 1350m² and Public Realm -6220m² (total 7,870m²). This would equate to a potential shortfall in open space requirements on site of 5621m² (13,491m² – 7870m² = **5621m²**).

Recognising the proposal would provide substantial new public realm and there is an accessible park/recreational ground within the locality, it is considered the requirement for additional provision/improvements for parks and recreation grounds (equivalent to 2974m²) can be off-set by the new public realm being provided. A further slight reduction of natural green space would also be justified taking into account the amount of public realm being provided.



Plan identifying in yellow key areas for play provision

The remaining open space requirements, taking into account the spatial constraints of the site and its town centre location, potential on-site provision of children's play space and some green space, can be adequately mitigated through financial contributions towards the improvement of off-site local facilities, as set out below:

Allotments	-	£16,612 (743m ²)
Amenity Green space	-	£45,151 (2230m ²)
Play space (youth)	-	£25,507 (223m ²)
Natural Green Space		£49,081 (2425m ²)

Total Contribution	£146,351
Total off-site provision	up to 5,621m²

The final calculation would be formula based on the final quantum and mix of housing types, and the level of on-site open space provision that comes forward at the reserved matters stage. These contributions, with appropriate provisions for maintenance, would be secured through a s106 legal agreement. In summary, subject to the above provisions being secured through s106 legal agreement, the proposal would ensure appropriate open space provision to meet the needs of

future occupiers and to mitigate the impact of the development on local open space infrastructure.

Existing Dwellings

The original Daylight and Sunlight report has been updated in relation to the revised scheme and concludes that,

‘The neighbouring daylight and sunlight assessments illustrates that the majority of neighbouring properties will experience negligible effects as a result of the proposed development and that there will only be some highly localised and isolated areas of infringement beyond the BRE guidelines.

The daylight and sunlight façade analyses of the residential blocks within the development site illustrates that well in excess of 90% of the proposed buildings facades will receive good levels of light that with further good design will ensure that the residential units within the development proposals will achieve very good levels of internal daylight and sunlight adequacy.

The shadowing studies demonstrate that both the adjacent amenity areas around Amelia Court and those proposed within the development boundary will retain and receive good levels of direct sunlight enabling compliance with the BRE target criteria in shadowing terms. In conclusion, it is submitted that the layout of the proposed development is consistent with the Council’s local planning policy on daylight and sunlight, particularly having regard to paragraph 123(c) of the National Planning Policy Framework.’

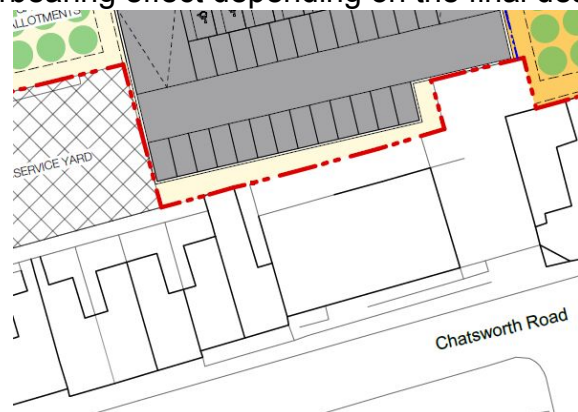
The infringement of BRE daylight and sunlight is particularly for No 15 19 Chatsworth Road and 40 – 46 High Street as indicated in the following table,

Table 5 – Summary of VSC and NSL effects on rooms in existing neighbouring properties

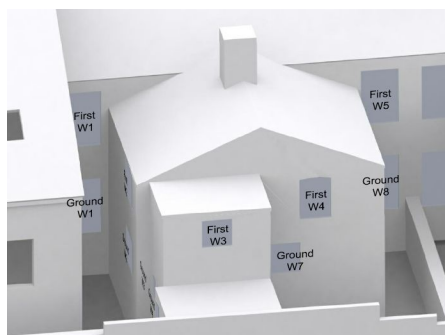
Address	Total no. of rooms tested	No. of rooms meeting VSC guidelines	No. of rooms with impacts outside VSC guidelines	No. of rooms meeting NSL guidelines	No. of rooms with impacts outside NSL guidelines	No. of rooms with impacts outside VSC and NSL guidelines
Amelia Court	41	35	6	29	12	4
Elm Lawn House	8	6	2	8	0	0
3 Union Place	1	0	1	0	1	0
Storm House	5	3	2	4	1	0
Rowland House	2	2	0	2	0	0
44 to 46 High Street	7	1	6	1	6	6
42 High Street	3	0	3	1	2	1
40 High Street	3	1	2	3	0	0
30 & 30a High Street	5	5	0	4	1	0
17-19 Chatsworth Road	10	2	8	3	7	5
15 Chatsworth Road	6	0	6	4	2	2
13 Chatsworth Road	4	3	1	4	0	0
11 Chatsworth Road	7	6	1	7	0	0
9 Chatsworth Road	4	4	0	4	0	0
7 Chatsworth Road	6	6	0	6	0	0
5 Chatsworth Road	3	3	0	3	0	0
50-54 Chapel Road	13	13	0	13	0	0
56 Chapel Road	5	5	0	5	0	0
41 Chapel Road	3	3	0	3	0	0
Total	136	98	38	104	32	18

There is concern in particular about the relationship between the proposed car park and the rear of properties in Chatsworth Road. The two flats above the ground floor retail units (Nos 17 – 19) are immediately adjacent to the multi-storey car park as indicated below which is indicated as being only 3 metres away from the boundary

with these properties. The size of the indicative car park has changed and has less impact than before on these properties but these two flats would still be adversely impacted by the development from a technical assessment and potential overbearing effect depending on the final design of the car park.



The closest window in a two storey extension to No 19 is an obscured glazed bathroom but there are other north facing bedroom windows, albeit recessed and affected by the proximity of the Police Station building next door. Whilst, these windows are also already affected to some extent by parking immediately adjacent to the boundary wall (as the photograph below illustrates) the close proximity of the proposed car park by virtue of its scale bulk and massing would have an adverse effect from a technical day light and sunlight perspective and overbearing impact.



Without a detailed design for the car park the above technical assessment can only give an indicative impact assessment. Given that it is unusual to have such an open aspect in a town centre location and that these are north facing windows it is not considered that the impact is so significant to seek any further alternative siting of the multi storey car park. The replacement of the public car parking on the NCP site is essential to unlock phase II and any extension to the cultural offer needs to be located adjacent to the Connaught. There are also compelling heritage and streetscene arguments for locating the multi storey car park to the rear of the site. There is also national planning policy support for taking a flexible approach to daylight and sunlight standards. As indicated by NPPF,

*'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a **flexible approach in applying policies or guidance relating to daylight and sunlight**, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

Nevertheless in relation to the design of the car park the south elevation needs to be sensitively designed to have regard to the proximity of neighbouring properties. Whilst, there is limited information on the design of the car park within the Design Codes and Parameter plans it is submitted that the incorporation of greenery and different cladding approaches (louvres or perforated mesh) and this would help to ensure that the car park would not detract from the overall appearance and quality of the development and could address issues regarding the outlook from the above properties.

In terms of 40-46 High Street these properties are located approx. 17 metres away from the proposed development and it would not be unreasonable to expect frontage development on the other side of the High Street. The comparative nature of BRE with an open site does therefore distort the results regarding impact. In the circumstances and having regard to the advice in NPPF it is considered that the impact on these properties is considered acceptable in amenity terms.

A similar situation exists with Amelia Court in that the proposed development opposite has been set back from Union Place and would be 19 metres away from the sheltered apartments provided in the listed Elm Lawn House. Once again for a town centre location it is unusual for this development to have enjoyed such an open southerly aspect and therefore the proposed development, particularly with the reduction in height of the setback elements, is considered to be acceptable in general amenity terms. Whilst concerns about noise disturbance has been raised during construction this matter can be controlled by condition (requiring a construction management plan dealing with for instance hours of use etc).

Without the detailed design of the multi-storey car park the noise assessment has not addressed the potential impact of car movements at a higher level adjacent to the rear of properties in Chatsworth Road. The flats already look out over the large surface car park but as indicated by Environmental Health a further detailed noise assessment can be requested and appropriate mitigation designed at the Reserved Matters stage and an appropriate planning condition is recommended.

Transport, Servicing and Accessibility

Parking and Accessibility

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

The revised indicative scheme proposes 169 apartments with 67 residential parking spaces and 3 car club spaces along the Union Place frontage. In line with the latest WSCC Parking Standards, 20% of the residential parking spaces would be provided with electric vehicle charging points (EVCP).

This parking ratio calculates at just over 0.4 of a car parking space per apartment. This is significantly below the adopted WSCC Parking Standards but has been accepted by the County Council as appropriate provision given the highly sustainable location of the site. The indicative scheme incorporates 184 cycle spaces and the amended Travel Plan incorporates the various requirements

requested by the County Council, in particular, to fund the car club, travel co-ordinator and to offer £150 voucher for public transport to each new resident (further discussions are underway regarding the need for a second travel voucher). There would also be a welcome pack for all residents which would encourage sustainable travel and provide information in relation to bus and train services and other sustainable travel information. It would be important to capture the key Travel Plan requirements in a planning obligation particularly in view of the low parking numbers advocated by the Masterplan and accompanying documents.

Whilst, this level of car parking provision for the residential development is on the low side, it is accepted that this is a highly sustainable location within the town centre and Members will be aware that a number of car free developments have been allowed in similar town centre locations. It is also highly relevant to note that car ownership levels in the town centre wards are also low at 0.53 of a car parking space per dwelling. Given this and the clear advice in NPPF that priority should be given first to pedestrian and cycle movements both within the proposed scheme and neighbouring areas, it is considered that this level of car parking provision is acceptable.

In terms of promoting sustainable travel it is relevant that the development is providing significant areas of new public realm to encourage pedestrian movements to and from the town centre. In terms of wider connectivity to existing or proposed cyclepaths there have been lengthy discussions with WSCC. Members will be aware that the Local Cycling and Walking Improvement Plan (LCWIP) has recently been adopted and this promotes a cyclepath along the A259 (adjacent to the site along the High Street). This route is also identified in the emerging Sustainable Transport Plan for Worthing and the Highway Authority has been drawing up feasibility plans which would potentially provide a segregated route on the west side of the High Street. The draft feasibility scheme assumes taking some land along the frontage of the site.

The applicant has been able to demonstrate that the proposed development, being set back from the boundary of the site, would not affect a cyclepath were it to be provided on the western side of the road. This area is planned as an enhanced public realm area in front of the development and, as indicated earlier in the report, tree planting in this area would help to soften the impact of the larger scale buildings. Your Officers are, therefore, concerned about the possibility of a segregated cyclepath taking the frontage of the site and would have preferred any cyclepath to reduce the extent of highway rather than reducing the ability for enhanced public realm in front of the site, including tree planting. Nevertheless, the County Council is keen to ensure that the development does not prejudice any potential future cyclepath and the applicant has indicated a willingness to offer this land, if required in the future, for the provision of a cyclepath.

Given that the request by the County Council would lose part of the development site, the applicant has indicated that the value of this land should be taken into account in determining the extent of any transport contribution towards the provision of this cyclepath in the future. Negotiations are proceeding and it is likely that the initial request of £187,000 by the County Council would be reduced given that the development would be offering land for a future cyclepath. It would also be appropriate to have regard to the extent of new public realm that the scheme is providing and Members will be updated at the meeting.

It is not proposed that any dedicated parking would be provided for the commercial floor space Hotel and cinema/theatre element of the proposals. It is anticipated that the full re-provision of the existing NCP car park on the site would cater for demand generated by these uses, as well as nearby car parks including the multi-storey car park at the High Street. Whilst, the Hotel operator is not known at this stage, there is scope for discounts to be provided for Hotel guests and this is the case for many other Hotels operating in town centre locations nationally.

Servicing and Trip Generation

The development has been designed to incorporate appropriate service routes through the site and refuse collection and the Masterplan proposals are supported by the County Council. The Highway Authority has indicated that it is satisfied with the designer's response to the issues raised by the Road Safety Audit in connection with the new access onto the High Street.

In terms of the anticipated vehicle trips generated by the development, the submitted Transport Assessment considers that the proposed development is likely to result in an additional 24 vehicle movements in the AM peak and an increase of 34 in the OM peak when compared to the existing site use. This level of vehicle movements is low and would not result in a material change in trip generation and this is accepted by the Highway Authority. The additional vehicle movement equates to 1 vehicle every 2.5 minutes during the peak hour and approximately every 2 minutes during the PM peak hour.

Whilst the existing High Street surface car park is not to be re-provided as part of the illustrative scheme, the Worthing Parking Study does indicate that there is spare capacity to accommodate additional demand associated with the displacement from the High Street car park. The Highway Authority raises no objection to the reduction in public car parking.

Sustainability

Whilst the proposal is in outline form at this stage where the detailed sustainable construction and other matters can be addressed, in accordance with policies 17-19 of the Core Strategy, The Tall Buildings SPD, the Councils recently declared Climate Emergency and the NPPF, the design proposals must take to account the:

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

Emerging Local Plan Policy CP17 relates to sustainable design and indicates all major development will be required to achieve the minimum standards as set out below unless superseded by national policy or legislation:

- i. Secure a 19% reduction in CO2 emissions in dwellings over Part L Building Regulations requirements (2013) solely from energy efficiency measures;
- ii. Minimum 'C' rating Energy Performance Certificate;

- iii. New dwellings should achieve a water efficiency standard of no more than 110 litres/person/day (lpd);
- iv. Achieve a BREEAM 'Excellent' for major non-residential floorspace.

In addition, all major developments must submit a sustainability statement demonstrating how the requirements of this policy have been met, and the energy and waste hierarchies followed. This should include an assessment of the opportunities to use low and zero carbon energy, and residual heat/cooling for both domestic and non-domestic developments. This should include details of:

- i. measures to minimise, reuse, and recycle waste (utilising opportunities to reuse material derived from excavation and demolition) both during the construction phase and over the lifetime of the development;
- ii. how passive design measures are incorporated to minimise energy consumption by reducing the need for heating, cooling and ventilation systems, and minimising the reliance on mechanical lighting, heating and cooling taking account of landform, layout, building orientation, massing and landscaping;
- iii. measures to reduce carbon emissions through the energy hierarchy steps;
- iv. new opportunities for providing or creating new heating/cooling networks;
- v. capacity to connect to future heat networks in the area;
- vi. the feasibility of connecting the development to existing heating / cooling / CHP networks where these already exist;
- vii. opportunities for expansion of any proposed networks beyond the development area over time, and to plan for potential expansion.

In accordance with the above emerging policy requirements, the application is supported by an Energy and Sustainability Assessment which demonstrates that key opportunities for implementing sustainability and CO₂ reduction measures and solutions appropriate to the Masterplan have been identified - guided by the Councils trajectory to achieve net zero carbon by 2030. This has ensured that the design proposals are aligned with policies relevant to sustainable design and construction and will meet, or where viable exceed, policy requirements.

The Energy Statement states that the development would seek to meet the following sustainability performance indicators:

- The development would achieve BREEAM 'Excellent' for the non-residential floor space.
- A low carbon energy strategy in accordance with the hierarchical approach to reducing CO₂ emissions that will achieve at least a site-wide reduction of 19% against Part L, with an aspiration towards zero carbon by 2030. The proposal would include a package of passive and active measures such as optimising the design of the building structure and façade to minimise heating, cooling and lighting demand. This would be achieved through a number of measures such as introducing thermal mass, choosing high performance thermal insulation and reducing solar gain while maximising daylight entry, the incorporation of Ventilation and Heat Recovery systems, Air Source Heat Pumps and Solar Panels, to reduce carbon emissions.
- A water use reduction strategy to reduce demand at source with new dwellings achieving a water efficiency standard of no more than 110 litres/person/day – other measures include rainwater harvesting.

- The use of sustainable drainage systems to target a site-wide greenfield runoff rate to ensure there is no net increase in surface water runoff.
- An increase in urban greening to help alleviate urban heat island effect, aid sustainable drainage and provide wellbeing benefits to residents and visitors;
- Ecological enhancements that will achieve a site-wide net gain in biodiversity;
- A site that will create safe and healthy internal and external living and working environments;
- A site that, as far as possible, will be resilient to the impacts of future climate change.
- A supporting Design Code will inform the detailed design of landscaping on the site which include features such as green roofs, green walls, raised planters, rain gardens and community gardens.
- The use of best practice construction site management procedures across the site;
- Buildings that will target an exemplary performance under the Considerate Constructors Scheme.
- Incorporate sustainable transport measures, including minimised car-parking, cycle parking, electric car charging spaces and 3 car club spaces.
- The use of materials with a lower environmental impact and being responsibly sourced.
- Waste management strategy to reduce waste in the development process and from operation including appropriate recycling facilities.
- Infrastructure to allow gas boilers to be replaced with new emerging technologies e.g. hydrogen.
- Provision would be made to facilitate connection of the proposal to a future district heating network when it becomes available - this includes safeguarding a route for the primary heat pipework to connect to equipment.

Smart Hubs SLES

West Sussex County Council (WSCC) is one of the main partners in the Smart Hub SLES (Smart Local Energy Systems) project with Worthing being one of the main recipients of funding to support the initiative. Working in collaboration with private sector partners, it is submitted that WBC will deliver sustainable energy solutions that in turn provide long term financial and carbon savings to residents and the authority. The initiative will see WBC trial solutions for developing mini smart grids i.e. the electrification of heat and connection of certain technologies through local grids and network. The technologies that will be employed by WBC include:

- solar photovoltaic panels (including solar canopies for car parks)
- electric vehicle charging
- battery storage (combined settings including housing, civic centre, car park EV charging)
- heat pump technologies (marine source and air source heat pumps)

The applicants are committed to assisting the Councils in their aspiration for delivering sustainable, low carbon growth. This includes the feasibility of adopting the technologies listed above; either as part of the Day 1 operation of the development or through designing for their future incorporation.

Overall, whilst the proposal is in outline form at this stage, the above measures should be progressed as part of any reserved matters scheme, and through the

implementation of the measures and approaches set out above, the proposal would achieve the sustainability aspirations as envisaged in the NPPF and emerging Local Plan policies. The possible provision of a District Heat Network to serve the town centre could provide the scheme with an energy efficient and cheaper heating solution for future residents of the development. In the circumstances it would be appropriate to plan for a flexible energy solution for the site that allowed for future connectivity to a District Heat Network.

Planning Obligations and Community Infrastructure Levy

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

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

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

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

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

There has been concern expressed that the CCG request for a significant contribution would not be CIL compliant as the Council has already indicated in its approved Infrastructure Investment Plan that a proportion of CIL should be used to help fund the delivery of the new Integrated Care Centre at Stoke Abbott Road. The CCG has been asked to provide further justification for the request and Members will be updated at the meeting.

As an outline scheme it is not possible to identify exactly what the CIL payment would be as this would need to be fixed at the Reserved Matters stage when the precise floorspace is known. Furthermore, the Council has agreed a revised charging schedule and if approved, following an Examination in Public this would significantly reduce the overall CIL charge for the development.

The matters to be included in a planning obligation are set out in the draft Heads of Terms attached as Appendix I.

Conclusion and Recommendation

The proposed redevelopment of the site has been the subject of extensive pre-application discussions and public consultation (pre and post submission). The application has been reviewed extensively both by Historic England and an independent Design Panel. There is support for the overall objectives of the development to secure the comprehensive redevelopment of the site and this has been a long held Council aspiration. The site currently detracts from the setting of heritage assets and has a negative impact on the vitality and viability of the town centre.

There is no objection to the principle of development and the proposed mix of uses on the site complies with emerging Local Plan policy. The key challenge has been seeking to secure an appropriate quantum of development whilst having regard to the proximity of a number of listed buildings and conservation areas. As the applicants are seeking a development partner to deliver the redevelopment of the site there has been a desire to retain some flexibility in final design and layout but at the same time set key parameters in terms of height and overall density of development through a Masterplan, an illustrative scheme with supporting design codes and parameter plans. This has required a significant level of supporting detail.

In responding to heritage concerns the application has lowered the height of perimeter buildings and the overall density of development has reduced to 169 apartments. The revised scheme has also sought to address concerns about the form and appearance of the tallest element of the scheme (previously 11 storey) and this has increased its height to 14 storeys but created more of a vertical emphasis in line with advice on tall buildings. Following the advice of the Coastal Design Panel the scheme has also improved public realm and landscaping, included more references to local context/materials and introduced additional commercial space particularly on corners to activate public areas.

Notwithstanding, the changes to the scheme and Historic England considering that *significant improvements* have been made, the overall assessment of the scheme is that it would affect the setting of heritage assets. The prevailing scale of the town centre and close proximity of low rise listed buildings means that the overall scale bulk and massing of the illustrative scheme, particularly from certain views, will be imposing and detrimental to the setting of these heritage assets. Your Officers agree with Historic England, however, that the proposal will cause “less than substantial harm” to heritage assets. The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

The proposal provides a number of significant public benefits including contributing to the overall regeneration of the town centre, providing much needed housing (including 30% affordable housing), replacement public parking, public realm improvements and an enhanced cultural offer. These significant public benefits are considered, on balance, to outweigh the acknowledged harm to heritage assets.

The Design Codes and parameter plans generally provide appropriate detailed guidance to ensure that future reserved matters applications meet high design standards and incorporate the various design elements to help reduce the impact on heritage assets in relation to perimeter buildings. Some refinements are considered necessary in particular to ensure that the appropriate proportions and fenestration hierarchy can be secured and a stepping down in scale for the 6th floor of the Hotel building.

Regarding the tower feature this element would introduce a new landmark on the axial route from the station down to the seafront and it is essential that the design codes ensure that it is of the highest design quality. At present there are some concerns but with additional requirements in relation to verticality, form and profile the codes can provide the necessary framework for the subsequent detailed application. As indicated in the Councils adopted SPD tall buildings can be a beacon for regeneration and the increased visual impact on the wider townscape has resulted from a desire to reduce the scale of perimeter buildings and secure a more vertical tower feature.

Whilst, the density of development is high the supporting statements and Design Codes have carefully analysed the impact on existing properties and the impact is considered acceptable given the town centre location of the site. Within the site overlooking distances across communal and public areas are at the minimum considered appropriate and careful design at reserved matters stage can ensure the appropriate orientation of balconies and windows can avoid undue overlooking.

Overall the significant economic and regeneration benefits of bringing forward this vacant town centre site with a vibrant mix of uses and a significant proportion of housing justify supporting this outline scheme. The Design Codes and Parameter Plans, with further refinement, can provide the necessary framework to ensure that the high quality of development expected can be brought forward at the reserved matters stage.

Recommendation

It is recommended that the application be delegated to the Head of Planning and Development subject to the completion of a planning obligation and amendments to the submitted Design Codes as set out in the report and subject to the following conditions:

1. Standard Outline Permission - Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
2. Reserved Matters - Details of the scale, appearance, layout (including internal roads and routes within the site) and landscaping, (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place in that Development Parcel and this shall be carried out as approved.
3. The Reserved Matters' details to be submitted in accordance with condition [2] above shall be in broad accordance with the submitted Masterplan, Design Codes and Parameter Plans.
4. The overall height of the development shall not exceed 14 storeys and shall not exceed a total of 169 dwellings.

5. Prior to commencement of any works on site a phasing programme shall be submitted to and agreed by the Local Planning Authority. Development shall be implemented, and the details required under other conditions of this planning permission shall be submitted and approved, in accordance with that phasing programme.
6. Reserved Matters shall include submission of a Sustainability Plan incorporating the measures outlined in the submitted Energy and Sustainability Assessment. The Energy solution for the development shall be designed to allow future connection to a District Heat Network if a viable solution is implemented with 3 years of the completion of the development.
7. Submission of a Construction Management Plan including details of hours of working, and controls to limit disturbance from noise, vibration and dust and a communications strategy to engage with adjoining neighbours pre and post construction activities on site.
8. Landscaping Condition – requiring replacement of trees to be lost by the development to be replaced by heavy standard trees.
9. Submission of external lighting strategy and management plan
10. Archaeological Investigation and watching brief.
11. Existing and proposed levels relative to a nearby datum point.
12. Access in accordance with approved details
13. Parking and cycling to be provided in accordance with the approved phasing plan.
14. Provision of Electric Vehicle Charging Points
15. Submission of foul and surface water drainage solution
16. Submission of drainage verification drawings
17. Ground Contamination Survey and Remediation
18. Protection of existing surface water sewers (SWA)
19. Noise assessment and mitigation measures to be implemented to protect proposed dwellings from noise from Class E uses and existing night club.
20. Noise assessment and implementation of mitigation measures to protect adjoining residents from noise from the proposed multi-storey car park

**Draft Heads of Terms
Planning Obligation (s106)**

No .		Development Contribution and or on site provision.	Specific Requirements
1		Affordable Housing	<p>Minimum provision of 30% (75 % rented and 25% shared ownership/Intermediate) subject to scheme viability review at Reserved Matters Stage.</p> <p>Affordable Rent to be defined as 80% of market rent or at Local Housing Allowance (LHA) - whichever is the lower.</p>
2		Highway Provisions	<ul style="list-style-type: none"> i) Improvement to pedestrian/cycle crossing facility at the junction of Union Place/High Street to the north west of the site. ii) Reserve land on the western side of High Street to be used for a cyclepath, if required in the future. Such land to be offered for adoption as public highway if cyclepath scheme proceeds. iii) Financial Contribution of £XX to contribute towards the provision of a cyclepath along the western side of High Street. iv) Contribution to be re-paid if not spent within 10 years.
4		Travel Plan	<ul style="list-style-type: none"> i) Appointment of Travel Plan co-ordinator to work in liaison with Highway Authority ensuring implementation and monitoring of Travel Plans over a five year period. ii) Financial contribution to Highway Authority to cover work in liaison and monitoring iii) Provision of Travel Vouchers to residents (£150) and further voucher after 5 years.

			iv) TRO's required and contribution?
5		Car club	<ul style="list-style-type: none"> i) Provision of car club cars (first one within one month of first occupation, second at 20% occupation, third at 50%). ii) Subsequent maintenance of car club cars and car club parking spaces iii) Provision of paid membership for all residents at the site for at least three years including one-off £50 drive time payment each.
6		Recreation	<ul style="list-style-type: none"> i) Financial contribution of £XXk based on illustrative scheme for provision of public open space and recreation works, improvement or space within Central Ward or adjoining wards. ii) Final amount to be determined at Reserved Matters Stage when final mix and level of on-site provision is fixed.
7		Site Management	<p>Management & Maintenance of:</p> <ul style="list-style-type: none"> iii) Un-adopted public realm, including landscaping, signage and street furniture iv) Parking Management Plan – including car parking spaces and car club spaces and cycle stores; v) On-site communal heating system vi) Surface water drainage – management & maintenance strategy vii) Bin stores and bins viii) Any communal spaces or roof gardens, including watering and pruning;
9		Air Quality Mitigation	Financial contribution [£] if required for air quality mitigation measures and monitoring, within wards, or Air Quality Management Area within [metres] distance of the site.

10		Health Contribution	Contribution to new health facility in Worthing town centre (subject to further justification from the West Sussex Coastal CCG).

4th November 2020

Local Government Act 1972**Background Papers:**

As referred to in individual application reports

Contact Officer:

James Appleton
Head of Planning and Development
Portland House
01903 221333
james.appleton@adur-worthing.gov.uk

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.