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## Appeal Decisions

Site visit made on 24 October 2020

by **N Holdsworth MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

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### **Appeal A Ref: APP/M3835/W/20/3249414**

#### **The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Emma Taylor-Moore against the decision of Worthing Borough Council.
  - The application Ref AWDM/1865/19, dated 26 November 2019, was refused by notice dated 2 March 2020.
  - The development proposed was originally described as demolition of the former Wheatsheaf Public house and erection of eight apartments across four floors.
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### **Appeal B Ref: APP/M3835/W/20/3251832**

#### **The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Emma Taylor-Moore against the decision of Worthing Borough Council.
  - The application Ref AWDM/0427/20, dated 5 March 2020, was refused by notice dated 24 April 2020.
  - The development proposed was originally described as demolition of the former Wheatsheaf Public house and erection of seven apartments across three floors.
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## Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for demolition of Wheatsheaf Public house and construction of 5No.1 Bedroom flats and 2No.2 bedroom flats and 1No. 3 bedroom flat over four floors with associated bin and cycle storage at The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP in accordance with application Ref AWDM/1865/19, dated 26 November 2019, but subject to the attached schedule of conditions.
2. **Appeal B:** The appeal is allowed and planning permission is granted for demolition of Wheatsheaf Public house and construction of 7 No. Flats set over three floors with associated bin and cycle storage at the Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP in accordance with application Ref AWDM/0427/20, dated 5 March 2020, but subject to the attached schedule of conditions.

## Application for costs

3. An application for costs was made by Ms Emma Taylor-Moore against Worthing Borough Council in relation to both Appeal A and Appeal B. These applications are the subject of separate Decisions.

## **Procedural Matter**

4. In both cases the description of development used on the formal decision is taken from the Council's decision notice. This was also the description of development used by the appellant on the appeal forms.

## **Main Issues**

5. The effect on the character and appearance of the area, with particular regard to the setting of the Chapel Road Conservation Area and the various listed buildings around the site.

## **Reasons**

6. Both appeals involve the creation of a new apartment building that would replace the existing building on the site. The main difference is that the proposal in Appeal A is four storeys in height, whereas the proposal in Appeal B is three storeys. In other respects, the schemes are very similar to each other.

### *Character and Appearance*

7. The site comprises a vacant pub in Worthing town centre, which would appear to date back to the early 19<sup>th</sup> Century. It sits within a row of public buildings including a library, court building and Council offices. The size and stature of these buildings, in combination with their set back from the road, means that this side of Richmond Road exhibits a grand and spacious character.
8. Beyond the eastern boundary of the site is the Chapel Road Conservation Area, which also encompasses the area due south of Richmond Road. The special character and significance of this area is primarily derived from the high architectural quality of the buildings within it and their collective role in the historic development of Worthing. The adjacent library is a modernist building of particularly high quality and has been identified as being locally listed. It sits in a raised position above the road, surrounded by a sloping tile ramp. It forms part of a block with other buildings of similar stature, collectively forming a sub area of civic buildings within the Conservation Area.
9. In both cases, the total height of this apartment building would be within a similar range to the library and the neighbouring Council offices. The building line at both front and rear would be broadly follow that set by the adjacent wing of the Council offices. The height of the proposed building, and the consequent density of development, is therefore appropriate for this location.
10. There is existing residential development visible in the area around the site, and the proposal would reflect this. The contemporary design approach would complement the predominantly modern appearance of the buildings on this side of the road. Whilst the new building covers most of the site, it would still be set well away from the library and sloping tile ramp that surrounds it. The public footpath on each side would be sufficiently wide to maintain the spacious character that currently exists around the site. Consequently, the proposal would not appear cramped. It would have an appropriate visual relationship with the library and would not harm its setting.
11. At street level facing Richmond Road, each scheme has been carefully detailed at ground level to follow the prevailing boundary treatment associated with the

- neighbouring Council offices. It would be set a sufficient distance away from trees to preserve the important function they have in the built environment.
12. The early nineteenth century buildings facing Ambrose Place fall within the Conservation Area and are Grade II listed. These are acknowledged to be amongst the finest buildings in Worthing<sup>1</sup>, and their significance is primarily derived from their architectural detailing particularly apparent on the front facades of these buildings, including ornate railings and wooden balconies. The long rear gardens provide a spacious setting for these buildings, enhancing their status. In both cases, the proposed building would be set significantly beyond these gardens, rising to a similar height to the existing neighbouring buildings. Consequently, it would blend in with its surroundings, providing an appropriate backdrop to these heritage assets in any long views. There would be no harm to the setting of these listed buildings, or this part of the Conservation Area.
  13. The Worthing Town Hall including assembly hall and Worthing room are also Grade II listed. This is an early twentieth century collection of civic buildings of high architectural quality. The proposal would be visible in the longer setting of these buildings when viewed from the west along Richmond Road and from the parking area to the rear of the site. However, in terms of bulk, scale and mass the new building would follow the surrounding pattern of development. In these views it would therefore appear as an appropriate addition to the townscape, and there would be no harm to the setting of these listed buildings. Because of the separation distances involved, the proposal would not affect the setting of any other listed buildings in the surrounding area, including those identified by interested parties.
  14. Overall, the proposals would preserve the setting of both the Chapel Road Conservation Area, and the relevant listed buildings around the site. The appearance of the development would be appropriate in relation to its surroundings. There would be no harm to the character and appearance of the area. Both proposals comply with policy 16 of the Worthing Core Strategy 2011 which seeks, amongst other things, to achieve good quality architectural design that preserves the historic character of Worthing. The proposals also comply with the relevant parts of the National Planning Policy Framework (the Framework), which shares similar objectives.

#### *Other Matters*

15. Concerns are raised about the standard of accommodation, particularly at ground floor level. Some flats would be overlooked from the road and other public buildings. However, they are all well sized and would all receive adequate natural light. External amenity space is also provided within the development, which is a positive element of the scheme. There is also a very good range of services and facilities within easy walking distance of the site, including public open space and the beach. This would compensate for any perceived limitations associated with the quality of the proposed residential accommodation. The living conditions of future residents would be acceptable.
16. The Council cite supplementary planning guidance which sets out an indicative density range for new development, which this proposal would exceed. However, the design of the proposal is acceptable, and the development

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<sup>1</sup> As set out in the Conservation Area Appraisal, provided by the Council.

responds well to its context. Furthermore, other examples are cited where planning permission has been granted for town centre development in excess of this density range. An exception to these guidelines is therefore appropriate, on this occasion.

17. The proposal involves the loss of a pub, which is of some historic interest. However, it has fallen in to disuse and there are a large number of alternative pubs within the town centre. On balance, the benefits of the proposal, including the provision of housing in this accessible location, outweigh any concerns about the loss of this building and use.
18. Concerns are also raised regarding overlooking and loss of light to existing development. In terms of the library and Council office, these are both public buildings. Any overlooking or loss of light to them would not result in significant harm such that would justify the refusal of planning permission. Regarding the houses on Ambrose Place, the proposal would sit within an existing urban environment, a significant distance beyond the rear boundary of these houses and their gardens. In this context, there would be no significant additional overlooking or loss of light. The proposal is acceptable in terms of its effect on the living conditions of the occupants of existing buildings, in all respects.
19. I have had regard to all of the other issues raised by interested parties, including concerns about a recent fire at the building; highway and parking issues; concerns about the environmental performance of the building in light of the climate emergency declared by the Council; concerns about the cumulative impact of other possible development around the site; concerns about noise and disturbance and concerns about the Council's decision making processes, along with other issues. However, none of these would justify the dismissal of the appeal.
20. The Council cannot demonstrate a 5-year housing land supply. However, on this occasion I have found that there would be no harm in relation to the main issue identified by the Council, so this matter is ultimately of little relevance to the outcome of the appeal. The proposals accord with both the development plan, when it is considered as a whole, and the National Planning Policy Framework. There are no other considerations that outweigh this finding. Planning permission should be granted in accordance with the presumption in favour of sustainable development.

### **Conditions**

21. The Council suggested 28 conditions to be imposed if the appeals are successful, largely reflecting consultation responses from internal and external consultees. However, planning conditions should be kept to a minimum. They must meet, amongst other things, the tests of being reasonable and necessary. I have had regard to all the suggested conditions and associated requirements, but only imposed conditions that meet the policy on the use of conditions as set out in the Framework and Planning Practice Guidance. Most of the suggested conditions have been consolidated, and some unnecessary, disproportionate and irrelevant detail and prescription has been removed in the interests of reasonableness.
22. In both cases this would be a relatively small residential development. Requirements to carry out works to the footpaths around the building, provide for a car club, a travel plan, a management strategy for communal areas and

sustainable construction measures would be disproportionate to the scale and impact of the development. The evidence before me does not demonstrate a significant risk of contamination, so it is not necessary to impose further controls on the construction process in this respect. The loss of the existing building would not result in such a harmful gap in the townscape that it is necessary to place additional controls on its demolition through planning conditions. There are no exceptional circumstances such that would justify the removal of permitted development rights.

23. On this occasion three pre commencement conditions are essential to make the development acceptable in planning terms. Firstly, to provide for appropriate recording and archaeological investigation of the existing building which must be agreed prior to demolition. Secondly, to ensure that appropriate consideration is given to future drainage before intrusive ground works take place. Finally, given the town centre location of the site a condition requiring a construction management plan is justified, to ensure that the proposal does not result in harm to the amenity of the area in the course of construction works. The appellant has agreed to these conditions.
24. Other conditions are necessary to provide certainty for all parties and to reflect the statutory timeframes relating to commencement of development; to ensure drainage arrangements are maintained to avoid the risk of future surface water flooding; to make appropriate protection for trees; to ensure that no loud building works occur outside of normal working hours to protect the living conditions of nearby residents; and finally to ensure a satisfactory overall standard of development that preserves and enhances the setting of the adjacent Conservation Area and this part of the town centre more generally, and also to provide satisfactory living conditions for existing and future occupants in all respects, particularly given the higher than average levels of noise and activity around the site and the proximity of the site to existing neighbouring residential properties.

### **Conclusion**

25. Both appeals should succeed.

*Neil Holdsworth*

INSPECTOR

### **Schedule of Conditions: Appeal A**

- 1) The development hereby approved shall begin within 3 years of the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 0297-P001 rev B; 0297-P010 rev B, 0297-P011 rev C; 0297-P012 rev C; 0297-P013 rev C; 0297-P014 rev B; 0297-P015 rev A; 0297-P016 rev A; 0297-P017 rev B; 0297-P018 rev A; 0297-P019 rev A; 0297-P020 rev A; 0297-P021 rev A; 0297-P022 rev A; 19-943-TPP (Tree Protection Plan).

#### *Pre-Commencement Conditions*

- 3) No development or demolition works shall commence within the site until a written scheme of investigation (historic building recording and below-ground archaeological investigation and reporting) which should include provision for on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall occur until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The development shall not be occupied until details demonstrating the drainage system is operational in accordance with its intended design have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

#### *Other Conditions*

- 6) No part of the development hereby approved shall be occupied until a maintenance and management plan for the foul and surface water drainage scheme approved under condition 4 has been submitted to and approved in writing by the local planning authority. The development shall be maintained in accordance with these details for the lifetime of the development.
- 7) The construction process associated with the development hereby approved shall be carried out in accordance with the tree protection measures set out in the document entitled 'The Wheatsheaf, 22-24 Richmond Road, Worthing: Arboricultural Impact Assessment and Method Statement (November 2019)' by Canopy Consultancy, and the associated tree protection plan.
- 8) No works associated with the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08:00 to 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday. No development shall take place on Sundays or Bank Holidays.

9) No development shall take place above ground level until the following details have been submitted to and approved in writing by the local planning authority:

- All external facing materials used in the construction of the development and finishes;
- Boundary walls;
- The proposed windows (including cills and reveals);
- Entrance door;
- Profiled banding or string courses;
- Roof trim and over-sailing eaves detail;
- Balcony soffits;
- External lighting;
- Rainwater goods.

The development shall be carried out in accordance with the approved details.

10) No development shall take place above ground level until details of balustrading and balcony screens to be installed within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. These screens shall be installed prior to the occupation of the development, and once installed they shall be retained for the lifetime of the development.

11) Each individual residential unit shall not be first occupied until the windows to their respective WCs/Bathrooms have been fitted with obscured glazing and thereafter the obscure glazing shall be retained at all times.

12) No development shall take place above ground floor level until details of hard and soft landscaping and a programme for its implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be completed prior to the first occupation of the development, unless agreed otherwise in the implementation programme. Any trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species.

13) No development above ground floor level shall be carried out until detailed drawings have been submitted to and approved in writing by the local planning authority showing the relationship between the development and the adjacent land including the highway and relevant public footpaths. This shall include detailed drawings, including levels, showing how the doors and boundary features will relate to the adjacent land. The development shall be carried out in accordance with the approved details.

14) The development hereby approved shall not be occupied until details of noise insulation measures associated with the approved residential accommodation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the noise insulation measures shall be installed prior to occupation of the development.

- 15) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of waste storage and cycle parking have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the waste storage and cycle parking areas shall be provided prior to occupation of the development, and then retained for their intended purpose for the lifetime of the development.
- 16) The roof of the building shall not be used as a residential amenity space or garden at any time.
- 17) No roof plant or other externally-sited plant or machinery shall be installed on the building or within its curtilage other than as shown on the approved plans.

### **End of Schedule: Appeal A**

### **Schedule of Conditions: Appeal B**

- 1) The development hereby approved shall begin within 3 years of the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 0297-P-01, 0297-P-02; 0297-P-03; 0297-P-04; 0297-P-05; 0297-P-06; 0297-P-07; 0297-P-08; 0297-P-09; 0297-P-010; 0297-P-011; 0297-P-012; 0297-P-013; 19-943-TPP (Tree Protection Plan).

#### *Pre-Commencement Conditions*

- 3) No development or demolition works shall commence within the site until a written scheme of investigation (historic building recording and below-ground archaeological investigation and reporting) which should include provision for on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall occur until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The development shall not be occupied until details demonstrating the drainage system is operational in accordance with its intended design have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

#### *Other Conditions*

- 6) No part of the development hereby approved shall be occupied until a maintenance and management plan for the foul and surface water drainage



scheme approved under condition 4 has been submitted to and approved in writing by the local planning authority. The development shall be maintained in accordance with these details for the lifetime of the development.

- 7) The construction process associated with the development hereby approved shall be carried out in accordance with the tree protection measures set out in the document entitled 'The Wheatsheaf, 22-24 Richmond Road, Worthing: Arboricultural Impact Assessment and Method Statement (November 2019)' by Canopy Consultancy, and the associated tree protection plan.
- 8) No works associated with the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08:00 to 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday. No development shall take place on Sundays or Bank Holidays.
- 9) No development shall take place above ground level until the following details have been submitted to and approved in writing by the local planning authority:
  - All external facing materials used in the construction of the development and finishes;
  - Boundary walls;
  - The proposed windows (including cills and reveals);
  - Entrance door;
  - Profiled banding or string courses;
  - Roof trim and over-sailing eaves detail;
  - Balcony soffits;
  - External lighting;
  - Rainwater goods.

The development shall be carried out in accordance with the approved details.

- 10) No development shall take place above ground level until details of balustrading and balcony screens to be installed within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. These screens shall be installed prior to the occupation of the development, and once installed they shall be retained for the lifetime of the development.
- 11) Each individual residential unit shall not be first occupied until the windows to their respective WCs/Bathrooms have been fitted with obscured glazing and thereafter the obscure glazing shall be retained at all times.
- 12) No development shall take place above ground floor level until details of hard and soft landscaping and a programme for its implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be completed prior to the first occupation of the development, unless agreed otherwise in the implementation programme. Any trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species.

- 13) No development above ground floor level shall be carried out until detailed drawings have been submitted to and approved in writing by the local planning authority showing the relationship between the development and the adjacent land including the highway and relevant public footpaths. This shall include detailed drawings, including levels, showing how the doors and boundary features will relate to the adjacent land. The development shall be carried out in accordance with the approved details.
- 14) The development hereby approved shall not be occupied until details of noise insulation measures associated with the approved residential accommodation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the noise insulation measures shall be installed prior to occupation of the development.
- 15) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of waste storage and cycle parking have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the waste storage and cycle parking areas shall be provided prior to occupation of the development, and then retained for their intended purpose for the lifetime of the development.
- 16) The roof of the building shall not be used as a residential amenity space or garden at any time.
- 17) No roof plant or other externally-sited plant or machinery shall be installed on the building or within its curtilage other than as shown on the approved plans.

**End of Schedule: Appeal B.**