



**WORTHING BOROUGH
COUNCIL**

**Planning Committee
22 September 2020**

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1240/21 Recommendation – Approval, subject to Amended Plans

Site: Buckingham Road, Multi Storey Car Park, Buckingham Road, Worthing

Proposal: Installation of a new facade system and clearer signage to the car park building. Architectural cladding to significantly improve the car park's edge protection and fall prevention barrier. Enhancements to the existing street level public realm beneath the car park overhang, by refreshing the decoration, lighting and flooring

2

Application Number: AWDM/1270/20 Recommendation – If the Committee could still determine the application it would have agreed to refuse.

Site: Guest House, 6 Windsor Road

Proposal: Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary)).

3

Application Number: AWDM/0655/21 Recommendation – APPROVE

Site: Unit 1A, Ivy Arch Road, Worthing

Proposal: Construction of storage building (Use Class B8), including vehicle parking and associated works

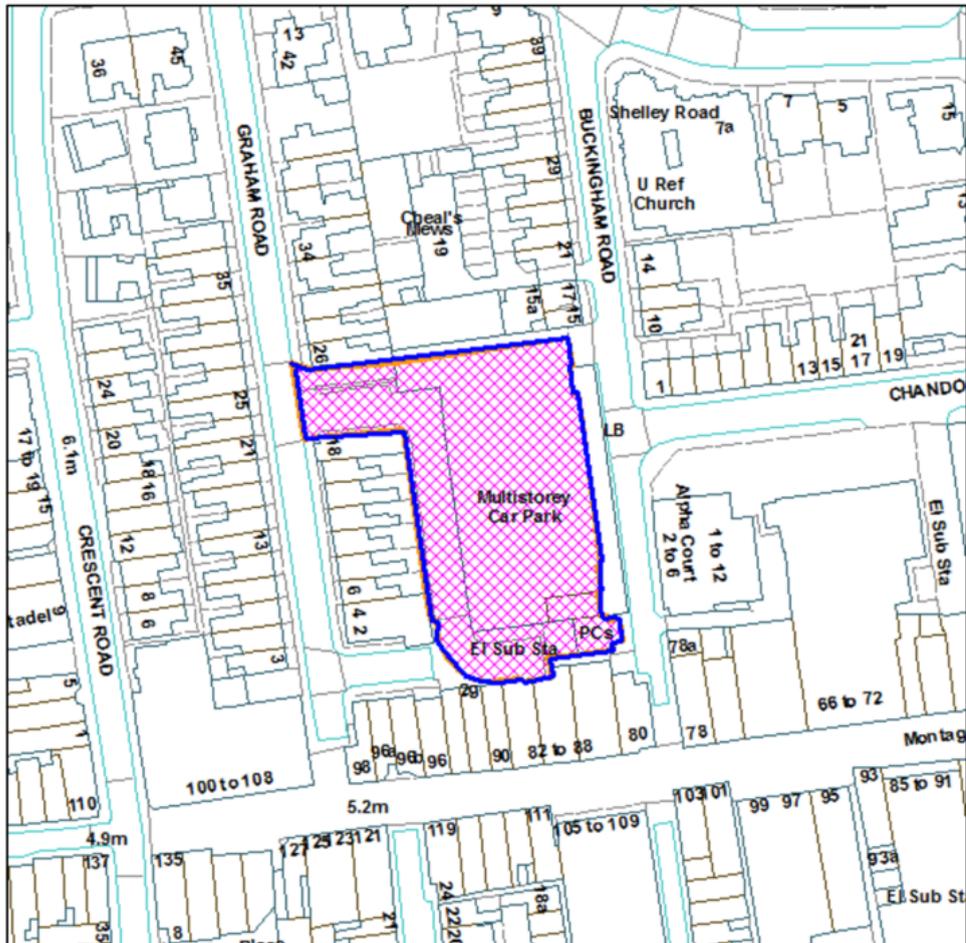
4

Application Number: AWDM/0550/21 Recommendation – APPROVE

**Site: Garage Site South Of Heene C Of E Primary School, Norfolk Street,
Worthing**

Proposal: Demolition of existing storage buildings. Construction of replacement building comprising 4no. one-bedroom flats and 2no. two-bedroom flats, bin and bike storage and associated landscaping.

Application Number:	AWDM/1240/21	Recommendation - Approval, subject to Amended Plans
Site:	Buckingham Road, Multi Storey Car Park, Buckingham Road, Worthing	
Proposal:	Installation of a new facade system and clearer signage to the car park building. Architectural cladding to significantly improve the car park's edge protection and fall prevention barrier. Enhancements to the existing street level public realm beneath the car park overhang, by refreshing the decoration, lighting and flooring	
Applicant:	Worthing Borough Council	Ward: Central
Case Officer:	Stephen Cantwell	



Not to Scale

Site and Surroundings

This application is made by Worthing Borough Council. It relates to the five tier multi-storey Buckingham Road car park, which lies just inside the edge of the town centre area as defined in the 2011 Core Strategy.

It is located at the southern end of Buckingham Road, between Chandos Road to the east and Graham Road to the west. These streets, including Buckingham Road are largely residential streets of two storey Victo-Edwardian houses but with some commercial uses and service access to the rear of Montague Street and Cheals Mews immediately to the north. To the south, south east and south west are Montague Street shops and a restaurant mostly with flats above, this includes shops and flats immediately to the east side of Buckingham Road. A service road also lies between the west of the car park and rear gardens in Graham Road.

The ramped entrance for vehicles is from Buckingham Road at the north east corner of the building, opposite the Chandos Road junction. The exit ramp is at the north-west corner onto Graham Road. The ramp contains raised-arm barriers and is covered by a flat concrete roof just above ground floor level. Pedestrian accesses are at the north-east and south-east corners, via ticket-machine halls and stairwells with lift. The south east entrance links to the end of the pedestrianised shopping area of Montague Street, which also hosts a weekly street market.

The car park is a reinforced concrete deck structure dating from around 1965. Each of its five storeys is split so that there are 10 individual levels. These provide a total of 277 parking spaces, including eight for wheelchair users. The Buckingham Road frontage is double-yellow lined and a controlled parking zone operates in the surrounding streets. The car park is open for twenty four hour use.

A series of blue-painted, horizontal safety rails surround the outer edge of each level of the building including the roof deck; these are mounted on the white painted concrete frame, which characterises its external appearance from most street views. The lowest deck over-sails the pavement below in Buckingham Road. An under-croft retail unit, with wide plate-glass frontage, forms the ground floor frontage onto Buckingham Road, between the two pedestrian entrances.

The Montague Street Conservation Area lies immediately to the south, including listed buildings at no. 80 (Body Shop) and 103 (Entertainment Exchange). The building adjoins but is outside the conservation area, which also continues along the western side of Graham Road, where the exit ramp from the car park is opposite on the eastern side of the street. Graham Road is characterised by Victorian two-storey, painted-rendered houses. These are also found outside the conservation area in Buckingham Road along with some brick-faced Victo-Edwardian houses, which continue into the distinctive red-brick terrace of houses along Chandos Road.

Proposal

The Council's proposals are part of an overall renovation and refurbishment of the building. Planning permission is sought for:

- New façade cladding. This comprises vertical fins on three sides of the building in a range of colours, to be frame-mounted at intervals between each level of the building including its roof. These would replace the blue-metal safety rails but would extend the full height of each level
- A mesh safety grille / barrier on all sides of the building. On three sides this would be mounted behind the proposed fins
- Demolition of the flat roof above the ground/first floor entrance & exit ramps and the side walls which frame the Buckingham Road entrance
- New pedestrian entrance doors and glass screens, including removal and rendering-over of high level areas of glass block and the introduction of coloured vertical fins alongside the glazed screens.
- Infilling of exposed and broken stairwell windows with horizontal louvres
- A new external structure for signage, wrapping the north-east corner of the building and spanning levels 3-5. The signage is indicated as a blue coloured 'P' on yellow background along with the building's name.

Internal lighting, signage, flooring, painting and stairwell improvements are also intended which do not in themselves require planning permission. The concrete frame will be repaired and repainted to complement the proposed external fin cladding.

The application follows a Council decision (AW/001/20-21, of 10th June 2020) by Executive Members for Regeneration to undertake refurbishment and improvement of the car park in recognition of its age, condition and its increasing importance in the provision of town centre parking with the intended redevelopment of the Grafton Road car park over a likely period of 2-4 years.

Relevant Planning History

None relevant. The car park was constructed following a grant of planning permission in 1963.

Consultations

West Sussex County Council Highways: No objection

No increase in parking spaces to indicate higher traffic generation levels. Recommend that new surfacing outside the building is discussed with the area highway office before works take place.

Parking Services Manager: Supports Application

In response to neighbour comments received:

- Skateboarding: Signage which warns that skateboarding is not allowed, will be renewed, as older signage has been removed.

- Other signage: is under consideration, to provide contact details in the event of any issues, such as fire alarm sounding.
- Accessibility: The question of installing entrance shutters has been explored previously but not pursued. It would be unlikely to prevent unwanted persons entering the car park [for instance through the pedestrian doors]; it would be costly and require overnight monitoring from a control room to manage any instance of barriers not raising. Noise is also possible from shutters opening and closing.
- Security: The building is currently patrolled by staff at intervals during the daytime, handing over the security contractor in the evening for further night-time visits. The Community Safety team maintains a log of issues raised, other than by anonymous calls but currently this holds very little information regarding the building. CCTV which covers the entrance and exit and the lift areas as well as the payment machines, this is monitored by the Council's car parks operations team throughout the day/evening
- Fire alarm: This is monitored at the at the High St MSCP is staffed which is from 6am to 10pm

Environmental Health Officer: Comment awaited following recent visit to site and neighbours

Borough Engineer: Comments

Recommend confirmation that increased loadings from additional fabric and increased wind loadings have been assessed on the structure's stability. From a drainage perspective, no changes are proposed which increase additional flow into existing systems.

Fire Safety Officer: Comment requested.

The applicant has confirmed that external cladding / fins are fire rated and comply with relevant standards. As far as we are aware the fire alarm system for the car park is linked to a monitoring system which will send a response to the Fire Service. There is a main control office at the High Street car park.

Community Wellbeing Officer: Comments

I can confirm that since Level 1 opened at Grafton car park, we have received several reports that the skateboarders congregating there had been displaced to Buckingham Rd. The noise and associated ASB from this would be considerable (there were daily complaints from Grafton).

Place and Economy Officer: Supports Application

Car parking upgrades in town centres are vital as they play an important role in creating a first impression of a place, as well as providing the functional aspects. This development signals a step change in offer, whilst it also has an ambition to enable greater electricity charging points and greater disabled parking. Whilst sustainable and active travel are vitally important, it's also critical that we provide a

good experience for all users, by all modes of transport, who wish to access and utilise Worthing town centre.

Representations:

A petition from nine households in Chandos Road and one other letter, also from Chandos Road. Summarised as follows:

Petition

The need for an upgrade is supported but objections and concerns are:

Noise – frequent complaints to Council and police. Use by skateboarders of car park and undercroft footway area is deeply loud, grating and reverberant into neighbouring houses and gardens, day and night (8am up to midnight, with very prolonged car and fire alarms also during nighttime) due to unrestricted access. Car park has an echo-chamber effect, even smaller noises (conversations, phones, shouting) are audible as are car-tyre ‘squealing’ on tight turns and the (at times) squeaky barrier-arm mechanism. Removal of roof to ramp area will reduce sound barrier.

Design - The proposed use of external fins is supported but the colour palette is unanimously rejected as it is highly out of character with context and reinforces the overbearing appearance of the building. Subtle contemporary or pastel colours would be more appropriate, such as in the nearby current upgrade of Portland Road. The proposed –storey entrance ‘P’ sign is too large and lurid yellow/blue.

Height – Proposed safety mesh with fins at roof level adds a storey height, increasing overshadowing and overbearing reducing sunlight to rooms and gardens.

Light pollution – lighting and its management e.g. amount, intensity and dimming sensors, should follow latest Institute of Lighting Engineers (ILE) guidance to reduce current light spillage and glare which affects neighbours at night.

Future use - Usage and its impacts are likely to increase when Grafton MSCP is demolished. This increases the need for management and security.

Please regard these comments not as a single objection but individual ones. Neighbours would like to have been consulted about and participated in the development of the proposals.

Letter

Comments overlap with those of the petition. The car park is not secured against unauthorised access or use, such as skateboarding and is frequented by drug and alcohol users. Concerned about noise, ongoing risks to personal safety, risk of damage to vehicles. Council does not accept liability for risk of damage but proposals would not improve security.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2011: Policies 3, 6, 12, 16, 17, 18, 19 & 20

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

Conservation Area Appraisal - Montague Street (WBC, 2005)

National Planning Policy Framework (2021)

National Planning Practice Guidance (CLG)

Policy Summary

The site is within the town centre. Policies 3 & 6 encourage sustainable development which supports town centre activities and policy 12 promotes high quality and accessible infrastructure.

Good quality design and architectural composition is required by Policy 16, the NPPF refers to 'high quality'. Design and use of materials should take into account local, physical, historical and environmental characteristics of the area; appropriate innovative and contemporary design solutions are encouraged. Safety and accessibility are also important in the public realm. Development which may affect heritage assets, including the setting of conservation areas and listed buildings, should sustain and enhance them and make a positive contribution to local distinctiveness.

Under policies 17 & 18 sustainable designs should address pollution, climate change and energy efficiency, including provision for sustainable energy where feasible, and a car parking strategy for the town centre is to balance parking demand, economic activity in the town and provisions for pedestrians and cyclists (policy 19 and T9). Development in sustainable locations, with good access to services and public transport is supported by NPPF.

Residential amenities should not be unacceptably reduced by new and intensified development under policies H18 and RES7, for by increased noise or other forms of pollution.

These policies are largely repeated in those of the emerging Worthing Local Plan, 2021, which has been submitted to the Secretary of State for Housing Communities and Local Government for independent examination and can be afforded a reasonable degree of weight. In particular, policies which support sustainable development and energy are of greater importance in line with the more recent NPPF, 2021 and the Council's Climate Change declaration of 2019.

The Conservation Area Appraisal for Montague Street identifies opportunities for enhancement by the replacement of unsympathetic fabric in order to respect individual buildings and the street scene.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

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

Planning Assessment

Principle and Sustainability

As part of the town centre's infrastructure, the principle of works required to continue and update the function of the building is acceptable under policies 3 & 6. This is subject to the consideration of the impact of these changes upon the character of the area, neighbouring amenities and heritage, which are subject of other policies and which are considered in the sections below.

In terms of sustainability, the proposed cladding of the building and modernisation of its pedestrian entrances can create a more inviting and legible facility for future users. The wider refurbishment includes:

- Upgraded power supply for potential installation of rapid charge (22kW) electric vehicle charging points,
- New high-efficiency LED internal lighting system, motion-sensor controlled to dim to a basic light level of 5%-50% luminance when not in use,
- New external lighting designed to limited glare and spill and to switch off between 11pm and 7am, other than safety and security lighting,
- Extension of the deck drainage system to remove water pooling.

In accordance with policies for energy and sustainable construction, these combined changes will contribute towards energy saving and the transition away from fossil fuels towards electric vehicles. Cladding and drainage may provide better protection of the integrity of the existing concrete structure.

Design and Heritage

All sides of the building, and the roof edge, would be clad with a first layer of frame-mounted, expanded metal mesh to serve as a safety, anti-fall guard. This would be coloured light blue on the western (rear) elevation and on the rear parts of each side (north and south), where it would become the new visible outer skin of the building. On the Buckingham Road (eastern) frontage and remainder to the two sides, it would be light grey and set behind the new façade fins.

The proposed vertical façade fins on the Buckingham Road frontage (see image below) and part of each side would be aluminium and pre-painted on both faces in a range of colours, as shown in the images below. They are a uniform height of 1.8m but at roof level they would sweep up to a maximum of 2.8m at the corners and along the Buckingham Road frontage, to provide anti-fall safety, along with the 1.8m mesh guard at this more exposed level. This increases the perceived height of the building by between 0.9m and 1.8m along this frontage, although this is below the top-most height of the existing access tower.

In the second image below, it can be seen that the fins are mounted at varying intervals and perpendicular to the façade. The application states that final locations (intervals) may vary. In discussions it is also understood that the mounting angles may be adjusted, so that a greater amount of each fin is outwardly visible. The profiles / cross sections of the fins can also be either rectangular type as shown, or tapered rather than square edges.



These variables present an opportunity for fine-tuning of the design which may create either greater solidity or permeability, more or less visible colour and either sharp or feathered edges.

The set of colours for the fins which are shown in these images may be described as semi-pastel blue, green and gold. Their selection is influenced by the coastal elements of sea, sky, downs and beach. They are also among the range of colour sets in current use in the Council's Time For Worthing ('T4W') promotions of the Borough. The application refers to the assistance the proposals and colours would offer in way-finding to and from the car park, which serves as one of the town centre gateways, as well as enriching the appearance of the building.

As stated in policy 16, designs and the use of materials should take into account local, physical, historical and environmental characteristics of an area, appropriate contemporary design solutions are also encouraged.

In considering this proposal the use of cladding is regarded as a very positive change. The vertical fins will counterbalance the long and prominent, horizontal lines of the existing concrete-framed deck-structure, which currently has little or no architectural relationship to more traditional buildings in adjoining streets. These include the Conservation Area and listed building in Montague Street, against which the building forms a backdrop. Their use alongside the doorways increases visibility of these entrances and legibility of the building. The proposed mesh shrouding on each side of the building also creates a sense of overall unity without appearing dense or heavy.

The use of a light blue colour for areas of mesh visible from Graham Road acknowledges the prevailing rendered light-coloured buildings there. The use of grey mesh behind the fins provides a visually 'quiet' backcloth for the fins. The colour choices of blue, green and gold or yellow set for the fins appear to be harmonious in themselves but they have attracted strong views from residents as being out of keeping with the context of Buckingham Road and adjoining streets. They suggest that a colour set which borrows more from the pastels and brick colours of adjoining streets would be appropriate for the fins.

Colour choice is among the more variable and subjective matters for consideration but it is acknowledged that the proposed colours do not figure in the existing streetscape, it may also be quite bold as a backdrop to the light painted render of the Conservation Area and listed buildings. However it is also relevant that the distinct function of the building as a key element of town centre infrastructure and the improving of wayfinding to it, is an important objective of the proposed development. A balance is sought between these considerations. In response the applicant has commissioned a series of colour options and it is hoped that these can be received and considered by Officers and made available to residents so that views can be reported to the Committee.

Alongside this, the applicant has been requested to consider the use of angled mountings for the fins together with tapered cross sections. This may increase their prominence, architectural effect and finesse. Further information has also been requested about their spacing intervals (it is noted that wind loading would need to be checked separately). Conversely a smaller entrance 'P' sign mounting has been requested, in order to reconcile its scale and design with the character of the street, whilst providing clear visibility for users. Information about lesser signage, such as

in the image below, has also been requested. An update will be given at the meeting

The demolition of the vehicular access ramp, roof and adjoining walls, along with a new entrance height bar (image below) makes a relatively minor difference to the appearance of the building. It would have an advantage of revealing the distinctive and newly clad north east corner of the building and its entrance to a greater degree. Remaining wall edges would be made good with painted render and cappings.



The new entrance doors with associated metal-framed glazed screens and vertical fin detail would create a simpler and more contemporary appearance than the existing. New concrete-sett paving along the undercroft area will also create a more consistent and improved appearance at the site frontage. Elsewhere the proposed white louvre infills to the existing stairwell windows are designed to deflect rain and address an existing maintenance issue.

Neighbouring Amenities

In consideration of policy H18, the main potential impacts of the proposed development on neighbours are those relating to demolition of the ramp ceiling and entrance wall; the proposed cladding and external lighting. Other comments received in relation to existing management matters are also referred to below, although these are not directly matters for planning consideration.

The first area of change is the demolition of the ramp ceiling and entrance wall. Neighbour comments refer to the increased risk of noise from this area and the reduction of its barrier effect against noise from within the main part of the building. The environmental health officer comments are awaited but informally, following a recent joint site visit, it is suggested that the difference in noise escape is unlikely to be significant and that removal of the noise-funneling effect of the existing structure will be removed, allowing noise to move and dissipate rather than be concentrated towards streets and neighbours to the east and west.

Within the building, the use of resin bonded flooring may affect the wheel-squealing effect referred to. Whilst this does not require planning permission a further view has been sought.

In terms of cladding, this may provide some degree of obstruction to internal noise but as this would not be a solid barrier it is unlikely to significantly change noise

escape. Advice has also been requested upon the relative effect of using angled rather than perpendicular-mounted external fins. An update will be given along with the wider Environmental Health response.

The added height (+0.9m - +1.8m) created by the proposed mesh and fins, particularly at the Buckingham Road frontage, will increase the overall perceived height of the building. However, mindful of the existing size of the building (approximately 14m in height) and the permeable nature of the cladding, it is also considered that the effect on the massing and daylighting at neighbouring properties is also unlikely to be significantly changed.

Proposed external lighting on the ceiling of the undercroft area is largely concealed by the ceiling / soffit edge and is intended to comply with lighting institute guidance (ILE) for the reduction of obtrusive light. Mindful of the line of sight between the cluster of lights proposed at the northern end of the undercroft and houses in Chandos Road, along with residual risks to Buckingham Road flats immediately opposite, it is considered reasonable that further details be provided by requirement of a planning condition which could be attached to any planning permission. This can also include the numerous paired lights along the ramp edge between Buckingham Road and Graham Road

The neighbour comments refer to the effects of existing unauthorised uses of the building by skateboarders and others, including noise, music, apparent setting off of car or fire alarms and a sense of personal security risk, and that some noise events (alarms) have occurred during the night. The Community Wellbeing officer notes that skateboarding was previously a problem at the Grafton Road car park deck until it was displaced by the recent opening of the 'Level 1' outdoor restaurant and exhibition space. In response the Council's Car Parking Manager has confirmed that signage prohibiting skateboarding will be replaced and improved along with new signage providing contact information for any enquiries regarding any car park issues.

The car park is intended to remain open over twenty-four hours as at present and its capacity would not be increased. Building security, including night patrols would also continue. The provision of control shutters or doors is outside the scope of this planning application. The Fire Safety officer confirms that cladding is to be A1 Fire Safety rated and the fire alarm is connected to the fire service monitoring system. The Car Parks Manager advises that the alarm is also monitored at the High St MSCP is staffed which is from 6am to 10pm but not thereafter by the after-hours security firm, although site inspections are made during the night-time

Summary

The application is an important part of the wider refurbishment and renovation of this key building and its sustainable future use. The proposed use of cladding is supported both by offers and in principle by residents. Further information regarding colour choice options are due to be received in response to local representations and officer reservations. This, together with further details regarding spacing intervals and profiles for the proposed fins and a revised concept for the 'P' signage, should allow a balance to be struck between the project objectives and neighbour amenities. Planning conditions would be applied to ensure that any final designs are

adhered to, along with details of external lighting to be submitted for approval to minimise risk of light pollution.

In terms of heritage, the proposals affect the setting of the conservation area and listed buildings, but represent a significant improvement to the character and appearance of the building, subject to finalisation of the colour choice and the aforementioned details sought in relation to the fins.

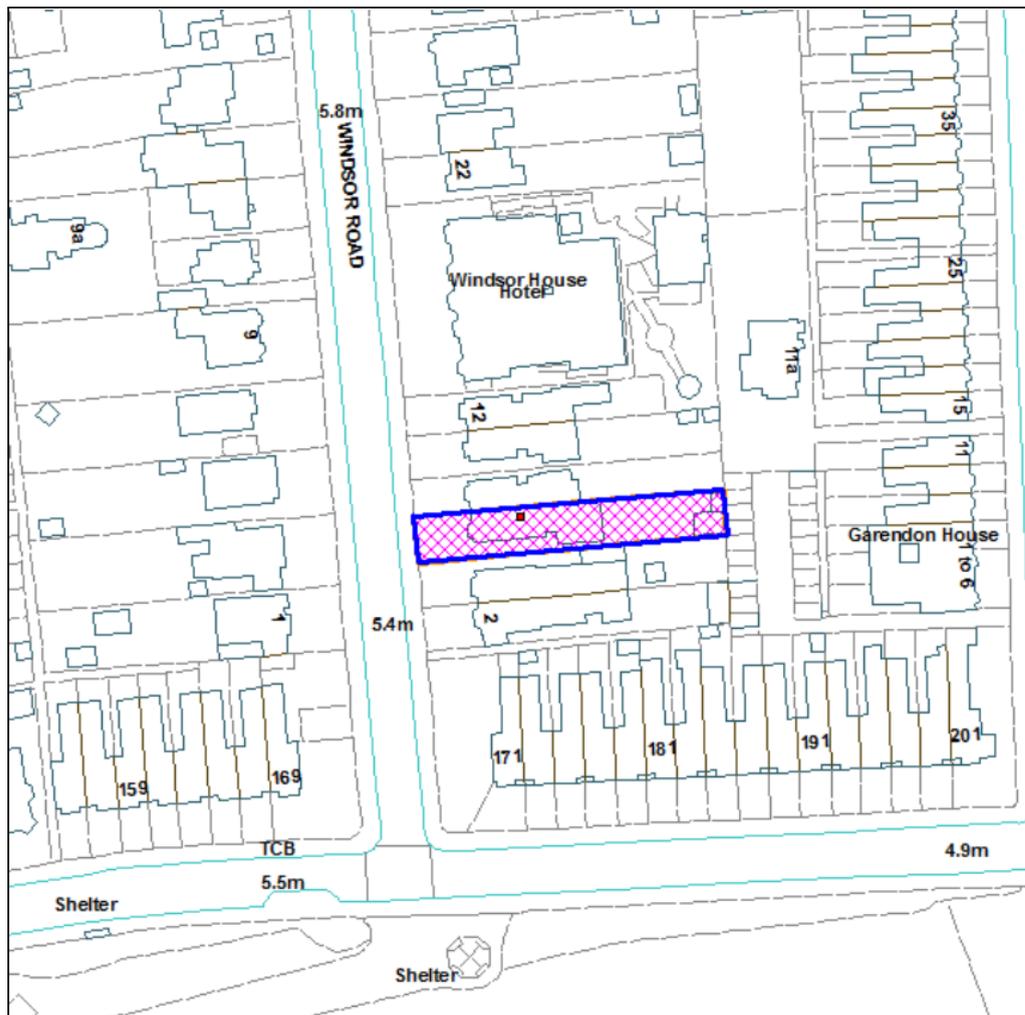
Comments are due to be received from the Environmental Health and Fire Safety officers and will be reported. Whilst existing issues of unauthorised use and noise are largely outside the scope of the planning application and its consideration, it is hoped that some parallel management measures in the use of signage to dissuade unauthorised use and to provide contact information for future enquires to the Council, will assist residents.

Recommendation: Approval, subject to the receipt of amended plans and subject to the following conditions:

Conditions:

1. Adherence to approved final plans
2. Standard time limit of 3 years for implementation
3. Sample of cladding materials and finishes for approval
4. Larger scale details of entrance doors and screens for approval, including materials, finishes and profiles.
5. Details of external lighting to be submitted, including measures to minimise light pollution

Application Number:	AWDM/1270/20	Recommendation - If the Committee could still determine the application it would have agreed to refuse.
Site:	Guest House, 6 Windsor Road	
Proposal:	Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary)).	
Applicant:	Mr M Strom	Ward:Selden
Agent:	Mr Colm McKee	
Case Officer:	Rebekah Hincke	



Not to Scale

Background

An appeal has been lodged by the applicant against non-determination of this application for a Lawful Development Certificate. This report outlines the case and seeks to reach an indication as to what the decision of the Planning Committee would have been if determining the application, which will assist the Council defend the appeal.

Proposal, Site and Surroundings

The site comprises of a two storey semi-detached property located on the east side of Windsor Road. The building has a large two storey rear projection similar to others in the street to the immediate north, and has been extended to its south side with a further two storey flat roofed extension and with a conservatory to the rear elevation. Its front garden area is largely given over to parking with a hardstanding.

In January 2020 the Local Planning Authority became aware of works being carried out at the property. It is understood that there was previously private owner's accommodation within the guest house, but recent works were carried out to convert this space to provide 3 additional guest bedrooms with 14 rooms in total (5 single rooms, 9 double rooms). Four of the bedrooms have ensuite bathroom facilities with the others sharing communal bath/shower rooms and wc. None of the bedrooms have cooking facilities but have fridges. Further works to install communal kitchens were included as part of the withdrawn planning application AWDM/0611/20 with two communal kitchens and a communal dining area within the rear conservatory.

It is understood that the premises are now licenced as an HMO since being subject to mandatory licencing requirements from October 2018. Members should be aware, however, that the definition of an HMO for licencing purposes differs to planning in that it is taken to be an HMO if it meets one of the definitions in Section 254 of the Housing Act.

The application, now the subject of the recent appeal (Reference: APP/M3835/X/21/3279523), is for a Lawful Development Certificate which seeks to establish the lawfulness of the existing use for the provision of housing for those in need of emergency temporary accommodation. The application is made on the grounds that the use has continued for more than 10 years.

The following evidence has been provided by the applicant in support of the application:

- **Item 1** - Accommodation Officer: Email from Adur & Worthing Accommodation Officer dated 11.5.2020 – stating that 5 months ago one guest house used for emergency accommodation was taken over by new owners and outlining meetings with council officers to ensure property met the criteria for an HMO.
- **Item 2** - Fitzroy Lodge Letter from occupier of Fitzroy Lodge 2-4 Windsor Road dated 4.8.20 - stating that they understand the property to have been in continuous use since at least 2008 as temporary accommodation on agreement with Worthing Council for housing homeless individuals.

- **Item 3** - Revision List of Guest since 2008: List of clients (categorised Adur/Worthing or Adur and Worthing not individuals) from April 2008 to April 2019 (This lists customer 'date in' with gaps between April 2010-Jan 2011, May 2012-Sept 2012, Nov 2012-Aug2013, Sept 2013-Aug 2014, Sept 2014, Nov 2014, March 2015, where no 'date in' but this does not record date of leaving).
- **Item 4** - Copy of Castle tenancies from AWC with tenancy commencement dates and termination dates listed by room from 19.2.2001 to 27.07.2020 summarised as follows:

Room 1 limited data with no information on stays/duration between Feb 2008 to March 2020.

Room 2 duration of occupation between 1 wk and 1 year approx. Gap in data from Oct 2008 to April 2010 and March 2011 to March 2016.

Room 3 data from March 2020 only.

Room 4 data from March 2020 only.

Room 5 data from March 2020 only.

Room 6 duration of occupation between 1 and 6 months approximately, gap in data from May 2009 to Feb 2016.

Room 7 data from March 2020 only.

Room 8 duration of occupation between 1 night and 2 years 2 months but with most durations being 1-2 months approximately. Gap in data from May 2009 to Feb 2011 and March 2011 to March 2016.

Room 9 duration of occupation between 1 night and 1 year 2 months approx. Gap in data from May 2009 to Feb 2011, March 2011 to Aug 2012, and Sept 2012 to March 2016.

Room 10 duration of occupation between 2 days and 6 months but with most being 1-4 months approx. Gap in data from Feb 2008 to Oct 2016.

Room 11 limited data with stays of between 3 weeks and 2 months approx. with no data between Feb 2008 and March 2020

Room 12 duration of occupation between 5 days to 12 months but with most tenancies being between 1 and 4 months. Gap in data from Oct 2012 to May 2016

Room 13 duration of occupation between 3 days and 2 years approximately but with most tenancies being 1-2 months. Gap in data from Feb 2011 to March 2012 and April 2012 to March 2016.

Room 14 duration of occupation between 1 night and 9 months approximately. No data before 1.12.2016.

- **Item 5** - Email from Adur & Worthing Acquisitions & Landlord Support Officer outlining high demand for short term temporary accommodation, and confirms that guest house has been used by Council for this purpose for at least the last 10 years with block booking of 7 rooms and other rooms on ad-hoc basis, and will be a valuable resource at times of need for homeless households requiring temporary accommodation.
- **Item 6** - Windsor Clinic: Letter from 'The Windsor Clinic' dated 8.8.2020 - stating that they have been a neighbour of Castle Guest House since 2007 and it has been used to house various individuals for the homeless department of various councils including Worthing and they are not aware of it being used for any other purpose throughout that period.
- **Item 7** - Email from Planning Services Manager querying whether any consideration has been given to a Certificate of Lawfulness Application if the use has existed since 2008.

The Council's Housing Needs Manager has provided statements from 4 former residents outlining the following arrangements for their tenancies between 2016 and 2020:

- 6 months tenancy, main residence, breakfast provided, room cleaned, fresh bedding and towels provided.
- 12 months tenancy, main residence, no breakfast provided, room serviced sometimes, only council lettings known
- 9 months tenancy, main residence, breakfast provided at the Wolsey Hotel, no room cleaning but linen/towels provided
- 15 months tenancy, main residence, breakfast provided, room cleaned, bedding and towels provided.

Relevant Planning History

01/01241/FULL - Single storey side extension **STATUS:** CCN 9th January 2002.

AWDM/0611/20 - Retrospective application for change of use from guest house (Class C1) to House in Multiple Occupation (HMO -sui generis) with provision for temporary accommodation and owners accommodation, including demolition of chimney to east, single-storey extension to east to form second floor and 1no. front (west) rooflight, along with associated alterations.**STATUS:** Withdrawn 17th July 2020.

WB/0433/74 Change of use to Guesthouse. Approved 30.04.1974

WB/0487/77 Erection of 2-storey extension at side of existing guest house to provide owners living accommodation. Approved 19.07.1977

WB/0084/80 Two storey extension partly at side and at rear Approved 29.02.1980

WB/01/01241/FULL Single storey side extension Approved 09.02.2001

Consultations

Sussex Police have made the following comments:

Thank you for your correspondence of the 19th August 2020, advising me of a planning application for Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency

accommodation (temporary) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Worthing district being above average when compared with the rest of Sussex, I have major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

I refer the applicant to previous correspondence from this office Your Ref: AWDM/0611/20 dated the 1st June 2020 and Our Ref: LM/WOR/20/14A dated the 4th June 2020 to which all comments remain extant.

This application was objected to by Sussex police due to on-going issues with anti-social behaviour and high levels of police attendance to deal with said issues impacting on police resources.

Having re-consulted with Worthing Local Policing Prevention Team there continues to be a very high number of on-going calls to this address where police are still regularly attending due to issues relating to anti-social behaviour. If the lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary) is granted then this application would place an ongoing additional burden upon Police resources.

To that effect Sussex Police object to this application.

Thank you for giving me an opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Adur & Worthing Councils:

The **Environmental Health** officer has confirmed no comments.

Private Sector Housing – no comments received.

The **Housing Needs Manager** has provided the following comments and further information:

In Housing Needs view the premises has been in use as per::

17.29 A property is an HMO if it satisfies the conditions set out in [sections 254\(2\) to \(4\)](#), has been declared an HMO under [section 255](#) or is a converted block of flats to which [section 257](#) applies. Privately owned bed and breakfast or hostel accommodation that is used to accommodate a household pursuant to a homelessness function, and which is the household's main residence, will fall within this definition of an HMO for the housing of homeless applicants or placements of homeless under our discretionary powers and has not operated as a guest house, as per Eve's letter, since 2010 she has only taken bookings from Local Authorities which would confirm its use for this purpose.

A list of tenancies for each room has been provided with the following further comment:

a) that other authorities made placements at the premises, Brighton and Hove being one of them; I can confirm this as worked for Brighton and Hove Council in a number of roles all attached to homelessness and Castles was a premises used, bookings were often moved on from The Wolsey to The Castles once known and considered able to manage a tenancy in a premises that also had households with children.

b) additional rooms were provided when Eve sold the Castles as she was living in the Castles and had what was effectively a self contained flat within the premises before this.

Representations

Thirty representations have been received from occupiers of nearby properties including in Windsor Road, Brighton Road, Alexandra Road, Ham Road, and Dawes Avenue, raising objections to the application as summarised below:

- Highways Access and Parking Lack of parking for residents and staff
- Loss of amenity
- Privacy Light and Noise
- Increase in anti-social behaviour, social problems/drugs/crime have become worse since HMO/recently/when under new management, not the case for last 10 years as Guest House, Police in regular attendance, fear/intimidation for residents, concern that this is close to school and family housing
- Risk of fire with smoking inside the house and insufficient fire and safety provisions for number of residents
- Will staff be available to deal with any difficulties/lack of supervision to support vulnerable residents
- Overdevelopment/overcrowding/more intensive use as a result of the changes made/how it's operated
- Other more suitable premises available elsewhere for occupants with potential issues
- Concentration of other similar properties in East Worthing causes problems
- Lack of consultation with neighbours
- Lack of information/evidence/confusing information

- Underhand way of obtaining permission
- Gaps in record of tenancies
- If HMO, use has continued without permission/no licence
- As this is residents primary address a change of use has occurred
- As alterations have been made the property, this has changed use to HMO, alterations would not have been needed if already an HMO
- Owners accommodation has been converted to more rooms – 14 rooms, garden is no longer private but shared, communal kitchens added
- Company created to run an HMO in August 2019
- If owners consulted with Council about HMO they knew a change of use had occurred
- Why would WBC housing use as an unlicensed HMO, suggest because they believed it was a guest house
- If an HMO there should be evidence of tenancy agreements
- Has operated as Guest House for many years albeit for emergency temporary accommodation
- This was run under the same ownership as Wolsey Hotel both run as B&B under previous ownership with a mix of typical B&B Guest and referrals from local authority but last 7-8 years was only from Housing Department.
- Smaller number of clients previously and with owners accommodation
- Signage displayed as B&B until recently, advertising 'vacancies'
- Marketing information from 2019 details as guest house with separate owners accommodation and garden
- Business rates record as Boarding House and Premises
- Between 2005 and 2015 Castles Guest House was offering Guest House accommodation
- Drain on public funds/adds pressure with lack of joined up approach to issues
- Property values affected

The previous owner of Castles Guest House has made the following comments:

I am the owner of the Wolsey Hotel in Brighton Road.

From 2006 to November 2019 I also owned the Castles Guest House at 6 Windsor Road. I bought the Castles as a Guest House and I sold it on the understanding it was a Guest House.

Until 2010 I had a mixture of guests, i.e. typical guest house guests together with guests referred by Adur and Worthing housing departments, but only after this date did I take guests just from these Local Authorities. However the premises were always run as a Guest House. The councils were fully aware of this.

During my ownership there were staff on the premises at all times, supporting and supervising the occupants. At no time was it a HMO.

The applicant's agent has responded to points made in the representations in a letter dated 02.11.20 including the following points:

- *It is paramount to note the government is clear (in relation to Lawful Development Certificates) where it states:*

'The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority'.

- *I note that the previous owner has stated that the unit 'accommodated a mixture of guests'. Where as we have not seen any evidence to substantiate this claim, the previous owner only claims this to be until 2010. Therefore a 10-year use would still apply and as such the Lawful Development could be granted.*

That said, for the avoidance of doubt we believe the balance of probability points strongly in favour of the lawful use applied for long before 2010, and not only since 2010, simply due to the evidence we have presented.

Further to this, it would need demonstrated that the level and frequency of the alleged 'mixture' of other guests was significant enough to go beyond ancillary occasional use, and that in planning terms the use by these other guests would be on par with, compete with or be more dominant than the temporary accommodation use. At present such counter evidence has not been provided.

I note various comments about a 'guest house' sign, and that the property was registered as a guest house. The existence of a sign would not surpass the evidence that has been presented by the applicant with the Lawful Development Certificate. The existence of a sign would not outweigh a proven 10 years (excess) of use.

Relevant Legislation

Section 191(1) of the Town and Country Planning Act 1990 (as amended) enables anyone to apply to the LPA for a decision whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes.

Subsection (4) of section 191 provides that if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matter described in the application, or that description as modified by the LPA or a description substituted by them, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

Planning Assessment

The relevant consideration is a matter of fact and degree whether the evidence submitted in support of the application demonstrates on the balance of probability that the use has existed for 10 or more years and is therefore exempt from enforcement action, with the burden of proof on the applicant. The planning merits of the use are not relevant in making a decision.

The application has been made on the basis of the following use:

Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary)).

The key issue to consider is whether the existing use as described by the applicant has remained throughout the relevant 10 year period from 11 August 2010 to 11 August 2020 when the application was made.

The applicant has not attempted to define the particular use class within which the current use of the building would fall into but describes it as 'the provision of housing for those in need of emergency accommodation (temporary)'. The absence of a particular use class definition is, perhaps, indicative of the way the use has evolved over time and is a reflection of the complex case law surrounding the use of accommodation by local authorities in discharging their housing duties to avoid families and individuals from becoming homeless.

The evidence submitted to support the Certificate of Lawfulness has gaps in terms of the number of rooms used for temporary accommodation at any time and there is some doubt, therefore, that the use has been continuous throughout the 10 year period. Whilst, the Agents comment that any occasional use by traditional bed and breakfast guests was limited and not affect the predominant use is accepted, there are other more compelling reasons why the Council could not support the grant of a Certificate which is set out below when considering the more recent use of the premises and the alterations by the present owners.

The planning history indicates that the last known lawful use of the property is as a Guest House, dating back to a planning permission in 1974 and subsequent alterations to provide separate owners accommodation.

Guest Houses fall within use class C1 which also include hotels, motels, boarding houses and bed and breakfast premises and would essentially comprise of serviced sleeping accommodation (and meals) on a short term basis. Given the existence of a separate unit of accommodation (C3) the lawful use of the premises before the current owners purchased the property was a mixed use C1 / C3 use (sui generis).

The applicants when they purchased the property had to apply for an HMO under the relevant Housing Act legislation and in doing so started altering the property to comply with the Councils guidelines on HMO accommodation. The separate flat was converted into additional rooms and the Council started using the premises exclusively for temporary and emergency accommodation. The owners have unwittingly materially changed the use of the property from one sui generis use to another. On this basis alone the Council could not have granted a Certificate of Lawful Use.

In terms of the current use of the premises, its use exclusively by local authorities is likely to fall within the definition of a Hostel and this is explained in more detail below.

It is worth saying from the outset that assessing whether a use is a Hotel, an HMO or a Hostel use depends very much on the individual circumstances of each case. However, case law and at times government guidance has attempted to assist local

authorities make judgements on the matter. The difficulty in planning law is a by-product of the national housing crisis where local authorities are often forced to locate households and individuals in any available accommodation and this often means that people are placed in Hotels and Bed and Breakfast accommodation. Whether a material change of use occurs depends on the level of use. For instance, one family staying a week in a large direct result Hotel such as Premier Inn would not constitute a material change of use.

Guest Houses

The courts have attempted to define a 'hotel' and in *Mayflower Cambridge v SoS* 1975 it was stated that the essence of a hotel is that it takes transient passengers or travellers, who require short stay only. In *Breachberry Ltd v SoS & Shepway B. C.* 1984 it was suggested that it was not essential to classification as a hotel or guest house that services be provided. Section 1(3) of the Hotel Proprietors Act 1956 defines a hotel as *"an establishment held up by a proprietor as offering food, drink and if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received."* Therefore, the level of services provided (which is not entirely clear from the evidence provided in this case), is one of the relevant considerations.

In this particular case looking at the typical duration of stay and that rooms have been occupied within the property as the occupants main residence (albeit temporarily) the current use does not clearly fall within the normal parameters of a C1 use class.

HMOs

It is relevant to note that the previous planning application AWDM/0611/20 sought to regularise the existing use as a House in Multiple Occupation with provision for temporary accommodation and owner's accommodation. Alterations to the property removed the owner's accommodation and the application was withdrawn when it was considered that a Lawful Development Certificate may be easier to secure.

Class C4 of the Use Classes Order relates to Houses in Multiple Occupation (HMOs) where occupants are not classed as living as a single household and share only minimal communal facilities within the building, such as a bathroom, wc, or cooking facilities. This covers a small shared dwelling house occupied by up to six unrelated residents as their main residence and with larger or more intensively used HMOs being sui generis.

In this case, the evidence could point towards the current use being akin to a larger HMO (sui generis) with residents occupying the property as their main residence and sharing cooking facilities and some bathrooms. Although the accounts of former residents refer to breakfast being provided and some servicing of rooms in their time of occupation, these accounts are limited and the current layout indicates communal kitchen areas but they are understood to have only been recently installed as a result of licensing requirements for an HMO and so have not been in existence throughout the relevant period.

The use of the premises by local authorities is also highly relevant and has a bearing on assessing the current use of the premises.

Hostel

There is no definition of a hostel in planning law and this use was removed from the C1 classification in 1994 when this change specifically reclassified them as sui generis.

In 1985, in the High Court judgement in the case of Panayi v SSE and Hackney LBC [JPL 783], it was argued that the presence and use of some of the features below combined were sufficient to distinguish the use of the premises as that of a hostel:

- *The presence of dormitories and/or communal or shared facilities.*
- *The use of the premises in accommodating specific categories of people, e.g., the young, or the homeless.*
- *Whether the premises are serviced and/or supervised. • Whether payment is made by the local authority.*
- *Whether payment is on a nightly basis.*
- *Whether the residents are transient in the sense that they are 'placed' in the accommodation whilst awaiting accommodation elsewhere.*
- *The requirements of fire or safety certificates indicating the type of usage.*
- *The display of such notices or other indicators which may indicate the type of usage: e.g., fire certificates, public fire notices of use for staff and guests.*

Also relevant to this case is the Court of Appeal decision in Westminster City Council vs Secretary of State for Communities and Local Government which considered an enforcement notice alleging a material change of use from a Hotel to a mixed use of Hotel (C1) and a hostel use. Consideration was given by the original Inspector to the guidance contained in Circular 03/2055 (since revoked) including reference to the above case and the following in relation to hotels and hostels:

59. The C1: hotels use class remains unchanged from the origins 1987 Order (as amended by SI 1994/724 which removed hostels from this classification). The C1: Hotels class includes not only hotels, but also motels, bed and breakfast premises, boarding and guest houses. These are premises which provide a room as temporary accommodation on a commercial, fee-paying basis, where meals can be provided but where residential care is not provided.

60. Hostels were excluded from the Use Classes Order in 1994 and are therefore sui generis.

61. There is no definition of 'hostel' in planning law. A hostel usually provides overnight or short-term accommodation which may be supervised, where people (including sometimes the homeless) can usually stay free or cheaply. Hostels may provide board, although some may provide facilities for self-catering. The element of supervision should not be relied upon as a determining factor but as a factor to take into account in consideration of the use class of the premises.

The inspector had examined the points in the Panayi case and found some elements to be a hostel use but no part of the premises exclusively used as a hostel

and no part exclusively as a hotel but the judge considered that a mixed use can subsist where the different elements are not associated with particular parts of the premises. The judge acknowledged that the Panayi case 'does not provide a definitive checklist of relevant factors and the existence of some factors pointing in the direction of hostel use is not necessarily determinative.' In considering whether a material change of use had occurred the judge also pointed to the Inspectors failure to have regard to a relevant matter, namely the off-site effects of the current use on residential amenity.

Whether a change of use has occurred within the relevant 10 year period

From the evidence provided it is not precise as to what basis the accommodation has been offered and with contradictory accounts from the previous owner and in representations. However it is understood that rooms do not provide dormitory accommodation, shared kitchen facilities have been more recently installed, but some accounts from tenants refer to breakfast being provided and rooms serviced.

Although 'tenancies' have varied in length from 1 night to more than 2 years, it is clear that the accommodation has not been solely for short term or nightly accommodation.

It is noted that there are amenity issues raised by nearby occupiers particularly as a result of comings and goings generated, and anti-social behaviour, but it is acknowledged that this could be equally true of guest houses, HMO's or hostels depending on the intensity of the use or the way it is managed. When considering the lawfulness of the existing use these effects are relevant only to the extent of establishing whether the intensity or character of the use has altered.

There does, however, appear to be a correlation between the physical changes carried out to the building to meet HMO licensing requirements since the change of ownership that occurred in 2019 and when there have been more instances of noise, disturbance and anti-social behaviour, as referred to in representations and the Police response, which could point towards a difference in the way the premises have been operated at the time of making the application when compared with the operation under the previous ownership prior to November 2019 for example, with less or no on site supervision provided at the time of making the application.

Whilst planning is concerned with land and buildings and not the identity of potential occupiers, it is recognised that there may be differing effects of such uses dependant on whether the accommodation is long-term or transient accommodation.

The more recent history of the premises suggests that it is being used as a Hostel for temporary and emergency accommodation.

Conclusion

The use of the property is very controversial in the area and at times has caused anti-social behaviour. The evidence points to the fact that historically the premises have been used for temporary accommodation to some extent and often exclusively (apart from the owners accommodation). However, what is clear is that the current owners have made significant alterations to the property which have materially

changed its use. More recently and to address concerns about the lack of on site accommodation an office building has been erected at the rear of the property. This unauthorised building further reinforces the fact that the Council was unable to grant a Certificate of Lawfulness and if the Council could still determine the application it would be refused.

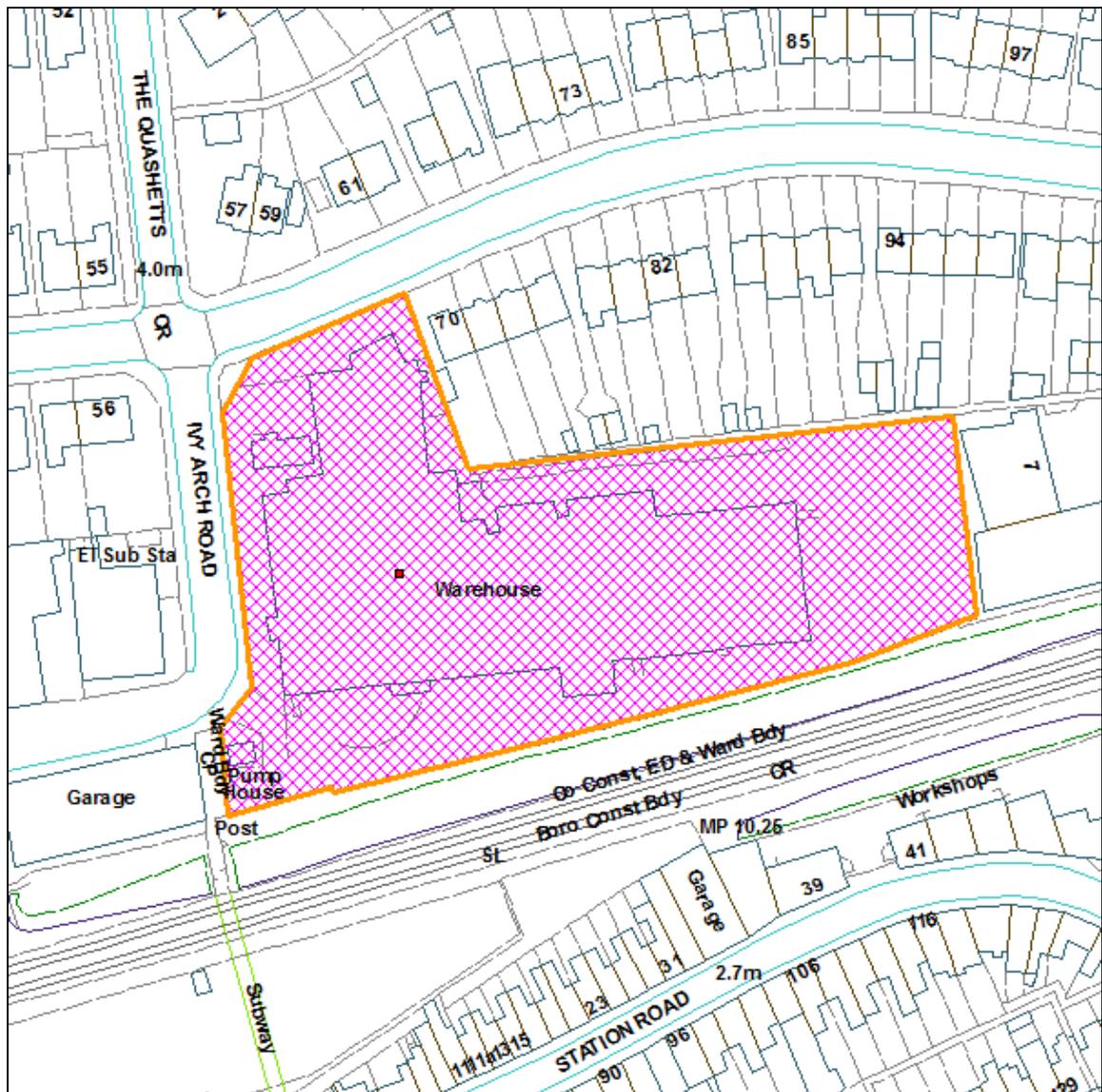
Recommendation

The Planning Committee is asked to consider whether, if they could still determine the application they would have agreed the following recommendation:

REFUSE for the reason:

The Local Planning Authority is not satisfied, on the balance of probability, that the use of the property for the provision of housing for those in need of emergency accommodation (temporary) use has been carried out continuously throughout the relevant 10 year period, resulting in a material change of use. In reaching this decision the Local Planning Authority has had due regard to the loss of the self contained managers accommodation and the recent erection of an office building in the curtilage of the property.

Application Number:	AWDM/0655/21	Recommendation - APPROVE
Site:	Unit 1A, Ivy Arch Road, Worthing	
Proposal:	Construction of storage building (Use Class B8), including vehicle parking and associated works	
Applicant:	Bravo Services Limited	Ward: Broadwater
Agent:	Mr Danny Simmonds, RPS Planning & Development	
Case Officer:	Gary Peck	



Not to Scale

Proposal, Site and Surroundings

This application seeks full permission for the construction of a grey clad storage building to the eastern part of the application site. The proposal has been amended during its determination incorporating a reduction in the building footprint from 1,653sqm to 1,320 sqm and a re-siting away from the northern boundary to allow a tree landscape buffer on the boundary of the site. The area of the site is currently used for parking, although there appears to be other opportunities for parking elsewhere on the site.

The proposed building would be located between the applicant's existing storage building to the west and an industrial building in separate ownership to the east. The railway line is to the south and the nearest residential properties to the north in King Edward Avenue - these properties have quite long rear gardens and hence the dwellings are about 25 metres away from the proposed building. A Tree Preservation Order relates to the belt of trees further to the western part of the northern boundary of the site.

As the proposed floorspace exceeds 1,000 square metres, the application is classified as a 'major' development and therefore needs to be presented to the Committee for determination.

Relevant Planning History

AWDM/0408/18: External and internal alterations to existing warehouse including alterations to fenestration and doors and addition of cladding to building, new front entrance gates to west boundary, erection of 2.4m high paladin fencing within site, replacement external fire escape stairs, provision of modular office building on frontage and formation of car park to rear with 41 spaces - granted permission in 2018

AWDM/0181/20: Proposed 26no. self storage units accessed from Ivy Arch Road - granted permission in 2020.

Consultations

Environmental Health

I have concerns about potential noise disturbance to neighbouring residential dwellings which could be caused by increased vehicle movements, door slams, loading/unloading of items, trolleys and potential noise from the grilles/louvres for mechanical extract which are labelled on drawing 15175/2-106 - Proposed elevations.

Due to the proximity of this site to existing residential dwellings, conditions in respect of hours of use, construction management, noise attenuation are recommended. As the site is potentially contaminated, a full contamination condition is also required.

As this is a major application, the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2020)

<http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>.

The intention of the guidance is to ensure the integration of appropriate mitigation via an emissions mitigation assessment and, where necessary, to identify air quality impacts through an impact assessment. The emissions mitigation assessment is used to inform the level of mitigation required to help reduce/offset the potential effect on health and the local environment. Consultation with Public Health & Regulation is advised at an early stage.

West Sussex Highways

This proposal is of the erection of a self-storage building (Use B8). The site is located on Ivy Arch Road, an unclassified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes no alterations to the existing vehicular access arrangements. From inspection of local mapping, there are no apparent visibility issues with the existing point of access onto the maintained highway.

The applicant has provided TRICS trip generation data to support this application. The existing storage use generates approximately 122 daily two-way trips, whilst the proposed storage use is anticipated to raise this number to 160 daily two-way trips (+38 trips). Whilst this proposal will bring about an intensification of use, the rise in trips is not considered significant and is not anticipated to result in a highway safety concern.

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 existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The proposed storage building will be sited in the location of the existing car park. Of the 41 existing car parking spaces, 4 will be retained (-37 spaces). Whilst this appears significant, the LHA acknowledges the characteristics of self-storage use, whereby visits to the site are anticipated to be short or infrequent.

In addition, the Transport Statement indicates that the site benefits from existing space that can be used for informal parking purposes, which is confirmed when viewing the site from local mapping. Considering this, the LHA considers the proposed parking provision to be sufficient. There is plentiful space on-site for turning to be achievable, allowing vehicles to exit the site in a reverse gear.

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 non-residential developments. 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). Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future.

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.

West Sussex Fire and Rescue Service

Request that an additional fire hydrant is installed to be secured by condition.

Representations

1 representation received regarding the plans as originally submitted:

Having reviewed the above planning application, we have the following comments:

A 3 storey building is out of keeping with the adjacent buildings that are only a maximum of two storey. This will be in direct view South of our house, overlooking our property, potentially restricting light in our back garden. This will cause reduced views of the trees and greenery to the south of our dwelling as well as the railway and views over the Worthing town to the sea. We have been very supportive of Ready Steady Store applications in the past but feel the building is too high for this location. We urge you to reject the application in its current guise.

No comments received in respect of the amended plans.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011): Policy 3 Providing for a Diverse and Sustainable Economy, Policy 4 Protecting Employment Opportunities, Policy 16 Built Environment and Design, Policy 17 Sustainable Construction, Policy 18 Sustainable Energy and Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies where relevant)
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

The main issues in the determination of the application are the principle of the development, the impact upon the visual character of the area and the amenities of surrounding neighbouring properties and highway matters.

The application site is within a protected employment area as set down by the Core Strategy and therefore the principle of development is acceptable. The 2020 permission for self storage units, which has been partially implemented, also established the principle of development on this part of the site, albeit of a much lower scale than is proposed under this application. Nonetheless, the site is in between existing industrial buildings to the east and west and therefore appears an appropriate site for further development.

The nearest residential properties in King Edward Avenue have quite long rear gardens and are sufficiently distant from the site that in scale terms, a building which is slightly higher than existing buildings as proposed here would not have a material impact sufficient enough to warrant the refusal of planning permission. A feature of the site, though, is that the existing building is partly screened by a line of preserved trees, but these do not extend to the western part of the site, where the proposed buildings would be located. Despite the distance between the site and residential properties being acceptable in its own right, your Officers consider that the proposal represents a good opportunity to extend this landscaped screen along the boundary.

As originally submitted, the footprint of the building was almost adjacent to the northern boundary line and would not have allowed for such landscape screening. Following negotiations with the applicant's agent, the building's size, design and siting have been revised so that sufficient space is maintained to enable for a landscaped area to be provided to the north of the site which will have the benefit of softening the impact of the building when viewed from the nearest residential properties as well as increasing planting in the area. Your Officers consider this to be a welcome amendment.

It is also noted that the 2020 permission was for units that would have been accessed externally (and historically) the area was used for lorry turning purposes in connection with the previous use of the site for food production and distribution. The proposal would result in activity being contained within the building and is considered to be a further benefit of the proposal. It is noted that the existing storage use does not appear to have generated complaints from neighbours in respect of its operation and the proposed use would appear to be less intensive than previous uses on the site or other general industrial uses that the site could

legitimately be used for. As recommended by the Environmental Health Manager conditions can be added to deal with hours of use and appropriate noise attenuation for mechanical plant.

The remaining issue is in respect of highways matters given that at present the application site has 41 car parking spaces on this part of the application site and this will reduce to 4 as part of the proposal. The previous permission for storage units on this part of the site has already established the principle of the loss of these parking spaces which were used in relation to the previous use on the site. It is evident that the parking area is significantly underused and the nature of storage use is that most visits to the site are of a transitory nature rather than requiring a longer parking presence. There still remains a large service area on the southern side of the site which has been used previously and would still allow for any additional informal parking should the need arise. In the absence of any objection from the Highways Authority, and also noting the central location of the site close to the town centre and railway station in any case, it is not considered that a refusal could be justified on highways grounds.

In conclusion, the site is an underused part of an existing employment site and this application offers an opportunity for the existing occupier to further rationalise their operations. The welcome amendments to the application will reduce the impact upon neighbouring properties and will enhance the landscaping and hence visual appearance of the site. Accordingly, it is recommended that permission be granted.

Recommendation

GRANT permission

Subject to Conditions:-

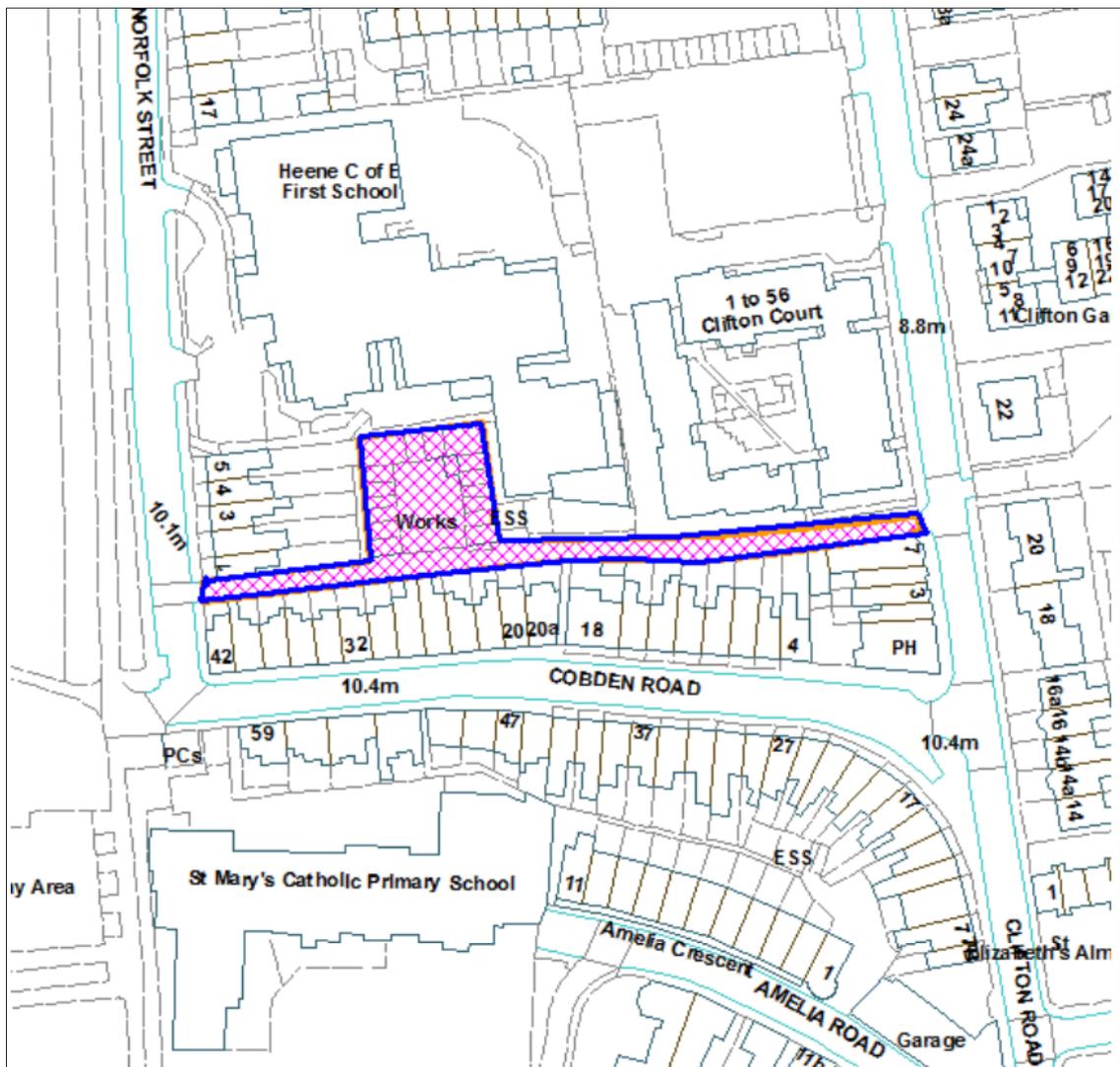
1. Approved Plans.
2. Full Permission.
3. Use of units limited to 7.00am to 10.00pm Monday to Friday, 7.00am and 7.00pm Saturday and 10.00am and 4.00pm Sunday and Bank Holiday
4. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted
Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.
5. Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.
If any fork lift trucks are to be used on site they should be electrically powered with a white noise reversing alarm.

6. Details of the proposed lighting scheme for the development shall be provided and approved by the planning authority before installation.
7. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the local planning authority for attenuating noise from the grilles/louvres serving the mechanical plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.
8. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
9. Submission of Air Mitigation Assessment.
10. 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.

11. Prior to the commencement of the development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service and installed prior to the first occupation of the building.
12. Approval of Materials.
13. Landscaping details to be submitted and approved on northern boundary.
14. No windows...northern elevation...

Application Number:	AWDM/0550/21	Recommendation - APPROVE
Site:	Garage Site South Of Heene C Of E Primary School Norfolk Street, Worthing	
Proposal:	Demolition of existing storage buildings. Construction of replacement building comprising 4no. one-bedroom flats and 2no. two-bedroom flats, bin and bike storage and associated landscaping.	
Applicant:	BR7 Ltd	Ward: Central
Agent:	Mr Huw James ECE Planning Ltd	
Case Officer:	Jackie Fox	



Not to Scale

Update

The application came before the Committee on the 25th August. The application was deferred:

'to further consider accessibility issues to the site with a view to upgrading the private track to ensure it is adequate to serve future users including wheelchair users.'

Since the deferral the applicants through their agents have provided a further supporting statement, served certificate D and placed an advertisement in the newspaper and provided a letter of intent to carry out work.

Officers have pursued advice from an appropriate access group.

The applicants and their agents have requested that the matter be brought back to the September committee.

Supporting Statement.

The full statement is attached below. It sets out that every effort to try and identify the owner of the access has been pursued and that the land would consist of private land. They will continue to try and identify the owner. They reiterate that the access road would only be used by pedestrians and cyclists associated with the development and would be car free and meets strategic objective 7 of the Core Strategy. They indicate that there are no planning requirements for wheelchair accessible housing, particularly on this scale of development. They confirm that the development would meet with building regulations M4(2) category 1 visitable dwellings standard . They point out that the access is currently well used by pedestrians and cyclists and WSCC highways have not raised any objections. Having taken legal advice they indicate that the owner of the land will ultimately be responsible for maintaining a safe route along the access road. They indicate that the applicant has already been carrying out informal maintenance to the existing access including clearing overgrown bushes. It is stated that to attach a grampian style planning condition to secure works to the access would not meet the relevant tests due the ownership of the land.

Certificate of Ownership

An amended certificate of ownership has been received (Certificate D) to indicate that the applicant does not own all the land to which the application relates and does not know the names and addresses of any of the owners. Certificate D requires the applicant to publish in a local newspaper.

The notice was published in the Worthing Herald on the 9th September. The notice will not expire until the 30th September. A decision cannot be made until after this date. The newspaper advertisement may involve further representations.

Letter of Intent

A letter of intent that indicates that the applicants would be willing to ensure that remedial repairs required due to the development would be carried out by applicants and the road surface improved to make access easier for all.

Access Group

Following discussion with the Head of Building Control, it has been established that there is not currently an access group in existence for Worthing that can look at the access track and advice from a disabled user.

Conclusion

Members should take on board this additional information and certification and whether it would provide further clarity and information to determine the application, taking on board the applicant's ownership rights, the letter of intent and whether the matter can be pursued further.

Any decision to be deferred to officers following the expiration of the publicity.

Introduction

Councillor Sally Smith has called in the application for consideration by the Committee.

Site and Surroundings

Norfolk Street Garages comprise a U-shaped group of buildings on a site located to the east of Norfolk Street, to the west of Clifton Road and north of properties off Cobden Road. To the north of the site is Heene Primary School.

The site is accessed via a private unmade road which links Norfolk Street and Clifton Road.

The buildings comprise two storey at either end of the U-shape with flat roof linked by single storey flat roof buildings. The buildings are partly rendered and partly boarded. The buildings are characterised by garage doors at ground floor facing into the site and windows at first floor. There is an external staircase to the side of the eastern two storey element giving access to part of the first floor.

Units 1, 2, 3, 4, 9 and 14 have historically been used as single lock-up garages. Units 5 -7 and 13 were used as workshops. Unit 8 as an office and unit 10, 11-12 and 15-16 were used for storage. The first floor units above 1-4 were in use as an office and store room.

The applicant's agent indicates that the buildings are in a poor state of repair.

The site is within a primarily residential area characterised by terraced housing and flats. Cobden Road immediately to the south is characterised at its western end by two and three storey terraced houses on the back edge of the pavement. The

properties to the south comprise terraced houses off Cobden Road, they have relatively short rear gardens which are enclosed by fence/wall along the boundary with the access road. Some of the properties have first floor outside space

On its western boundary the existing built form abuts directly with the rear access and gardens of 1 – 5 Norfolk Street. The existing buildings present a number of original wall openings at ground floor level on the boundary facing west.

On its northern boundary the site and existing built form abuts directly with a raised area of the School Campus grounds in the form of retained ground adjacent the site and next to a lower open activity area for the school.

The existing buildings present a number of original wall openings at ground floor level on the boundary facing north

On its eastern boundary the site and existing built form abuts directly with a raised area of the School Campus grounds in the form of ground retained adjacent the site by a lower-level classroom building towards the northern end of the boundary. A higher-level electrical substation enclosure and its hardstanding access onto the service road towards the southern end of the boundary.

Victoria Park lies just to the west with a large open public amenity space and children's play facility

Proposal

The application, which has been amended since originally submitted, proposes the demolition of the existing buildings and the erection of a replacement building comprising 4 one bedroom flats and 2 two bedroom flats. The one bedroom flats would be 50sqm and the two bedroom flats 70sqm.

The replacement building uses primarily the existing footprint and proposes a new building as the existing buildings are in a poor state of repair.

In terms of materials, the proposed building would incorporate a sandfaced yellow multi coloured stock, sandfaced grey multicoloured stock with dark grey smooth detail brick.

In terms of the roof and windows, the proposed building would consist of a grey single ply high performance PVC flat roof membrane and grey aluminium faced timber composite windows.

The new building would incorporate ventilating rooflights to maximise light and provide ventilation.

The Applicant has confirmed that they would be happy to offer a full sprinkler system for each residential unit.

There is no car parking on site. The scheme provides for covered cycle parking in a separate building in the centre of the site which would be wooden clad with a sedum roof.

There would be a central courtyard which all properties would face into enclosed with railing to the access road.

The bin stores would be located on the southern elevation adjacent to the access road.

BLOCK PLAN AND INDICATIVE VIEWS

DRAWING PREPARED FOR PLANNING APPLICATION PURPOSES ONLY
survey information not available for adjacent school grounds

ACCOMMODATION SCHEDULE
Responding to clients brief:
4 X 1 BEDROOM APARTMENTS - 50 SQM
2 X 2 BEDROOM APARTMENTS - 70 SQM

NC CAR PARKING PROVIDED
BIN STORAGE (fronting lane)
BKS STORAGE (in central location)

NOTES
RESTRICTED WIDTH ACCESS proposals subject to use of existing service road access for and requirements of utility and emergency services.
DOMESTIC SPRINKLER / MISTING SYSTEMS to be considered as part of the safety and protection measures for the scheme subject to requirements of the authority and building control.
GENERAL:
The site has restricted access for delivery of construction materials and plant to site and the proposed scheme would necessitate construction work on all surrounding boundaries with adjacent landowners including potential drainage works within the common service mast all of which will require a comprehensive and detailed utility management strategy to be adopted by the contractor.

AERIAL VIEW OF EXISTING BUILDING MASSING FROM SOUTH EAST - indicative only

AERIAL VIEW FROM SOUTH

High-level windows serving school activity / classroom areas

MOORCULA STREET

existing restricted width access

COBDEN ROAD

0 10 20 30 40 50 METRES

CRESCENT DESIGNS



Relevant Planning History

NOTICE/0007/19 - Application for permitted development for prior approval for change of use of storage units 1, 2, 3, 4, 9, 10, 11 and 12 (B 8 use class) to 2no. residential units - Prior Approval Required and Granted

NOTICE/0016/20 - Application for Prior Approval of Proposed Change of use of an Office (Use Class B1a) to form 1no. residential unit (Use Class C3) at first floor level - Prior Approval Required and Granted.

Consultations

West Sussex County Council:

Access and Visibility

No vehicular access is proposed for the replacement building. Access to the maintained highway network can be via existing accesses on Norfolk Street or Clifton Road, both unclassified roads subject to a speed restriction of 30 mph.

From inspection of local mapping, there are no apparent visibility issues with the existing points of access onto Norfolk Street or Clifton Road.

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 existing accesses are operating unsafely, or that the proposal would exacerbate an existing safety concern.

Servicing

The applicant should be aware that safe and suitable access for a fire appliance may need to be demonstrated in order to meet building regulations. The minimum width for sufficient access for fire appliances is 3.7m, although this can be reduced to 2.75m over short distances as long as the 3.7m can be provided within 45m of the property.

Additionally, Manual for Streets states that waste collection vehicles should be able to access within 25m of the bin storage point and that residents should not have to carry bins more than 30m where at all practical, although this is an amenity issue.

Whilst servicing arrangements are not strictly speaking a material planning consideration, the applicant is encouraged to consider servicing and emergency access arrangements at the planning stage.

Parking

The applicant proposes a nil car parking provision for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least six car parking spaces. Therefore, 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 prohibiting vehicles from parking in places that would be a

detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern. However, the LHA advises the LPA to consider the potential impacts of a small increase in on-street parking demand from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location.

The applicant has demonstrated a cycle parking store, with provision for ten cycles. Cycling is a viable option in the area and the inclusion of secure and covered cycle storage will help promote the use of sustainable transport methods.

Sustainability

The site is located in a sustainable location within walking/cycle distance of schools, shops and other amenities and services. The site is also well connected by public transport. Worthing Train Station is located approximately 600m northeast of the site. Regular bus connections can be caught from nearby roads also (A259 and A2031).

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 condition should be applied:

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.

Adur & Worthing Councils:

The ***Environmental Health*** officer

Public Health

I would recommend the precautionary contaminated land condition in case they have to break ground to lay drainage.

PSH may have something to say about the position of the first floor flat's bedrooms to the kitchen, with regards to means of escape in the event of a fire.

Private Sector Housing

The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only

means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

In this case, all the bedrooms in the southern flats are inner rooms. Whilst the hazard can be mitigated on the ground floor through the use of fire escape windows, the PSH team do not accept fire escape windows at first floor level as meeting the Housing Act 2004 and the layout does not appear to meet the basic requirements to allow the use of fire suppression.

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works

The **Waste Services** Officer (provided as a response to the agent)

After having seen the proposed plans and assessed the area along with the fact that each property will be issued their own set of bins this plan is acceptable to the waste and cleansing department.

Please note: The space allocated to housing/storing the bins may need to be enlarged slightly so as to fit the required number and size of bins per property.

Each flat will be issued: 1 x 140 litre refuse bin (1054mm H, 480mm W, 560mm D) & 1 x 240 litre recycling bin (1070mm H, 580mm W, 740mm D) so long as space allows the size of bins indicated this should be fine.

Also the residents will not be required to present the bins for collection, our crews will access and service the bins via Norfolk street. This is a change to the previous instruction. This is due to the limited space located at the entrance to the service road and would result in either blocking the service road with bins on collection day or has

the potential to upset existing residents in the location, having many bins out at one point for collection in front or near their property.

The Drainage Engineer

Original comments:

Flood risk- the proposed site lies within flood zone 1, and is not shown to be at risk from surface water flooding. We therefore have no objections to the proposals on flood risk grounds.

Surface water drainage- the application form indicates that it is proposed to discharge surface water to sewer. Infiltration must first be fully investigated. There are no surface water sewers in the immediate vicinity of this site, discharge to foul sewer is not acceptable. Given the relatively dense development proposals we wish to raise a holding objection. It must be evidenced that there is room for surface water drainage within the proposed layout. If this information is not provided prior to

determination it is likely that the layout proposals will unduly bias the design of surface water drainage and could result in flooding being increased elsewhere. We therefore wish to raise a holding objection.

Following discussion and submission of further information the following conditions and informative are suggested.

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

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

and the accompanying informative:

"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

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

Representations

- ❖ Cobden Road North Residents (15 signatures)
 - Loss of the courtyard turning point causing a safety impact on residents and general public
 - The private road is not suitable for development off of it
- ❖ Petition of 35 signatures stating that they object to the development on the grounds that it will impact detrimentally on an already overburdened parking and access situation.
- ❖ Heene Church Of England Primary School
 - Do not object but raise concerns about pupil safeguarding and potential disruption during construction to two classrooms and would wish to discuss this with the developer.
- ❖ 6 Cobden Road
 - The foundations and construction of the private road was not built for the weight or traffic existing or proposed.
 - Inadequate drainage
 - It is a private road/footpath for residents and service vehicles access only
 - The development would have no access or parking
 - The development would cause damage to the access road
 - Impact to residents during construction.
- ❖ 10 Cobden Road
 - Poor access to the proposed site, unlit and uneven
 - The refuse storage is over 40m from the main road contrary to the manual for street recommendations
 - overlooking of properties in Cobden Road
 - Lack of drainage connection
 - contamination
 - No access for fire engines
 - No provision for electric vehicles or charging
 - Encroachment of the alleyway
 - Loss of use of the alleyway, the alley is jointly owned by the freeholders on the north side of Cobden Road. The construction will disrupt residents.
 - The alley is unsuitable for large vehicles and damage will occur
 - Contrary to the NPPF para 127

❖ 12 Cobden Road

- The access road is not suitable for heavy vehicles for demolition, construction, emergency vehicles and household waste vehicles
- Impact on services under the track
- The development would overlook a school and near neighbours

❖ No address and Cobden Road resident

- The road is too narrow and old to take the traffic from the development
- Fire hazard
- contamination on the site
- Create parking problems

❖ 20A Cobden Road

- Impact on aging water, drainage and soil pipes
- Health and safety issues including asbestos, contaminated land and how emergency vehicles will access the site.
- Inadequate parking in the area.
- Increased traffic
- Loss of privacy
- Increased noise
- More suitable for commercial premises

❖ 24 Cobden Road

- overlooking of first floor windows
- increased noise on amenity space
- Asbestos on site
- flooding
- contamination
- public safety
- Loss of the turning circle
- poor access
- Overdevelopment
- No official right of way for the public
- Asbestos on the site
- The site floods
- Overlooking of the school

❖ 26 Cobden Road

- Inadequate parking
- The access not suitable for removal lorries, delivery vans etc
- Loss of important garages and storage units important to local residents and businesses
- The private road is not safe or adequate for the development with residential
- High level windows will impinge on privacy
- Encroachment onto a private road
- Increased noise from the 'u' shaped building

- Loss of privacy
- The private access road is not suitable for safe pedestrian access, cycle use or wheelchairs
- Inadequate refuse collection
- Inadequate for emergency vehicles particularly fire engines
- Contaminated land

❖ 28 Cobden Roa

- Inadequate access particularly for large vehicles
- private road which would get blocked
- Overlooking
- overdevelopment
- Local infrastructure is insufficient

❖ 32 Cobden Road

- Damage to boundary wall from vehicles required for the demolition and construction of the development
- The alley is too narrow for large vehicles and fire engines
- Potential for fire hazard
- Inadequate parking
- Noise, dust and inconvenience
- Need for small commercial units, that this site could provide

❖ 34 Cobden Road

- Lack of rainwater drainage
- Lack of parking
- Lack of easy access and turning for emergency vehicles
- Lack of privacy
- Damage to heritage walls
- Inadequate lighting
- Overstretched facilities

❖ 38 Cobden Road

- The lack of rainwater drainage,
- lack of available parking,
- Lack of easy access and turning for emergency vehicles and privacy and light for those properties that would be opposite
- sustainable infrastructure would mean that they would be better used for storage, garages and workshops

❖ 57 Cobden Road

- Insufficient parking for existing residents
- Pressure on parking

❖ 4 Norfolk Street

- Inadequate parking, particularly with the local schools
- Poor access
- Inadequate access for emergency vehicles
- The access is not suitable for large vehicles
- The access is in constant use as a right of access and should not be blocked
- No lighting along the access
- Loss of light from the first floor extension to 4-5 Norfolk Street
- The proposed building is not in keeping
- Overdeveloped poor quality housing

❖ 5a Clifton Road

- Narrow road, poor access
- Potential damage to property on the access road
- impact on the safety of residents
- Inadequate lighting leading to poor unsafe access for future residents
- How will the buildings be demolished and constructed without impact on residents
- Inadequate parking in the area

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): 3, 4, 7, 8, 16, 19

Worthing Local Plan (WBC 2003) (saved policies): RES7, RES9, H18, and TR9

Guide to Residential development SPD

Space Standards SPD

Worthing Community Infrastructure Levy (CIL)

National Planning Policy Framework (HCLG 2021)

National Planning Policy Guidance

Submission Draft Worthing Local Plan 2020-2036

SP1 (Presumption in Favour of Sustainable Development)

SP2 (Climate Change)

SP3 (Healthy Communities)

DM1 (Housing Mix)

DM2 (Density)

DM5 (Quality of the Built Environment)

DM16 (Sustainable Design)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

Policy context

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 as well as the emerging submission draft Worthing Local Plan.

Policy CS8 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 with new development outside of the town centre predominantly consisting of family housing.

National planning policy contained in the NPPF post-dates the adoption of the Core Strategy. Paragraph 10/11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means making plans which positively seek opportunities for objectively assessed housing needs, approving development proposals that accords with an up-to-date development plan without delay and where there are no relevant policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

It is acknowledged that in response to the requirements of the Framework and informed by local evidence a 5 year supply of housing in relation to Objectively Assessed Needs (OAN) cannot currently be demonstrated. A housing study has been undertaken to address this requirement and to inform the forthcoming Worthing Local Plan.

Within this context the proposed dwellings would make a contribution – albeit very small – to meeting housing needs in the Borough.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

The key considerations are the loss of the commercial site, effects on the character visual amenity of the area, the suitability of the dwellings, residential amenities for existing and proposed residents, access and car parking

Loss of the commercial site

Policy 4 of the Worthing Core Strategy (WCS) seeks to protect employment opportunities and seeks to resist the conversion or redevelopment of land currently in use or last used for employment purpose unless it can be satisfactorily

demonstrated that the site, or part of the site, is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period.

The applicant's agent has indicated that there is no employment use on the site. The units are partly vacant, used informally and temporarily as lock-up storage units. The use of the units helps to ensure that the site is secure from crime and vandalism. The units are not used as employment or commercial floorspace.

The principle of residential development has already been established and considered acceptable under NOTICE/0007/19 and NOTICE/0016/20. These applications established the principle for 3no. residential units across Units 1-4 (on the ground and first floors) and Units 9-12. The remaining floorspace of approximately 169.7sqm is currently occupied by Units 5-8, Unit 13 (currently vacant) and Units 15-16 which are all used as storage units or vacant.

The applicant's agent has indicated that the units are in a poor state of repair and poor, dilapidated condition and refurbishing or redeveloping the site for employment use would be greater than the return that could be anticipated (in line with Policy 4 of the WCS). The site in its current state would not be capable of accommodating an acceptable employment development.

It is agreed that these units are in a poor state of disrepair and have generally only been used for storage in recent years, the principal has been established for residential on the site. A more intensive commercial use of the site would be inappropriate with regards to location, access and residential amenity. Furthermore the site would provide for much needed housing. It is not therefore considered that the application could be refused on the loss of an employment site.

Density, character and appearance

The NPPF and policies within the Worthing Core Strategy attach great weight to sustainable development and that good design is a key aspect of sustainable development.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

The design is contemporary and seeks to reflect the former commercial use, footprint and scale of the existing buildings. The building is utilitarian with parapeted form with layered facing brick and detail providing a mews development with a central inward facing courtyard. The site is enclosed by railing to the access road and a covered cycle store sits centrally at the front. A private communal amenity space is provided in the courtyard.

The proposal is of a similar shape and form to the existing development and sits comfortably on the site with a similar relationship to the neighbouring uses.

Although concerns were raised by officers in relation to the cycle store which is relatively dominant on the frontage this has been amended and the use of materials and green roof would soften the form.

The existing gross internal area of the building equals 374.9sqm and the proposed building equals 381.04sqm. The net additional floorspace to be provided by the development is therefore 6.14sqm. The provision of 6 dwellings on a net site area of 0.0536 Ha provides a density of approximately 112 dwellings per hectare comparable with the density of the existing terraced housing and flats to the east of the site.

The proposed form and design of the development is considered appropriate for the location and the density is considered to be appropriate and the proposal would not be an overdevelopment of the site.

Residential amenity

Core Strategy policies 16 Built Environment and Design and Policy 8 Mix of Homes. Paragraph 7.13 refers to the adaptability enabled by Lifetime Homes and to the internal size and layout of homes which are both essential factors to consider if new homes are to be built to a standard which enables people to have a reasonable standard of living accommodation.

Future occupant amenity

The proposal involves partly two storey and partly single storey single aspect development it is therefore very important that the arrangement of development does not cause detrimental inter-looking between the properties and they have an acceptable level of privacy, light, safety and space.

The proposal involves one bedroom flats at 50sqm and two bedroom flats at 70sqm. The size complies with the National Space Standards. The minimum distance between the front of the properties is approx 11m, which is not dissimilar and greater than the distance between properties in Cobden Road. The development is 'u' shaped with the open aspect to the front south elevation. The development will provide a degree of natural light for all properties.

The layout indicates that all habitable rooms would have external windows looking over an amenity space. The Environmental Health officers have raised concerns that the bedrooms in the southern flats are inner rooms and that for escape purposes the layout does not appear to meet the requirements to allow the use of fire suppression particularly at first floor.

The concern of fire services reaching the site has also been raised by a number of residents in response to the neighbour consultation.

The applicants have taken on board the concerns of Environmental Health Officers and neighbours and sought independent advice regarding West Sussex Fire and Rescue Services requirements. WSFRS have indicated that with a full sprinkler system that units can be a maximum of 90m from an appliance. The applicant's agent has measured the furthest corner of the site (which is anticipated to be

ground floor, Unit 4) and this equals approximately 72m when measured from the kerb of Norfolk Street. This measurement would appear to comply with the guidance and details would be secured by Building Control. The Applicant have also confirmed that they would be willing to offer a full sprinkler system for each residential unit. This could be dealt with by condition.

With regards to open space the Space Standards SPD indicates that a minimum of 20sqm per flat should be provided. This would equate to 120sqm (6no. residential units x 20sqm). The applicant's agent has confirmed that 125sqm of communal amenity area would be provided within the central section of the site. The proposal would therefore be in accordance with The Space Standards SPD.

A number of local residents have raised concerns in relation to the access to the site along a private, unmade road with no lighting. It is acknowledged that this is not ideal for future residents however it is a material consideration that the principle of residential development has been accepted on the site from the conversion of many of the existing storage units. It is not therefore considered that the application could be refused on the basis that the access to the site is inappropriate.

Neighbour amenity

The 'Guide to Residential Development' SPD also provides guidance on siting and relationship of proposed development on neighbouring properties.

The proposed development is on a backland site with residential development to the south and west and a school to the north and partly to the east. The access would be to the rear and between properties on Cobden Road and Norfolk Street via a private access way which local residents have indicated is for residents who have rights over it only, although it is used for passage particularly for pedestrians between Norfolk Street and Clifton Road. There are properties which have frontage onto the track although the majority of properties off Cobden Road(north) side have a rear boundary and gardens facing the access road.

The proposed development would have no vehicle parking on site with future residents accessing the site on foot or by cycle. It is acknowledged that there will however also be the need for the proposed properties to be serviced by vehicles for potential drop off, and deliveries for the flats.

The proposed dwellings are primarily single aspect facing into the site with high level windows to the southern elevation to four of the flats.

Local residents have raised a number of concerns as highlighted above, these include additional impact, noise and disturbance from the new development as well as the use of the access track, overlooking, loss of privacy, contamination, flooding, encroachment onto the road. Access, turning and parking will be dealt with in the section below.

The proposed development would introduce 6 flats onto the site however this should be weighed up against the previous prior approval for residential on this site as well as any potential impacts from the existing uses on the site.

It is appreciated that the proposal has potential for increased activity for existing residents through access to the site and the servicing of the properties but as highlighted above the use for residential has been established, the proposed use would increase the number of units previously approved from 3 to 6 but this allowed for the retention of some of the storage and workshop space.

The use of the site also needs to be weighed up against the existing commercial use of the site, although a low key operation as existing, it has potential for a more intensive use which could have greater impact on surrounding residential properties.

It is considered that the current proposal would provide a scheme which improves the existing environment for existing and future residents with an appropriately designed building for the site.

In terms of direct impact on residential amenity the proposed development predominantly faces into the courtyard with the only external facing windows on the southern side which are high level. It is not considered that the proposal would cause direct detrimental overlooking taking into account the siting and distance from neighbouring properties. The proposed building would be on a similar footprint to the existing development and of a similar height. Although there is a slight increase in footprint at first floor, this is not considered to have a detrimental impact, loss of light or visual impact on neighbouring properties in Cobden Road and Norfolk Terrace or the school to the north. There is no indication that the proposal encroaches onto the access track and notice No 1 has not been served.

There are some residences which face onto the road and concern has been raised about safety and the potential damage to the existing wall on the southern boundary of the access road. As indicated above there would be no significant increase in use than has previously been permitted, it is not envisaged that the development would impact further on residents facing the access track or be more likely to cause damage to walls or other structures along the track.

Concerns raised in relation to contamination and drainage would be dealt with by condition.

Accessibility and parking

The site would be accessed from the unmade private track which runs between Norfolk Street and Clifton Road. The development would have no parking on site and there would be no turning or drop off. The site would have a covered cycle building.

Local residents have raised concerns about the loss of turning area, the suitability of the private access track for additional vehicles and particularly large vehicles and parking.

WSSC highways department has not raised any objection to the proposal, they indicate that existing accesses are operating safely and the proposal would not exacerbate an existing safety concern.

The turning area on the application site exists due to the nature of the existing development, it is not a formal turning area and its retention could not be insisted on in connection with the application.

The access track is in a poor condition and this is acknowledged and as indicated earlier is not ideal to serve the proposed residential development. The applicant is reluctant to agree to a grampian style condition requiring the track to be upgraded and relies on the fact that permission has already been granted for the conversion of the buildings to residential use under permitted developments without any road improvements. Whilst, the previous prior approval for residential conversion is a material consideration access was not a relevant consideration under this process. However, this planning application does require a wider analysis and Members have expressed concern about the adequacy of the access to meet the needs of all future occupants (including those less able). In the circumstances and given that the applicant has not been able to identify the owner, a condition requiring improvements prior to occupation does seem reasonable in the circumstances.

Unfortunately the Worthing and Access Mobility Group does not currently exist and therefore it has not been possible to seek guidance. However, national guidance on inclusive mobility is clear that,

Uneven surfaces, gaps between paving slabs etc whether within or outside buildings can cause problems for people using sticks and crutches, visually impaired cane users and wheelchair users. Joints between flags and pavers should not be less than 2mm and not more than 5mm wide. For pedestrian-only footways, flags can be laid with wider joints (6-10mm) filled with compacted mortar. Maximum deviation of the footway surface under a 1 metre straight edge should not exceed 3mm. New cobbled surfaces are unlikely to be appropriate and, even in historic environments, alternatives should be sought. See guidance on the acceptability of the current proposal.

Whilst, Part M of the Building Regulations also talks about level access for the disabled it often does not apply beyond the development site. However, the general guidance does say for all approach roads to dwellings should have appropriate surfacing.

Given the above guidance it is considered reasonable to require an upgrade to the surface of the existing track.

In terms of parking WSCC have not raised any concerns to the nil parking provision indicating that they can be accommodated on-street. They acknowledge that on-street parking is limited in the area but indicate that there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern.

The applicant has provided a cycle parking store for ten cycles. Cycling is a viable option in the area and the inclusion of secure and covered cycle storage will help promote the use of sustainable transport methods.

The site is in a sustainable location within walking distance of buses and the train station and is within close proximity of the town centre and other local facilities. It is not therefore considered that the application could be refused on lack of parking on site.

Sustainability

Policy 17 is concerned about Sustainable Construction and states that 'all new development will contribute to making Worthing a more sustainable place to live and work by reducing its contribution to carbon emissions and ensuring that the town is resilient to the local impacts of climate change'.

In terms of residential development, Policy 17 goes on to state that "All new residential development must achieve as a minimum the national/regional/local targets and standards for sustainable construction with a particular emphasis on water efficiency."

The applicant has indicated that sustainability has been fully considered in the preparation of the proposals.

Included in the proposal:

- Modern Methods of Construction
- Efficient low carbon energy sources
- Insulation and air changes designed to ensure space heating load will be reduced.
- A high level of air tightness
- Good natural lighting
- Low energy lighting more than building regulation requirements
- Appliances rated A or A+ for energy and water consumption
- The use of water efficient goods and fittings such as aerated taps and low flow showers.

However, the applicant has not provided any guidance on the use of renewable energy (a requirement of Part L of the Building Regulations from June next year) and additional information has been sought on the scope for green roofs to enhance biodiversity.

Recommendation

APPROVE

Subject to the expiry of the delegation period relating to the ownership certificate and subject to the following conditions :-

1. Approved Plans
2. Full permission
3. Submission of details of materials of the building, external areas and gates
4. cycle building provided
5. Construction method statement
6. Hours of construction work

7. Sprinkler system to be provided in accordance with standards
8. Surface water drainage details submitted
9. Maintenance of surface water drainage system
10. Submission of details of risks from contaminants on site
11. Refuse and waste facilities provided in accordance with the plans
12. Details of the landscaping of the communal amenity area and the green roof on the cycle store including maintenance.
13. Details of measures of sustainability including use of renewable energy
14. Prior to occupation of the dwellings hereby approved the access track serving the development shall be improved in accordance with details first submitted to and approved in writing with the LPA.

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Mr James Appleton
Development Management
Worthing Borough Council
Portland House
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West Sussex
BN11 1HS

08 September 2021 Dear Mr Appleton,
Ref: RH/Let/P1684

**Garage Site South of Heene C of E Primary School, Norfolk Street, Worthing.
Application Reference AWDM/0550/21.**

We are contacting you on behalf of the Applicant, **BR7 Ltd**, with regards to the application at Norfolk Street which was heard at Planning Committee on Wednesday 25 August 2021.

As you will be aware, the application was subject to significant debate by Committee Members and was subsequently deferred for the following reason, as set out within the Planning Committee minutes:

'Application DEFERRED to further consider accessibility issues to the site with a view to upgrading the private track to ensure it is adequate to serve future users including wheelchair users.'

We have prepared this letter, ahead of the deadline of Thursday 9 September 2021, to allow the application to be heard at the next Planning Committee meeting on 22 September 2021. Please see below our response to the reason for deferral which has been separated into relevant headlines.

Ownership of Access Road

We wish to reassure Members that every effort has been made to try and identify the Owner of the access lane, **prior to submission** of the application. Unfortunately, we, including the Applicant and their Solicitors, have been unsuccessful in trying to find the Owners of the lane.

A search of West Sussex Highway's maps was undertaken prior to submission which revealed that the lane is neither adopted or non-adopted and would therefore appear to consist of private land. Refer to Figure 1 for information.

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Figure 1 - West Sussex County Council Adopted Roads Map

In this regard, a review of Land Registry had been undertaken prior to submission which revealed that the lane did not have a Title Plan or Register covering the whole extent of the lane. Refer to Figure 2 for information.



Figure 2 - Land Registry (Source: Nimbus Maps, 2021)

It was noted that a sub-station is located to the east of the site and is owned by UK Power Networks who clearly need to use the lane to access the sub-station. The Applicants contacted UK Power Network who advised that they also do not own the lane and only owned the land highlighted in green as illustrated in Figure 3.



Figure 3 - UK Power Network Land Ownership

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The application has therefore been advertised in the Worthing Herald newspaper and www.worthingtoday.co.uk.

The Applicant and Solicitor have been continuing to find out who the landowner of the private lane is and will continue to do so post determination.

Access as a Material Consideration

It is important to note that for the purposes of this planning application, the access road would only be used by pedestrians/cyclists associated with the development and would not be used by cars as the scheme is car free and does not seek to accommodate any car parking.

The concerns of Members are understood but it must be recognised that this car free development meets most of the Core Strategy **Strategic Objective 7** key outcomes in that it reduces the proportion of car journeys and increases the proportion of journeys by more sustainable modes; locates new homes in a sustainable location, providing opportunities for pedestrians and cyclists and helps to improve local air quality. It is also clearly established that the site is almost derelict and that alternative uses such as light industrial are inappropriate in this location with no vehicular access and close to many other homes, and as such the proposals are inherently sustainable, making the most efficient use of land.

Strictly speaking, there are no planning policy requirements for wheelchair accessible housing, particularly on redevelopments of this scale. The development is however designed to building regulations M4(2) category 1 visitable dwellings standard which will deliver a safe and accessible environment within the units and exterior spaces. The units are not designed to wheelchair standards (such as M4(2) accessible and adaptable dwellings or M4(3) wheelchair user) as the practicalities are that there is no parking with this development which is less suitable for and elderly or less ambulant persons. Adaptable or wheelchair user standards would also have much greater internal (and conversely external) space and layout needs which again, are not considered appropriate for a tightly constrained, high density and bespoke development. The scheme responds to the constraints of the site and surroundings and may be more appropriate for more ambulant users but as mentioned, due to its location residents would be required to walk/cycle to and from the site rather than be reliant on a car.

The applicants have sought advice from their architect, transport consultant and solicitor in order to consider the access needs of all, including those less ambulant or elderly but currently face some constraints in making significant surface improvements to the track. It should be noted that WSCC Highways have also not raised any concerns. The access road is currently well used by pedestrians and cyclists who move to and from the site on a regular basis as shown by the photograph below taken at 9.20am on Tuesday 31 August.



Figure 4 - Photograph of Existing Lane

Notwithstanding the above and as previously set out within this letter, the Applicant is willing to upgrade the access lane where possible and has/is actively seeking confirmation as to the private owner of the lane.

Having taken legal advice on the matter it is relevant that the owner of the land will be ultimately responsible for maintaining a safe route, one that could be used by people with mobility needs, ensuring that the access is Disability Discrimination Act complaint although this is not strictly a planning matter.

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Informal Maintenance of the Existing Access

It is important to highlight that the Applicant has already been carrying out informal maintenance to the existing access including regular clearing of the overgrowth of bushes and trees to protect the continued access. The Applicant will continue to do this in managing the property and is local to the site. The Applicant is keen to deliver a high quality development and will be speaking at Planning Committee to emphasise their commitment to the scheme.

Conclusion

To conclude it would not be considered appropriate for the application to be refused on grounds of access when an existing access is already achieved to and from the site, and is regularly used by pedestrians, cycles and vehicles, as set out within this letter. The Applicant has and is actively seeking confirmation as to who the owner is of the access lane and will continue to do so in order to improve the access lane, if possible. To attach a Grampian style planning condition would not meet the relevant tests due to the ownership issue. We would therefore respectfully request that an Informative is attached to a decision notice to allow these conversations to continue to take place. The Applicant would have otherwise accepted a condition but as explained to Members during the last meeting, this would not be achievable or enforceable.

It has been demonstrated that the Applicant has a clear desire to maintain the access where achievable and will continue to do so through regular maintenance.

There is an additional matter of design that the applicants wish to address as there were some concerns raised by Members on this issue also. We must emphasise that alternative layouts were presented to the Planning Authority through pre-application discussions but were dismissed with Officers heavily favouring the current arrangement. The design is in form and scale very similar to the current buildings and through the courtyard design can respond to the site's constraints, particularly amenity and overlooking. The Applicant has also agreed to design amendments where requested by Planning Officers to create a building of the highest quality. The Applicant was therefore understandably concerned to hear the conflict on design matters between Members and Officers when a significant amount of work has been undertaken to result in the current designs which have been steered by Worthing's Planning Officers.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely
ECE Planning



Huw James MRTPI
Director

**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.