



WORTHING BOROUGH  
C O U N C I L

Planning Committee  
17 February 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1404/19** Recommendation – Approve

Site: **156 Montague Street, Worthing**

Proposal: **Two storey extension to north elevation to form attached two-bedroom dwelling house with roof 'sun tunnels' to east roof slope and associated external alterations.**

2

Application Number: **AWDM/1924/20** Recommendation – Approve

Site: **33 Georgia Avenue, Worthing**

Proposal: **Retrospective application for change of use of storage garage to take away coffee shop.**

3

Application Number: **AWDM/1806/20** Recommendation – Approve

Site: **Heenefields Guest House, 98 Heene Road, Worthing**

Proposal: **Change of use from Guest House (C1) to Residential (C3) with no structural alterations.**

4

Application Number: **AWDM/1964/20 & AWDM/0004/21** Recommendation – Approve

Site: **Assembly Hall and Richmond Room, Stoke Abbott Road, Worthing**

Proposal: **Listed Building Consent and Worthing Reg 3 Application for new increased height felt flat roof.**

**5**

**Application Number: AWD/2080/20      Recommendation – Approve**

**Site:            34 Hurston Close, Worthing**

**Proposal:      Application for consent under Worthing Tree Preservation Order No. 7 of 2007 to reduce crown height and radial spread by up to 2 metres Turkey Oak T1 and to fell and replace Ash tree T2 (in the garden of No. 35 Hurston Close).**

<b>Application Number:</b>	<b>AWDM/1404/19</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>156 Montague Street, Worthing</b>	
<b>Proposal:</b>	<b>Two Storey extension to North elevation to form attached two-bedroom dwelling house with roof 'sun tunnels' to East roof slope and associated external alterations</b>	
<b>Applicant:</b>	<b>Anchor Invest</b>	<b>Ward : Central</b>
<b>Agent:</b>	<b>Jane Deif</b>	
<b>Case Officer:</b>	<b>Ms Jo Morin</b>	



**Not to Scale**

## **Site and Surroundings**

The application relates to a roughly rectangular-shaped site (80sqm area) comprising a single-storey rear component and walled, concrete yard to the North of 156 Montague Street, a late Victorian, 3-storey, end-of-terrace building occupying a corner plot on the east side of the junction of Montague Street with Eriswell Road. The frontage building consists of a vacant retail unit on the front part of the ground-floor with the rear part of the ground-floor and upper floors in use as a 7-person HMO. The rear yard is used for parking with access from Eriswell Road. At the time the application was submitted (in 2019) the upper floors of 156 Montague Street were accessed from an external staircase located within the rear yard. It is understood that access to the HMO has since been internalised utilising an existing door on the ground-floor west elevation.

154 Montague Street is attached to the east, comprising a ground-floor retail unit with residential use of the upper floors accessed from a separate entrance off Montague Street.

2 Eriswell Road adjoins the site to the north and consists of one half of a pair of double-fronted, 2-storey, late Victorian villas set behind a traditional flint and brick-dressed wall. It has been sub-divided into 2 flats both accessed by separate entrance doors on the south side of the building.

On the opposite (west) side of Eriswell Road is Plaza Court, a modern, 5-storey building consisting of a large retail unit on the ground-floor (Co-op convenience store) and purpose-built residential flats on the floors above.

The site is located within the Secondary shopping frontage of the town centre Central Shopping Area. It is also located within Environment Agency Flood Zone 2 and the Montague Street Conservation Area.

## **Proposal**

Permission is sought to remove the external stairs, demolish the single-storey rear element of the frontage building and construct an attached 2-storey dwelling to the north (rear) of the building, fronting Eriswell Road. The dwelling would be 8.6 metres deep and 5.45 metres wide with a ridged, pitched roof 7.5 metres high. It would have smooth, rendered elevations and a tiled roof to match the host building. The site frontage onto Eriswell Road would be enclosed by a new, rendered boundary wall and a small external amenity space provided to the north side of the dwelling.

The application is supported by a Flood Risk Assessment.

The application has been called-in to the Planning Committee for decision by a local Councillor.

## **Relevant Planning History**

An accompanying application for the conversion of part of the existing ground floor retail space and existing small HMO (Class C4) at 156 Montague Street to form a

10-person HMO (sui generis) has since been withdrawn (AWDM/1399/19). A revised application seeking to regularise the conversion of the rear part of the ground-floor retail unit and upper floors of 156 Montague Street to a 7-person HMO is awaited.

## **Consultations**

**West Sussex County Council:** No objection, commenting as follows:-

### “Summary

*This proposal is for a two storey extension to form a new two bedroom dwelling. The site is located on Montague Street, an unclassified road subject to a speed limit of 30 mph.*

### Access

*An existing access currently serves the site via Eriswell Road. The proposed dwelling will be sited on the area currently used for informal parking. As a result of the extension works closing off the access, the applicant is advised to reinstate the dropped kerb across the frontage of the site. This would be subject to a licence obtained from the Local Area Engineer.*

*An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern*

### Parking

*A nil car parking provision is proposed for the new dwelling. 2 informal parking spaces currently used by the ground floor retail unit will also be lost as a result of this development. Consequently, car parking would have to be accommodated on-street.*

*Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highway safety. The LHA does not anticipate that highways safety will be detrimentally affected through the nil car parking provision. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view.*

*Under WSCC parking standards, 1 cycle parking space would be required for a dwelling of this size. The plans have demonstrated storage for 2 cycles. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.*

*The site is situated in a sustainable location in Central Worthing. Shops, schools and services are within walking distance of the site. This property is also well connected by public transport. Worthing Train Station is an approximate 14 minute walk from the site. Regular bus connections towards Chichester and Brighton can be caught from nearby Marine Parade. Cycling is a viable option in the area.*

### Conclusion

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

In the event of approval conditions to secure the closure of the existing access and provision of covered and secure cycle parking are recommended.

### **Adur & Worthing Councils:**

The **Environmental Health** Officer recommends conditions controlling hours of construction and demolition in the event of approval and details of a Construction Management Plan to be submitted and approved by the Local Planning Authority prior to commencement of development works (including any works of demolition).

Following submission of the FRA the **Engineer** has raised no objection, commenting that the recommendations of the FRA should be implemented and sleeping accommodation must not be provided on the ground-floor. Surface water drainage must be designed and constructed in accordance with Building Regulations. Measures to restrict the surface water discharge as indicated within the FRA should be implemented.

**Environment Agency:** No comments received.

**Southern Water:** An informative is requested advising the applicant that a formal application for connection to the public sewerage system is required.

It is advised that the Council's technical staff comment on the adequacy of soakaways to dispose of surface water.

It is possible that a sewer now deemed to be public may be crossing the site. 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 the site.

**Worthing Conservation Area Advisory Committee:** Not sitting during Covid-19 pandemic.

### **Representations**

8 objections to the initial submission have been received from the occupiers of 11 Gratwicke Road, 2, 6, 12, 17, 25 Eriswell Road, 9 Sonnet Court and 20A New Road raising the following points which have been summarised:-

- Objections to this proposal are in conjunction with the proposed HMO at 156 Montague Street (AWDM/1399/19). These applications threaten the rejuvenation of the West End and the investment by residents in their properties. With an abundance of HMOs in the area, if this is the direction the Council is moving in, I am wondering whether to place my home on the

market and move away. There is the potential for a really vibrant village-like community and a sense of community is beginning to evolve but will only continue if the Council is mindful of the implications of granting permissions on the infrastructure of the community. We are already at total saturation with HMOs in this part of town. The extra populace puts a huge burden on local facilities and has a negative effect on the area and businesses. Doctors, dentists, schools are oversubscribed; parking is impossible; the abundance of wheelie bins left on the pavement all week making the area look dishevelled and unkempt only gives the wrong impression inviting crime and anti-social behaviour. It is hoped all legal requirements have been considered from the point of view of refuse storage, means of escape, adequate waste water and sewerage. The lack of parking will put greater demand on an already oversubscribed area and it is questioned whether this proposal is in keeping with a 'conservation area'. There are numerous, abandoned, derelict and poverty-stricken seaside towns around the Country which are magnets for crime and drugs; do not allow Worthing to become another sad, seaside statistic.

- The yard to the rear of the building has traditionally been used for parking and loss of this space and no provision for the new dwelling will increase pressure to park on-street; horrified that the parking aspect of this proposal is being ignored, the town centre is incredibly difficult for residents in parking zones A and B to park cars but yet it is deemed acceptable more homes are built without parking issues being addressed. Elderly residents and others with mobility issues find it extremely problematic having to park a great distance from their home, and scary when it gets dark in the evening.
- The proposed dwelling is not of the type of accommodation needed in this area. It will not be families that reside in these premises but individuals. The proposed plan shows 2 double rooms and there could be potential for this property to be occupied as an HMO for up to 6 people. Families need consideration and encouragement to move into the area.
- Disgusted that these plans have not been more widely publicised.
- If permitted, construction traffic, pollution, noise and inconvenience during construction works will be detrimental to the health and well-being of residents.
- The proposed dwelling is not in-keeping with the Victorian properties nearby and would look out of character.
- The proposed building will restrict the receipt of light to 2 Eriswell Road.

Neighbours have been re-notified of the amended plans. No further representations have been received at the time of writing, but the Committee will be up-dated verbally at the meeting of any additional representations received.

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

Worthing Core Strategy (2011): 6, 7, 8, 15, 16, 17, 19

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9

Submission Draft Worthing Local Plan (WBC Jan 2021)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'A Guide to Residential Development' (WBC 2013)

Montague Street Conservation Area Appraisal

Nationally Described Space Standards (DCLG 2015)  
Worthing Housing Study (GL Hearn 2015)  
WSCC Guidance on Parking for New Development (2019)  
CIL Schedule

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

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

## **Planning Assessment**

### ***Principle***

The policy context comprises the NPPF and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying Supplementary Planning Documents (SPDs).

National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

The new Worthing Local Plan, endorsed by the Council in December 2020, is undergoing its final round of consultation (Regulation 19) prior to being submitted for independent examination later this year. It currently has limited (if any) material weight in the determination of planning applications.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need, where the strategic policies are more than five years old. The Core Strategy's housing provisions

predate the NPPF and do not provide for the prescribed 5 year housing supply informed by an assessment of local housing needs.

Worthing Core Strategy Policy 8 seeks to deliver a wide choice of high quality homes to address the needs of the community with higher density housing (including homes suitable for family occupation) in and around the town centre and within suburban areas outside of the town, only limited infilling, which will predominantly consist of family housing. The approach is one that seeks to protect and increase the stock of 'family' homes. However, more recent housing studies undertaken to support the new Local Plan indicate a requirement of all types and sizes of dwelling, including some smaller units.

The Council's SPD 'Guide to Residential Development' acknowledges that infill development can provide a welcome addition to the local housing stock but that sensitive design is required if new buildings are to be fitted successfully into small sites in established residential areas. It states that insensitive infilling that will negatively impact on an area's character or amenity will be resisted.

The development, which can be considered to constitute an infill development, is within a sustainable location on the edge of the town centre and within walking distance of schools, shops and services and is accessible by public transport. The key considerations are the impacts of the proposal on the visual amenities of the area including the effects on the character and appearance of the Conservation Area, the residential amenities of neighbouring properties and future occupants, flood risk and parking/highway safety matters.

### ***Visual amenity and effect on the character and appearance of the Conservation Area***

The NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Chapter 12 of the revised NPPF sets out the policies to achieve well-designed places. Paragraph 127 (b) requires that developments 'are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting' and (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 users.

Worthing Core Strategy Policy 16 requires all new development to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area and should respond positively to the important aspects of local character. The settlement structure, landscape features and buildings which represent the historic

character of Worthing should be maintained; preserving and enhancing existing assets.

The existing building, although somewhat 'tired-looking' until its recent decoration, includes a number of attractive architectural features, including vertically proportioned window openings with decorative mouldings, timber sash windows, expressed cills, as well as decorative cornice banding and bracketed eaves. Along with the remainder of this terraced block, it makes a positive contribution to the important architectural and historic character of the Conservation Area. The neighbouring residential properties in Eriswell Road are not included within the Conservation Area, but are of a similar age, sharing similar architectural details and undoubtedly contribute to the setting of the Conservation Area. Plaza Court on the opposite side of the junction also falls outside of the Conservation Area.

The architectural composition, materials and detailed design of the proposed dwelling is traditional in character, appearing as an attached 'outrigger', subservient in height, form and massing to the larger scale host building fronting Montague Street. The application proposals have been amended since initial submission, incorporating additional detailing to more closely harmonise with the historic character of the host building and now includes vertically-proportioned timber, sliding sash windows with expressed cills and decorative profiled banding. The revised elevations indicate the larger ground-floor windows fronting Eriswell Road would have decorative framing formed within the render. Although somewhat lacking in detail this can be secured as a condition of planning permission.

The front west elevation of the proposed dwelling will align with the west side elevation of the existing frontage building, sited approximately 1 metre further forward (west) than the front building line of existing development on the east side of Eriswell Road. However, other details, including the eaves line, heads and cills of the windows and profiled band will 'line through' with similar features on the more domestic scale semi-detached and detached villas which make up this side of the road. Given the narrow width of the plot there is little scope to set-in the front (west) of the dwelling from the main flank of No.156. However, the drawings show a vertical channel articulating the break between host building and the new dwelling. A recessed alcove in the wall is proposed which will form a bin store for the frontage building, enclosed to the North and visually separated from the new dwelling by the existing remaining short section of wall and pier on the shallow site frontage. A new rendered boundary wall will enclose the shallow frontage of the proposed dwelling, aligning with the front boundary walls of the dwellings in Eriswell Road.

In enclosing the existing space between the rear of 156 Montague Street and 2 Eriswell Road the proposed building will infill an unsightly gap and block exposed views of the rather austere-looking, 2-storey, brick flank wall of the 'outrigger' projection to the North of 154 Montague Street and redundant ductwork/plant (associated with its former use as a restaurant). Subject to conditions to secure the necessary detail of the architectural features, it is considered the amended proposal responds well to the surrounding historic context and will assimilate into the streetscene without harm to the character or appearance of this part of the Conservation Area.

***Residential amenity – for proposed dwellings***

The proposed 2-bedroom dwelling would have a gross internal floor area of 77sqm which meets the Council's minimum space standard for a 2-bedroom dwelling (set out in the Space Standards SPD). It exceeds the Government's Nationally Described minimum space standard of 70sqm for a 2-bedroom, 3-person dwelling over 2 floors, but is slightly below the minimum standard of 79sqm for a 2-bedroom, 4-person dwelling. Both bedrooms exceed the minimum 11.5sqm required for a double bedroom.

French doors from the ground-floor living room would open onto a small, enclosed area of external amenity space to the North, sufficient to accommodate a table and chairs and plant beds. The amount of external amenity space falls short of the minimum 50sqm required in the Council's Space Standards SPD but is not inconsistent with the modest-sized rear gardens of existing development in this tight-knit urban environment on the edge of the town centre.

The primary aspect of all the proposed habitable rooms would be to the west, with secondary windows/doors to the North serving the main bedroom and living room and sunpipes supplementing light to the second bedroom and lighting the stairwell. The bathroom would be provided with natural light and ventilation.

Provision for refuse storage and secure cycle storage is shown within the enclosed outdoor area.

Although modest in size, it is considered an adequate standard of accommodation would be provided, suitable for a couple or small family.

### ***Residential amenity – effect on existing dwellings***

The most affected properties are 154 Montague Street attached to the East, 2 Eriswell Road to the North and 1 Eriswell Road to the West.

The 2-storey form of the proposed building will extend approximately 1.3 metres further northward than the 2-storey outrigger projection to the north of 154 Montague Street but not quite so far as the single-storey flat-roofed element on which the above-mentioned redundant ductwork/plant is sited. The raised eaves of the east side wall of the proposed extension would be marginally taller than the parapet flank wall of the above-mentioned rear outrigger projection to No.154 (although the overall ridge height of the new dwelling would be lower than the monopitch ridge of the latter). There are 2 windows in the first-floor rear (north) of No.154, which it is assumed serve habitable residential accommodation. The scale and 'bulk' of the proposed building will result in some loss of daylight and have some enclosing effect on the outlook from these windows. However, given the limited extent of the proposed building projection north of the affected windows it is considered the impact would not be unacceptably severe.

There will be an overall gap of 4 metres between the north elevation of the proposed dwelling and the south flank wall of 2 Eriswell Road. The main entrance to both flats at No.2 is from the south side. There is one first-floor window in the south side which is clear-glazed and appears to serve a kitchen. The height and 'bulk' of the proposed 2-storey building will reduce the amount of light received by the

window, but not to an unacceptable extent. The hipped roof form of the proposed building would help avoid an overbearing effect in terms of outlook. Although off-set from the above-mentioned first-floor window at No.2, it is suggested that the lower sash of the first-floor window in north elevation of the proposed dwelling is obscured and fixed shut to avoid the potential for unneighbourly overlooking. The bedroom in question would have an alternative outlook to the west.

No.1 Eriswell Road is the nearest dwelling on the opposite (west) side of Eriswell Road facing the site, comprising a Victorian end-of-terrace house with rendered elevations and character features including a canted bay window. There would be a separation distance of approximately 15 metres between the front (west) elevation of the new dwelling and the nearest part of No.1. Although less than the 20 metre rule-of-thumb typically sought between principal facing windows, the separation distance is not dissimilar to the existing pattern of development in Eriswell Road, and the windows in the front (west) of the proposed dwelling would at least be off-set from those in the front of No.1.

### ***Accessibility and parking***

The site currently provides off-street parking serving the existing building use(s) at 156 Montague Street. This existing provision will be lost and there will be no on-site parking provision for the proposed new dwelling. A number of third parties have raised considerable concerns about the implications resulting in increased pressure for limited on-street parking available on nearby residential roads. This has been considered by the local Highway Authority. However, no highway safety objection has been raised on the basis that the site and nearby roads are within the controlled parking zone where on-street parking restrictions are enforced. The site is within a highly sustainable location accessible to a broad range of shops, local services and facilities and within walking distance of bus routes and (slightly further) Worthing rail station. Notwithstanding the concerns raised by local residents in the absence of any highway objection there is no substantive reason to resist the proposal on grounds of the absence, or loss of, off-street parking provision.

### ***Flood risk***

The site is wholly within Flood Zone 2 at risk of tidal flooding from the English Channel. The proposed residential development is a 'more vulnerable' use than the existing parking area. Modelling within the submitted FRA identifies that the site would be affected by tidal flooding in the 1 in 200-year climate change tidal event. To mitigate against this potential flood risk, flood risk resilience measures are recommended for the new dwelling and these have been accommodated within the latest submitted plans which show the site level raised by 150mm and a flood resilient wall and gate building in front of the new dwelling. It is also recommended that residents sign up for the EV Flood Alert and Warning Services.

With regard to surface water run-off, given that the existing site surface is wholly impermeable, the proposed building extension will not significantly change the impermeable surface areas on the site. Infiltration SuDs devices will require a buffer of 5 metres around the building so surface water drainage by soakaway will not be appropriate for the proposed development. As such, the FRA recommends that surface water run-off from the proposed building extension is discharged via the

existing drainage infrastructure for the site. This is accepted by the Council's Engineer. However, to provide some betterment on site with regards to surface water it is recommended that small-scale SuDs devices are implemented which could include a rainwater garden or raised planters to collect water from downpipes and restrict the amount of surface water being discharged to the existing surface water network.

### ***Sustainability***

The proposed development would make a more efficient use of brownfield land within a highly sustainable location on the edge of the town centre. The constraints imposed by the small size of the development and its heritage context provide limited opportunities for incorporating sustainable construction or renewable energies. However, the habitable accommodation is laid out and orientated to provide all rooms plus the bathroom with a good standard of natural daylight and ventilation. Windows will be double-glazed using slimline glazing. A small private external amenity space is proposed and could reasonably accommodate a raised planting bed as recommended in the FRA (and described above) to improve the sustainable drainage on the site compared to the existing situation. Secure cycle storage provision is shown within the enclosed external space. It is considered the proposed development would represent a sustainable form of small-scale development consistent with the aspirations of the Council's Planning & Climate Change Position Statement.

### ***CIL***

The development is eligible for CIL in accordance with the published charging schedule.

### **Recommendation**

### **APPROVE**

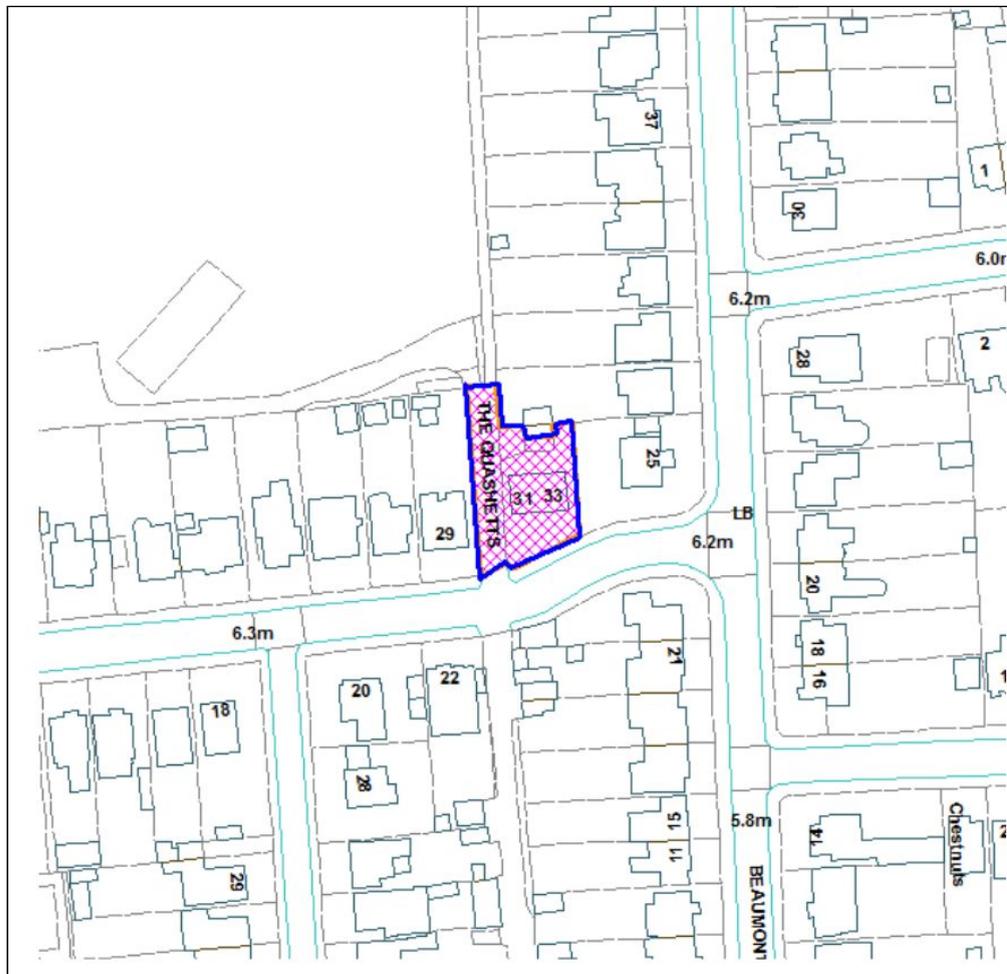
#### **Subject to Conditions:-**

1. Approved plans
2. Standard time limit
3. Agree construction materials (inc. window, doors and external surfaces)
4. Agree and implement architectural details and windows
5. Agree and implement boundary treatment
6. Close vehicle access
7. Agree and implement cycle parking
8. Agree construction management statement
9. Hours of construction limited to between 08.00 and 18.00 on Monday to Friday and 09.00 and 13.00hrs on Saturdays only
10. Implement recommendations of FRA and specifically i) prior to constructing the dwelling the site level is raised by 150mm, ii) A flood resilient wall and gate is built in front of the dwelling.
11. Agree and implement soft planting bed to attenuate surface water run-off
12. Remove permitted development entitlements for extensions and alterations under Part 1 of the GPDO

13. Obscure-glaze and fix shut below 1.7m first-floor window in north elevation of new dwelling

17th February 2021

<b>Application Number:</b>	<b>AWDM/1924/20</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>33 Georgia Avenue, Worthing</b>	
<b>Proposal:</b>	<b>Retrospective application for change of use of storage garage to take away coffee shop</b>	
<b>Applicant:</b>	<b>Mr Vladimir Petrov</b>	<b>Ward:Gaisford</b>
<b>Agent:</b>		
<b>Case Officer:</b>	<b>Jackie Fox</b>	



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## **Introduction**

The application has been 'called in' for Committee to consider by a local member.

## **Site and Surroundings**

The application site comprises 33 Georgia Avenue, the garage to the rear and the access road to the west side (known as The Quashetts)

The property comprises a modern house set behind a close boarded fence and walling to the frontage with Georgia Avenue which comprises the pedestrian entrance.

To the rear of the property is a garage which is detached from the property but attached to another garage to the north (not part of the application site).

The garage has an up and over door.

The Quashetts comprises vehicular access to the two garages and pedestrian access and occasional vehicular access to Manors Sports Ground.

The site is within a residential area with Manors Sports Ground to the north.

## **Proposal**

The application which is retrospective proposes the change of use of the garage to a takeaway coffee shop. The submitted floor plan shows the display area and counter to the frontage with various shelves behind as well as a fridge and price boards. The customer frontage faces a small courtyard which fronts onto the Quashetts.

The garage is accessed by the applicants from the garden of the property. No cooking or preparation takes place in the garage. Hot and cold drinks are sold as well as cakes, sandwiches, chocolates and crisps. There is no hot food.

The applicant has indicated that the clients include local neighbours purchasing drinks and food during walks or at home. They expect 1 to 20 customers per day.

The applicants have requested the hours of 8am - 7pm Monday to Saturday and 9am to 6pm on a Sunday.

## **Relevant Planning History**

None relevant

## ***West Sussex County Council:***

### Summary

This proposal is for the change of use of a garage to takeaway coffee shop. This application is retrospective, with the works having been completed on 01/09/2020. The site is located on The Quashetts, an E-classified road that is also maintained as Public Footpath no. 3137. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application, subject to the below comments.

## Content

No vehicular access or parking is associated with this site. The LHA does not anticipate that this development would give rise to a significant material intensification of movements to or from the site, as trips to the coffee shop will likely be associated with those of existing trips to the nearby sports field.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site.

Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Vehicular parking would have to be accommodated on-street. Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place nearby prohibiting vehicles from parking in places that could be a detriment to highway safety. The LHA does not anticipate that the nil car parking provision would result in a severe highway safety concern, nor give rise to any parking capacity issues.

## Conclusion

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

### ***Adur & Worthing Councils:***

The ***Environmental Health*** officer has no adverse comments

## **Representations**

There are 2 letters of objection:

20 Georgia Avenue

- This is a quiet residential area with numerous coffee shops within close proximity
- The use has created unsightly fly posting
- Are the premises registered to prepare and sell food to the public with food standards
- There are no rubbish bins
- The Manors Sports Ground does not have a childrens play area with equipment therefore not overly used by families.
- The sports ground has its own facilities.
- Question the customer base and where it comes from and will park.
- Increased anti social behaviour.

- Object on health and safety and not being in keeping with or suitable for the local environment

19 Georgia Avenue

- Inappropriate for a residential area. Important to protect residents from additional noise and pollution caused by heavy traffic and provide a safer environment for residents to live in.
- The access road is not designed for access to a retail premises or to provide such premises with parking and is not suitable for additional traffic.
- A garage is not suitable from which to establish a retail or food operation in a residential area

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

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 3, 6, 16, 17, 18 and 19

Draft Local Plan DM5, DM13

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

### **Planning Assessment**

The main issues in the determination of the application are:

- a) The principle of a coffee shop
- b) The suitability of the site and visual amenity
- c) Impact on amenities of residential neighbours
- d) Access and parking

### ***Principle***

The National Planning Policy Framework supports economic development, and seeks to ensure the vitality of town centres, emphasising that planning policies and decisions should support the role that town centres play at the heart of the community. Local planning authorities should pursue policies to define a network and hierarchy of town centres and promote their long-term vitality and viability allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Policy 6 of the Worthing Core Strategy identifies a hierarchy of vital and viable town, district and local centres. The application site is situated outside any recognised centre, the nearest local shops being on Sompting Road and Broadwater Road.

The development is unique in its size and location and would not detract from the vitality and viability of the town or local centres. The proposal provides a local facility for users of the park and local surrounding area.

### **The suitability of the site and visual amenity**

The use is unusual for a residential area but the site is situated off a footpath/access road and set back within a domestic garage. The site is therefore not prominent and when not in use will retain its up and over garage doors. The submitted information shows an 'A frame' blackboard used to advertise the facility along the footpath. The use itself will not however be prominent in the street scene or impact on the visual amenity of the area providing the use is maintained as a takeaway facility and the courtyard area retained for parking and access. This can be controlled by condition.

The use is low key with the food being prepared in the main house, the garage providing the facility to sell the goods. Small scale businesses can operate successfully within residential dwellings under the right circumstances without detrimental impacts. The applicant has indicated that the use is frequented by locals walking past the site to use the park, the licensing of the property for the use would be controlled by licencing and public health.

### **Impact on amenities of residential neighbours**

The garage itself does not abut any adjoining properties other than the garage to the north. Beyond the garden of No 33 Georgia Avenue to the east are the gardens associated with 25 and 27 Beaumont Road. Both properties have good sized gardens and would not be impacted by the proposal other than the applicant potentially using the rear of the garage through the garden. This would however be potentially no greater than using the garage for domestic purposes. To the west beyond the footpath/access 'The Queshetts' is the garden of 29 Georgia Avenue. This property has an approx 2m high close boarded fence to the boundary. The property already had potential for some impact from pedestrians and vehicles using this access. It is not considered that a small scale takeaway would impact detrimentally further. It is not therefore considered that the proposal would cause direct impact on neighbouring properties.

Concern has been raised from two local residents that the use is inappropriate in the area and has the potential for additional noise and disturbance, anti social behaviour and litter, and this is recognised.

The applicant has currently requested hours until 7pm Monday to Saturday and 6pm on a Sunday. The footpath and access along 'The Quasettes' is lit by street lamps and overlooked by the applicant's property and No 29 Georgia Avenue. It is however considered that the proposed hours of operation particularly in the darker winter months would not be appropriate and would not be encouraged. A more

suitable evening closing time of 5pm for a small scale coffee shop servicing local residents is recommended. A condition to provide bins is also recommended.

In addition to residences concerns, it is considered that the presence of the applicant in the adjacent house would provide a significant degree of natural surveillance and a strong incentive for the applicant to retain and operate the use responsibly.

It is proposed that a temporary permission of 2 years for monitoring would be appropriate. Conditions preventing the provision of seating areas in the forecourt of the premises and any hot food preparation and sales are also recommended

### ***Accessibility and parking***

The use is of modest scale , orientated to park users and set back from the access road and Georgia Avenue. It is unlikely to be noticed or be of sufficient interest to attract passer-by car borne trade, the demand for which is already catered for in Sompting Road and Broadwater Road.

Problems of parking and turning are unlikely to be materially worsened by the proposal. Parking is still available in front of the garage and within restricted on street parking. WSCC highways have not raised any objection to the proposal.

### ***Sustainability***

The site is within a sustainable location and provides for a facility for local residents primarily visiting on foot.

The applicant works sustainably from home.

### **Recommendation**

The application is retrospective, it is an entrepreneurial attempt to provide takeaway facilities for local users of the park. The size of the facility and its location mean that it is unlikely to have a detrimental impact on the amenity of local residents or the area generally and subject to appropriate conditions should on balance be supported.

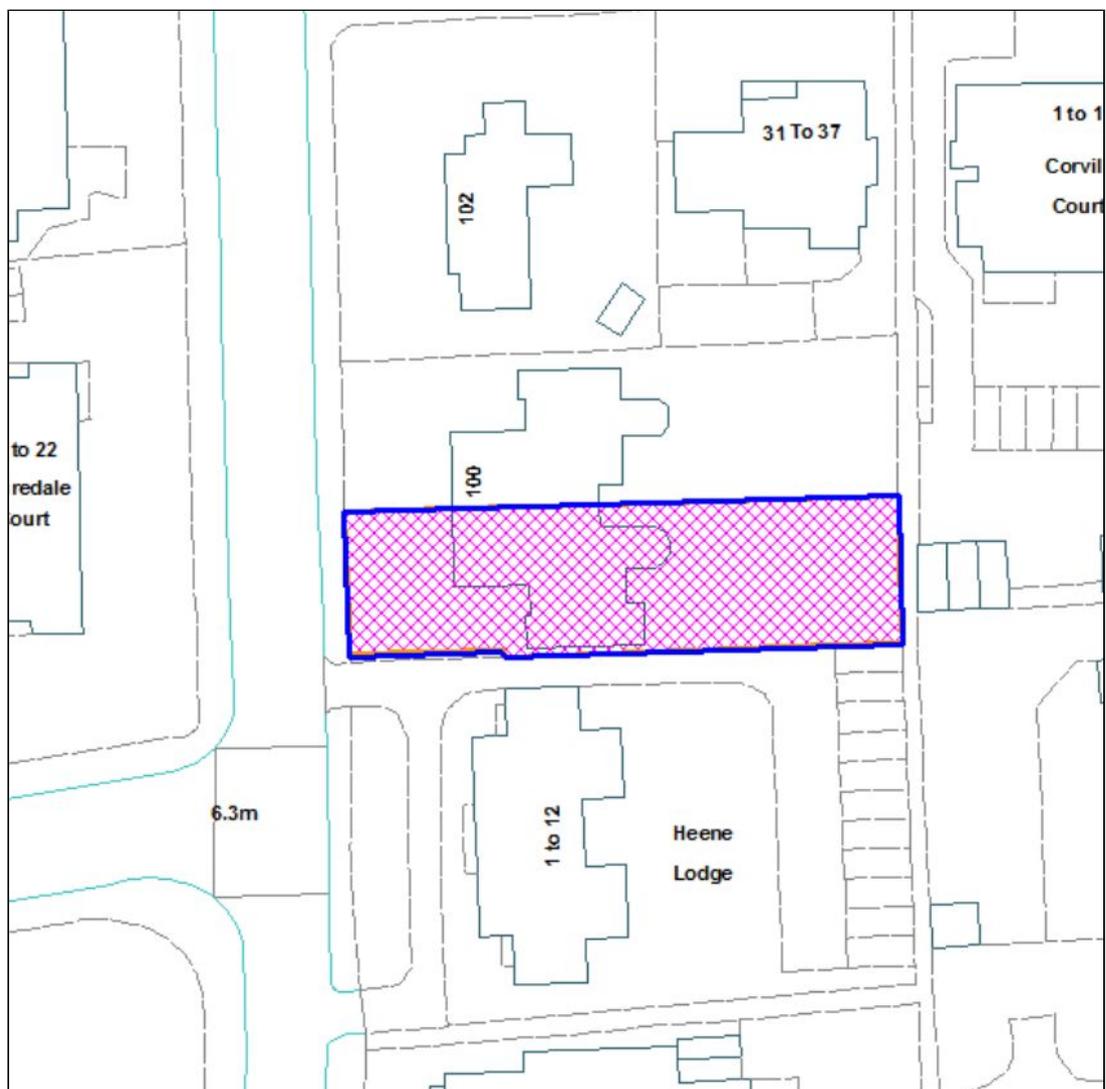
### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans
2. Temporary permission for 2 years
3. Trading hours until 8- 5pm Monday- Saturday 9-4pm Sunday
4. Details of litter bins to be submitted and approved
5. No hot food preparation on or hot food sales from the premises
6. No seating, tables, chairs on the forecourt or within the premises
7. Personal Permission to the applicant
8. PD restriction to ensure the garage is not extended or altered

17th February 2021

<b>Application Number:</b>	<b>AWDM/1806/20</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Heenefields Guest House 98 Heene Road Worthing West Sussex</b>	
<b>Proposal:</b>	<b>Change of use from Guest House (C1 to residential (C3) with no structural alterations</b>	
<b>Applicant:</b>	<b>Mr Lewis Marc Jones and Ms Linda Ann Gane</b>	<b>Ward:Heene</b>
<b>Agent:</b>	<b>Mr Michael Jones</b>	
<b>Case Officer:</b>	<b>Jackie Fox</b>	



**Not to Scale**

## **Site and Surroundings**

The application relates to a large, semi-detached 2-storey, Edwardian property on the east side of Heene Road. The property has been extended with a two storey flat roof extension to the southern side. The property has a brick and flint stone wall along the frontage with a parking area for several cars to the front. There is a mature garden to the rear.

The attached semi to the northern side appears to be in single occupation. To the south is a three storey block of flats. The area generally is a mix of residential houses and flats of varying ages and styles.

The property has been in use as a three room guest house since the late 1990, early 2000s.

The property is not within a conservation area. It is not Listed or locally listed or subject to any Tree Preservation Orders (TPOs).

## **Proposal**

Permission is sought for a change of use to a single family dwelling house (Class C3). No external alterations are proposed.

The application is accompanied by a Design and Access Statement which states:

“The owners seek changes of use due to a slowdown in demand for the use of Guest Houses since the introduction of AirB&B. In addition, COVID has had a big impact on the earning potential for the business, and they cannot see this changing any time soon given the current state of the economy and the recent rise of COVID cases”.

Accounts have been provided for 2015/16 and 2019/20 and a general marketing summary for guest houses. The applicants have also provided a supporting statement of personal circumstances.

## **Relevant Planning History**

99/0989/FULL – Change of use of property to a single dwelling and retention of existing flat above garage. Approved

00/00091/FULL- Change of use from dwelling house to a mixed use comprising a dwelling house with three bed and breakfast guest bedrooms, together with the erection of a conservatory. Approved

## **Consultations**

### **WSCC Highways**

*This application is for the change of use of C1 guesthouse to C3 residential with no structural alterations. The site is located on Heene Road, a C-classified road subject*

to a speed limit of 30mph.

No alterations to the existing access arrangements are proposed. Visibility at the access appears sufficient for the anticipated road speeds and the site has been operating for some time without evidence of safety concern. The proposal to change use to a single residential use is not anticipated to result in a material intensification of use of the access.

The application form indicates that 5 parking spaces are available on the site frontage, and this provision will be retained for the proposed use. The plans indicate that the dwelling will consist of approximately 8 bedrooms. Whilst WSCC does not have a parking standard for an 8-bedroom dwelling, we would anticipate that a 4-bedroom dwelling in this location would require 3 parking spaces. It is therefore not unreasonable to assume that an 8-bedroom dwelling would require up to 6 parking spaces. There appears to be space for additional parking to be accommodated informally.

The site is sustainably located within walking distance of Worthing town centre, bus stops and Worthing train station. Cycling is a viable option within the vicinity and details of secure and covered cycle storage for the dwelling can be secured via condition.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

## Conclusion

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

If the LPA are minded to approve the application, the following conditions and informative should be applied:

## Conditions

### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance

*with current sustainable transport policies.*

### ***Electric Vehicle Charging Spaces***

*No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.*

*Reason: To provide sustainable travel options in accordance with current sustainable transport policies.*

### **Southern Water**

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

### **Adur and Worthing Councils**

***Public Health:*** No comments.

### ***Private Sector Housing***

No objections in principle, but it is clear that the layout of the property lends itself to being used as an HMO. The applicant is advised that such an HMO would require licensing and that they should liaise with this team prior to applying for such a licence. It should also be noted that some of the rooms fall below the statutory minimum size for a bedroom of 6.51 sq.m.

### ***Technical Services***

#### Flood Risk

The application is within Flood Zone 1. The site is not shown as being at risk from surface water flooding. We have no objection from a flood risk point of perspective.

#### Surface Water Drainage

The application does not include changes to impermeable areas, we therefore have no conditions to request.

### **Representations**

None received.

### **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 5, 7, 8, 16

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

Sustainable Economy SPD (WBC)

Draft Worthing Local Plan Policy DM5, DM12

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Planning Assessment**

The key issues are:-

- i) The loss of guest house accommodation and consequential impact on visitor economy;
- ii) The principle of residential use as a single family house;
- iii) Impact on access and parking.

### **The loss of guest house accommodation**

The policy context comprises the NPPF and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying SPDs.

National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 81 states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances.

Policy 5 of the Core Strategy resists the loss of visitor accommodation unless: it can be demonstrated that the current use is unviable; the loss of some bed spaces is

the only way of improving the standard of the accommodation or the proposal involves an alternative which is considered to enhance the role of the visitor/tourist economy and vitality of the seafront and town centre.

The objective is to ensure that Worthing has a sufficient range, type and quality of visitor accommodation to ensure its future as a tourism destination and meet visitor needs. The test concludes that it is not the intention to retain accommodation for which there is no market need, and that it will be flexible in its approach and have regard to the changes in the market, the economy and the accommodation supply as well as Worthing as a tourist destination.

The Hotel and Visitor Accommodation Futures Study (2013) reported on the supply of visitor accommodation in the Borough noting that although the supply of guesthouses and B&Bs had reduced since 2008, demand for lower priced B&B accommodation remained strong. It concluded that there was a clear case for seeking to retain good quality, well-located guesthouses in Worthing unless the opening of new budget hotels significantly erodes the demand in the town. Nevertheless, the Study acknowledged a need to allow some flexibility in applying Policy 5 to hotels and guesthouses. In particular, it noted that the hotel and guesthouse market had been depressed for the 5 years preceding 2013 largely as a result of the difficulties prospective purchasers have in securing bank finance to fund acquisitions. It states:

*“If this situation persists for many more years, hotel and guesthouse owners that are trying to sell their properties are likely to face ongoing challenges in finding buyers. There is a limit to how long such owners can be expected to continue to operate hotels and guesthouses of a deteriorating quality in these circumstances. There will come a point where hotels and guesthouses deteriorate to such a point where they have no viable future and where their continued operation contributes very little to the town’s economy.”*

Since then a report was commissioned in 2016 to assess the change of use of a seafront hotel. The ‘Hotel Solutions Report’ sets out evidence on the current performance of hotels in the Borough and provides an update to the 2013 Study. It notes that 4 no guest houses closed in 2014-15 with the loss of 22 no letting rooms. In the absence of new guesthouses opening, this amounted to a reduction of 30.9% of Worthing’s guesthouses and B&B accommodation since 2008. At the time it was recorded that Worthing had a total of 21 guesthouses and B&Bs with 112 letting rooms. It is known that other guesthouses have closed since then including The Moorings, Avalon Guest House, The Court House. Planning permission was granted in 2020 for the change of use of The Beacons Guest House to a single dwelling (AWDM/1366/20) and more recently Glenhill Guesthouse, 21 Alexandra Road (AWDM/1716/20).

Members will be aware that the Submission Draft of the new Local Plan has recently been published for comment before it is submitted for independent Examination. The emerging policy in relation to visitor accommodation states that,

*a) The Local Plan supports the provision of tourism facilities, in particular those that would help to extend the tourist season; improves the quality of the visitor economy; meets the needs of visitors and the local community and are*

*acceptable in environmental and amenity terms.*

- b) Existing visitor attractions, facilities and accommodation should be retained unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will apply tests included in its Sustainable Economy Supplementary Planning Document including the following:*
- i) evidence of marketing actively conducted for a reasonable period of time;*
  - ii) that alternative visitor uses have been fully explored;*
  - iii) an appraisal indicating that the use is no longer viable;*
  - iv) evidence that the site has not been made deliberately unviable;*
  - v) evidence of the suitability of the site to accommodate the alternative visitor use; and*
  - vi) evidence that a reduction of floorspace or bed spaces in the case of visitor accommodation is the only way of improving the standard of the existing tourist facility.*
- c) The Council will have regard to changes in the market, the economy and supply of visitor accommodation at the time of assessing an application.*

In this case the owners have provided trading figures for 2015/16 and 2019/20 which show a decline in numbers, a letter from the applicants regarding personal circumstances and examples of marketing of similar B&B properties.

The application does not include sales particulars although the property has been marketed through Aspire Residential as a family house. As indicated above the applicants' agent has specified that in this market there would be no merit in marketing the property on a commercial basis citing a string of previous sites, some of which are indicated above, which have been marketed on this basis and have not found a buyer.

The owners have provided the following statement of personal circumstances:

*"We were planning to retire in two years time, but unfortunately due to personal circumstances, which include a reduction in bookings prior to COVID restrictions and even more so during periods of lock down, we have had to make the tough decision to retire now and move to a cheaper area to maximize our affordability.*

*The accounts provided show a reduction in turnover by 25% in the last 5 years to April 2020. With a substantial amount of airBnB properties available for rent in Worthing, we are certain our business will not recover.*

*We have spoken to several other Guest House owners including the Beacons, The Moorings and Glenhill who have all concluded the same and have therefore sought change of use themselves. When we first approached Mike at Aspire Residential, we discussed the best marketing options including selling the business as is, seeking change of use to residential and finally to the prospect of development into*

*flats or a HMO. After scrutinising all options, the HMO seemed the most profitable route, however we all felt it would be unlikely to be granted given the local area and make up of other dwellings. Therefore we felt family housing would be the next best option due to the lack of houses in the area.*

*We as business owners, have our own concerns over COVID and letting guests stay, however to 'make ends meet' we have had to take trade where and when we can. If change of use was granted, it would allow us to protect ourselves from the virus and not have the financial concerns we have at the moment".*

The submitted evidence of business viability and marketing is somewhat limited. The Councils Economy Officer has indicated that they do not object to the change of use and have seen this sector declining and inevitable. The Planning Policy Officer, while concerned that the evidence in relation to this application is not robust, feels that we need to be pragmatic and flexible with these types of accommodation particularly in this present climate (further information has been provided following his comments).

Policy 5 of the Worthing Core Strategy has regard to the changing role and demand for guesthouse and B&B accommodation in the town over recent years and as indicated above the emerging policy also recognises that due regard to changes in the market, the economy and supply of visitor accommodation at the time of assessing an application.

The loss of the guest house would be regrettable, not the least because the premises are a long established guesthouse with good reviews and the effect would be to further erode the town's stock of visitor accommodation, with the loss of several guesthouses in the last few years. There has been a significant change in the hospitality industry in Worthing with Premier Inn and Travelodge opening up and significant expansion of Airbnb. These cater for changing visitor tastes and budgets and have in many cases provided stiff competition for the traditional B&Bs, small hotels and guest houses.

The extremely difficult economic circumstances brought on by the current Covid-19 pandemic have merely compounded an already challenging situation. Paragraphs 80-81 of the NPPF are considered particularly relevant, in these circumstances stating that planning policies should be flexible enough to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances.

It is considered that although the application has not provided supporting marketing of the property, or alternative visitor uses, that circumstances are currently exceptional and that in view of the continuing changes in visitor accommodation, the personal circumstances of the applicants and the difficult economic climate that an exception can be concluded against the implications on policy going forward. It should be also noted that the Guest House only provides 3 rooms and therefore the loss of rooms is insignificant in light of the significant challenges currently facing the hospitality industry.

The use of the property for residential use in terms of policy would be welcomed as the property is sustainably located in a residential area. Furthermore, the Core Strategy in Policy 9 and supported by the Strategic Housing Market Assessment

has indicated the need for family housing in the town and the conversion to a large family house would therefore be welcome. The proposal would also contribute towards local housing targets.

The Private Sector Housing team raises the prospect of the property being used as HMO accommodation. In the event of approval, once implemented and without imposing controls, planning permission would not be required for a change of use to a small HMO (Class C4) for up to six persons. However, such use (which would be subject to licensing) would not be over-intensive given the size of the property and number of rooms. Planning permission would be required to use the property as a large HMO for more than 6 persons and would need to be considered on its own merits.

### ***Residential Amenity***

It is considered there would be no adverse implications for the amenities of the adjoining residential occupiers on either side, if anything resulting in less activity from comings and goings than the existing use.

### ***Highway safety***

The site is in a highly sustainable location within walking distance of the shops and facilities. There is adequate parking provision on the site frontage for several vehicles. No highway objection has been raised by the local Highway Authority.

### ***Sustainability***

The site is within a sustainable location within walking distance of the shops and facilities.

The site provides an additional family house with minimal alteration and will be subject to Building Regulations for its conversion.

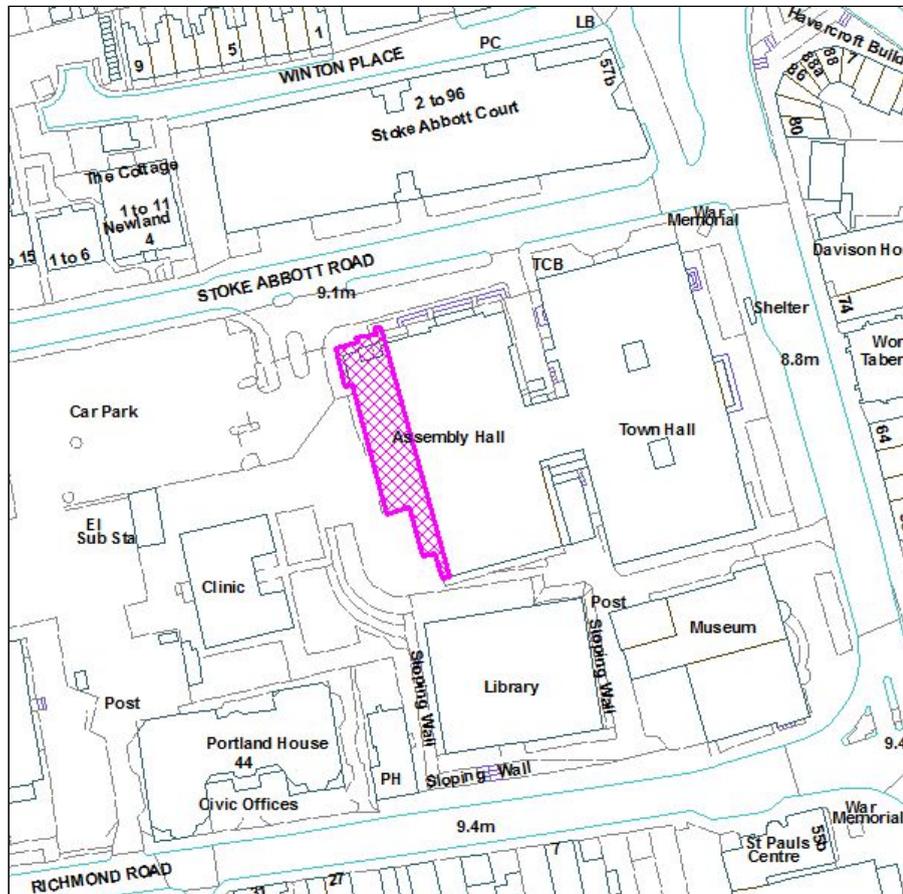
Subject to conditions the proposed dwelling would provide cycle parking and an electric car charging point.

### **Recommendation**

**APPROVE** subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Cycle parking
4. Electric Vehicle Charging point.

<b>Application Numbers:</b>	<b>AWDM/1964/20 AWDM/0004/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Assembly Hall And Richmond Room Stoke Abbott Road Worthing</b>	
<b>Proposal:</b>	<b>Listed Building Consent and Regulation 3 application for new increased height felt flat roof</b>	
<b>Applicant:</b>	Mr Martin Randall	Ward: Central
<b>Agent:</b>	Mr Tim Blackwell	
<b>Case Officer:</b>	Amanda Haslett	



**Not to Scale**

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### **Proposal, Site and Surroundings**

The site is located to the south of Stoke Abbott Road and to the west of the Town Hall within Worthing Town Centre and the Chapel Road Conservation Area. The

Assembly Hall and Richmond Room are located within the single storey element of the building attached to the west side of the Town Hall. The part of the building where the flat roof is to be replaced is in the centre of the west elevation with brick and glazed elevations overlooking the car park. The building is attached to the grade II listed Town Hall and therefore forms part of this listed building.

Listed Building Consent and Regulation 3 Consent are sought on behalf of Worthing Borough Council for an increase in height of the flat roof above the Richmond Room to accommodate a new high performance felt roof with insulation. The existing felt roof would be stripped back and removed and a 120mm layer of PIR insulation installed with a layered felt roof covering on top to match the existing. The height of the fascia boards would be increased to incorporate the additional insulation and an angled timber curb and welted drip detail added to replicate the existing eaves.

### **Relevant Planning History**

None relevant

### **Consultations**

**Adur & Worthing Councils:** The *Design and Conservation Architect* - This is a simple application relating to part of the listed building that has low significance. No objections to the proposals.

**Worthing Conservation Area Advisory Committee:** No comments received

### **Representations**

**Theatres Trust** - The Assembly Hall is a statutorily Grade II listed heritage and cultural asset which functions as a multi-purpose performance hall and function space. It was built in 1934 in a 'Scandinavian Modernist' style with Art Deco features. It is an important community facility for Worthing. The Richmond Room, to which this proposal specifically relates, is a single-story extension which was originally called the Worthing Room and provided café and bar space and catered to smaller functions and events.

*It is proposed that the flat felt roof to the Richmond Room is replaced as it has been assessed as having reached the end of its useful life. As part of these works a layer of PIR insulation will be added which will improve the energy efficiency of the building. This would necessitate the raising of the roof level compared to that existing, which in turn would see the height of the fascia board and eaves detailing increased to ensure it remains proportionate.*

*We consider the additional height to be modest, and the alteration can be justified through the public and operational benefits to the Assembly Rooms of improving efficiency and reducing costs to this part of the building. The replacement felt roof will match the appearance of the existing one. Therefore the proposal can be considered to be in conformity with paragraphs 92 and 192 of the NPPF (2019).*

*In conclusion we are supportive of the granting of listed building consent.*

***The Ancient Monuments Society*** - has no objections to the proposed alterations to the roof of the Richmond Room at Worthing Assembly Hall.

*We note the bituminous felt membrane has come to the end of its useful life and its replacement provides the opportunity to install suitable insulation, resulting in an increased roof height of 120mm. The AMS agrees the benefits are positive and the minor increase will not have a negative impact on the significance of this heritage asset or its setting within the Chapel Road Conservation Area.*

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Chapel Road Conservation Area Appraisal

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

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

## **Planning Assessment**

### ***Principle***

The application property is attached to the Grade II listed Town Hall and great weight is given to protecting these buildings from harm or loss that would affect their special interest and character. It is important that the original features of the building are retained or repaired where necessary. The primary considerations are whether the proposed works are acceptable in terms of their impacts on the historic character and appearance of this heritage asset.

## **Visual amenity**

The building looks out across the Civic Centre car park and is visible within the public realm. The flat roof, due to its height, is less visible with only the eaves being prominent from ground level. The condition of the roof is severely deteriorating and the works are required to prevent water ingress and improve thermal insulation for the building. The appearance of the replacement roof would be as existing with a felt roof covering. The only aspects of the proposal that would differ in appearance from the existing are the height increase of 120mm and eaves detail. The increase in height required to achieve a warm roof construction is minimal and would not have any adverse impact on the character of the building or the wider street scene. The proposed angled timber curb and extended drip tray detail would replicate the existing features of the building and retain the character of the listed building while integrating the required insulation.

There would be no adverse impact on the visual amenities of the locality.

## ***Conservation Area and Listed Buildings***

The proposed replacement roof and insulation will result in enhanced protection of the listed building protecting the historic fabric from further decay, improving thermal capacity and securing the longevity of the building.

There would be no harm to the historic character or integrity of the listed building or the conservation area setting as a result of this proposal.

## ***Residential Amenity***

No residential properties would be affected by this development.

## ***Sustainability***

Replacement of the roof and the addition of insulation as proposed will enable the building to achieve the required U values to meet the Council's carbon reduction targets, therefore supporting sustainable development.

## **Recommendations**

**AWDM/1964/20 - Listed Building Consent**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. LB Time Limit

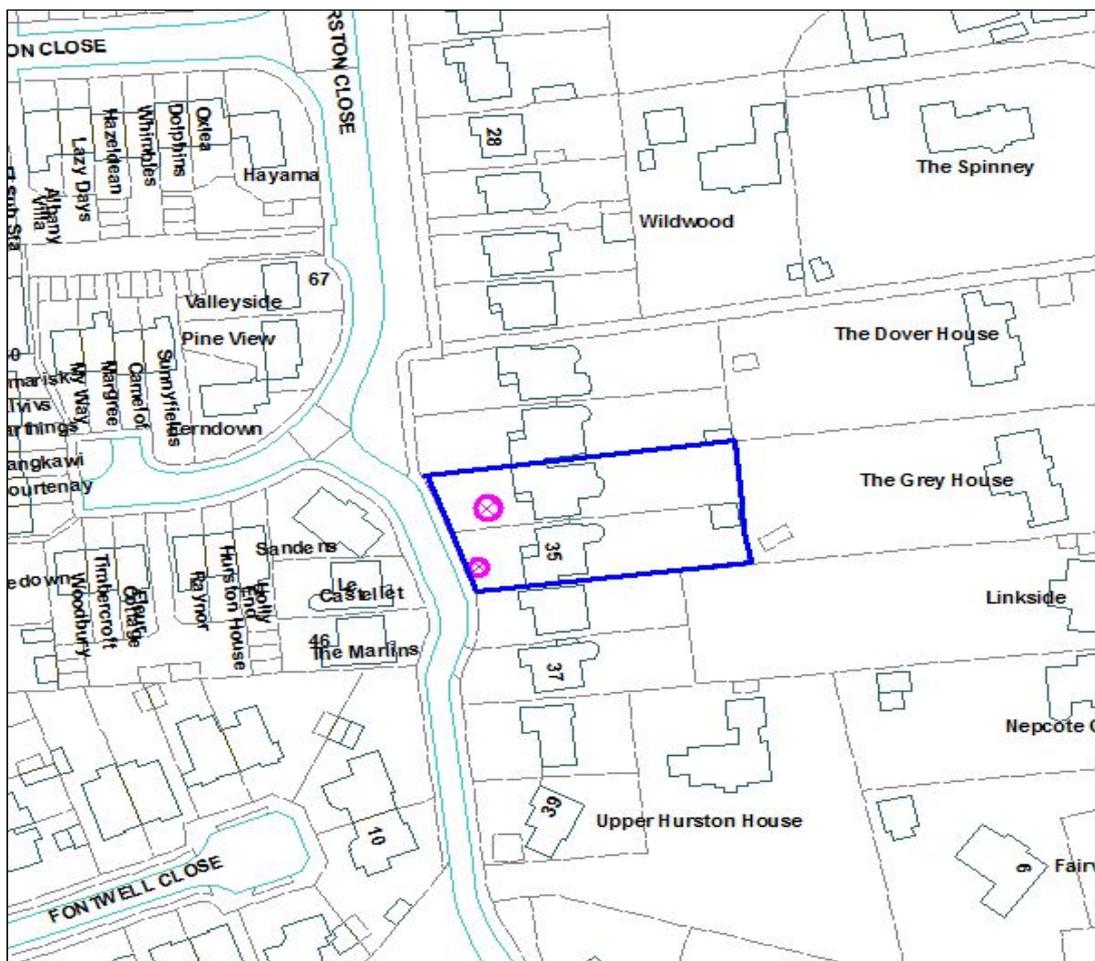
**AWDM/0004/21 - Regulation 3 Consent**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Standard Time Limit

<b>Application Number:</b>	<b>AWDM/2080/20</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>34 Hurston Close Worthing</b>	
<b>Proposal:</b>	<b>Application for consent under Worthing Tree Preservation Order No. 7 of 2007 to reduce crown height and radial spread by up to 2 metres Turkey Oak T1 and to fell and replace Ash tree T2 (in the garden of No. 35 Hurston Close).</b>	
<b>Applicant:</b>	Councillor Kevin Jenkins	Ward:Offington
<b>Agent:</b>	Mr R Mellor Arboricultural Excellence	
<b>Case Officer:</b>	Jeremy Sergeant	



**Not to Scale**

## **Proposal, Site and Surroundings**

The trees are two medium sized early matures growing in the front gardens of 36 Hurston Close (Oak tree T1 and applicant) and 35 Hurston Close (Ash tree T2 ). The trees are a focal point of the area, and contribute to the amenity of the street scene. The trees are;

### **Turkey Oak T1**

This tree is located close to the middle of the southern boundary of the front garden of the applicants property 34 Hurston Close. The tree has a large diameter single stem that persists to 4.25 metres where it then divides into 3 to 4 large main stems, that are each slightly splayed, correcting after 0.5 to 1 metre to upright. The main crown is dense and wide spread, with some lower hanging secondary branches, and larger epicormic growth.

The proposed works are to reduce crown height and radial spread by up to 2 metres. These works are to contain the size and spread of the tree and allow more light and air to pass around the crown.

### **Ash T2**

The Ash tree is growing near the centre of the neighboring garden of number 35 Hurston Close. This tree has a more slender main single stem that persists to 8 metres where it then divides into 2 stems, with some significant large lateral limbs on the south side that emerge from 4 metres. The crown is dense in the lower sections becoming thinner and sparser to the top. Some of the main central stems have deadwood, along with many of the outer branches. This is most likely due to Ash Dieback.

The proposed works are to fell and replace the tree, due to deteriorating health.



Turkey Oak T1 (left) and Ash tree T2 in garden of 35 Hurston Close.

## **Relevant Planning History**

2007: Worthing Tree Preservation order Number 7 of 2007 confirmed on 07/08/07.

2007: Application for consent under Worthing Tree Preservation Order No. 7 of 2007 to reduce height by 2 metres, reduce spread by one metre and crown lift to 5 metres to all growth points to one Turkey Oak (T1) situated in front garden.

2007: Application for consent under Worthing Tree Preservation Order No.7 of 2007 to crown lift Ash trees (T2) to 5 metres by removal of lower branches uniformly; reduce by up to 0.5 metre damaged, top most branch in crown to suitable growth point.

2016: Application for consent under Worthing Tree Preservation Order No. 07 of 2007 to reduce radial spread by up to 2 to 3 metres, crown lift up to 4 metres, and crown thin by up to 20% one Turkey Oak T1 and one Ash T2.

## **Consultations**

None undertaken

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 13 The Natural Environment and Landscape Character, Policy 14 Green Infrastructure and Policy 16 Built Environment and Design

## **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.

## **Applications in connection with carrying out works on trees that are protected by TPOs**

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

## **Planning Assessment**

The works to the Turkey Oak T1 are considered to be relatively minor in relation to the overall size, spread and crown form of the tree and would not significantly or adversely affect its appearance, amenity value, or its contribution to the character of the area.

The felling of the Ash tree T2 in my opinion will result in a change to the visual appearance of the area. However, given the health of the tree it is considered that

the works can be justified and the consequent visual impact adequately mitigated with the provision of a suitable replacement tree.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans
2. The proposed works to the Turkey Oak tree T1, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

Reason: In the interest of visual amenity.

3. The proposed felling of the Ash tree T1, and its replacement shall be carried out in full within two years from the date of this consent and in accordance with details of the size, species and position of the replacement tree planting to be agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity.

4. If within five years following replanting, the replacement tree dies or becomes seriously diseased, another tree of the same size and species shall be planted in a similar position during the next planting season following the removal of the replacement tree, unless the Local Planning Authority gives written approval to any variation.

Reason: In the interest of visual amenity.

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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