



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

**Planning Committee
15 December 2021**

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1459/21 Recommendation – Approve subject to a planning obligation and the receipt of comments from the HSE

Site: Land At Former Gas Works Site, Park Road, Worthing

Proposal: Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping

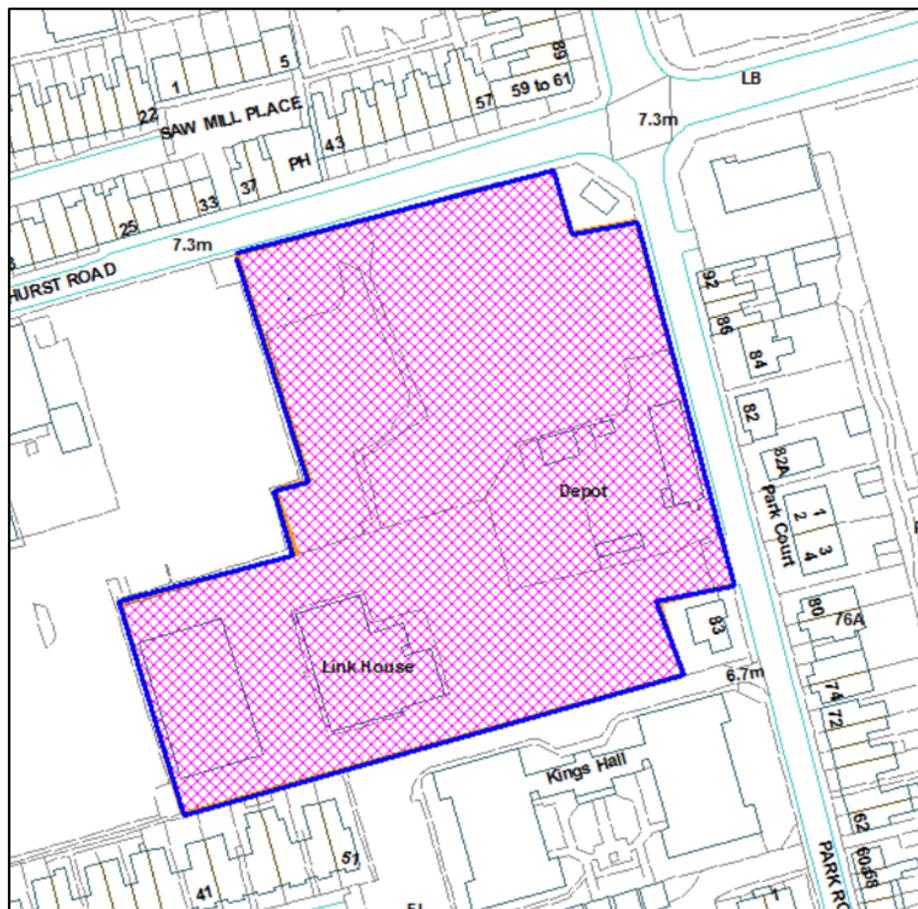
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Application Number: AWDM/1853/21 Recommendation – Approve

**Site: Land South Of Peony Grove And Thistle Spinney, Worthing,
West Sussex**

Proposal: Application for public service infrastructure project: Construction of a part one, part two storey school building to serve as a two form of entry primary school and nursery, with associated parking, landscaping and hard and soft play areas. Erection of associated boundary fencing up to 2.4m in height and formation of access and associated highway works

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Applicant:	St William Homes LLP	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	



Not to Scale

Site and Surroundings

The application site measures 1.1 hectares in size and is located on the corner of Lyndhurst Road and Park Road. The car park to the Waitrose supermarket adjoins the site immediately to the east of the site. The site has an irregular boundary with Waitrose car park with high palisade fencing dividing the two sites. A high brick wall extends from the Waitrose store along the entire site frontage and returns into Park Road. This wall drops down in height along the Park Road frontage and is topped with security fencing. The wall with piers and detailing is the surviving feature of the site's former quasi industrial past. A brick wall also extends along the southern boundary of the site. Vehicular access to the site is from Park Road.

The application site formed part of a larger gas works site which incorporated 3 large gas holders and associated buildings. Part of the former gas holder site was redeveloped for the food store and the largest gas holder remained on the site until it was demolished in 2012. A number of online google images still show the former gas holder in the corner of the site and its shape can be identified in the north east section of the site. Two large commercial buildings are located adjacent to the southern boundary of the site and were previously occupied by local charities. A smaller building adjacent to the entrance is used as a store & depot for Southern Gas Networks (SGN).

The character of the surrounding area is mixed which reflects its edge of town centre location. The large food store and car park provides a very open setting to the site from west where there are long views to the site from Union Place. Immediately to the north of the site fronting Lyndhurst Road are small-scale 19th century terrace housing with some similarly scaled modern infill terraced housing. To the east of the site Park Road is of a similar scale with generally two storey housing.

In contrast to the low scale of surrounding housing the hospital complex to the north east of the site provides large scale buildings set behind a large car park. In addition, some larger infill developments have introduced larger scale residential apartment blocks. Kings Hall to the south is a large three storey residential retirement block with a pitched roof. A similar 3 storey block fronts Park Road to the north of Lyndhurst Road.

Warwick Gardens Conservation Area lies to the south of the site (but excludes Kings Hall). The Conservation Area is a small area of Edwardian dwellings largely unspoilt and incorporating a number of typical architectural features of the period (ornamental brickwork and tiling, gables finials, bays and balconies. A terrace of 3 storey Edwardian properties, dropping down to two storey run along part of the southern boundary of the site. Park Road to the east and south east of the site is within an area of special environmental character under 'saved' Policy BE25 of the Worthing Local Plan (2003). Beyond Park Road is Beach House Park (an ornamental garden and bowling green). Little High Street and Francombe Road Conservation Areas are located further north and west of the site and Steyne Gardens Conservation Area is located to the south of the Warwick Gardens Conservation Area.

In terms of listed buildings, the nearest listed buildings are approximately 100 metres to the south west of the site, Nos 40-44 High Street (Grade II) and 135 metres to the south of the site there are the Warwick Place properties which are also Grade II. Further away but an important visual connection to the site is St Paul's a grade II* listed building providing an end of vista view along Union Place.

Proposal

The application proposes a total of 209 dwellings providing a mix of studio, 1, 2, and 3 bed apartments. The following table sets out the proposed mix.

Accommodation	Type Number of Units	% of Total Provision
Studio Apartment	10	5%
1 Bed Apartment	50	24%
2 Bed Apartment	141	67%
3 Bed Apartment	8	4%

The apartments are designed around a central courtyard amenity space with frontage blocks (3 storey) onto both road frontages with blocks increasing in scale and height towards the centre where there is a taller element of 7 stories. A separate 4 and 5 storey block is located in the section of the site that projects into the Waitrose car park



Site Layout and indicative landscaping plan.



Elevated view of the scheme looking south-east across the site.

Two access points are proposed to serve the development, one half way along Lyndhurst Road serving Building A undercroft parking and the principal access onto Park Road serving the main parking area for the development. In total 110 car parking spaces are provided with 40% having active electric vehicle charging points. This provision also incorporates space for an on-site car club (two spaces). The parking provision calculates at 0.53 spaces per dwelling. In addition, the scheme will provide for 205 no. cycle parking spaces.

Applicants Supporting Statements

This Application is supported by the following supporting documents:

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement (including verified views and Tall Buildings Statement)
- Viability Report
- Heritage Statement
- Archaeological Assessment

- Townscape Visual Impact Assessment
- Landscape, Masterplan and Strategy
- Biodiversity and Ecology Surveys and Report
- Air Quality Assessment
- Noise Assessment (and Overheating Assessment)
- Energy Statement
- Daylight, Sunlight and Overshadowing Assessment
- Flood Risk Assessment
- Transport Assessment and Travel Plan (including a Road Safety Audit)
- Wind Report

The **Planning Statement** reviews and summarises the key reports and the planning policy context and concludes that,

The proposal seeks to redevelop a former gasworks site to provide for much needed housing within a highly sustainable, town centre location. The development will make the best possible use of a sustainably located, town centre, brownfield site that is allocated for residential development within the Worthing Core Strategy 2011 and the Submission Draft Local Plan 2021.

The views expressed in this Statement and the contents of the application have been informed by extensive pre-application discussions with Worthing Borough Council and West Sussex County Council. The proposals have also been taken to two Design Review Panels, a Pre-Application presentation to the Major Project Board, and have been the subject of three rounds of public consultation.

The site is a disused brownfield site located within a highly sustainable town centre location where redevelopment for residential use is supported by emerging policy. The proposed development is considered to be acceptable in principle. The Council cannot demonstrate a five year housing land supply and is currently failing with regards to the Housing Delivery Test. In this respect the proposal will significantly assist with meeting local housing needs.

The proposal will provide for a mix of property sizes, focussing on smaller dwellings appropriate to the town centre location with provision included for family sized dwellings. The vast majority of properties are accessible and adaptable meeting M4(2) standards. The scheme has been designed to allow for mixed communities.

The scheme is of a high architectural quality, respectful of local character, townscape and heritage considerations. The proposal has been positively assessed by an independent Design Review Panel and the application has been assessed through a Heritage Statement and Townscape Visual Impact Assessment, both of which found minimal harm (and with regards to Townscape beneficial improvements). The minimal harm in heritage terms is considered to be outweighed by the significant benefits of the scheme as follows:

New Homes – 209 homes is a significant contribution towards local housing delivery in the context of an authority that is failing in this respect (only 54% of ‘required homes’ delivered over the past three years with regards to HDT).

Public Realm – significant improvements to the street scenes of both Park Road and Lyndhurst Road in ‘repairing’ the street. Improved pedestrian facilities and safeguarded land for cycling infrastructure. Permeability – access through what is currently a closed off site. The public realm within the site is considered to be of an exceptional quality.

Remediation of Contaminated Land Planning Statement

Development of a Sustainably Located Brownfield Site – this is attributed significant weight in the Framework as set out within this Statement.

Biodiversity Net Gain – the proposal will lead to a significant increase in biodiversity on site through new planting, brown roofs and other ecological enhancement measures. The biodiversity net gain is well in excess of the 10% target quoted in emerging policy.

High Quality Architecture – improving the quality of the built realm locally.

Sustainable Form of Development – the proposal is considered to be highly sustainable in terms of its location and energy strategy. The sustainable transport strategy seeks to prioritise active travel and reduce reliance on the private motor car. Economic Benefits – the proposal will have a number of economic benefits including:

- *Increased residential population within the town centre of Worthing, increasing footfall and spending in shops, restaurants and facilities within the town centre.*
- *The development would represent a significant investment in the economy. St William has had initial discussions with the Economic Development Team at Worthing Borough Council to discuss local employment opportunities.*
- *Regeneration of the local area improving the quality of the built form and public realm. This has a reputational benefit to the town of Worthing more generally and a local benefit in terms of developing an under-utilised and cut-off site.*
- *Enabling wider growth and regeneration of Worthing through increasing the supply of housing, which is essential to ensure the economic growth and vitality of an area.*
- *Providing a significant Community Infrastructure Levy payment to improve the local social, physical and environmental infrastructure of the local area.*

The proposal has been considered with regards to residential amenity, noise, daylight and sunlight and air quality. The proposal is considered to be acceptable in these terms.

A phase I Preliminary Risk Assessment (PRA) is included as part of this application. Given the assessment of the PRA, it is considered likely that further discussions regarding contamination will be required with the Council during the determination of the planning application.

With regards to ecology the scheme has been thoughtfully designed to ensure a significant biodiversity net gain on site through additional tree and hedge planting, brown roofs and bird and bat boxes amongst other features.

The proposal will lead to beneficial improvements from a highways and sustainable transport point of view through enhanced public realm and street scene improvements alongside greater permeability through what is currently a closed off site. The proposal will allow for a modal shift towards more sustainable forms of travel providing for cycle storage, EVCPs and car clubs. The proposal has been fully considered from a highways point of view and is considered to be appropriate.

In all other respects the proposal is considered to be acceptable and we respectfully request that planning permission is granted

The **Design and Access Statement** (DAS) reviews the evolution of the design and how pre-application discussions with your Officers, the Coastal Design Panel and public consultation has shaped the final scheme.

The DAS sets out the early site analysis, looking at the history of the site and different building forms and architectural styles within the town. The following extract explains how the sites location and past uses have informed the design process,

Throughout its past, the gasworks has had a collection of buildings whose scale and form has been very different from those around it. There were gasholders, retort houses and ancillary buildings each with a distinctive character. The largest structures were amongst the tallest buildings in Worthing and will have been a highly visible and recognisable landmark for the last century.

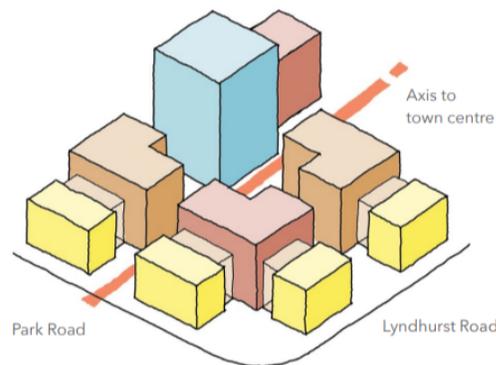
As the final gasholder was only demolished in 2019 it will still feature in the collective memory. In contrast, the buildings around the site are low rise and residential. Beyond them is the hospital, Waitrose, and also larger buildings further along Lyndhurst Road, but nevertheless, the design of the new development can facilitate the transition from narrow streets of two and three storeys to the scale and urban grain of the town centre.

The DAS explains that the scheme has developed around the use of three different building typologies:

Street Frontage - *The edges of the site facing Lyndhurst Road and Park Road are opportunities to repair the streetscape by creating new active frontages with buildings which reflect the existing scale and character. These domestic scale buildings are the first typology.*

Enclosing Blocks - Further back from the streets, the roofline can rise one or two storeys in buildings with more of a town centre character. This group of intermediate scale buildings is opened up to create gateways or thresholds to the central garden square. Two slightly different architectural characters are used, alternating by block, to help increase variety when seen from a distance.

Taller Element - On the corner of the square furthest from the streets is a taller element which makes a visual connection to nearby Union Place and the town centre and acts as a nodal way-finding point. The extra height helps articulate the roofscape of the development.



In terms of the varying scale of the proposed development to some of the neighbouring developments and the palette of materials proposed for the development the DAS comments that,

The principle of using a juxtaposition of different scales and character has precedent in the town centre where the larger buildings from Worthing's growth as a seaside town sit adjacent to smaller, older buildings and houses.

Many buildings use a combination of brickwork, often red, with white elements. Traditionally, these have been the distinctive bay windows, but many more modern buildings use white painted timber or rendered elements. The design for the site draws on all of these features of Worthing's architecture.

The scheme has been the subject of two Coastal Design Panel Reviews and 3 public consultation events and the DAS sets out a summary of how the scheme has been amended to take into account comments received:

The design has changed in the following ways in response to feedback from the consultations with Council Officers, the Design Review Panel and local residents.

- Replacement of the large square block in the north east of the site with a lower more articulated block.
- An increase in the size of the central garden square.
- Pitched roofs to the street front buildings on Park Road.

- A difference in the architectural language for the street frontage buildings on Park Road and on Lyndhurst Road.
- An improvement of the link between the street frontage buildings and the larger buildings behind.
- Accentuating the corner of Lyndhurst Road and Park Road.
- Removal of as much undercroft parking as possible to avoid inactive frontage.
- Reduction in the scale of the square on Park Road.
- Reduction of the height of the tallest building.
- Greater articulation to the top storeys of the tallest building.

In terms of the architectural form and detailing of the scheme the DAS provides an analysis of each element.

Park Road

Park Road is a traditional narrow street with great character. It has an appealing mixture of house types and materials.

Some of the buildings are three storeys and set back from the street behind a garden wall. Others are pretty two storey terraced cottages. The southern part of the street is in a Conservation Area.

The new buildings here are designed to reflect and contribute to the character of the street. They are three storeys high but with the top storey set into a sloping roof. The first two floors are maisonettes - three per block - each with a front door facing the street. This gives the buildings the rhythm and feel of houses.

The top storey contains two flats in each block which are accessed by stairs from a front door on the small squares next to the street.

Street Frontages Lyndhurst Road

Lyndhurst Road is also a relatively narrow street lined with attractive terraced cottages. However, unlike Park Road, it is a principal



Houses in Park Road



Projecting window in Worthing



Bay windows opposite the site



Gable window



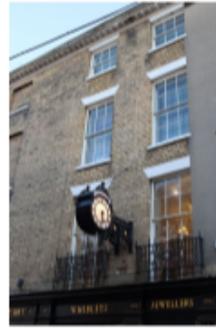
Park Road looking north



Lyndhurst Road looking towards the entrance

thoroughfare forming one of two main routes from the east to the town centre. The design responds to this different character with simpler buildings.

They are derived from Worthing's simple Georgian terraces with a clear base and flat brick parapet. The windows are tall and their verticality is enhanced with brick on edge heads and cills. The storeys are expressed with horizontal string courses of light coloured masonry



Georgian building in Worthing



Bay window in Worthing



Flint wall with hedge above



Houses in neighbouring street

Taller Element: Building B

Taller Element: Building B The single tall building occupying the central part of the site has been the subject of a great deal of consultation. Its design has responded to feedback from Council Officers, Design Panels, local residents and Councillors in determining the height and design.

The proposal of seven storeys achieves a balance between the advantages of a taller building - which appears more slender and functions better as a landmark - and the benefits of a lower building - which is sensitive in scale to the surrounding heritage.

The building is dramatically articulated by using a brick facade which is progressively cut back as the building rises. The symmetry of the form and the expression of the open structure at the corners is designed to soften the building and enliven the skyline when seen from a distance.



The other detailed technical reports are referred to in the Planning Assessment section of the report.

Relevant Planning History

EIA OPINION/0006/20 - Land At Former Gasworks Site Park Road Worthing West Sussex - Environmental Impact Assessment (EIA) Screening Opinion in relation to residential development at the former Gasworks Site for up to 250 residential units (potentially including a building of up to 10 storeys) – EIA not required – 18th December 2020 (please refer to Appendix A).

WDM/1949/16 - Southern Gas Networks Park Road Worthing West Sussex - Prior Notification of proposed demolition gasholder and associated structures at former gasworks – Application Permitted – 8 th February 2017

AWDM/1013/12 - Southern Gas Networks Park Road Worthing West Sussex - Replacement district pressure reduction station within a new GRP building in a new location on the site – approved – 4 th October 2012

Consultations

West Sussex County Council - Highways Authority - Comment / further information requested

The site is located close to the town centre and its range of bus and rail services.

Traffic surveys in October 2020 and a TRICS assessment predict that the development would generate 56 AM peak and 50 PM peak two way vehicular trips, which is a net reduction of 14 AM peak and 8 PM peak. As such the development would not require wider modelling or result in a severe impact on the local highway network. Junction modelling for Park Road / Lyndhurst Road, using pre-covid data shows that this would work well within capacity.

The proposed car parking ratio of 0.53 space per unit and 205 secure cycle parking spaces (96 in excess of standards) is considered acceptable given the sustainable location of the application site and parking ratios provided at nearby sites including Teville Gate and Union Place. Whilst the Transport Assessment (TA) proposes that future residents could be restricted from applying for residential parking permits in Controlled Parking Zones (CPZs), this should be highlighted via a planning informative. A car parking management strategy should also be provided to detail how parking provision would be managed.

Two car club bays are proposed, clarification is needed that this includes two vehicles . The 40% of live Electric Vehicle (EV) spaces, with the remainder being passive, is in excess of WSCC standards.

The existing Park Road access would be relocated 5.6m northwards which would increase the achievable visibility splays from 2.4 x 16m to 23m and to 2m x 33m. The proposed Lyndhurst Road access would have visibility splays of 2.4m x 43m are to be provided. Service access to the gas governor land would have a visibility splay of 2.4m x 6.7m or 2m x 10m (with a 1m offset can be provided). Whilst substandard the access would be only used occasionally and vehicles could emerge with extreme care.

Vehicle tracking has been provided for refuse vehicles, fire tenders and 10m rigid HGV for the two main site access and are acceptable. Tracking for a 4.6t Van has been provided for the gas governor access and shows a vehicle access/egress in a forward gear.

The proposal includes widening the footways along the Park Road and Lyndhurst Road frontages to 1.8m, and an additional 1.8m along Lyndhurst Road to be safeguard for future cycle route proposals. The site should also identify any off site improvements such as dropped kerbs/tactiles that would benefit future residents in accessing local facilities, further information is requested

Seven issues are identified in the applicant's safety audit which the Highway Authority is currently considering including: whether loss / shortening of one or two on-street parking bays in Park Road is required for visibility reasons; whether visibility to the gas governor service access can be improved by lowering its boundary wall; whether signage / road markings at the Lyndhurst Road access and geometry changes are needed to the Park Road access for reasons of vehicle maneuvering & visibility and whether pedestrian demarcation is required within proposed shared surface areas.

Travel Plan amendments are requested, including: trip rate targets - a 15% reduction should be explicit; trip surveys to be included in years 1, 3 & 5, with questionnaires in intervening years; the final Travel Plan and Travel Packs to be submitted and approved including provision for travel vouchers and promotion of bus travel information and car sharing.

West Sussex County Council Planning - Awaited

Adur & Worthing Councils:

Environmental Health Private Sector Housing - comment

Although a definitive statement of the sizes of the flats is needed, the internal layouts appear generally satisfactory. In terms of space standards, these meet requirements for the number of bedrooms but are below those for the number of occupants

i.e. sample of one bedroom flats of 45sqm are above the required 39sqm for one person but less than 50sqm for two person; two bedroom flats of 63sqm are above the required 61sqm for three persons but less than 70sqm for four person; the three bedroom six person flats (top floor Block B) are 85sq.m, below the 95sq.m standard.

Environmental Health Officer, Public Health - comments

Noise: Satisfied with the proposed noise mitigation and overheating strategy,

Contamination & Remediation: The Phase 1 Risk Assessment submitted with the application has been reviewed. Due to the historic use of the site a number of pollutant linkages have been identified and intrusive investigation has been recommended. It is understood that further site investigations have been undertaken but these reports have not been provided. Meetings have taken place with the applicant's consultants and agents concerning contamination and remediation, the monitoring and management of

chemical odours and vapours and the matter of communication with the public, the importance of which is stressed before and during works.

A Non-Technical Summary Note has also been provided setting out the background to the site, a summary of the investigations completed to date, a risk assessment, remediation options appraisal and Outline Remediation Strategy. The Note also provides a generic consideration of odour and air quality. However, without sight of the full reports, plans and strategies further comments can not be made.

Planning conditions covering the following are recommended:

- A land remediation scheme to be approved, including liaison with the Environment Agency, prior to commencement of the development. Its stages are: a preliminary risk assessment to model risks; this to be followed by site investigation to produce a detailed assessment. A Remediation Method Statement (RMS) then to be submitted for approval, detailing methods and their implementation, the management of materials and strategies detailed separately within an Odour Management Plan.
- A verification plan to be included in the RMS with details of data to be collected to demonstrate effective remediation, plus any longer-term monitoring and contingency action if necessary. Following remediation works a verification report is to be submitted for approval including any requirements for longer-term monitoring, maintenance and any required contingency action.
- An Odour Management Plan to be approved prior to any works to include: a risk assessment identifying potential sources of vapours and odour and how these may be released; arrangements for monitoring by an independent consultant in relation to residential and commercial neighbours; suitable and efficient means of monitoring and suppressing vapours and odours. This may involve use of suppressants, deodorising agents and/or containment or fully enclosed system of remediation.
- A further Precautionary Condition should be used so that any contaminants not previously identified, which are found during development works are remediated. IN this event no further development should take place (unless otherwise agreed in writing with the Local Planning Authority) until it has been investigated by the developer and a further method statement for dealing with it is agreed with the Local Planning Authority and implemented. The developer must also report whether or not any no such contamination is identified during the development.
- A Communications Strategy to be approved prior to any works or remediation. This will set out measures to communicate with people in the local area during site clearance, remediation and construction phases of the development.
- A Construction Management Plan (CMP) to be agreed prior to any works. This is to include management of traffic; noise; notification to neighbours prior to and

during works; site hoardings; dust control, including management of vehicles transporting contaminated waste (wheel washing and covering of loads (and maintenance of a complaints register.

[Planning Officer comment: The following would also be included in a CMP: location of site cabin & storage compound; use of banksman to manage vehicle deliveries / departures; lighting – including control of light spill; site hoarding to include out of hours contact information also images of the development]

Borough Drainage Engineer – Holding objection

Proposed drainage strategy should not be included in a planning approval as greater on-site surface water attenuation (storage) may be possible. A green-field surface water target rate would be a reasonable under planning policies rather than the rate proposed in the application. Information is needed to explain the applicant's assertion that permeable pavements incur unreasonable costs due to the amount of excavation/removal of existing material which would be involved.

Surface features such as swales should also be included, which provide multiple benefits, including amenity and biodiversity along with use of blue/green roofs which are not included.

Full winter groundwater monitoring will be required to inform storage tank design.

No objection on flood-risk grounds.

In the event of planning permission, conditions should require the following:

- Submission of a surface water drainage scheme, including ground-water data, which should follow the hierarchy of preference for different types of [sustainable] surface water drainage disposal systems. This to be implemented before occupation of dwelling and maintained thereafter.
- Full details of the maintenance and management including details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.
- Provision of as-built drawings of the implemented scheme and verification by independent engineer

Borough Parking Services - comment

Site is situated within a Controlled Parking Zone (CPZ), Zone C. The waiting list as of August 2021 is: 1 customer waiting to be issued with a first permit and 58 customers waiting for a 2nd permit. The recently introduced car club currently at High Street surface car park is worth any potential residents signing up to.

Borough Economy and Skills Officer - Comment

Following a meeting with the Employment and Skills Coordinator for St William, have agreed to work together on measures noted in the below with additional focus on events such as 'Meet the Buyer' and with regards to looking at construction jobs of the future. Key Performance Indicators are to be agreed. Where possible we will prioritise local residents, businesses, stakeholders and partners but again may need to take a flexible approach, based on where funding is available.

- Prioritising local suppliers for services such as welfare, catering, cleaning etc;
- Career events with local community and schools,
- Industry placements (possibly in connection with a local technical college);
- Graduate placements;
- Apprenticeships and
- Prioritising employment opportunities for local people during the construction phase

West Sussex County Council – Lead Local Flood Authority - comments

Low flood risk, including risk from surface water but check for any surface water flow paths across the site, if so these should be maintained. Mapping data indicates a high risk from groundwater flooding although this modelled data should not be taken as meaning that the site will/will not suffer groundwater flooding.

In line with many policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through green/blue roofs, rain gardens, permeable paving, swales, landscaping or bioretention systems prior to disposal to reduce peak flows. We support the Borough Drainage Engineers' comments regarding the justification of not using permeable paving and blue/green roofs as part of the proposed drainage strategy.

Environment Agency - Comments

The former gas works use is regarded as highly contaminating. The risk of impacts on the below-ground principal chalk aquifer and nearby marine waters must be managed. It would be helpful if details of deskwork and limited site-based investigations were submitted in order that any potential issues can be considered and commented upon as appropriate. Steps which would be required by planning conditions, including:

- provision of a site investigation scheme based on a preliminary risk assessment to be provided and approved before commencement of development, together with remediation options and detailed remediation measures

- Works to be verified when completed to ensure that the site poses no further risk to human health
- Include requirements for remediation of any unforeseen contamination.
- Methods for any piling and for decommissioning boreholes also to be submitted and approved in order to safeguard groundwater.

Southern Water - comment

Investigations indicate that Southern Water can facilitate the proposed foul sewerage drainage. A separate application to be made for connection; an informative should be attached to any planning permission. Surface water drainage should not exceed current flows. Sustainable drainage features must be maintained in perpetuity to avoid flooding of surface water systems and inundation of foul drains. A lifetime management plan and details of responsibilities should be obtained.

Southern Gas Network - Awaited

Historic England: - comment

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Health & Safety Executive - Awaited

National Highways (formerly known as Highways England) comment as follows,

No objection is raised to this application on the basis that the proposals will generate minimal additional traffic on the strategic network in peak hours and will not materially affect the safety, reliability and / or operation of the network.

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

Standing advice should be used to assess impacts on any protected species. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal. This advice does not imply that there are no impacts on the natural environment.

NHS, Sussex Clinical Commissioning Group - Awaited

Sussex Police - comment

Section 17 of the Crime & Disorder Act 1998 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.

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered. Developments over 25 apartments can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building.

- It will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only and to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation).
- Communal parking must be within view of an active room within the property.
- External cycle shelters must be lit at night using vandal resistant, light fittings and energy efficient LED lights and use appropriate frames for locking-to. Bin stores should also be secure but locks designed to avoid accidental locking-in.
- Postal arrangements should be through the wall or externally mounted secure post boxes rather than letter apertures within the apartment's front doors, which risk lock manipulation, fishing and arson attack
- Ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.
- Lighting throughout the development will be of importance and should conform to relevant BS recommendations

West Sussex Fire and Rescue Service - Recommends a planning condition and informative.

Location and installation of fire hydrants to be approved if required following Building Regulations's assessment, to ensure adequate water supply.

South Downs National Park - Comment

This site is approximately 2.2Km from the closest part of the National Park but regard should be given to its statutory purposes and duties of conserve and enhance the natural beauty, wildlife and cultural heritage; promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park and fostering the social and economic wellbeing of the local communities

Views of the site include from the public footpath leading from Downland Business Park to Lambleys Lane. More distant views are also possible from higher ground. It is difficult to give a definitive conclusion with regard to potential impacts upon the setting of the Park as these are not shown in the submitted Townscape and Visual Impact Appraisal, for instance, how proposed buildings interact with views of the sea and sky. It is

acknowledged that the design has been amended through the course of pre-application discussions including reducing the height of the proposed taller buildings, with the tallest (7 storeys) articulated through the stepping back of the top storey and cutting away of corners.

Disappointed at the lack of affordable housing provision given the limited development opportunities within the Park and around Worthing, Viability should be robustly assessed therefore.

The National Park is a designated International Dark Sky Reserve. Development should limit the impact of light pollution on intrinsically dark landscapes (NPPF 2021 para 185) Sensitive lighting is recommended which tries to achieve zero upwards light spill (refer to Institute of Lighting Professionals for lighting in environmental zones).

Representations

109 no. responses received: 2 in support/comment and 109 objections.

Supporting letters include the Adur Worthing Business Partnership (AWBP). Objections include the Worthing Society, Brighton Society, Gasworks Communities United and AGHAST (Action on Gasworks Housing Affordability, Safety and Transparency).

Objections comprise 35 individual letters, (including the above groups) and 74 standard letters one of which is also presented as petition from 8 residents of Kings Hall, adjoining the site.

Support/comment:

Adur Worthing Business Partnership supports the application.

The adjoining neighbour at 82A Park Road comments as follows:

- Welcome brownfield redevelopment
- Setting of our home is shown largely as open/leisure land
- Designs are promising but refinement is vital
- Overlooking towards rear garden - Please clarify whether rear garden will be overlooked
- Concern at impact of four storey buildings and tower upon light to rear of house and impact on outlook towards town.
- Access to large development in narrow Park Road will increase congestion and impact on living standards due to exposure to traffic. Family homes rather than flats would limit these impacts and noise.

Objections

Worthing Society

Not opposed in principle but object to scale, mass, impact on character and overdevelopment.

Area is predominantly low rise with nearby listed buildings and Conservation Area; development is significantly harmful on these, also upon historic interest of Beach House Park, contrary to heritage & design policies to enhance and integrate. Seven storey building widely visible with bland façade. Intermediate height buildings appear congested and flat roofs incongruous, roofs should be pitched. However, cottage-style buildings in Park Road are welcome scale, design & materials.

Scale of Union Place outline redevelopment is referenced by applicant but is overambitious and appears to have stalled. Intrinsic character of Worthing is at stake.

Demolished gas holder was over-dominant & oppressive, it should not be used as a basis for proposed scale and mass. Maximum height should be reduced to maximum 4-5 storeys. Proposals relate poorly to smaller, neighbouring Victorian dwellings and increase the sense of enclosure.

Density of 209 dwellings/ha is one third greater than the draft local plan figure of 150/ha and led to adverse appearance and impact.

The Local Plan is under consideration by the Local Plan Inspector and the scheme should be tested against its policies.

Lack of affordable housing due to remediation costs is worrying. Shared ownership or 'Help To Buy' options should be offered instead.

Inadequate parking (1 space/dwelling) indicates overdevelopment. Loss of NHS parking will increase pressure on the Controlled Parking Zone (CPZ). Despite proposed lease prohibition of off-site CPZ parking permits and proximity to town centre residents may well still own cars, especially as popularity of electric cars increases.

Timing and method of safe chemical remediation is needed given nearby residents and the hospital. The Society requests a public forum for this.

Applicant's earlier public engagement is appreciated.

The Brighton Society

- Support principle on brownfield site
- Effect on adjacent Heritage Assets in terms of scale, massing, and character.
- What will be the contamination risks resulting from excavations over the polluted ground below the former Gasworks?
- Is this the sort of development the local community would support?

- Will it provide the right sort of housing, in particular will it be affordable?
- Does it create attractive external spaces for residents to enjoy?
- What precedents will the development create and will it lead to a proliferation of further applications for tall buildings in Worthing?

AGHAST (Action on Gasworks Housing Affordability, Safety and Transparency):

Former gas site remediation's pose complex problems. Sites produced several by-products (e.g. creosote, tar-pitch, fertilizers, sludge & other gases) and asbestos was used in buildings. Impacts are not fully studied.

Example of Southall remediation in 2018 and associated reports of gas and odours, with involvement of the Environment Agency; also press report of health concerns and formation of an All Party Parliamentary Group on gasworks development.

Preliminary risk assessment of the site lists health risk issues regarding including risks of inhalation of fibres and gasses. It recommends ground investigation for further assessment.

If too contaminated for development, sites can be left or capped over for other purposes such as parking and light industry

Gasworks Communities United:

Endorse objection by AGHAST. In its experience no guaranteed way to remediate safely – risk of toxic dust and air and long duration (10-15 years to complete). Refers to Berkeley Group developmental Ealing and appointment of independent air quality monitoring and legal advice concerning odour nuisance abatement.

Standard Letter (first type 61no)

- Support principle
- Scale mass and overdevelopment, not mindful of low rise character of area and heritage.
- Heights of 18.3 – 33.2m are much taller than surrounding 15.7 – 17.5
- Insufficient parking (ratio 0.53), increasing pressure on CPZ 10-58 people waiting 1st/2nd permits
- Traffic impact and unrepresentative TA, carried out during lockdown. Traffic congestion includes hospital and school traffic.
- No cycle path
- Poor quality housing, some flats do not meet space standards
- No affordable homes or community benefits.
- Internal square will face Waitrose Car Park and is not a deliverable public place/route.
- Contamination – desk based study only. Does this give robust understanding of health risks of remediation especially to existing homes in proximity?

Standard Letter (second type 13no)

- As standard letter 1, plus the following:
- High number of objections (46) to local plan allocation, therefore little weight to be attached.
- Proposed 209 units is much higher than indicative density of 150/ha, which increased from previous 80/ha
- The Design Panel acknowledged that the site could not support more than 200 units.
- Union Place should not form a precedent for high buildings. Contrary to tall buildings SPD. Tower should reduce to five storeys
- No positive contribution to character or heritage, contrary to policy. Flat roof buildings out of keeping
- Will not improve pedestrian connectivity, due to fences at Waitrose and proposed gates to the site.
- Waitrose unlikely to vacate/redevelop given their recently constructed e-commerce building
- Disproportionate amount of 1-2 bed homes
- Car Club of two vehicles will not offset inadequate parking
- No Highway or cycle improvements
- Impacts on Warwick Gardens Conservation Area not offset by benefits; impacts from Lyndhurst Road, Sawmill Place and Providence Terrace not considered.
- Noise – assessment of existing situation during Covid is not representative
- Viability indicates only contributions to transport, off-site sports and open space. Council should include s106 viability review clauses.
- Not all impacted neighbours have been notified

Other points in individual objection letters

Highways & Movement

- Additional traffic and congestion with access in Lyndhurst Road
- Pavement widening in Lyndhurst road to 1.8m reverting to 1.2m is too narrow.
- Missed opportunity to provide a wide, safe footpath to Lyndhurst Road and a safe crossing to mitigate fast traffic. Route is important access to town centre
- Accesses to Lyndhurst Road with low visibility will increase congestion and risk of accidents
- Park Road is a one way street – people sometimes go the wrong way – increased hazard
- Insufficient parking will increase off-site parking pressure, especially outside restricted parking hours (Sunday/bank holidays). Residents will park in streets further away
- Loss of hospital parking
- Will on-street parking bays be lost to achieve visibility?
- Where is on-site turning to manage deliveries & services from Lyndhurst Road.
- How are adjacent roads and infrastructure to be improved?

- Cyclists cannot go south along one-way Park Road, Lyndhurst Road is not a safe alternative route.
- Increased traffic requires upgraded public transport
- Does not increase connectivity to town centre and seafront
- Parking: EV charging spaces and visitor spaces not marked

Design, Appearance, Heritage

- Compact development with limited space is oppressive - will present a housing wall and barrier, detrimental to community cohesion
- Distances between proposed blocks too small and not dimensioned.
- Lack of historic reference and sense of place, including choice of materials.
- Insensitive choices should be avoided given the loss of older buildings in the 1960s.
- Scale and massing out of keeping and will impact on Warwick Gardens and Steyne Gardens Conservation Areas. Cumulative impact with Union Place is harmful
- Visualisations needed directly, not obliquely from Park Road and Lyndhurst Road.
- Visible from South Downs
- Flat roofs unsightly
- Awkward architectural junction between 3 storey flats and blocks D & E
- Does not meet M4 (2) space standards for accessible homes
- Very few dual aspect flats and reliance on mechanical ventilation does this comply with NPPF?
- What are internal room heights?
- Daylight to proposed homes 39 rooms/7% of homes do not meet (Building Research Establishment) criteria
- Extent of balconies and gardens lower than Space Standards SPD.
- Flat roofs not used for outdoor space
- Communal bin stores fronting Park Road risk odour and unsightly bins
- Detailed schedule of accommodation not submitted.
- Is this for sale, rent or Council's homeless?

Neighbouring Amenities

- Loss of privacy to neighbours opposite
- Loss of neighbouring light substantially during autumn-winter afternoons
- 110 approx. extra vehicles, affecting road safety, and with noise and pollution
- Vehicular noise, disturbance and headlights passing 83 Park Road with inadequate boundary improvement
- Noise, vibration and pollution from HGVs and plant during construction and traffic impacts, would be reduced if lesser development
- More than 10 properties affected by daylight loss, lower buildings would reduce this impact
- NB Kings Hall flats not Kings Mews as shown in planning application
- Loss of light and associated impact on mental health

- Impact of noise from new and tall homes
- Impact on privacy – overlooking from multiple homes
- Noise effect from new Waitrose extension (loading and unloading), not considered.
- Noise levels to proposed balconies at Lyndhurst Road unacceptable.

Remediation & Air Quality

- Air quality does not consider the effects of decontamination works. Site survey needed for contaminants/toxic gases
- Will gas monitoring wells remain and how will they be monitored?
- Adjoining elderly resident complex at Kings Hall and adjoining other residents will be exposed to poor quality air during works.
- Air quality in hospital environs already twice WHO limits, Councillor has acknowledged need to reduce.

Sustainability

- Lack of green roofs and solar panels and on-site renewable generation
- Heating: Where are air source heat pumps to be installed, how will these look and what noise levels generated? Ground source pumps would be preferable.
- Welcome future potential for district heating connection and EV charging but why not for all spaces?
- Increased Co2 emission. Also greater heat radiation from concrete surfaces
- Rainwater harvesting should not be omitted due to stated cost. Grey water harvesting should also be used e.g. for toilet flushing
- SuDS techniques are available for contaminated sites with poor infiltration and should be included
- Waste and surface water drainage – Southern Water have not met basic water standards; how is inadequate infrastructure to be addressed?
- Ecology survey not representative, bats spotted in the area not included. Does not protect and improve habitats
- Inadequate green space to combat pollution – bat and bird boxes are window-dressing.
- Site value is too high and proposal overdeveloped

Relevant Planning Policies and Guidance

Relevant Worthing Core Strategy (2011) are:

- **Policy 2 Areas of Change**

Area of Change 7 British Gas Site - Lyndhurst Road:

Objectives: Housing provision on the site will respond to the development strategy in and around the town centre. It would contribute to the Strategic Objective in meeting Worthing's housing needs and contributing towards the adequate supply of housing that

meets the needs of all residents. The development of a former gas holder site will also help to improve the built environment in this prominent location.

Development Principles:

- *The British Gas site provides for an opportunity to bring forward a mixed residential scheme*
 - *The key to unlocking this site will be to establish a suitable point (or points) of access either off Lyndhurst Road or Park Road*
 - *Other issues to be considered are parking, traffic generation and complimentary land uses*
 - *Potential contamination issues will require further investigation and appropriate mitigation measures.*
-
- Policy 7 Meeting Housing Need
 - Policy 8 Getting the right mix of homes
 - Policy 10 Affordable Housing
 - Policy 12 New Infrastructure
 - Policy 13 The Natural Environment and Landscape Character
 - Policy 14 Green Infrastructure
 - Policy 15 Flood Risk and Sustainable Water Management
 - Policy 16 Built Environment and Design
 - Policy 17 Sustainable Construction Policy 18 Sustainable Energy • Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies where relevant)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Design Guide 'Extending or Altering Your Home' (WBC)

Worthing Local Plan 2021 (Submission Draft)

Relevant Policies of the emerging Local Plan are:

- Policy SP1 Presumption in favour of sustainable development
- Policy SP2 Climate change
- Policy SP3 Healthy communities
- Policy SS2 Development sites
- Policy SS3 Town centre
- Policy A9 Lyndhurst Road Allocation
- Policy DM1 Housing mix
- Policy DM2 Density
- Policy DM5 Quality of the built environment
- Policy DM6 Public realm

- Policy DM7 Open space, recreation and leisure
- Policy DM8 Planning for sustainable communities / community facilities
- Policy DM9 Delivering infrastructure
- Policy DM15 Sustainable transport and active travel
- Policy DM16 Sustainable design
- Policy DM17 Energy
- Policy DM19 Green Infrastructure
- Policy DM20 Flood risk and sustainable drainage
- Policy DM21 Water quality and sustainable water use
- Policy DM22 Pollution
- Policy DM24 The historic environment

Site Allocations - A9 Lyndhurst Way: Indicative Capacity 150 dwellings

Development Requirements - any future development proposals should:

- a) *provide a high quality residential development;*
- b) *undertake detailed investigations of the contamination to assess the level of remediation required;*
- c) *deliver a surface water drainage scheme that ensures that surface water is not discharged through contaminated soils;*
- d) *undertake an assessment of the archaeological remains;*
- e) *undertake an extensive phase 1 habitat survey and desktop study and provide mitigation as appropriate;*
- f) *address provision for suitable access/egress on Park Road and Lyndhurst Road;*
- g) *enhance permeability and provide an attractive and accessible pedestrian link from the site to the High Street and town centre – this should include consideration of an improved footway / cycleway along the northern boundary. Gas Works Site*

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

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

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

Planning Assessment

The main issues in this case are:

- Principle of Development, including Sustainable Development
- Site Capacity / Density.
- Affordable Housing, including Viability
- Layout, Scale, Form, Design & Appearance
- Heritage Impact, including Townscape & Visual Impact
- Residential Amenity
- Accessibility, Traffic & Parking
- Drainage & Flood Risk, Water
- Sustainability
- Contamination & Remediation
- Other Matters
- Legal Agreement & Community Infrastructure Levy (CIL).

Principle of Development

This brownfield site has been earmarked for redevelopment since the early 2000's when the Gas Companies indicated that the site would be decommissioned. The site was allocated in the 2003 Local Plan for non-food retail development with access supported via the High Street. The subsequent Core Strategy recognised the benefits of a mixed-use development in terms of housing delivery and assisting the viability of delivering some retail floorspace on the site. The indicative number of dwellings for the gas works site, at that stage, for a mixed-use development was 85.

The decline of town centres, the significant housing need and the slightly detached location of the site to the town centre has resulted in the emerging Local Plan allocating the site purely for residential development with an indicative capacity of 150 dwellings. The Core Strategy was able to demonstrate that the Borough could meet its required level of housing without allocating greenfield sites.

However, the current position is completely different and as Members are aware the spatial strategy set out in the emerging Local Plan is to *maximise* the development potential of brownfield sites, allocate 6 of the 9 greenfield sites available for development and seek to protect the sensitive gaps on the east and west side of the town to protect the town's identity and prevent further urban sprawl and coalescence with adjoining settlements.

The principle of developing brownfield sites is supported by the NPPF and in light of the existing development plan policy for the site and emerging policies there is no objection, in principle, to the proposed residential redevelopment of the site.

As indicated earlier, s70 of the Town and Country Planning Act 1990 (as amended) requires that planning authorities have regard to relevant development plan policies, any relevant local finance considerations, and other material considerations.

In this case the absence of an up to date Development Plan means that there is a presumption in favour of *sustainable* development. As Members are aware the Council cannot demonstrate a 5 year supply of housing. At present the Council can only currently demonstrate a 1.32 year supply of deliverable sites when measured against the capped Standard Methodology (using 2014 Household Projections) of 885 dwellings per annum (OAN) and including a 20% buffer.

Given the current land supply issues and on the basis that the Core Strategy is out of date, paragraph 11 of the NPPF applies. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*, when assessed against the policies in this Framework taken as a whole. This is assessed in the Planning Balance at the conclusion of the report but this *tilted balance*, as it is often described, is an important consideration for this development in a highly sustainable location on brownfield land.

The Worthing Society implies that it would be premature to consider the application in advance of the emerging Local Plan, however, prematurity is rarely justified as a refusal reason and this is reflected in the NPPF, para 49 as follows:

However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and,

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area

Approving this development would clearly not undermine the plan-making process set out in a) above. Indeed at the Local Plan Examination the only substantive discussion was about adding some additional criteria to the development requirements relating to the scale of development having regard to local context and reviewing the wording for contamination. Whilst objections to the Plan also raised concerns about the increase in density from earlier versions of the Plan, these outstanding objections are not sufficient to resist the application.

Sustainable Development

The NPPF summarises sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets out that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The redevelopment of this site would help to meet these broad sustainability objectives in terms of developing under-utilised brownfield land, delivering much needed new homes, movement towards low carbon living as part of climate change and improving biodiversity. The report will assess such matters in greater detail and seek to balance these benefits with any adverse impacts of the development.

Site Capacity / Density.

As indicated, the challenge for the Council in promoting a new Local Plan for the Borough (excluding those parts that fall within the SDNP) was trying to meet the town's future housing needs. Despite a proactive approach to site allocations and the regeneration of key brownfield sites such as the current application site, the Local Plan presented to the Local Plan Inspector would result in delivering only 26% of our overall housing need resulting in a shortfall of 10,488 dwellings.

Although some limited greenfield sites have been allocated for development in the emerging Plan the emphasis is still on maximising the development potential of brownfield sites and policies for these town centre brownfield sites encourage a minimum density of 100 dwellings per hectare. Members will be aware that a number of planning permissions have been granted for high density sites with the following densities having been approved on sites in close proximity to the application site:

Site location	Ha	Dwellings (net)	dph	Description
Regency Apartments, 17-19 Crescent Road,	0.0905	19	209	Flatted development – mix of 1 and 2 bed flats.
The Eardley, 3 -10 Marine Parade	0.2052	34	165	Flatted redevelopment
The Aquarena, Brighton Road (Bayside)	0.70	141	201	Flatted redevelopment
Teville Gate, Teville Road	1.46	378	259	Mixed Use development
Union Place / High Street	1.14	169	148	Mixed Use development including cinema, Hotel, retail and multi-storey car park.
105 - 109 Montague St	0.08	26	325	Town Centre redevelopment scheme (Poundland).

The proposed development would exceed the 150 dwelling capacity indicated in the site allocation Policy A9 by 69 dwellings, however, this is only an indicative capacity figure. The proposed development of 209 dwellings would result in a density of **133 dwellings** per hectare which is clearly a less dense development compared to some of the other approved schemes around the town centre and seafront over recent years. In principle the density of development proposed is acceptable subject to a detailed assessment of layout, scale and design having regard to the local context, townscape and heritage impacts.

Affordable housing

The Core Strategy requires 30% affordable housing on sites of more than 15 (gross) dwellings. Policy 10 also states that,

The policy approach is to seek to secure on-site provision on sites of 15 dwellings or more, with financial contributions for sites of 6-14 units. This is subject to:

- *the economics of providing affordable housing.*
- *the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site.*
- *the mix of units necessary to meet local needs and achieve a successful development.*

Where the Council accepts that there is robust justification, the affordable housing requirement may be secured through off-site provision.

The appropriate mix in terms of housing tenures, house sizes of affordable housing and spread within a development will be determined in response to identified needs, funding priorities and housing strategy targets at the time of the development.

Under Core Strategy policy, the development would normally be expected to deliver 63 affordable dwellings on site. However, as Members are aware, the emerging Local Plan has reviewed the impact of Community Infrastructure Levy (CIL) on the delivery of affordable housing on brownfield sites. The reality has been that few, if any, brownfield sites have been able to meet this 30% target and the review of CIL has recently significantly reduced the cost per square metre for brownfield developments from £125 to a more nominal £25 psqm.

In addition, having regard to the viability constraints of delivering brownfield sites, the overall level of affordable housing being sought in the emerging Plan has been reduced to 20%. This would normally require the provision of 42 affordable dwellings on site. Emerging Policy DM3 states that the Council's preferred tenure mix would be 75% social/affordable rented housing and 25% intermediate housing (shared housing), however, this policy also states that,

'Where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach).'

The applicant has submitted that the viability of the development is so marginal that it has not been able to provide any on-site affordable housing and only a maximum figure of £600,000 is available for s106 development contributions.

Viability

The applicant has submitted a viability appraisal which indicates that the development is unable to deliver any affordable housing. The appraisal indicates that the scheme would only deliver a profit margin of £47k and would be nearly £13 million short of what a developer would normally expect (20%). The table below sets out the expected development costs and sales returns and overall profit margin.

The applicant states that,

'Despite this considerable deficit, St William is prepared to take the commercial risk that its brand and placemaking skills, coupled with the assumption of significant market growth as the country emerges from the current pandemic and the uncertainties of Brexit, will help achieve an acceptable margin. It is only able to do this as a result of the joint venture arrangements between Berkeley Group and National Grid and this therefore represents a unique opportunity to secure the delivery of much needed housing and other planning contributions on this site.'

Revenue/Costs	£'000s
Total Private Sales Revenue	63,179
Other Revenues (car parking)	1,835
Total Revenue	65,014
Residential Build Costs and Fees	52,896
Sales and Legal Costs	2,757
S.106, CIL and Car Club	1,065
Finance Cost	5,246
Land Cost (incl SDLT & Fees)	3,003
Total Cost	64,967
Residual Margin	47

As with other sites where viability issues are being raised, the Council has appointed Independent Consultants to review the submitted viability appraisal. Dixon Searle Partnership (DSP) was instructed to review the appraisal and DSP has completed its review and the full report is available on the website. The report questions some aspects of the applicant's appraisal in relation to profit margin (20% used by the applicant), that costs for the demolition of the gasholder should not be included, and other matters such as costs associated with purchasing and selling completed units are considered to be on the high side. However, even after applying a revised set of assumptions DSP concludes that this would only deliver a,

'residual profit of £6,776,632 or 10.2% on GDV. This falls below the range suggested by the PPG of 15% to 20% GDV, and so below our suggested likely minimum / appropriate starting point of 15% GDV.'

The Council's Consultants have then undertaken a series of sensitivity reviews assessing the likely impact of a 5% increase in sales values and potential changes to the assessment of Benchmark Land Value (BLV). However, even assuming these more positive outcomes the scheme still does not reach an appropriate profit margin:

'In conclusion, our review indicates that the viability position is significantly more positive than presented by the applicant or at least has that potential, and suggests that with a reduction in costs via the usual 'value engineering' processes, and/or an improvement on the assumed sales values, the developer could expect to achieve a reasonable level of profit. However, our appraisals indicate that the proposed scheme (with nil affordable housing provision) is not viable by usual measures, which is largely due to the high estimated build cost – deriving from the high specification needed to support the submitted sales values on this high rise scheme, in combination with the abnormal costs relating to remediation of the site and diversion of a gas main. (emphasis added)

We agree therefore that provision of affordable housing would not be supported by the scheme based on the available information at this time.'

The applicant, whilst pleased that the Council's Viability Consultants (DSP) concludes that the scheme is not currently viable, has expressed concern that the report gives the misleading impression that the scheme is closer to being viable than it actually is. The applicant submits that it is important for Officers and Members to understand that the regeneration of this site for the delivery of new homes is a significant challenge.

The applicant states that the main areas of concern are in relation to:

Market Values - *DSP acknowledges that our assessment of the market values are a 'suitable assumption', despite all the evidence pointing to much lower values, but then undertakes 'sensitivity testing' to add a further 5% to these already premium values. In our view this sensitivity testing is double counting a potential uplift in values, already allowed for in our premium GDVs. We are concerned that this gives the misleading impression that these are current achievable values, which they are clearly not.*

Margin Rate (Developer's Profit) - *DSP state that they believe that 'in the circumstances a profit target of 15% GDV (the lower end of the range suggested in the PPG [national guidance]) should be achieved'. We consider that this assessment significantly underestimates the return that any developer would require to undertake this development. Our stated position is that 20% is a reasonable target. The range of 15-20% is stated in the PPG in the context of a suitable assumption for policy making. We would point out that DSP undertook the borough's viability study as evidence to the Local Plan. In that study they adopt a 20% return on private residential on all of their development typologies in order to inform the Local Plan. It is therefore inconsistent to adopt the lowest end of the range for this scheme. Developing this site should be considered at the high end of the risk scale.*

Benchmark Land Value - *DSP has reduced the value that we attributed to the existing uses on site without offering any evidence. They have then reduced the premium applied to that value, arguing that some elements of the site are not currently income producing. We believe that a 20% premium on all elements of the site is justified by the significant potential for the intensification of the car parking income from the site, and other potential alternative uses of the site which would be pursued should our current proposal be refused.*

Build Costs - *We note that many of the cost items that have been challenged relate to specification items. We maintain that a high level of specification is required in order to achieve the premium values that we have assumed in our appraisal and therefore do not accept that the costs could be reduced.*

Ground Rents - *the Government's intention to abolish ground rents on new leases is very clear, although we accept that the precise timing is uncertain. Given that none of*

these properties will complete for at least 3 years, we believe that it is unreasonable to assume that this income will exist when these properties complete. Our preferred approach is to assume a premium in the market values, reflecting the benefit to the purchasers of no ground rents. This value is therefore already reflected in our value assumptions and is therefore double counted in DSP's appraisal.

Sales and Marketing Costs - *In order to achieve our premium values it will be necessary to invest more in the sales and marketing than the market may typically assume.*

Programme - *It is unclear what evidence DSP has used in testing a shorter programme. In our view, the only way that sales could be achieved more quickly would be to reduce prices. DSP does not appear to have reflected this in their appraisal.*

Conclusion

DSP's report indicates a residual profit of £6.7m or 10.2% of GDV, and then, with their 'sensitivity test' of an additional 5% on market values, indicate that this profit would be £9.8m or 14.2% of GDV, which they believe is close to their viability threshold of 15% of GDV.

For the reasons highlighted above, we consider that DSP's assumptions are incorrect and unjustified, and we maintain that our appraisal shows a residual profit of just £47,000 or 0.07% of GDV, and is therefore on the cusp of deliverability. We estimate that market growth will need to be in the order of 20% over the life of the scheme, even if build costs remain stable, in order to achieve our target margin. This is a very significant challenge which St William is uniquely placed to meet.'

The Council's Consultants, DSP, has reviewed the applicant's further statements and has provided some further comments as follows:

As always, our review has interrogated the submitted assumptions as it needs to, and then considered viability 'in the round' to assess whether there could be any surplus available for affordable housing or other contributions. After this exploration (stress-testing, effectively) our conclusion was (and remains) that the scheme is not viable by normal measures.

*There are some areas where we disagree with the submitted figures, however even with our (more positive for viability) assumptions applied, our base appraisal indicates a profit of only **10.2% GDV** which falls well below the range of 15% to 20% that is typically considered within the viability in planning context.*

We also tested an increase in sales values (to a level beyond what current evidence suggests will be achieved), but even applying this increase without any accompanying increase in build costs (clearly a very positive combination of assumptions), and alongside a lower than submitted benchmark land value, the lower end of the above

profit range (15% GDV) was not reached. This test illustrates that in the short to medium term, an improvement in viability to the point that a surplus becomes available for affordable housing is highly unlikely.

*The applicant considers that due to the nature of the scheme (in their view being at the higher end of the risk scale) a 20% profit is necessary. We do not necessarily agree with this view, however, as we regularly receive applicants' submissions and agree a profit of 17.5% GDV at application stage (and at appeal). For your information I have applied a 17.5% GDV profit as a fixed assumption in our base appraisal (this being the middle of the 15% to 20% range). The result is a deficit (financial shortfall) of **£4.02 million**.*

To add to the picture, we have also applied sensitivity testing using changes in values and/or costs at +/- 2.5% from the assumed current levels. This (as below) shows that for any surplus to be shown alongside a 17.5% profit (the level that we would expect to place profit at for this review purpose), there would have to be a 5% increase in sales values alongside a 5% decrease in build costs. At the present time, although the housing market has remained remarkably resilient and values have been rising (and similar is forecasted to continue) there needs to be consideration of what will be supportable here and build costs are increasing, so that such a scenario does not appear likely.

In the circumstances, a suitable way forward might be for the Council and developer to consider and agree a pre-commencement review (as a further viability checking opportunity based on all of the work done so far) alongside an undertaking to start the housing delivery on the scheme within an agreed time period.'

It is clear from the ongoing discussion between the applicant and the Council's viability Consultants that there are some areas of dispute. However, the overall conclusion is very clear that the scheme cannot afford to deliver any on-site affordable housing. The difficulties of delivering brownfield sites have been accepted with the emerging Local Plan looking to reduce affordable housing requirements and as mentioned previously, CIL has also been significantly reduced for brownfield sites.

The key issue here is that the contaminated nature of the site has significantly increased construction costs and development risk. The applicant has agreed to a pre-construction viability review to check some of the assumptions built into the appraisals and to commit to start work on site within a specified time period. This can be secured through a s106 agreement.

Whilst, Members will be concerned about the lack of affordable housing on this site, the viability case is clear and it would be important to ensure that any development is viable and deliverable. Members will recall that Teville Gate was approved with 30% affordable housing but this was reliant on £9 million grant funding which did not materialise and the owners have since sold the site without completing the s106 agreement. There may be other funding sources such as 'help to buy' which the applicant can pursue outside of the planning process to assist local residents purchase

these properties in the future, however, the applicant has demonstrated that the viability of the development cannot support any on-site affordable housing.

Layout, Scale/Form, Design & Appearance

This application has been the subject of considerable pre-application discussions with your Officers and consultation with the Coastal Design Panel and local residents. At an early stage in discussions, Officers were keen for the applicants to explore the opportunity of addressing the irregular boundary with Waitrose Car Park and potentially securing a land swap to provide a consistent north-south boundary. There was also concern to ensure that any development did not prejudice any development on the adjoining site.

Whilst a re-aligned boundary with the Waitrose Car Park may have been preferable, the applicant was aware that Waitrose was extending its lease and looking to expand its internet delivery service.

The applicant also highlighted the costs involved with any land swap with the re-provision of car parking and additional land remediation which would place a further burden on the scheme. In addition, the applicant has argued that the reduction in width of the southern part of the site to 'straighten the boundary' would reduce the potential of the site to accommodate the quantum of development proposed.

Regarding any potential impact on the redevelopment of the Waitrose site in the future Officers are satisfied with the master planning work undertaken by the applicant that there would not be a prejudicial impact (see image below). Furthermore, it is recognised that Waitrose are unlikely to be looking to vacate the site for some years and this should not prevent acceptable development coming forward on the gas works site, particularly on the grounds that it has been separately allocated for a number of years.



Bird's eye view demonstrating potential redevelopment of the Waitrose supermarket and car park with the Union Place development beyond

The DAS sets out the initial site analysis and constraints/opportunities and this has largely influenced the final layout. A key issue has been to repair the street frontage, providing opportunities for buildings to address the two principal road frontages and providing opportunities for landscaping. The fairly unattractive pedestrian environment along Lyndhurst Road has encouraged the architect to create a new east - west pedestrian route through the site. This new east-west axis also aligns with Union Place and the strong vista through to St Pauls on Chapel Road.



The scheme is centred around a shared amenity space within the centre of the site and the location of the principal parking areas along the southern boundary allows for separation to the rear of properties close to the boundary of the site.

Overall the layout of the site has been supported but the ability to deliver the intended east-west route is severely restricted by the adjoining Waitrose Car Park. The scope for this to be a public route is limited and any access through the site is likely to be dependent on agreement with Waitrose which has not been secured. It is more likely to be a convenience for residents to secure a shortcut to Waitrose and the town centre, similar to the gated access to the east of Kings Hall to the south of the site which enables residents to access Warwick Gardens. Accessibility through the site is explored in further detail later in the report.

The landscape strategy which seeks to provide tree planting along both road frontages is laudable and helps the overall biodiversity credentials of the development. The proposed tree planting along Lyndhurst Road would potentially be affected by any future cyclepath and this matter is discussed in greater detail under the Transport/Accessibility section of the report. Frontage planting, together with a high quality landscaped courtyard, would ensure an attractive environment for future residents albeit the density of development for this town centre site will limit open space and many residents will have open views of the adjoining car park. Nevertheless, the site is a town centre location and therefore this has to be balanced with the advantages of a range of

amenities being in close walking distance. The close proximity to two large parks and the seafront would also be a significant benefit for future residents.

The following landscape strategy plan identifies the opportunities for green infrastructure and opportunities have been taken to incorporate brown roofs to improve drainage and biodiversity.



The form, scale, bulk and massing of the development has been assessed in some detail with various options being considered. The principle of lower perimeter blocks addressing the street was accepted at an early stage and this would help to ensure that the development is well integrated with the lower-scale developments immediately to the east and north of the site. However, there was initially some concern that the lower blocks, designed to look like a low-scale terrace of houses, would not look authentic, particularly given the close proximity of the higher blocks immediately to the rear. A number of refinements have been made to the form and detailed design of these blocks to address this issue and respond to the comments of the Coastal Design Panel.

The pitched roof, 3 storey blocks onto Park Road reflect the scale and character of the street and with ground floor apartments leading directly onto the street, these will appear as terraced houses. The connection with the higher block to the rear has been improved by setting back the connecting flat roof section and with contrasting materials will ensure some degree of visual separation. Although the step up in scale is immediately apparent, the overall design approach is considered successful and this approach has worked elsewhere in the town with larger sheltered housing schemes (notably at the entrance to Bolsover Road - Catherine Lodge).

At street level the incorporation of light coloured brickwork would reflect the rendered houses in Park Road, and the flint walling and pedestrian access points would provide an attractive domestic scale, reflecting the prevailing character of the road (the lower half of which lies within the Steyne Gardens Conservation Area).



Park Road Frontage



Lyndhurst Road Frontage

The same approach was advocated along the Lyndhurst Road frontage but was less successful in that it created an awkward corner junction and the lack of ground floor entrances meant that it lacked the same authenticity. The change in design approach has meant that a similar architectural approach to the rear blocks has been carried through to the lower-scale frontage blocks. This has improved the relationship with the prominent corner and reflected the more strategic status of Lyndhurst Road as an important, albeit secondary, east west route to and from the town centre.

The close proximity of higher blocks stepping up in scale would give the appearance of a dense form of development (reflecting the density proposed) on this town centre site. This juxtaposition of higher-scale development immediately adjacent to lower-scale traditional terraced housing has been identified in the DAS as a common feature in the town. This is particularly the case along the seafront where the scale of development increases sharply from terraced housing to larger scale villas and apartment blocks seeking to maximise the southern sea views. This approach has been accepted by the Committee in connection with the Union Place development to the west of the site and reflects other more modern higher-scale buildings in and around the town centre. A significant challenge for the site has been how the development addresses the prominent north-east corner of the site (as indicated in the following CGI).



The exclusion of the corner of the site, to retain the gas governor, is unfortunate in townscape terms and has been the focus of considerable discussion at the pre-application stage. Nevertheless, the gas governor is an important part of the town's infrastructure and it will be important that the owner of the site (SGN) is actively engaged in discussions around appropriate boundary treatments and improvements to the width of footways around the site frontage (discussed later in the report). In terms of the layout of the development the inability to provide a building to effectively hold the corner has been challenging.

The submitted scheme has sought to break up the mass of the 5 storey block and the incorporation of balconies and variations in parapet heights and setbacks have provided greater articulation and visual interest. The slight contrast in brick colour also helps to separate different elements of this larger block. Although this element is 5 storeys the set back from the corner ensures that it is not over dominant but also provides some focus and height when viewed from this prominent corner.

The taller element rising to 7 storeys in height has provoked concerns from local residents. As the DAS indicates the Coastal Design Panel felt that this part of the site could accommodate some increased height and this was the conclusion of your Officers during pre-application discussions. Certainly the Coastal Design Panel felt that there was scope to increase the height of this element further and at various stages 9 storeys were contemplated. The applicant, however, was mindful of the public reaction to increased height on the site and therefore, resisted the suggestion to increase the height beyond the current 7 storeys.

In terms of the relationship of the development to adjoining buildings, the 7 storey element of the scheme is approximately 40 metres away from Kings Hall which although 3 storey is on slightly raised ground and has a high pitched roof. Whilst significantly taller the separation between the buildings would ensure an acceptable relationship and ensure that it would not be overbearing. As mentioned previously the stepping down of storey heights to the northern and eastern boundaries ensures that the development does relate well to the local context and scale of surrounding buildings.

In design terms various options were considered for the tallest element of the scheme. There was a desire to ensure continuity in architectural form and detailing but at the same time create a building which would provide greater verticality and interest on the skyline. The favoured approach (although not universally supported by the Coastal Design Panel) was to create a more slender central element, set behind a brick facade.

The use of contrasting colours and an open structure at the corners of the building, together with an increased floor to ceiling height for the top floor ensures that the building does provide a visual focus for the development but at the same time softens its visual impact when viewed from a distance. As the architect states the proposed, *'seven storeys achieves a balance between the advantages of a taller building - which appears more slender and functions better as a landmark - and the benefits of a lower building - which is sensitive in scale to the surrounding heritage.'*

The DAS includes an assessment of the Councils Tall Buildings SPD and assesses each of the criteria. Whilst, accepting that the proposed development is higher than the scale of residential development around the site the DAS responds by stating that the site is a transition between the site's existing low-rise surroundings and its town centre status. Furthermore the DAS states that the development *'builds its own sense of place in a way that is respectful to the existing townscape whilst introducing taller buildings that make a positive contribution to the emerging character of Worthing.'*



Your Officers have supported this approach and that the site can accommodate the taller element in the centre of the site with appropriate steps in height from the lower scale surrounding development. The evolution of the design of the taller element has resulted in a distinctive form which would enhance the skyline. The view of the development from Union Place is important and would create a new focal point at the end of the open vista when viewed from St Paul's chapel. During pre-application discussions the scale of the block adjoining the 7 storey element was reduced to help

retain the verticality of the taller element and avoid an overpowering form adjacent to the open, surface car park.

The architectural detailing proposed would ensure a high quality development which would greatly enhance this part of the town centre. The DAS describes in detail the different architectural treatments used for the various apartment blocks. Building C fronting Lyndhurst Road and the southern block on Park Road (E) have incorporated contrasting brickwork surrounds for windows to reflect bay windows typical of the town centre (image shown here).

These blocks also incorporate decorative cornice details, contrasting brick bands and a rusticated brickwork for the ground floor.

For the other two blocks one facing Park Road (block D) and the block adjacent to the taller tower feature (block A) a slightly simpler form is proposed with more subtle detailing. The intention for these blocks is to reflect the distinctive local feature of string courses and these are used with bands of brick on edge to provide horizontal lines dividing the vertical fenestration. The brick rustication is also continued up the building to enhance the vertical emphasis. The cornice is also detailed in a more simpler form with a brick on edge above a shadow gap.

The verticality provided by the window patterns and the shadow gap breaks between sections of buildings is moderated by bands of bricks on edge with lines of concrete string courses. The secondary compositional device is a subtle vertical element formed from panels of faintly rusticated brickwork. These aim to make a mild reference to the vertical effect of the bay window and other features typical in Worthing façades. The height of the window openings is amplified by the use of lighter, set in brick on edge heads and cills. The base of the buildings has rusticated brickwork while the cornice detail is simpler on this type, using brick on edge above a shadow gap.



Typical bay elevation of building C



Typical bay elevation

Heritage Impact, including wider Townscape & Visual Impact

The Heritage Statement provides a very detailed assessment of the site history and highlights its long industrial use for the production of gas in the 1830's through to its more recent days for gas storage. The Statement, when read together with the Townscape and Visual Impact Assessment (TVIA), assesses the impact of the

development on the surrounding townscape and in particular heritage assets and designations within 500 metres of the site. The wire-line views of the development's silhouette compared to existing views across the site informs the assessments along with verified views agreed with your Officers at the pre-application stage (attached as **Appendix I**).

The Council's Design and Conservation Officer has been involved throughout the pre-application process and agrees with the conclusion of the Heritage Statement that the development does not cause any harm to the setting of listed buildings in the vicinity of the site. This is primarily due to the existing urban setting of these designated assets and their distance away from the proposed development.

The closest listed buildings are Nos 40 - 44 High Street to the south west of the site but these are approximately 100 metres away and even the 7 storey element is unlikely to have any effect on its backdrop/setting when viewed from the High Street. The former Conservative Headquarters building at the end of Union Place is further west but would not be affected by the proposed development. As indicated earlier, due to the alignment of the site with St Paul's Chapel at the end of Union Place the development would provide a new focal point looking eastwards but this is considered to be an enhancement in townscape terms and would not impact on the setting of this important Grade II* listed building. Other designated assets to the south in Warwick Place are also too remote from the site to be affected by the proposed development.



In terms of the surrounding Conservation Areas the Heritage Statement and TVIA assess both heritage and townscape impacts. From Little High Street CA the development would be visible albeit the terraced development along Lyndhurst Road provides some visual separation and the higher elements of the scheme set back from the northern boundary of the site ensures that there is little effect on the setting of this Conservation Area.



The main concern regarding the impact of any development has been on the setting of the Warwick Gardens CA immediately to the south of the application site. The majority of the development would not be visible, however, the top floors of Block B would be evident above the ridgeline of the three-storey terrace in Charlcote Road when looking north from Warwick Gardens. Your Officers agree with the assessment of the Heritage Statement that this aspect of the proposal will cause some harm to the setting of the Conservation Area. It is also agreed that this harm is less than substantial (as defined by NPPF) and is at the lower end of the 'harm' scale.

During the pre-application discussions the form of the taller element was amended to provide a lighter and diminishing scale to the top floor and this has helped to reduce the visual impact of the taller element rising above the terraced properties adjacent to the southern boundary of the site. The image below shows the backdrop from the key view set well within the Conservation Area and during the winter months. The existence of street trees would filter this view during summer months. The harm identified is minor in the context of the overall setting of the Conservation Area.



The TVIA concludes that the proposed development would only have beneficial or neutral townscape impacts.

Public Benefits

Paragraph 196 of the NPPF states that, '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*'

In this instance, your Officers are satisfied that the public benefits of bringing forward this brownfield site for residential development, in the context of a significant housing shortfall, outweigh this harm. As indicated earlier, there are significant benefits associated with maximising the development potential of allocated brownfield sites to help meet some of the Borough's identified housing needs. The lack of a 5 year supply of housing is significant and the low level of harm identified would be outweighed in this instance by the tilted balance in favour of delivering a significant quantum of new homes.

The presence of industrial buildings on the site and the remains of the former gas holder detract from the appearance of this town centre site. Its early redevelopment would enhance the townscape, bring economic and regeneration benefits to the area (including local employment and apprenticeship opportunities) and deliver significant biodiversity enhancements. A number of the sustainability benefits of the development are explored in greater depth later in the report.

Archaeology

The site lies within an archaeological notification area along the eastern side and northern end of the High Street, accordingly an archaeological assessment has been submitted. This refers to County Historic Environment Records, historic mapping and geological site investigation. This indicates that it occupied the rural hinterland of early Worthing until up construction of the gas works in/after 1835. Evidence of earlier roman and medieval farms have been found 220m-460m to the west and north and earlier bronze-age agriculture.

However, the extent of made-ground at the application site, up to 2m deep, due to the construction of the various gas works buildings, is said to be deep and widespread. Accordingly there is unlikely to be any archaeological remains across much of the site. Less affected, limited areas to the south and west of the site are unlikely to yield more than agricultural information of no more than local significance. In light of the low probability of archaeological interest, no further site investigation is recommended.

Residential Amenities

Part of the good quality design under Policy 16 of the Core Strategy is in the provision of carefully arranged buildings, spaces and accesses which respond to the character of the area. Internal spaces for new development are the subject of Nationally Described Space Standards and the Council's Space Standards SPD; the latter includes

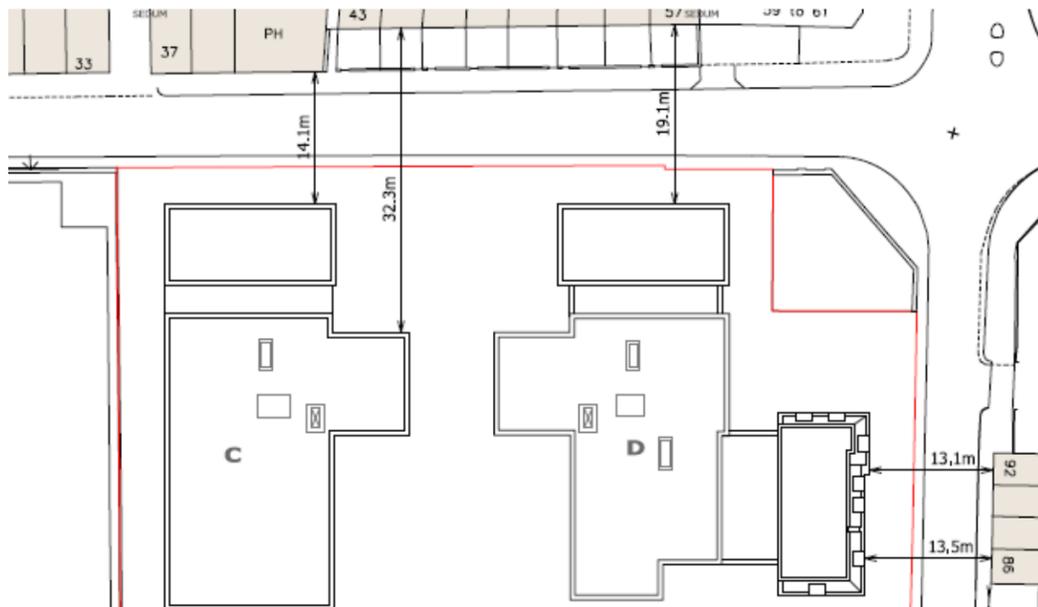
expectations and standards for private balconies and shared spaces for flatted developments.

The amenities of existing residents are subject of Saved Policies H18 and RES7. These should not be unacceptably reduced by new and intensified development for example due to visual intrusion or noise. Although Policy 16 - Built Environment and Design, says little about neighbouring relationships or distances the emerging Policies DM2 – Density & DM5 - Quality of the Built Environment, state that it is important to ensure adequate privacy and daylight to both existing and new homes.

National guidance in the NPPF reaffirms the importance of well-designed, attractive and healthy places with a high standard of amenity for existing and future users. It indicates that achieving development densities which make effective use of land may require flexibility in the use of policies for daylight and sunlight, as long as the resulting scheme would provide acceptable living standards. It also acknowledges the relevance of the National internal space standards.

Spacing

The proposed buildings are arranged with a series of heights, which step up by increasingly greater intervals towards the interior of the site. At the eastern frontage with Park Road and at Lyndhurst Road to the north, proposed buildings are three storeys with intervening distances of 13m – 17m to the east and 14-19m to the north. In Park Road this repeats the relationship between several existing houses to the south. In Lyndhurst Road this forms a new relationship but looking slightly wider, it is similar to spacing found in Providence Terrace immediately to the north.



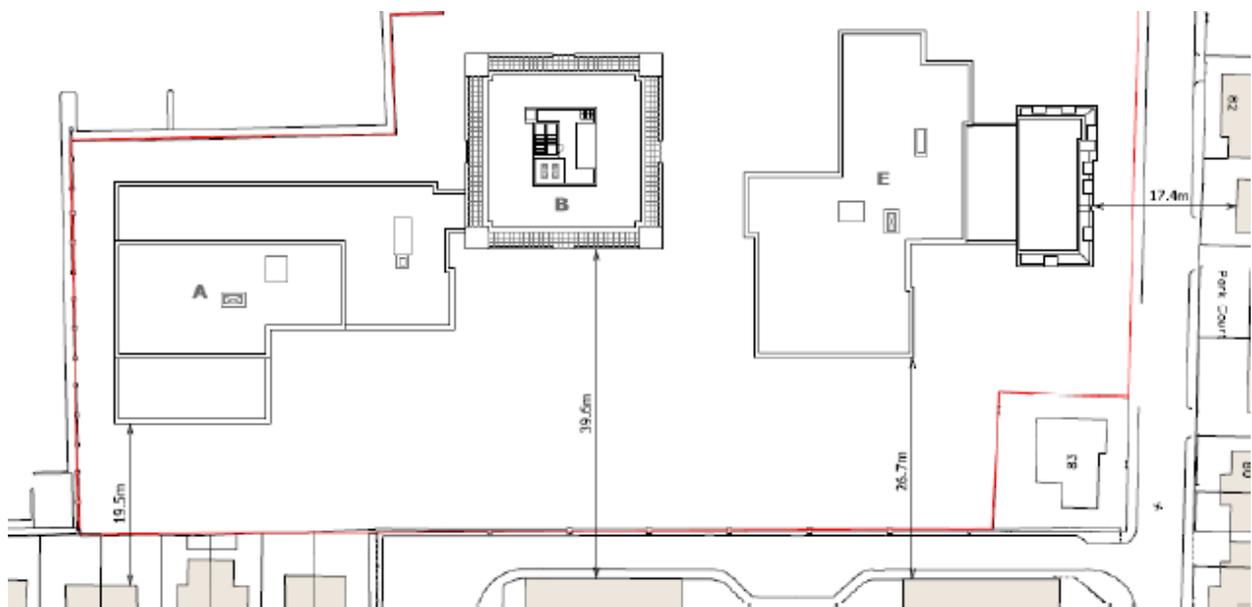
It is acknowledged that the proposed buildings are taller than existing houses, however, they are set well apart, which provides a counter-balancing sense of space along the

site frontages. Behind these three storey elements, the taller and wider four storeys are some 26-28m from neighbours and the closest five storey element is approximately 30m from the neighbouring public house and two houses in Lyndhurst Road).

The use of greater distance to greater increased height, which also uses space between the proposed blocks, is considered to retain a reasonable degree of spaciousness overall, and separation from neighbouring houses such as to retain a reasonable degree of privacy and to avoid a sense of overbearing.

To the south the proposed distances of 26.7m between the proposed four storey Block E and the three storey flats at Kings Hall to the south are considered reasonable to maintain a reasonable degree of privacy. In the proposed elevation are typically bedroom or secondary sitting room windows. The distance to the proposed seven storey block is considerably greater at over 39m and is also considered a reasonable relationship.

The diagonal distance between the southern wing of block E and the house and garden at no 83 Park Road is just under 12m. A slightly greater distance is shown to its eastern wing. In both cases south facing secondary living room windows and bedrooms are proposed with principal windows and balconies facing east, bringing risk of significant overlooking. It is important that intervening tree planting is implemented as shown to avoid a partial filter against overlooking; also that balcony screens are used on the southern wing.

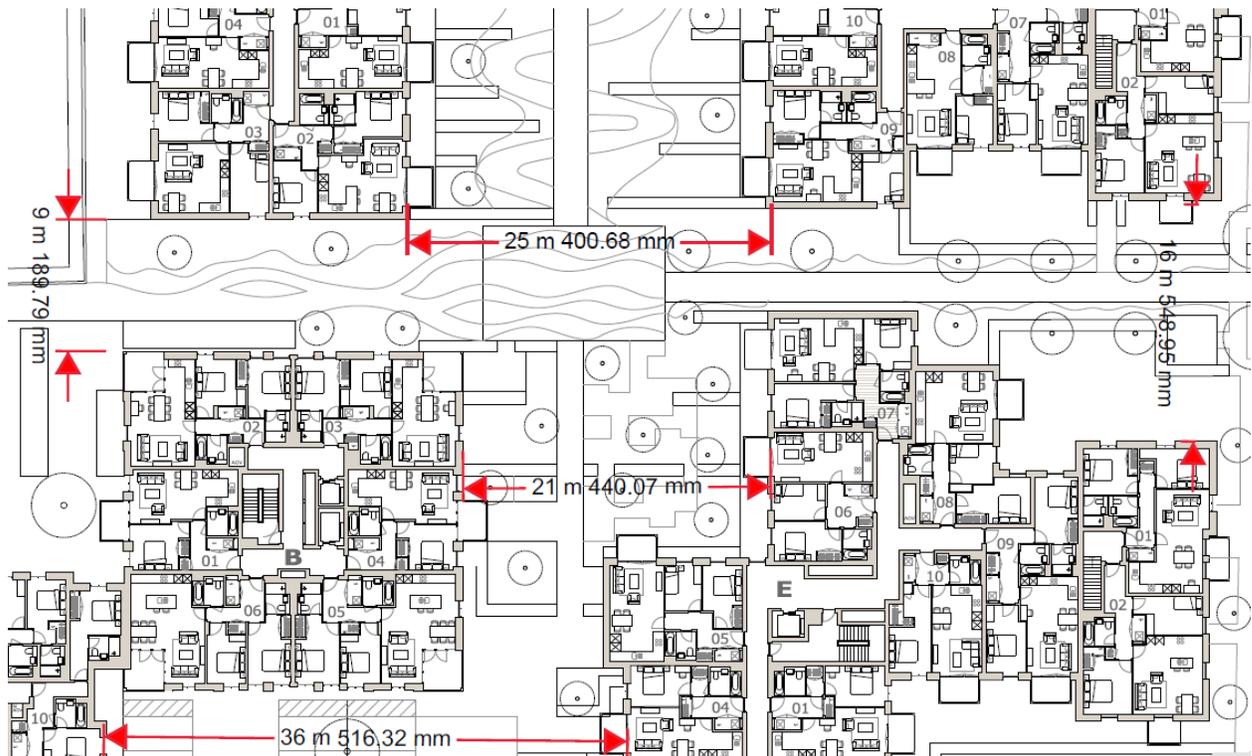


To the south west, distances of 17m - 19.5m are proposed between the closest part of proposed block A and the rears of houses at 41- 51 Warwick Gardens. Mindful of the small courtyard gardens to the rear of these houses, ideally a greater space or blank facades or a planted buffer would be preferred in the proposal. In the proposed elevation are typically bedroom or secondary sitting room windows, with the principal windows and balconies located the east and west facing elevations. A proposed single

tree in the south western most corner of the proposed car park would provide for some filtering of views towards a few of these houses but it would be important that at least balcony screens are used here to prevent overlooking to the south from proposed balconies.

The five story element of block A is proposed 7.5m further to the north, with distances of 24.5m - 27m towards the Warwick Gardens houses. Secondary sitting room windows are also proposed here. Balcony screening to the south is also considered reasonable here, together with a condition that the intervening flat (brown) roof should not be used as a terrace or outdoor space in the future.

Within the development, the distances between windows in blocks or wings which are opposite one another are in many cases 21-25m apart and 36m in the case of between southernmost blocks. Where relationships are closer (between 9m – 16m), opposing facades are either blank walls or contain small secondary windows, or contain rooms which are less likely to be occupied during the daytime (16m between opposite bedrooms in part of the site interior).



Relationships between balconies are commonly set at right angles so that whilst many are clearly visible from others, they are not in direct, outward line of sight. These internal relationships between windows and balconies as part of a singular new and higher density development, are considered acceptable

Sunlight & Daylight

In accordance with national guidance from the Building Research Establishment (BRE), the applicant has undertaken a sunlight and daylight assessment. This examines the degree to which light levels to existing homes would be affected by the proposals and to test the adequacy of light reaching windows and outdoor amenity spaces of the proposed development. A 3D computer model of the proposals has been created, including the positions of existing neighbouring buildings and windows.

For existing homes, windows are considered to be affected if the amount of sky visible at the window face reduces to less than 0.8 times of its existing level, or below a factor of 27% of all natural light. A further test considers the amount of space within an affected room from which the sky is likely to be seen, in which case a reduction below 0.8 times its existing amount would also indicate an effect. Allowance is made for existing features such as deeply overhanging eaves which may already impact upon light reaching a window.

In Lyndhurst Road the ground floor windows at two properties (39 & 43) opposite would experience a reduction of around 1.5% of visible sky, with one upper window affected by 2.4% reduction due to the presence of a long and tall existing flank wall next to it. These results are considered to be marginal and still good for an urban context.

In Park Road four terraced homes to the east (86-92) ground floor windows would be affected by a reduction of 12% below existing light levels, however it is noted that this is due to the very open nature of the gas works site following the recent demolition of the former gas tanks. The impact would bring light levels 1.5% below the target 27% factor, the effect of which is considered to be minor and acceptable. A fifth house (no 84), which is detached and set further back from the street frontage is affected by a lesser amount (0.9%).

At Kings Hall retirement flats to the south of the site, ten of a total 62 windows would be affected. Two of these are dual aspect rooms where the effect is slight. The other eight are only brought below the target 27% due to the presence of the deep overhanging eaves line immediately above them. The reduction attributable to the proposed development is considered minor and acceptable

In Warwick Gardens, assessment of the closest four houses (45-51) indicate minor reductions of 0.2% - 1.4% although in three cases the impact is greater where light is 2% - 5.6% below targets. However, much of this shortcoming is due to existing factors such as deeply projected existing rear wings alongside these windows or jettied bays above. The impact of the proposed development is considered to be marginal.

Overall these neighbouring impacts indicate minor or marginal impacts due to the proposed development. As stated in NPPF, a flexible approach to the attainment of sunlight and daylight targets suggests that this is an acceptable outcome.

A different test is used to assess light for the proposed development. This compares the average amount of unobstructed light reaching an undeveloped site 'in the round', compared with the amount of light entering a proposed room through a proposed window. The test is applied to the three lowest floors rather than upper floors where light is largely unobstructed. Standards seek a result of between 1-2% of unobstructed light in each case, with bedrooms at the lower end of the range and living rooms and kitchens at the upper end (1.5% or more).

The amount of direct sunlight is also considered for windows which face south, east or west (S/E/W). New outdoor spaces, such as the central open / play space should receive at least 2 hours of sunlight across at least half of their area at the spring equinox in order to ensure that it is adequately lit throughout the year.

Results demonstrate that only nine of the total 381 windows would be below the target of 1.5% daylight for living rooms. In terms of direct sunlight, 45% S/E/W windows to the lower three floors are affected by the shadow cast by balconies. However, in each case the amount of impact is modest (-0.3% daylight).

It is considered that there is some trade off between this effect and the value of outdoor space provided to future residents by the presence of modest balconies, the flexible approach of NPPF also supports this relatively minor degree of flexibility in the attainment of targets. The central open space itself would receive better than the target 50%, with a predicted 62%. This demonstrates its suitability for outdoor activities and landscaping.

Internal Space

The Housing (public Health) officer has confirmed that the internal layout appears generally satisfactory. Most flats are dual aspect; of those which are single aspect, only twelve of these (in block A) face north towards the Waitrose site.

National space standards are met in each case and often exceeded. However, some flats are shown with the correct number of bedrooms but a greater number of occupiers (double beds instead of single) than indicated by the standards. Whilst this would fall outside planning control, it is recommended that the applicant should reflect the national standards situation in their marketing of the flats.

Outdoor and Open Spaces

The Council's Space Standards SPD of 2012 seeks the provision of private and semi-private open spaces within new development. For flatted schemes this should normally equate to an average of 20sqm/dwelling and comprise a mixture with communal semi-private spaces along with individual balconies & terraces for each home. The SPD recognises that this may be challenging to achieve in town centre locations, but as far as possible it is desirable to provide these spaces in locations set-back from site frontages.

The current proposal provides an individual projected balcony or terrace for each flat. Balconies are typically 5sqm in area and 1.8m – 2m deep, and there are slightly larger inset corner balconies to part of the tallest building and narrower (1.5m deep) roof terraces to its penthouses. Ground floor terraces are typically 6sqm ranging in shape and depth, some with associated areas of pocket lawns contained by hedges and low 1.1m fences. The closest of the proposed terraces and balconies are some 3.5m – 4m from the Lyndhurst Road and 2m from the less busy Park Road frontage.

Communal space is provided mainly at the centre of the site, focused upon the intersecting pathways between the proposed blocks. This is approximately 575sqm in area, comprising a series of lawns alongside a central paved-space with seating and planted edges. Informal children's play elements are timber balancing bars and large clamber-pebbles. The wide and undulating gravel path and planting to the west also provides potential for outdoor play. In total, approximately 1790sqm outdoor / green space is provided (not including individual pocket lawns), comprising the central and path space together with narrower planted margins elsewhere.



It is considered that the proposal meets requirements for individual space and caters for a degree of doorstep play and outdoor sitting in the communal area. The total amount of communal space appears to be less than the balance of approximately 3000sqm envisaged in the Space Standards SPD, even taking into account pocket lawns, but despite this shortcoming its location and composition is considered to be successful.

The emerging Local Plan policy DM7 also looks at the need for outdoor space in future developments, and deals with the wider question of other recreation needs such as parks and other green spaces. The policy draws upon the Council's Open Space Study of 2020, which was adopted in June 2021, including its method for calculating the need and commuted financial payments for various types of open space and recreation facilities (parks, play space, amenity & natural green space and allotments). This also takes account of geographic and quality variations in existing provision across the Borough, including areas where are either below or in excess of need. The policy refers to a case-by-case assessment.

By this method, the proposal generates modest needs for play and allotments but greater needs for natural and amenity space. The applicant cites the recently amended wording to the emerging policy which provides that provision or financial contribution is not required where there is a local surplus of a particular type. As such in Central Ward, where a 4ha surplus of parks and recreation grounds, well exceeds the predicted need of 0.3ha generated by the proposed development.

The remaining needs would translate into a payment of £197,000 according to the method, however, in providing on-site play and other greenspace, some further discounting of the proposed scheme is reasonable. The applicant cites the 575sqm central open space as fulfilling more far more than (2.5x) the requisite amount of children's play space and that a proportionate reduction be made. Likewise the amenity green space contribution it is suggested should be reduced to one quarter due to the benefit of the planted areas which surround the central space and planted margins elsewhere. These would indicate a total residual payment of approximately £65,000.

In consideration of the applicant's assessment, the requested reduction appears somewhat ambitious given that it is a matter of interpretation as to whether the full 575sqm of the central area could be regarded as children's play space or more accurately a mixed area of play and other open space functions. Secondly the definition of amenity greenspace involves an openness 'to free and spontaneous use' where 'spaces are unlikely to be demarcated by boundaries'. In the current application only some of the planted margins might conform to this definition.

Conversely the applicant has requested no discounting for the provision of brown roofs. Whilst these would be inaccessible and therefore of no direct open space benefit to residents, they provide potential biodiversity benefits, which is part of the defined Natural/Semi Natural Greenspace type; although no discounting mechanism is contained in the Open Space method for biodiversity-only benefits.

Therefore, the final conclusion as to the acceptability of the proposed £65,000 relies upon interpretations and discretion. Mindful of the case-by-case approach of the emerging policy, it is relevant that both Beach House Park, Beach House Grounds are a short walk from the site and provide multi-purpose and extensive types of open space; as such the development is potentially quite well served. It is also relevant that the proposed contribution is set alongside the scheme viability position explained earlier in this report. Taking all of these points into consideration it is considered, on-balance, that the proposed contribution is reasonable.

Noise and Ventilation

A 24 hour midweek noise survey has confirmed that the dominant noise source is from road traffic, with a contribution from supermarket deliveries and activity which includes early start/late finishing hours. No noise was recorded from the gas governor. According to standards and guidance the overall noise categorised as low to medium risk. However, the western side of the development is exposed to significant noise levels from the combination of supermarket deliveries and road traffic. Traffic noise also affects the rest of the proposed Lyndhurst Road frontage and in Park Road.

Mitigation is proposed by use of acoustic glazing, the specification of which would be higher in western/north-western part of the site, with a lesser specification to the east and Park Road, where exposure levels are less.

In terms of ventilation, a mechanical ventilation and heat recovery system is proposed to provide continuous air flow and to avoid overheating when windows are closed. Windows would be openable to allow for periods of air-purging, which appears to be a reasonable approach given the periods of lower noise exposure. The Environmental Health officer is satisfied with these measures and specifications, which can be ensured by use of planning conditions.

Accessibility, Traffic & Parking

Access

Accesses would be provided on both street frontages in a total of three places, along with a separate service access from Lyndhurst Road, serving the retained gas governor adjoining the north-east corner of the site.

The main vehicular and footpath access would be in Park Road, close to the south-eastern corner, passing close to the side and rear boundaries of the neighbouring house at no.83 Park Road. This would serve 105no. resident parking spaces, some of which are under-croft below the first floor overhead, but most of which are open-surface with on-site turning for service vehicles. It is possible that one or two existing roadside parking bays to the south of this access may need to be removed or shortened to provide adequate visibility.

A vehicular-footpath access is also proposed in the centre of the Lyndhurst Road frontage; this would serve five resident parking spaces, also with turning space. A third footpath-only 'secondary' access is proposed in the centre of the Park Road frontage, connecting into the central courtyard. The path would continue up to the western boundary with the Waitrose land.

Doorways to internal cycle-stores and secure external cycle sheds would open into the courtyard and the two parking areas, along with those of internal bin and plant rooms which would be serviced from the car parks, including the free standing bin store at the Park Road frontage.



The existing walls along both site frontages, which range in height from approximately 1.5m – 2.8m, would be demolished (with the exception of the corner sections around the gas governor outside the application site). These would be replaced by lower boundaries (0.9m), providing improved visibility.

At Lyndhurst Road the replacement would be set back by approximately 0.8m to provide a wider public footpath of 1.8m. The applicant has agreed that a reasonable endeavours

clause would be included in a legal agreement to seek to work with the owner of the adjoining gas governor land so that this might be included in the pavement widening.

Beyond this initial widening, the applicant has also offered an option to set back the Lyndhurst Road frontage by a further 1.8m, in the event that land is needed to form a future cyclepath.

The two vehicular entrances are currently shown to be ungated. However, pedestrian gates would be located at the Park Road pedestrian entrance and across each of the internal footpaths. This arrangement means that many but not all of the doors into the proposed buildings are within the gated area.

With the exception of four maisonettes, dwellings would have level thresholds or would be accessed by lifts. Seven parking spaces for wheelchair users are disturbed among the proposed car parks, typically close to entrance doors. Access throughout the site is described as 'step free'.

Traffic

An assessment of likely traffic impacts has considered traffic associated with the existing use of the site for NHS staff parking (93 spaces); a Partnership For Growth charity which receives, packs and dispatches items for overseas' aid and the remaining element of use by SGN gas utilities. This was obtained by a weekday survey of vehicles entering and leaving the site in October 2020 and notwithstanding Covid restrictions at that time, it is accepted by the highway authority as a reasonable baseline. The survey identified a peak of 70 vehicle movements in the morning and 42 in the evening.

Projected traffic from the development is derived using a ratio of the number of trips per household based upon 'TRICS' data (compiled from 7000+UK surveys) and the anticipated split of these trips into type: car, pedestrian, public transport and cycling. This takes into account the edge of town centre location and 2011 census data. In terms of car movements for the proposed development it predicts a peak of 56 vehicle movements in the morning and 50 in the evening, which is a reduction of 14 and an increase of 8 respectively. The daily increase is 243.

	Existing	Proposed	Change
AM Peak	70	56	-14 (-20%)
PM Peak	42	50	+ 8 (+19%)

The Highway Authority has considered these results and advised that the differences are unlikely to have an adverse traffic effect. It has also reviewed the predicted impact on the Park Road / Lyndhurst Road junction, taking into account pre-Covid traffic data for the area including an assumed six percent growth in local traffic up to 2026.

The results show junction flow/capacity ratios of 0.33 and 0.12 for the AM and PM peaks respectively, which is well below the value of 0.85 where junctions become

sensitive to additional traffic. This indicates that the junction overall is unlikely to be adversely affected, although it is noted that the flow of vehicle movements to/from the site is reversed, with the greater proportion of vehicles leaving the site in the morning and returning in the evening, which is the opposite of the existing situation.

Whilst the modest additional traffic is concentrated in the evening peak, it is anticipated that the mix of traffic associated with the proposal would reflect modern domestic needs throughout the day and evenings, including home deliveries of food and other goods. Accordingly the provision of on-site manoeuvring and turning space is an important design consideration.

The proposed entrances and car parks have been tested to ensure adequacy for a range of delivery, service and emergency vehicles. The Highway Authority has requested further information on some aspects of this, including the geometry of the Park Road access drive, kerb alignment in Lyndhurst Road visibility at the service access and consideration as to whether space for pedestrians should be separately delineated within some parking/manoeuvring areas.

Regarding the service access, the applicant has been asked to consider whether this might be relocated to the Park Road frontage, which has greater visibility. In the case of the Park Road access it may also be desirable in design terms to reduce the amount of tarmac surface shown in the current proposal, and to seek a curved rather than right-angled driveway. An update will be given on this matter.

Parking

Guidance within the NPPF advises that the setting of parking standards is relevant in the matter of optimising the density of development on town centres, well served by public transport. The Worthing Core Strategy Policy 19 seeks a balanced approach between parking demand and provision. It promotes accessibility and safety for pedestrians including the use of travel plans as part of this overall balance. Emerging Policy DM15 continues this approach, including the provision of car clubs schemes.

County guidance for parking which was adopted in 2019 identifies the town centre and inner suburbs to the south of the railway as Parking Behaviour Zone 5 (PBZ). Here it recommends parking ratios of 0.6 – 1.1 parking spaces/dwelling for one and two bedroom homes and 1.6/dwelling for three bedrooms. If applied to the current proposals this would indicate a need for 196 spaces (a gross ratio of 0.94/dwelling).

If spaces are unallocated to individual flats, these parking rates are also assumed to cater for visitors, therefore arrangements for parking management and resident eligibility are an important consideration. The proposed 6no. spaces for people with disabilities meets the five percent recommended by the guidance.

Reduced parking requirements may apply where a range of travel choices are available and sustainable travel initiatives are provided, or where individual on-street evening parking capacity surveys provide justification. The Guidance states:

'parking provision should be sufficient to accommodate parking demand while exploiting the potential for sustainable travel, minimising adverse effects on road safety, and avoiding increased on-street parking demand' (4.2). *'Calculation of expected...demand should normally be based on local or comparable data, taking account of forecast changes...in the local plan period'* (4.5). The County Council will: *'only consider objecting to development on parking grounds where parking arrangements do not comply with the guidance and this could result in a highway safety or capacity issue'* (1.5).

In response the applicant has examined census data from 2011 covering the surrounding streets which shows car ownership rates of 0.7/dwelling. This information together with the accessibility of the site to town centre services and public transport would, in the applicant's view, support a reduced provision of 0.53/dwelling i.e the 110 spaces proposed.

Mitigation and Management

In consideration of these arguments, there is merit in a focus away from private car usage, both in terms of a more sustainable approach to transport and to allow for higher density of development which is less dominated by car parking. However, it is vital that this is part of a wider balance of transport provisions if it is to be effective in fostering the lower levels of private car dependency which are needed. It is also important to avoid the displacement of car parking demand into the wider area, as referred to in many of the representations received from local residents.

Accordingly the applicant proposes the following measures:

1. Car club spaces for two cars
2. Secure cycle stores for 205 spaces (88% greater than County guidance)
3. Travel Plan measures, including promotion of public transport and walking routes
4. Wider pavements in Lyndhurst Road and Park Road, (including agreement to use reasonable endeavours to secure additional land from the adjoining gas governor site)
5. Lease restriction on future residents against on-street parking permits
6. Optional dedication of further land for a possible future cycle path in Lyndhurst Road

Subject to inclusion of the amendments listed below as far as possible, the Highway Authority supports measures 1-5, and is due to provide further advice on point 6, which is also considered further below. The requested amendments:-

- Car club – provision of two vehicles via a car club supplier and a period of paid membership for each household
- Travel Plan – amendments including provision of vouchers for public transport use of towards cycle purchase; monitoring up to year five in liaison with the County Council and use of more explicit targets, promotion of car sharing and bus travel

- Management of parking areas - details of the use and management of spaces to ensure efficient use, including visitors and avoid 'locking-up' of unused spaces

These measures with the requested amendments appear to be appropriately targeted. The complementary use of parking permit restrictions alongside two car club vehicles provides a practical option for residents who may have occasional need to use a car without affecting off-site parking pressures. It is noted that the recently introduced car club of two vehicles in the nearby High Street Car Park has, according to the operator, shown good utilisation (45% hours' use) in its first few months. Both the car club and permit restriction can be included within s.106 Planning Agreement.

Travel Plan measures are largely promotional and present a greater challenge in fostering increased use of public transport and cycle trips, whose respective TRICS rates are currently low (15 and 5 percent respectively). Much of their success will depend upon the early engagement of new residents, ideally beginning at the marketing stage and supported by robust monitoring thereafter.

Point 6 of the list above is the optional future further-widening of the footpath along the Lyndhurst Road frontage. This coincides with the aims of the Worthing & Adur Councils' Local Cycle & Walking Infrastructure Plan (LCWIP, 2020), for a cycle route between Brooklands Park and Goring via Lyndhurst Road. Further advice is awaited from the County Council.

The image below shows the site frontage (the additional 1.8m is part of the planted area to the south of the orange line).



However it is recognised that a deliverable cycle-path scheme would rely upon the inclusion of the neighbouring Waitrose land and the gas governor frontage, the possibilities for which are currently far from clear. Preserving this option via a legal agreement would also require an easily removable means of enclosure, such as railings rather than the flint wall currently proposed.

It is noted that the cycle-path, if built, would leave only 900mm (approx.) between the path and the façade and windows of the proposed buildings, which is less than ideal in design terms, however, this is considered to be outweighed by the potential wider transport benefit to the wider public.

Another future possibility is the connection of the central east-west footpath in the proposed development, onward into the Waitrose site. The applicant is also willing to include this future option in a legal agreement. If achieved, this might provide an off-road route between Park Road and High Street, improving local connectivity for pedestrians in accordance with the local plan and emerging policies.

Whilst this is desirable it is also dependent upon the future willingness of Waitrose to form a connection across its land, the possibility of which is also far from clear. Secondly, the connection would require re-planning of the proposed system of entrance gates within the site, which may be unpopular with future residents of the development. Accordingly, whilst this option can be included in a Planning agreement, the probability of its delivery is remote.

Lastly, in accordance with County guidance, the applicant proposed 40% of live charging points for electric vehicles, which is slightly in excess of the 37% for planning permissions issued in 2022. Confirmation is awaited as to their distribution, although final details could be required by a planning condition. Assurance is also sought that ducting will be provided to all other spaces to facilitate future fitting of further live charging points.

In summary, the degree of traffic impact is considered to be acceptable by comparison with the existing use of the site. The proposed management of car parking, the provision of a car club and measures to encourage other modes of transport, including the wider pavements and options for a cycle path, alongside the reduced parking ratio are considered to be a reasonable and balanced approach which builds on the accessible nature of the site and reflects the importance of effective development densities in which parking is less dominant.

Drainage and Flood Risk

The site lies within an area of low flood risk (Zone 1), as confirmed by the submitted Flood Risk Assessment (FRA) and consultation responses from the Council's Engineer and County Lead Local Flood Authority (LLFA). As such major residential redevelopment is acceptable in terms of flood risk, climate change and drainage.

It is noted that groundwater levels for areas close to the sea tend to be high, with consequent risk from groundwater flooding. In consideration of the LLFA comment on this point, the FRA observes that groundwater levels are between 0.025m and 0.5m below ground level and that this is above future tidal level with consequent low level future risk of groundwater flooding. However, this is a consideration in the design of surface water drainage, particularly in the use of sustainable (SUDS) techniques.

Core Strategy Policy 15 and NPPF both require that major developments should incorporate SUDS drainage systems where appropriate, with the aim of reducing the rate of surface water flow from individual sites. NPPF recognises that opportunities for

this will vary between sites and allows for situations in which it is not possible, provided that clear evidence is provided.

National guidance promotes a hierarchy of SUDS techniques. The first preference is for drainage by ground infiltration – soakage; the second is by the provision of areas of water storage so that outflow can be regulated/attenuated, and some will evaporate for example roof storage or ponds. The third is by drainage to a conventional drainage system into surface water or (the least desirable) to a combined surface and foul water sewer.

In the current application the use of infiltration-soakage has been discounted due to the historic use of the site as a gas works and risk of leaching of residual contaminants. The applicant's approach is therefore to include areas of surface water storage. These are the provision of two below-ground storage tanks; stone-filled filter drainage channels at the edges of car parking areas and rain gardens (shallow planted depressions in landscaped areas, typically containing trees). The southern boundary wall of the site will serve to direct excess rainwater during heavy rain, so that flow routes are not adversely affected.

Other discounted options include the use of rainwater harvesting tanks (connected to individual downpipes) due to poor cost effectiveness and presumably implications for management and emptying of these. The use of porous paving has not been included due to the additional costs associated with removal of soils and importation of granular material together with lining (to prevent leaching), which would be necessary to create a storage volume, and the relatively low ratio of water storage (30%) within the granular fill. It is noted that 'blue' roofs are also not included despite the inclusion of substantial areas of flat roof.

Despite the limited range of SUDs elements included in the proposals, the resulting effect is that the rate of surface water flow from the site into the public surface water sewer would be reduced by at least seventy percent of its existing rate. This is considered to be a reasonable cost-effective outcome. In terms of water quality, the system of filter drains, rain gardens and tanks, provide for filtration and an improvement compared with the existing unfiltered run-off.

As indicated by the Council's Drainage Engineer, future maintenance of these features would be important in order to ensure that they remain efficient in the future. Planning conditions are recommended for the approval of detailed designs and verification of the system and foul drainage once installed, together with arrangements for future surface water drainage management. The responsibility for future management, for instance by a site management company, would be included within a legal agreement.

In terms of foul drainage, Southern Water has confirmed that it can provide adequate capacity for the development under its separate approval process.

Sustainability

Energy

Following the Council's declaration of Climate Change Emergency in 2019, emerging policies DM16 & DM17 in the Worthing Local Plan Submission Draft 2021 have identified a target of 31 percent reduction in CO2 emissions for new developments, compared against the baseline requirements of Building Regulations. This is to be achieved largely through energy-efficient design. Alongside this is an additional requirement that at least ten percent of energy needs should be met by renewable sources, and that in certain locations, including the town centre, development should maximise opportunity for future network-ready connection to a district heating network.

Efficient water usage of 110 litres/person/day is also sought under emerging policy DM21, which is 12 percent better than current Building Regulations, reflecting aims to minimise wider water stress and reduce embedded energy/CO2 incurred in water supply.

These emerging policies update the Core Strategy policies 17 & 18 of 2011, which seek sustainable resource-efficient developments and a ten percent target for renewable energy in major developments. New policies have reached an advanced stage and accord with current NPPF guidance towards low-carbon development and therefore are afforded a good degree of weight.

In response, the proposed development is designed to achieve a 32 percent reduction against baseline CO2. This is through a combination of heat-and-ventilation-efficient fabric and significantly the use of air source heat pumps (ASHP), located in a shrouded area on top of the proposed seventh floor and fed via a communal system to each apartment. The ASHP provides for 60% of predicted heat energy demand, although a gas boiler back-up would be needed for times of high demand.

A central energy plant room and substation space on the ground floor would also serve as connection points for any future district heat network, with potential connection routes through car parking areas to be kept as free as possible, a requirement which can be included in a legal agreement.

Other energy efficiency measures would include a Mechanical Ventilation and Heat Recovery (MVHR), which combines with heat-efficient glazing to provide air tightness. This also serves to limit noise from external traffic and neighbouring supermarket site (windows would be openable to allow for purge ventilation). LED lighting and smart meters with usage displays are also intended. Solar photo-voltaic panels are not included due to the effectiveness of the ASHP. The use of water efficient fixtures is calculated to produce an average of 105l/person/day, which is better than the emerging policy target.

Detailed calculations have been provided in support of these elements of energy and water efficiency and whilst it appears that at least part of 10 percent renewable energy

provision has been included in the 32 percent carbon reduction, rather than in addition to it, other factors such as the provision of electric vehicle charging points in excess of current targets, and the sustainable transport elements of the proposal, including car clubs, are considered to produce a highly satisfactory outcome against emerging policies. A planning condition would be included to require verification of these measures and the predicted carbon reduction.

Air Quality & Microclimate

Council data indicates that existing air quality levels in the vicinity in 2019 (nitrogen dioxide and particulate matter) were significantly better than national standards. An assessment of the proposals based on national advice, has calculated the air quality impact of additional vehicle movements (243/day). Increased emissions for each pollutant are very small (all factors are below + 0.15 by comparison with targets of between 25 and 40).

In accordance with a national (DEFRA) model and County Guidance, these minor increases have been converted into a financial mitigation equivalent; the sum is being checked by the applicant and will be confirmed. They suggest that in any event this mitigation value could be discounted against the costs of the additional EV charging points, which are 3 percent better than current rates; also that any back-up gas boiler used for the on-site heating system would be low-nitrogen dioxide emitting. Advice has been sought from the Environmental Health officer firstly to confirm whether the predicted impacts are accepted and secondly to confirm the sum when checked and whether the suggested discount should be applied. An update will be given.

During the construction of the proposed development, including any preparatory groundworks, the assumptions, including those concerning the volumes of earth moving, indicate that there will be medium risks of nuisance from dust, although it is also noted that sensitivity to this risk is regarded as high for neighbours immediately to the north east. Accordingly the location and covering of any earth stockpiles, damping and wheel washing would be required by use of a Construction Management Plan. This Plan would also form part of the management approach to the remediation of site contamination, which is described in the Contamination & Remediation section of this report, which includes requirements for odour management and communication with neighbours.

An assessment of the microclimate effects of the development has considered a range of wind conditions with detailed discussion of wind speeds and pedestrian comfort. It comments that the scale of development, with fairly even and modest progressions in height from 3, 4/5 and 7 storeys set within the context of the existing 2-3 storey buildings on three sides, will cause winds to skim across roofs rather than be deflected and accelerated downwards by facades. This in addition to the varied façade levels suggest that any down-ward vortex effect or wind through gaps or around corners, would be weak and not harm pedestrian comfort nor the enjoyment of outdoor spaces.

The western façade with the jettied first floor however is the most exposed to wind acceleration and is unlikely to be suitable for outdoor sitting at ground level, however, this area is not designed for such a purpose, and outdoor spaces are located in the sheltered interior of the site. As such the proposed layout and size of buildings are considered acceptable in terms of microclimate impact.

Biodiversity

An ecologist's assessment observes that the site, which is largely hardstanding with some scrub vegetation and a small cluster of young sycamore and elder, offers negligible ecological or nesting value. Sporadic vegetation is largely opportunistic and of limited 'site' value. Likewise there is negligible potential for newts, reptiles or small mammals.

Although bat presence in the vicinity is acknowledged, and is also referred to in some representations, the ecologist's evaluation of the site and its temporary buildings finds no bat roosting potential and negligible or low commuting and foraging value. Accordingly the proposed development would have negligible effect on habitats or protected species on or off-site.

Whilst existing Policy 13 seeks enhancement to biodiversity, the emerging Policy DM18 seeks at least a 10 percent gain, with a target of 20 percent where achievable in major developments. The current proposals include several areas of soft landscaping to contain trees, hedges, climbing plants, shingle beds and ornamental planting. Notably, the extensive areas of flat roof are described as brown roofs; these are water-proofed, insulated and surfaced with organic material (typically a mixture of soil and granular material), which is either seeded or allowed to self-seed, providing habitat for invertebrates and birds. Bird and bat boxes and bricks are also proposed along with sensitive external lighting.

The combined proposals are calculated to produce between 0.43 - 3.17 habitat units or a net gain of over 700 percent of the site's biodiversity value, which is considered a significant biodiversity benefit, well in excess of emerging policy. Planning conditions can be used to require details of planting (types, densities, preparation and aftercare), to reflect the range of species currently shown indicatively. Ongoing aftercare would be part of the site management responsibility contained with a legal agreement.

Contamination and Remediation

When the site was identified for redevelopment in 2011 the Council's Core Strategy identified the need for remediation of contamination (Area of Change Policy 7). In order to safeguard residents, Saved Policy RES7 also requires new developments to include mitigation of pollution including fumes, chemicals and dust alongside other forms of pollution such as noise and vibration. Risks to the water environment are considered under Policy 15; this also requires mitigation and management to reduce or avoid water contamination and safeguard groundwater supply.

More recently the NPPF of 2021 (para.120) affords substantial weight to the redevelopment of previously developed land, with appropriate opportunities to remediate despoiled or contaminated land. In reaching planning decisions adequate site investigation information should be available so that risks can be taken into account. Remediation is the responsibility of the landowner/developer and remediation associated with development proposals should render the land no longer contaminated (paras.183-184).

More specific guidance on contamination and remediation is contained in the current National Planning Guidance (NPPG, Land Affected By Contamination, 2019). This explains the role of planning decisions, which is: *'to ensure [that] a site is suitable for its new use and to prevent unacceptable risk from pollution...the implications of contamination for development should be considered through the planning process to the extent that it is not addressed by other regimes'*.

In order to do this it advises that a risk assessment should identify the potential sources, pathways and receptors ('pollutant-contaminant linkages') and evaluate the risks. It refers to the use of site walk-overs and conceptual models which may be sufficient. This information should enable the Planning Authority to determine whether more detailed investigation is required, or whether any proposed remediation is satisfactory. It also acknowledges that: "Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined"

As stated in the summary comments of the Environmental Health officer, the proposal is accompanied by a Stage 1 Contamination Risk Assessment. This first stage of contamination risk management is informed by a desk study of historical records of the site, the Council's Contaminated Land Strategy, environmental permits and hydro-geological records.

The assessment acknowledges that local Environmental Health records categorise the site as a medium priority for further investigation. It concludes that there is a range of potential contaminants, gas/vapours and contaminated soils & dust, with varying probabilities of being present (from low likelihood to 'likely'). Degrees of risk to site workers, adjoining occupiers and to groundwater-aquifer are low or moderate, many are also low/very low, with only one (asbestos fibres) posing a high risk to construction or maintenance workers.

The Environmental Health officer has reviewed the initial risk assessment and advises that the next stages of remediation formulation should be subject to planning conditions. These would require approval of ground investigations and the subsequent design of remediation methods and safeguards; also the methods of monitoring and data collection to verify a satisfactory outcome.

Two particular uncertainties may be overcome by the use of planning conditions. The first is the extent to which separate regulatory consent may or may not be required from the Environment Agency. Such consent would be required if remediation required the treatment of a volume of 1000 cubic metres of waste arising from the site. Given the early stage investigation to date, it is unclear whether such consent would apply, although it is acknowledged that the applicant may apply voluntarily to the Agency.

The second uncertainty is the question of whether an Agency permit can apply sufficiently bespoke conditions to manage each aspect of risk. The Agency indicates that its permitting approach is standardised with little ability to do so and as such the planning process provides an appropriate control mechanism.

A further relevant consideration is that the precise mix and location of contamination risks remains to be identified and may require a range of remediation methods and safeguards. For instance, gases may be odorous and cause nuisance but not be harmful, in which case deodorising or masking could be used. Higher level vapour risks might require other techniques. Likewise soils and dusts may present a nuisance if windblown, which can be addressed by covering or damping down, whereas removal for off-site treatment is likely to require carefully controlled excavation, loading, covering and washing down. Gases and leaching may also require the provision of areas of below-ground membranes to safeguard groundwater or limit the upward movement of gas.

Discussions between Environmental Health Officers and the applicant's consultants have examined the remediation of other former gas works sites, in light of which they have identified the need for specific planning conditions here. The first is the need for an odour management plan, which would identify the monitoring and techniques for suppressing vapours and odours. This would be overseen by an independent consultant, who would be responsible for ongoing monitoring and overseeing of technical works, to the Council's satisfaction

The second is Communications Strategy. This would require on-going communication with people in the local area during site clearance and remediation works. It would inform them of the remediation methods, their timing and safeguards. For example, it may help to familiarise neighbours with the particular smell of deodorising techniques and when these might occur. Whilst the strategy would be targeted to site remediation and early stages of development works, (such as ground-works and foundations), it would continue into the wider construction phase.

The communications strategy is of particular importance in light of the many representations received on this matter and questions raised regarding the timing of remediation information and the management of risks. The strategy would operate along with the other proposed conditions, which require that the precise methods of remediation are approved, completed and verified before the commencement of other development. The responsibility for this communication would rest with the developer

team, who it is anticipated would engage a communications specialist with prior experience in the communication of such matters.

Other Matters

Fire Safety

In accordance with National requirements introduced in August 2021 for developments including seven or more storeys and 18m+ height, a fire statement has been submitted. This concerns fire safety measures in the layout, detailed design and use of materials. It has been referred to the Health and Safety Executive in accordance with the new requirements, whose response is awaited.

The West Sussex Fire and Rescue Service has responded, recommending that the location and installation of fire hydrants and the provision of an adequate water supply may be required following Building Regulations assessment in a following stage of the development process. A planning condition is recommended to cover this. It is noted that a sprinkler plant and tank room is included in the submitted ground floor layout.

Employment & Skills

As reported in the comment from the Council's Economy & Skills Officer's (ESO) the applicant's Employment and Skills Coordinator, has met and agree to work with the ESO team towards the agreement of an Employment & Skills Plan (ESP), with key indicator targets to achieve the following:

- Prioritising local suppliers for services such as welfare, catering, cleaning etc;
- Career events with local community and schools,
- Industry placements (possibly in connection with a local technical college);
- Graduate placements;
- Apprenticeships and
- Prioritising employment opportunities for local people during the construction phase

The applicant has agreed that the ESP would form part of a legal agreement, as summarised in the table below.

Legal Agreement

The following table summarises the content of a legal agreement between the applicant, Council and County Council, which would apply as part of a planning permission.

Table: Draft Heads of Terms for s.106 Legal Agreement

	Issue	Terms
	Accessibility and Parking	
1	Car club spaces for two cars	<ul style="list-style-type: none"> ● Space for two cars ● Procurement of a supplier to provide 2 cars ● Paid membership per household for 2 years ● £50 drive time per household
2	On-street parking permit restriction	<ul style="list-style-type: none"> ● Applicant agrees that no future residents will be able to apply ● Parallel restriction to apply in all leases/deeds.
3	Car Parks	<ul style="list-style-type: none"> ● Management: to ensure most effective practical uptake and minimise risk of locking-up spaces. ● Include visitor parking, Car Club Spaces, EV charging points and ducting.
4	Travel Plan	<ul style="list-style-type: none"> ● Appointment of Travel plan coordinator for five years ● Liaison with County Council ● Fees for County Council liaison (£3,500)
5	Wider Pavements in Lyndhurst Road and Park Road	<ul style="list-style-type: none"> ● Provision of wider footpaths (1.8m). ● Reasonable endeavours clause to secure additional land from the adjoining gas governor site
6	Cycle Path land in Lyndhurst Road	<ul style="list-style-type: none"> ● Ten years optional provision of further land (1.8m) ● Dedication of land for highway use if required ● No unauthorised development on this land
7	Footpath connection to Waitrose land	<ul style="list-style-type: none"> ● Ten year option ● Provision of unobstructed public access if required

		<ul style="list-style-type: none"> No unauthorised development on this land
8	District Heating Connection	<ul style="list-style-type: none"> Maintain routes for connection Liaison with Local Authority to achieve connection in event of future district heating scheme Provision for connection and switching of heat supply
	Contributions	
9	Open Space and Recreation	<ul style="list-style-type: none"> £65k towards improved open space provision at either Homefield Park or Beach House Park.
10	Air Quality Mitigation	<ul style="list-style-type: none"> Sum to be confirmed (by applicant), which may be discounted (subject to EHO comment)
11	Affordable Housing	<ul style="list-style-type: none"> £400k towards off site affordable housing provision
12	Transport	<ul style="list-style-type: none"> £100k Travel Plan commitments and sustainable travel improvements
13	Contamination	<ul style="list-style-type: none"> Contribution towards the cost of Independent Consultant to assist with discharge and monitoring of remediation strategy.
14	Viability Review	<ul style="list-style-type: none"> Pre-start viability review Development to commence within the next 12 months
	Site Management	
14	General Management	<ul style="list-style-type: none"> Secure cycle stores to be maintained Implementation of Travel Plan All common areas to be maintained, including car parks. Sustainable drainage, including arrangements for maintenance and end-of-life replacement. Brown roofs to be maintained for biodiversity value
15	Local Procurement and Skills	<ul style="list-style-type: none"> minimum targets for apprenticeships local procurement of materials and contractors (Greater Brighton area).

Community Infrastructure Levy

Having regard to the floorspace existing on the site (which is subtracted from the proposed floorspace) the development would generate a CIL payment of **£417,550**.

Conclusion & Planning Balance

In land use policy terms the proposals respond to a long-held Local Plan objective for redevelopment of this substantial town centre land. It accords with the principle of higher density development of brownfield sites in accessible locations, which is supported by National and Local planning policy & guidance, as a crucial element in addressing housing need and lessening the pressure for peripheral greenfield development. The *tilted balance* in favour of housing adds weight in support of development in this sustainable location.

The focus on urban living presents an opportunity for transport choices which rely less on the private motor car than in many suburban locations, with the potential that new households will have lower individual carbon footprints. Higher density development also supports new options such as car clubs, which provide access to car use when needed without ongoing maintenance costs to individual residents. The parallel restriction upon on-street permit availability to new residents minimises the risk of an impact on existing parking pressures in the area.

The design, using a series of stepped masses, lower at the site edge and increasing in stages towards the centre, means that there is a sense of transition with the two storey and occasional three storey building around the site and nearby. The use of a varied architecture and materials ensures that there is distinction between the individual blocks, providing a terraced cottage style of the site frontages and more formal and modern style deeper into the site.

These elements are harmonised by the widespread use of traditional proportions in details such as windows and doors, together with areas of simple or elaborate decorative brickwork. As such the development is both locally referenced but contemporary. It would be visible in views from surrounding streets, including the conservation area and setting of listed buildings, presenting a new high point on the local skyline but not in an abrupt or architecturally intrusive manner. Therefore it is considered to avoid harm in terms of the town's heritage but it is considered to add a new and visually complementary element.

Redevelopment of the site presents significant practical challenges. Firstly the need to manage site remediation work in a well-planned and carefully executed manner. As with the remediation of many contaminated sites in the past, a series of planning conditions would require approval of each key stage of the works and verification of their effectiveness. Added to these controls is a proposed requirement for odour and vapour management and the provision of appropriate professional resource to oversee this

work to the Council's satisfaction. The proposals build-in a commitment to ensure that local residents are kept informed of the works and their management.

A second practical consideration is the higher costs of development due to a combination of remediation & site preparation and the increased building costs nationally. This has limited the financial ability of the development to support the provision of affordable housing to the extent usually required, alongside other costs such as highways, recreation and other costs. The division of available funds is intended to address each of these as far as financially possible. An opportunity to reassess profitability would be built into any planning approval to allow for this to be checked again before development proceeds.

In terms of neighbouring relationships, the proposal is considered to safeguard reasonable degrees of privacy and light, with a few locations requiring additional screening and filtering by trees and balcony screens by use of planning conditions. The layout of the site provides a reasonable degree of space for residents in accordance with national internal space standards and some important aspects of local external space standards. The proximity to existing parks means that residents will also have good access to other outdoor spaces, enhanced by a financial contribution from the development.

In the overall planning balance, the proposal is considered to be a beneficial one.

Recommendation

It is recommended that planning permission be granted subject to a s.106 Agreement, as summarised in the Draft Heads of Terms table in this report, and subject to consideration by the Head of Planning under delegated authority of responses awaited from the Highway Authority, NHS, Southern Gas Network and from the Health & Safety Executive (in relation to the Fire Statement) and subject to the following conditions:

Subject to Conditions:-

1. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[to be inserted]

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. **Standard 3 year time limit**

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

3. Materials

Prior to commencement of any works above slab level the following shall be submitted to and approved in writing by the Local Planning Authority:

i) details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes,

ii) large scale drawings (typically 1:20 scale) and cross sections where necessary of details including windows and doors, balconies and balustrades / rails, roof intersections, soffits and eaves, rainwater goods and decorative brickwork and features.

Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

Highways & Access

4. Provide site accesses and visibility

No dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas serving it, have been completed in accordance with the approved plans. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 12 of the Worthing Core Strategy 2011 and paras 92 & 110 of the NPPF, 2021.*

5. Parking spaces - including car club, wheelchair user and visitor space

No dwelling shall be occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles and visitors, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The

approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 110 -113 of the NPPF, 2021.*

6. Electric vehicle charging points to be approved (including power rating)

No dwelling shall be occupied until the live charging points for electric vehicles to serve that dwelling has been provided in accordance with details including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable transport and air quality, in accordance with and paras 110 -113 of the NPPF, 2021 and policy 19 of the Worthing Core Strategy 2011 and Saved policy RES7 of the Worthing Local Plan 2003.*

7. Cycle Stores and Bin Stores

No dwelling shall be occupied until secure cycle parking stores and bin stores has been provided in accordance with the details, including plans, elevations and materials details, including plans, elevations and materials, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003.*

8. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

Land Remediation

9. Investigation and Scheme

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 in consultation with the Environment Agency:

- i) 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.
- ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal, a detailed Remediation Method Statement (RMS) giving full details of the remediation measures required and a Remediation Implementation Plan (RIP). The RIP shall detail how the RMS will be implemented and incorporate strategies detailed within the approved Odour Management Plan. A Materials Management Plan (MMP) written in accordance with the CL:aire DoWCoP should also be provided.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

10. Precautionary Approach

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

11. Odour Management Plan

The development hereby permitted shall not be carried out unless and until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall include the following:

- i) A risk assessment to identify potential sources of vapours and odour and how it may be released;
- ii) Identification of the most sensitive receptors, both residential and commercial, where assessment and monitoring of vapours and odours will be undertaken by an independent consultant before commencement of works (to establish baseline conditions) and as work progresses;
- iii) A suitable and efficient means of monitoring and suppressing vapours and odours, including where necessary the use of suppressants, deodorising agents and adequate containment including the use of a fully enclosed system where appropriate so as to prevent nuisance.

The Plan shall have regard to the Environment Agency H4 Odour Management (2011) and the IAQM Guidance on the assessment of odour for planning 2018. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

12. Remediation Communications Strategy

Prior to the removal of structures from the site, demolition, remediation or commencement of development, a Communications Strategy shall be submitted to and approved in writing by the Local Authority. This shall include measures for communication with people in the local area, to be undertaken by a communications specialist during the site clearance, remediation and construction phases of the development. The Communications Strategy shall thereafter be fully implemented and adhered to for the full duration of the site clearance, remediation and construction phases of the development.

Reason: *To ensure effective communication and management of remediation works in the interests of neighbouring amenity and to minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

13. Safeguarding of groundwater/ approval of piling

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *Piling or deep foundation using penetrative methods has the potential to mobilise contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies RES7 & RES9 of the Worthing Local Plan, 2003 and paras 174 & 183 - 185 of the NPPF, 2021.*

14. Decommissioning of redundant boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: *To manage risk of mobilisation of contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies RES7 & RES9 of the Worthing Local Plan, 2003 and paras 174 & 183 - 185 of the NPPF, 2021.*

Site Management

15. Construction Management Plan

No development shall take place, including any works of demolition, site remediation or preparatory works associated with the development until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- a) the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- b) the method of access and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
- e) the location of any site compound, office, welfare facilities
- f) the location of storage of plant and materials used in construction of the development,
- g) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
- h) site lighting, including measures to minimise light nuisance,
- i) a commitment to no burning on site,
- j) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- k) details of public engagement both prior to and during construction works to advise residents and workers of neighbouring land of works and possible emissions and noise from the scheme during remediation work,
- l) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
- m) methods to control dust and fumes from the site, including from engines
- n) methods to manage the impact of noisy activities,
- o) construction waste management strategy,
- p) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site.
- q) details of how vehicles transporting contaminated waste that leave the site (including wheel washing and covering of loads) will be managed to prevent any contaminants from entering the environment,

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater. In the interests of highway safety and the amenities of the area, to minimise traffic generated by the development and noise and pollution during the construction phase in accordance with Policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

16. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

Drainage

17. Surface Water – SUDS Drainage

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 will be required to support the drainage design. 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. Details shall be supported by an assessment of the risks to controlled waters. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with policies 12 & 15 of the Worthing Core Strategy 2011, Saved Policies RES7 & RES9 of the Worthing Local Plan 2003 and paras 167, 169 & 174 of the NPPF 2021.*

18. Drainage Maintenance

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.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

19. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

20. Foul water drainage

No development shall take place until details of the foul drainage have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: *To ensure appropriate foul drainage, in accordance with policy 12 of the Worthing Borough Core Strategy, 2011.*

Sustainable Design and Energy

21. Sustainable Construction & Energy

The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy Assessment dated 4th June 2021 (Reference:200156-SDP-xx-xx-RP-ES-Energy Assessment Version 3.1) submitted with the current application:

- i) Energy efficient building fabric and mechanical ventilation with heat recovery
- ii) Community boiler / Air-source heat pump boiler system (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
- iii) LED internal & external lighting,
- iv) Efficient water goods and fixtures to achieve <105L/Person usage/day.
- v) Operational waste management,

Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target of 32 percent CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy Assessment and confirming the installation of water goods and fixtures to achieve a target of <105L/Person usage/day.

The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

22. District Heating

With the exception of any demolition works and excavations, no development shall take place until a strategy to facilitate the connection of the development to a future district heating network, have been submitted to and approved in writing by the Local Planning Authority. This shall:

- i) identify potential routes for connecting pipework between the buildings and public highway;
- ii) identify plant room space for the future installation of heat interface equipment, and/or other plant, which may be required for future connection to the network;
- iii) Include a strategy to facilitate the connection of the network to the development and adaptation / transition to the supply of heat from the network into each building

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

Reason: *To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

Other Matters

23. Landscaping & Biodiversity

With the exception of any demolition works or works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping in accordance with the submitted Landscape Masterplan LLD2236-LAN-DWG-001 Rev P08 dated 8th March 2021 and Landscape Design Strategy LLD2236-LAN-REP-001 dated 28th July 2021, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity, including brown roofs,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping,

shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 174 of the NPPF, 2021.*

24. Means of Enclosure & Gates - Provision

No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

Reason: *To ensure appropriate means of enclosure and accessible gateways, in the interests of safety and the amenities of the area and for residual management of surface water in accordance with Policies 15 & 16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 92 of the NPPF, 2021.*

25. Means of Enclosure & Gates - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

26 Balcony Screens

No development shall be occupied until balcony screens of not less than 1.7m in height have been fitted to the southern face of all balconies on the east and west sides of blocks A & E [*insert flat numbers*], in accordance with details, including design and degree of obscuration (which shall not be less than Pilkington Level 4 or similar index of obscuration), so as to minimise risk of overlooking of neighbours to the south. The screens shall be permanently retained and maintained in accordance with the details thereby approved.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Saved Policy 18 of the Worthing Local Plan 2003.*

27. Use of Flat Roofs

No part of any roof to blocks A or E shall be used at any time for the purposes of a terrace or balcony without the prior written approval of the Local Planning Authority.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Saved Policy 18 of the Worthing Local Plan 2003.*

28. External Lighting – Provision and Limitation

No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.*

29. Secure by Design

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to in the development of the relevant phase.

Reason: *To ensure a well-designed, good quality and safe environment in accordance with policies 16 & 19 of the Worthing Borough Core Strategy, 2011 and section 17 of the Crime & Disorder Act 1998 and paragraph 92 of the NPPF, 2021*

30. Levels & Access

With the exception of any demolition works development shall not commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in

writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

31. Aerials

Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

32. Noise Mitigation and Ventilation - Provision

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. These details shall accord with the Noise Assessment of July 2021 (reference: 10130 NV WGW (v6) Final), submitted with the current application, and shall include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.*

33. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [32] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.*

34. External plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

35. Fire Hydrants

In the event that the need for additional fire hydrants or stored water supply are required as part of the Building Regulations Approval process, the following details shall be submitted

1. Prior to the commencement of the development, or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or stored water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), 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.
2. Prior to the first occupation of any dwelling forming part of the development the applicant shall install the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

Reason: *To safeguard the residential amenities of the area in accordance with policy 12 the Worthing Borough Core Strategy 2011 and in accordance with The Fire & Rescue Service Act 2004.*

36. Any other appropriate conditions.

Representative View 3



Representative View 5



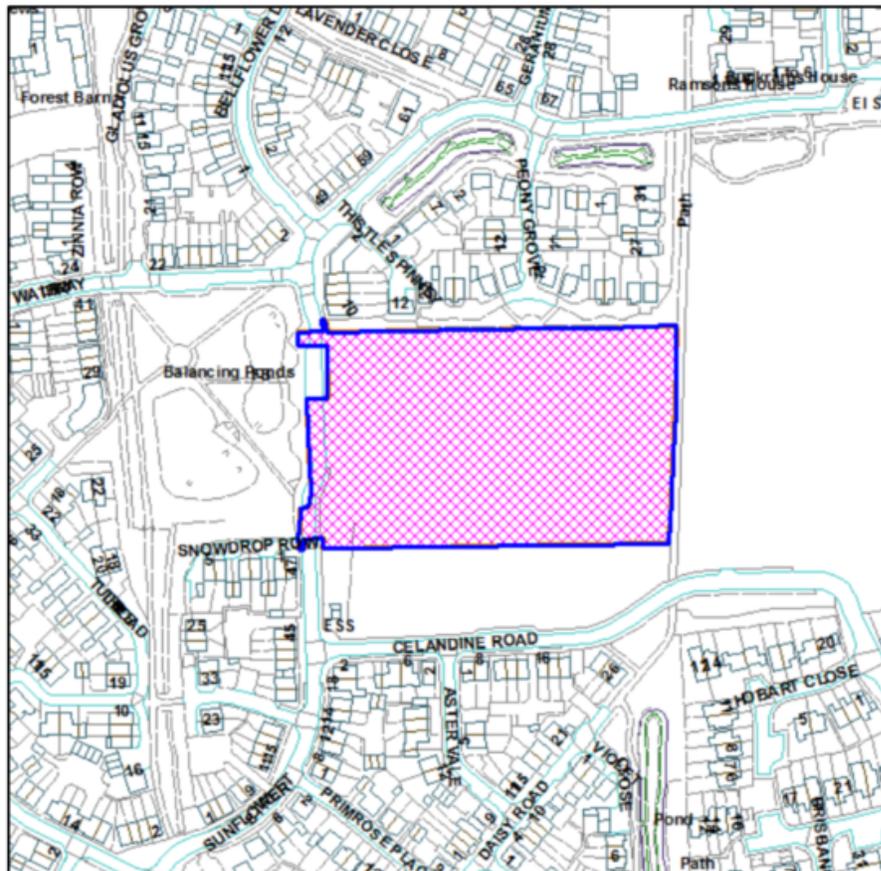
Representative View 7



Representative View 8



Application Number:	AWDM/1853/21	Recommendation - Approve
Site:	Land South Of Peony Grove And Thistle Spinney, Worthing, West Sussex	
Proposal:	Application for public service infrastructure project: Construction of a part one, part two storey school building to serve as a two form of entry primary school and nursery, with associated parking, landscaping and hard and soft play areas. Erection of associated boundary fencing up to 2.4m in height and formation of access and associated highway works.	
Applicant:	Spatial Initiative Ltd / Dept for Education	Ward: Northbrook
Agent:	Nicholas Taylor + Associates	
Case Officer:	Graeme Felstead	



Not to Scale

Site and Surroundings

The application site is situated in the centre of the new West Durrington housing development of 700 homes in north-west Worthing. It sits within the heart of the new development with housing to the north and west. A central green is located to the west on the other side of Sunflower Street, which is the main access road into West Durrington.

To the east of the site, beyond a public footpath, is land reserved for future community facilities, allotments, and playing pitches. Immediately to the south of the school site is an undeveloped plot of land which was earmarked in the outline permission for West Durrington in 2012, as additional land for education development if required.

Vehicular access is provided at the Sunflower Street frontage. The road is due to be adopted by the Highway Authority and until then it is managed by the West Durrington development consortium. Pedestrian routes abut the north and eastern boundaries of the site; these provide main walking and cycling routes throughout the development.

The site has recently been used as a construction compound linked to the housing development. This was cleared and vacated in March 2021 and is currently surrounded by a fence. The land is generally level.

Surroundings

As mentioned, the West Durrington housing development has been substantially completed. A cluster of houses and flats is located to the immediate north of the site on Peony Grove on the opposite side of the pedestrian pathway. West Durrington is bounded by earlier housing to the east with a mixture to the south of housing, retail, leisure, woodlands and open space.

The site is about four miles (seven kilometres) north west of Worthing town centre on the edge of the built-up area, A recently approved further extension of West Durrington ('the northern sector', comprising 240 additional homes), has recently commenced construction between the northern end of West Durrington and the A27. Development traffic involved in the northern sector works uses Sunflower Street. Beyond the A27 is the South Downs National Park.

Proposal

The proposal is for the construction of a part one, part two storey primary school building with ancillary play space, parking, playing pitches and landscaping. The proposed L-shaped building would be sited near the Sunflower Road frontage, with a car park and entrance in front of it. The western part of the building would contain the school hall and kitchen, the teaching block would extend eastwards to the centre of the site and the entrance would be in the southern side of the building adjacent to the hall.

The building would support a 2 Form of Entry School, containing 420 pupils and 35 members of staff. It is also to accommodate a nursery for 32 places. In total, this project will deliver a new school building of some 2,272 sqm over 2 storeys. It would consist of 14 classrooms, a nursery, a large and small, studio, food/science room, room, library and other ancillary staff and teaching rooms

Vehicular access from the Sunflower Street frontage would serve the proposed car park of 26 spaces, 7 of which are to be equipped for electric vehicle charging, while 2 spaces are reserved for blue badge holders. Cycle and scooter parking is also proposed. A separate pedestrian access point will also be created in the south-west corner of the site from Sunflower Street, and a secondary pedestrian access would be at the centre of the north boundary from the existing foot-cyclepath near Peony Grove

Within the site, to the north and south of the school building will be surfaced playground areas. An open Multi Use Games Area is also incorporated into these hard play areas.

The eastern half of the site will contain a new playing field, suitable for up to U11/12 (9v9) football. The school will however line-mark the pitch to support a variety of sports, depending on the time of year. The north-west corner of the site will support a habitat area of mixed planting.

A substantial tree planting scheme is proposed surrounding the boundary of the site on the north, west and south sides to reflect the green core of the West Durrington area.

Relevant Planning History

11/0275/OUT Outline application for development of land north of Fulbeck Avenue, West Durrington, for residential development (up to 700 units), recreation, community and education purposes; ground stabilisation; and speed management measures on Titnore Lane. Principal vehicular access and bus routing via Fulbeck Avenue, with Tasman Way providing vehicular access limited to the community facilities and bus routing, and Cherwell Road providing emergency vehicular access only.

Approved 27.4.12

AWDM/0569/14 Application for approval of Reserved Matters pursuant to Planning Permission WB/11/0275/OUT relating to the appearance, landscaping, layout and scale of 93 dwellings in Areas 1b and 2b **Approved 25.2.15**

AWDM/0603/14 Application for approval of Reserved Matters pursuant to Planning Permission WB/11/0275/OUT relating to the appearance, landscaping, layout and scale of 79 dwellings in Area 1a. **Approved 17.2.15**

AWDM/0661/14 Application for approval of Reserved Matters pursuant to Planning Permission WB/11/0275/OUT relating to the appearance, landscaping, layout and scale of 84 dwellings in Area 1c **Approved 18.2.15**

AWDM/0721/16 Application for approval of Reserved Matters pursuant to outline planning permission WB/11/0275/OUT relating to details of 149 dwellings (104 market and 45 affordable) with associated roads, parking, garaging and landscaping for Parcel Areas 2C and 3C of development of land north of Fulbeck Avenue, West Durrington. **Approved 21.12.16**

AWDM/0792/16 Application for approval of Reserved Matters pursuant to outline planning permission WB/11/0275/OUT relating to details of 155 dwellings with associated roads, parking, garaging and landscaping for Parcel Areas 2A and 3B of development of land north of Fulbeck Avenue, West Durrington. **Approved 13.1.17**

AWDM/0780/16 Application for approval of Reserved Matters pursuant to outline planning permission WB/11/0275/OUT relating to details of 140 dwellings with associated roads, parking, garaging and landscaping for Parcel Areas 2B and 3A of development of land north of Fulbeck Avenue, West Durrington. **Approved 13.1.17**

Consultations

West Sussex County Council Highway Authority - Comment

Having considered the information within the Transport Assessment the Highway Authority are satisfied that the proposals are sufficient in regards of Highway Safety subject to conditions. A road safety audit has been requested [*recently received*], and further comments will follow.

West Sussex County Education - Comments

West Sussex County Council, as the education authority for the area and responsible for school place planning, produces each year a report entitled 'Planning School Places' and the 2021 version can be found at:

<https://www.westsussex.gov.uk/about-the-council/policies-and-reports/school-policy-and-reports/planning-school-places/>

With reference to this report, we wish to make the following comments on the application. Details in the report show that demand for primary school places across the Borough has seen a decline in recent years although this followed a period of sustained growth in previous years. We are also aware that a number of primary schools across the Worthing & Durrington area have expressed concerns about the opening of additional places through this proposal.

*In Worthing and Durrington, West Sussex County Council currently has 1,363 surplus primary school places across 22 primary, infant or junior schools and academies. Current provision suggests that the Worthing area has a **15.5% (28 FE)** in available spaces and the Durrington area **17.5% (17 FE)** for its current number of pupils. In total, this equates to a total surplus provision across the Worthing Borough of **16.7% (45***

FE).The decision to award the Free School was made by the Department for Education on grounds other than basic need i.e. need for additional pupil places. Therefore, whilst it will provide an opportunity to bring significant capital investment into the area by the development of a new primary school, we need to emphasise that it will create further additional surplus capacity.....

Data from the October 2021 School Census will not yet be available to use until the early part of 2022 but we do not expect to see a significant variation to the volume of surplus places.

The following table shows the projected need for places for children starting school in Durrington over the next 4 years. There are currently 17 forms of entry (FE) in the planning area which are sufficient to accommodate the anticipated number of pupils. I should emphasise that the information below does not include the proposed new DfE Free School, known locally as Bluebell Primary, that is the subject of this planning application and is proposed to open in 2023. If this new 2FE (420 places) primary opens it will increase the number of forms of entry across the area to 19; thereby creating a surplus of planned places into the future.

R- Data taken from EDGE Projections				
Worthing Wards	YRR-1 2021/22	YRR-2 2022/23	YRR-3 2023/24	YRR-4 2024/25
Broadwater	104	100	104	103
Central	81	81	85	84
Gaisford	86	95	93	90
Heene	50	63	62	62
Offington	44	44	48	49
Selden	76	81	76	75
Tarring	87	86	84	83
	528	550	552	546
R- Data taken from EDGE Projections				
Durrington Wards	YRR-1 2021/22	YRR-2 2022/23	YRR-3 2023/24	YRR-4 2024/25
Castle	117	118	95	126
Durrington	43	42	40	40
Goring	50	52	57	57
Marine	59	57	53	53
Northbrook	127	142	140	144
Salvington	95	90	87	85
	491	501	472	505

In conclusion, we acknowledge the decision to award the Free School was made by the Department for Education on grounds other than basic need i.e. need for additional pupil places. Therefore, whilst it will provide an opportunity to bring significant capital investment into the area by the development of a new primary school, we need to emphasise that it will create further additional surplus capacity.'

West Sussex Lead Local Flood Authority - No objection

Mapping information shows that the site is at low risk from surface or groundwater flooding although higher risk exists around the boundary of the site. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Sustainable Drainage Systems (SuDS) is proposed (rain garden, permeable paving, below ground attenuation and a restricted discharge to the main sewer); groundwater monitoring should be undertaken to see if/how shallow infiltration could be incorporated into the drainage strategy. Pending this, planning conditions should be used to require detailed design rather than approval of the submitted strategy. Ensure that proposed trees do not interfere with SuDS.

Borough Drainage Engineer - Comments

No objections on flood risk grounds.

Surface water drainage: The high level surface water drainage strategy and discharge rate is acceptable in principle. We require full winter groundwater monitoring information to ensure adequate design, reflecting ground conditions. potential rooting areas of new trees should not overlap with surface water drainage features.

Borough Parks Officer - Comments

Recommends a SUDS design at the edges of hard standing areas to work towards mitigating localised flooding as we move towards more extreme weather events. Might be worth reconsidering lime trees near parking areas and roads as they drop aphid sap onto cars which can be an inconvenience.

Environment Agency - Comments awaited

Southern Water - Comment

There is an inset agreement/NAV agreement in place between Southern Water and ICOSA Water for sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must be complied with inset/NAV agreements terms. It is possible that a sewer now deemed to be public could be crossing the development site.

Sussex Police: - Comment

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered. I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I recommend reference to Secured by Design (SBD), which is supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings). This recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

West Sussex County Fire & Rescue Service:

There is a supply of water for fire fighting with a fire hydrant 85 metres away. The access width into the car parking area looks to have sufficient width to allow a fire appliance to gain access to the school, ensuring there is fire service access to the school to meet with the requirement of AD-B Volume 2 2019 edition B5 section 15.

Environmental Health - Public Health - Comments

Contaminated Land: Site investigation found no elevated levels of contamination or no ground gas was identified during monitoring. No remedial works are considered necessary as part of this development; a precautionary planning condition is recommended.

Construction Management: Noise monitoring proposes noted but please clarify the source of the identified 75dB action level? Over what period and at what location will this be monitored? Also please confirm whether generators will be required on site, their location, hours of use and noise mitigation?

Working hours during construction, recommended: Saturdays should commence at 09:00hrs rather than 08:00hrs, i.e: 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.

Air Quality: requested further information, including emissions mitigation assessment or [recently received]

Environmental Health, private sector housing - No comments to make.

Representations

A 120 letters have been received, 43 in support and 77 in objection, including many from outside West Durrington and from other local schools.

Support:

- The proposed school would give parents that freedom of choice in an ever expanding and new community. I am keen for those stakeholders in West Durrington to enjoy the same high level of provision at New Horizons Bluebell Primary that they receive at New Horizons Seaside Primary.
- The design facilitates a building that is fit for purpose now, but also well into the future.
- In a day and age when levels of childhood obesity are so high, it seems crazy to think of having to create additional car journeys just to attend a 'Good' local school.
- 700 homes are completed or well underway on this estate, with a further 240 coming. These are affordable houses for families with children. Bluebell community primary was a promised part of the development from the beginning.
- Most developers ignore the call for schools , doctors and community hubs, but we are fortunate to have this possibility of a brand new modern primary that will be needed.
- This is a free school approved by the Secretary of State for Education , and will bring local choice for local parents, who should not have to accept underperforming schools because they have no alternative.
- The new housing estate will inevitably bring families into the area who have expectations of choice and should be able to access a good school locally.
- The option to have a good school within walking distance of home is good for the children to be able to develop good habits for walking to school, and is also good for the environment and easing congestion, rather than parents having to travel across a congested town to access schools of good quality.
- New Horizons Academy Trust is a leading provider of excellent education and has built its own capacity to be ready to replicate the excellent teaching, culture and ethos at Bluebells.
- This is a chance to offer parents and children a real choice of quality education in the locality. Whilst this may impact the admission numbers at other schools, this is already happening where parents want better provision.
- A good school in the locality may help to raise standards in other schools nearby. New Horizons already has a reputation for supporting and developing skills at other schools.

New West Durrington Residents Association

- Young families occupying properties within the development are in favour of the school whilst most residents moving here did so knowing a school was going to be built.

- There are mixed feelings from other residents within the development about the school, not so much about its location and build but the extended delay it has taken to get to this planning stage and the impact of traffic and parking that it will have on the development.
- Sense of frustration of having been misled, as to the differing information communicated about the school and when it would be opened. Many residents will have to drive past the school if planning is approved to take children to other schools within the area as the planned opening is now not until Sep 2023.
- There are concerns about the challenges local residents will be experiencing during the Construction Phase of the build and once the school opens.

Objections:

- This proposal was first introduced as part of the master plan for the West Durrington development, it was then progressed by the DFE to the pre-opening phase in 2017. However, there have been significant changes to the local community, provision in existing schools and pupil numbers since the inception of this plan. The culmination of these changes mean the information and rationale for this school is outdated. In fact some of the key statements and reasoning within the planning application are inaccurate.
- Any planning decision not based on current information is fundamentally flawed.
- Lack of need - There is clear evidence of over provision of primary places within existing schools in the immediate area and wider community.
- West Sussex County Council data supports this and projects a further and significant fall in pupil numbers over the next few years. There are currently 1363 surplus spaces across Worthing, 434 of these places are at six schools within walking distance of the proposal.
- Impact - Additional pupil places on top of current spaces will have a significant and detrimental impact on pupils' education. Existing provision within the immediate area will lose large numbers of pupils which in turn will financially constrain schools.
- Accuracy of the planning application - Key elements within the planning application and associated documents are inaccurate or outdated.
 - A. Within the submitted planning statement there is reference to the following extract from national planning policy [NPPF], '*The creation of a new school is given great weight in national policy, if it is deemed to be needed by existing and new communities*'. There is no evidence of a need for this school, there is significant and increasing capacity within existing local provision. In fact the submitted travel plan discusses ease of access to the proposed site to and from locations where provision already exists. The output of this is that existing provision already meets the core strategy of the travel plan without the de-stabilising effect a new school will have.
 - B. Point 8.4 within the planning statement contains the following statement, '*Additionally, Policy 11 of the Core Strategy strongly resists the loss of community uses, which include education floorspace. Given that planning permission was granted for a school at this site, it is important that a school is*

delivered to meet the associated needs of the area, even if the original planning consent did not deliver what was approved. Otherwise, there would be a shortfall in education provision, generated by the increased housing units delivered in the vicinity, without the associated non residential infrastructure. Given the support for a school in Policy 1 and in the 2012 planning permission, it is considered that this proposal would be acceptable in principle.' - There is clearly no shortfall in education with none predicted, this statement is fundamentally untrue and backed up by data from numerous sources including West Sussex County Councils own admissions and forecasting data.

C. Page 30 within the planning statement, '*In light of the above, the need and support for a 2 FE Primary School and nursery is clearly established*', again it is not established and all data shows there will be a marked decrease in pupil numbers in the coming years.

D. Throughout the application/justification for this proposal there are a number of references to the OFSTED rating of New Horizon Academy Trust, with the premise it would provide an improved performance over existing local provision. The Regional Schools Commissioner also references 'poorly performing schools' within its reasoning. These references seem to assume the performance of New Horizon is tangibly better. However, the last inspection at Seaside Primary (New Horizons only current school) was 2015 some 6 ½ years ago. Their conversion letter from OFSTED makes clear OFSTED ratings do not transfer at conversion. To date New Horizon Academy Trust has not received an OFSTED rating.

- There are other options that could be explored such as; West Sussex has a need for more specialist SEND provision. Both Oak Grove College and Palatine school are over capacity, with mainstream schools educating children who would be better supported within specialised provision, there is continuing demand for high quality places to meet complex learning needs. Currently young people are also being educated out of the county, there is a clear opportunity here to significantly increase SEND provision in Worthing and support the SEND strategy plan for WSCC, in conjunction with the existing special schools. This will support children and families to access the best educational option for them within their local area and could be run through existing schools. This approach would support and complement existing provision without the negative impact the poorly considered primary development would bring.
- The school should be constructed as a special school, this will support the current and growing need for places across Worthing. Pro-actively ensuring Worthing's young people have access to best, most appropriate provision for their needs. This will support families, young people and the existing special provision across the borough and surrounding areas. This proposal brings clear tangible benefits for the whole community without the damaging 3 implications of the current proposal.
- The positive impact we are having on some of our most vulnerable children will be jeopardised with the building of a new school. Adding yet more surplus places to our area, adding to schools' financial difficulties and causing staff redundancies will destabilise the education that our children are receiving
- Schools with significant spaces for extended periods can become financially unsustainable. If this happens quickly, for example a new school were to open

without an increase in pupil numbers the likely impact would be redundancies within schools who lose either existing pupils or who suffer a decrease at new intake, thus impacting on the local community.

- A reasonable worst-case scenario could be the closure of one or more existing schools as pupil numbers could fall to unsustainable levels. If this were to happen both children and families would be negatively impacted and children's education would be interrupted.
- I believe that this is a waste of public money as there are already surplus places in existing local schools, and I have always been happy with the existing choice of schools in our catchment area.
- The location of the school means the catchment area will primarily be to the East and South, outside of the Barley Grange development there is no housing to the North or West. This will push the school's geographic catchment directly into that of existing primary provision. This is clearly demonstrated in the travel plan which has been submitted as part of the application. The Laurels Primary, and Hawthorns are fully encapsulated by the defined catchment, English Martyrs also sits within the zone but has not been shown. Although Durrington Infant and Junior schools are just outside the geographic catchment zone, much of their catchment will be from inside it. As the crow flies the Laurels Primary school is only 500m, Hawthorns Primary school 750m from the proposed development. This would cluster three schools offering the same provision within a very small geographic area, there is no need or benefit to the community for this over saturation.
- Challenges with the obstacles of cars parked on the roads, which were not designed to accommodate cars being parked on the road. There is one entrance/exit into the estate and the schools entrance would be on the main road into and out of the estate causing mayhem at drop off and pick up times of the day. There is absolutely no parking for parents dropping their children to and from school, and due to the schools capacity there would be a lot of people attending the school from further afield.

Teachers objection:

- As a teacher in the local community our schools are already undersubscribed which has a major issue on our funding. We are working tirelessly to try and get new children into our classes so that we can provide these children with the resources and learning they need, and having another school within the locality is only going to make this harder.
- It is an unnecessary build, when there are enough schools in the area, and other amenities, such as doctors surgeries and dental practices are in need of extra resources.
- It will impact the environment, by having more cars on the road, which in turn will have an impact on children's health.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 1 West Durrington

Policy 2 Areas of Change

Policy 3 Providing for a Diverse and Sustainable Economy

Policy 10 Affordable Housing

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 12 New Infrastructure

Policy 13 The Natural Environment and Landscape Character

Policy 14 Green Infrastructure

Policy 15 Flood Risk and Sustainable Water Management

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Policy 18 Sustainable Energy

Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies where relevant)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Design Guide 'Extending or Altering Your Home' (WBC)

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

Section 70(2) of the Town and Country Planning Act 2000 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan, comprises the following policy documents:

Worthing Core Strategy (2011)

Worthing Local Plan (2003)

The Emerging Draft Local Plan 2016-2033 has recently been subject of a detailed Examination In Public. The Inspector's report is awaited and it is anticipated that the Plan will be adopted in 2022. Its policies include:

- Policy SP1 Presumption in favour of sustainable development
- Policy SP2 Climate change
- Policy SP3 Healthy communities
- Policy SS2 Development sites
- Policy DM5 Quality of the built environment
- Policy DM8 Planning for sustainable communities / community facilities
- Policy DM9 Delivering infrastructure
- Policy DM15 Sustainable transport and active travel
- Policy DM16 Sustainable design
- Policy DM17 Energy
- Policy DM19 Green Infrastructure
- Policy DM20 Flood risk and sustainable drainage
- Policy DM21 Water quality and sustainable water use
- Policy DM22 Pollution

Supplementary Planning Guidance are also significant material considerations in the determination of planning applications. In Worthing, these SPDs includes:

- Developer Contributions SPD (2015)

The Worthing Core Strategy 2011 indicates that the site is subject to a specific policy – West Durrington strategic Allocation. Other than that, there are no other constraining designations. The site is within Flood Zone 1, meaning that the site is at the least of risk of flooding. Some land to the west of the site are Flood Zones 2 and 3.

Planning Assessment

Principle

The updated National Planning Policy Framework of July 2021 (NPPF) sets out the Government's commitment to support the delivery of new, and retention of existing, school places throughout the country.

Paragraph 95 states that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities"*. It goes on to state that Local planning authorities should: *Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and, ... Work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted"*

The outline permission for the West Durrington development in 2012 (11/0275/OUT) approved a school on site and this permission remains live. The masterplan also

supported the location of the school site as described in the following extract from the 2012 report;

“The Consortium originally considered locating the school site on the northern boundary of the site to ensure that the additional educational land could be provided as part of any second phase development, if required. There was concern, however, that the school would then be in an isolated position and this was amended to create the current Masterplan of a core of community facilities and open space to provide a more ‘inclusive and cohesive community heart’ to the application site. This has the advantage of ensuring that the school would be more conveniently sited and connected to the development’s residential areas by a variety of safe and direct routes.

The location of the school site was critical to the overall Access and Layout Strategy and it was considered important that the school was centrally located adjacent to the principal vehicular access route running through the application site. The location of the school at the centre of the development also helps to ensure that it is close to the existing residential development and helps to maximise the opportunities to walk and cycle to the school from the network of footpath and cyclepath links.”

Core Strategy Policy 1 outlines plans in place for West Durrington, including “a range of infrastructure, leisure, social and community facilities”. Policy 11 of the Core Strategy resists the loss of community uses, which include education floorspace. Given the support for choice in the NPPF (para 95), Policy 1 and the extant outline planning permission, it is considered that this proposal would be acceptable in principle.

Given the concerns of local Head Teachers, the County Council has provided an updated picture on the need for a school on the site and has highlighted the current spare capacity that exists across the Borough. Ironically if the school had been provided earlier in the development, as originally intended, the need situation may have been very different.

Nevertheless, this application has to be considered on its planning merits and the grant of outline planning permission for a school on this site (with a s106 legal agreement securing the necessary land) is a material consideration which would, in your Officers opinion, override concerns about fluctuating needs. The need clearly existed when permission was granted for the West Durrington development and 700 homes have been occupied (no doubt partly on the expectation of a range of community facilities including the school being provided).

As with previous years school numbers fluctuate and a number of developments planned in the vicinity may well increase school numbers in the future. In this respect development has been started at Fulbeck Avenue (158 dwellings) and further residential development is planned in the emerging Local Plan on sites at Titnore Lane and the Camping and Caravan Club site.

It is also important to stress that the application has been submitted by the Department for Education (DfE) which has negotiated directly with the West Durrington Consortium to secure additional land for the school and secure a Trust school to take on the new school. The DfE has written to confirm that it has pursued the delivery of the school to increase parental choice and presumably to increase competition and raise overall school standards.

Whilst this is challenged by a number of schools making representations against the development, it is difficult for the Planning Authority to refuse additional educational facilities promoted by the DfE. In this respect the NPPF is clear about increasing the choice of schools for both the existing and future communities and therefore need is not the only factor influencing future provision.

The concerns of local schools are, however, appreciated and an over-provision may well have to be addressed by the County Council as the Local Education Authority if it impacts severely on schools viability. The potential threat of some schools closing in the future is clearly of concern to Head Teachers. Some of the representations have raised the need for more specialist schools (SEND) to serve the needs of the Borough, however, this need would have to be addressed separately by the education authorities and does not affect the determination of this application.

As outline planning permission has been granted on the site and it forms an integral part of the West Durrington development it is not considered that there is any objection in principle to the proposed development.

Sustainability

Policy 1 of the Core Strategy requires developments within the allocated site to consider the implementation of renewable energy opportunities. Policy 17 also requires new developments to contribute to making Worthing a more sustainable place to live and work by reducing its carbon emissions.

“Development will be required to:

- Demonstrate how the development addresses climate change mitigation and adaptation and more specifically how it addresses issues such as pollution, energy, water efficiency, waste minimisation, drainage, sustainable construction and recycling

- All new development should be built to a standard which minimises the consumption of resources during construction and thereafter in its occupation ...

All new non-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 BREEAM standards (or any national standards that supersede them) will be used to assess any new non-residential

developments. Where viable and achievable, new non-residential development will be expected to go beyond those.

The supporting text for Policy 17 and 18 provides more detail on renewable energy design expectation for development proposals. A minimum target of 10% renewable energy provision on developments of more than 10 dwellings or 1,000m² should be secured.

Draft Policy DM16 indicates that all new developments must achieve 31% CO₂ reduction against Building Regulation requirements. Draft Policy DM17 states that 10% of all energy requirements should come from renewable and low carbon energy sources.

The applicant has demonstrated that the design of the development will achieve a 31% reduction. With the addition of PV panels to address the 10% renewable demand, this increases the CO₂ performance to 43.5%. In addition an output specification compliance report (OSC) demonstrates that thermal comfort, CO₂ concentration levels and daylight modelling have all been considered and meet the DfE's high standards.

This demonstrates compliance with Core Strategy Policy 1, 17 and 18, and draft policies DM16 and DM17 of the Draft Local Plan.

Sustainable Design and Construction

Draft Policy DM16 states in part that new non-residential development of more than 1,000sqm should achieve BREEAM Very Good. The proposed school would be constructed to DfE's own standards which ensure the equivalence of BREEAM Very Good. The DfE states: "All DfE schemes are designed to achieve at least BREEAM very good. The application of energy and sustainability principles is set out in detail in the Output Specification Compliance (OSC) which applies to all DfE schemes.

The OSC is rigorous in its performance based application and energy targets are ensured through use of Building Performance Evaluations (BPE) on every project, mandatory energy data collection and a sample review through Post Occupancy Evaluation. The OSC is updated every 6 mths and details of contractor performance against key indicators checked for compliance"

Rather than go to the unnecessary expense of appointing a BREEAM Assessor, the applicant has agreed with the LPA that it should instead be demonstrated and confirmed that the completed development meets the DfE's Building Performance Evaluations (BPE) and meets the DfE Output Specification. Whilst a specific BREEAM Pre-Assessment has not been prepared, a Sustainable Design and Construction Statement has been provided to give an indication of the credits which are automatically achieved through the sustainable design requirements demanded of the DfE. This ensures that a sustainable design will be delivered, and meet the goals of Policy DM16.

Visual amenity

Density, character and appearance

The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Core Strategy Policy 1 West Durrington is a site-specific policy for the area. It states that a high standard of design and layout should be provided incorporating sustainable construction measures.

Policy 16 - Built Environment and Design expects good quality architectural and landscape design and detailing and use of materials that take account of local characteristics, responding positively to and enhancing the area. The site's physical features such as solar orientation are relevant when building to minimise energy demand.



The proposal is for a contemporary design aesthetic, using modular forms for ease of construction and a mixture of pitched rooflines to echo the approved asymmetrical design of the (as yet unbuilt) community building to the east, and the more traditional and distinctive gabled forms of the new houses which face onto the opposite side of the central green in Sunflower Street to the west.

The externally-clad surfaces use a series of graduated colours in a palette of terra-cottas shades to echo the reds and oranges of new housing. Areas of white to distinguish the classroom block are reminiscent of the white weatherboarded houses on the green, with grey windows, doors and roof-edging giving a more contemporary appearance. The scale, layout and design of the proposals is a sensitive response to the site and is considered to comply with the NPPF and Core Strategy Policies 1 and 16 of the Core Strategy.

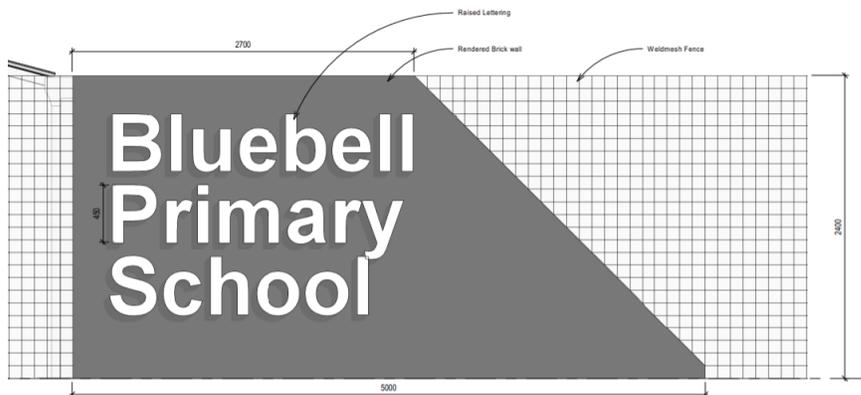


3 GA EAST Elevation
1 : 100



4 GA WEST Elevation
1 : 100

In parallel with this planning application, an advertisement application AWDM/1854/21) has been submitted for the proposed school signage, including the plinth sign adjacent to the entrance door on the southern elevation. This will be either grey or may use the blue/lavender colour theme of the proposed 'Bluebell School' and in either case, it is considered acceptable for separate approval under delegated authority.



Landscape planting including trees along site boundaries and clustered to the north west corner, will help to integrate the development into the landscaped design of the new housing, which has retained and augmented hedgerow trees. This also helps to soften the appearance of the proposed car park at the site frontage, and forms a green backcloth to the somewhat imposing but necessary 1.8m weld-mesh fencing, which is proposed at the site boundaries.

To the rear (east) of the proposed building, minor land levelling is proposed in order to provide the playing pitch and it is hoped that hedge planting can be used along part, if

not all of the prominent pathside boundaries here, to soften the appearance of fencing and provide wildlife benefits. Areas closer to the building are hard-surfaced for outdoor play but are visually well-contained by grass and planting, including the proposed habitat area among the proposed tree planting to the north west corner.



The overall effect is considered successful in delivering cost-effective modular design, but with attention to overall architectural design and setting. In accordance with Policy 16 it serves to distinguish the building from the surrounding development but is complementary to it.

Residential amenity, effect on neighbours

Saved Policy H18 of the Local Plan requires that development, including changes of use and intensification, should not have an unacceptable reduction in amenity for local residents. This is continued and elaborated in the draft Local Plan Policy DM5 (vii), which states that development should not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, which refers to the importance of privacy, daylight/sunlight, outlook, noise, vehicular movements or loss of important open space.

The proposed school is situated in the southern part of the site and away from the nearest houses beyond the northern boundary. Houses to the south are beyond intervening undeveloped land and to the west houses are variously separated by Sunflower Street and the central green. Given these separations, daylight/sunlight impacts and overlooking are very unlikely, ensuring compliance with Policy H18

The playground is also to be located away from site boundaries to minimise noise impacts, with no floodlights limiting extracurricular use. An acoustic report has been commissioned to assess acoustic impacts on residents. This report confirms that the school will meet National guidance in Building Bulletin 93 'Acoustic Design for Schools'. Noise impacts from outdoor PE, plant and school activities were also considered as part of this report. Predicted noise impacts to residents compared against background noise levels, are considered to be low.

Construction nuisance is often a concern for residents. To address such concerns, the applicant has provided a Construction Management Plan to show how the site will be managed throughout. The contractor is Considerate Constructors Scheme registered and will be providing regular updates to residents and managing construction movements to minimise disruption to residents. Being a modular development scheme, traditional issues with construction such as noise, piling, and prolonged construction periods would not occur with this method of construction.

The location of the school is considered to relate well to other land uses in the vicinity, as envisaged in the original master plan, including the central open space to the west and community open space and future building to the east.

In summary, this development is considered to comply with Policy H18 and the emerging DM5.

Accessibility and parking

Policy 19 of the Core Strategy relates to Sustainable Travel. It states that: *“Major new development will require the provision of a Transport Assessment, which will specify how it will affect the surrounding transport environment and how it can mitigate against any adverse effects. Where appropriate, new development will require the provision of a Travel Plan and/or a Transport Assessment, which will need to demonstrate what infrastructure is needed to promote the priorities set out in the Local Transport Plan”*

Access and Visibility

The proposed access arrangements were discussed with the County Highway Authority (CHA) at the pre-application stage. These have been subject to a Stage 1 Road Safety Audit (RSA), which is currently awaiting a final response from the CHA.

As outlined within the Transport Assessment (TA) the access strategy includes the following:

- 'School – Keep - Clear' zig zag road markings across the car park entrance.
- 'School' warning signs with flashing beacons to each side of the school that will operate at the start and end of the school day. Road markings to prevent parking at pedestrian crossing points.

- 2m widening splays where the school access paths meet the existing footway.
- Timber bollards (to match those installed around the lay-by opposite) installed within the school side footway to preclude vehicles being parked at pedestrian crossing points and other areas, as well as opposite to the school access paths to reduce the potential for children to run into the road.

Vehicular and pedestrian visibility at the point of access has been assessed by the Highway Authority and is considered acceptable. Visibility splays for vehicles have been designed to a 20 mph limit of the road which equates to 33 metres. The new access has tactile paving to aid crossing for all users.

A swept path diagram has also been provided within the appendices of the TA and demonstrates that a refuse collection vehicle can safely enter and exit the site. The CHA has reviewed personal injury data submitted within the TA and no accidents have been recorded within the surrounding area.

Sunflower Street is the access road into West Durrington with roadside footways; there is also a roadside waiting bay on its western side, opposite the site. This is due to be adopted by the CHA fairly soon but until then, and potentially during at least part of the school period, the required works, signage, bollards and markings listed above would remain the responsibility of the original West Durrington development Consortium.

In accordance with the adopted CHA 'Road Safety Audit Policy', a Stage 1 RSA has been undertaken to examine matters such as visibility, access geometry and kerb alignment. All matters raised in the RSA have been addressed in accordance with its recommendations and there are no outstanding matters raised through the RSA audit process. At the point of adoption a further technical check would be made by the Highway Authority as part of a further (Stage 2) Road Safety Audit.

Much of the surrounding new housing development, such as the side roads at Peony Grove, Thistle Spinney close to the northern boundary, and Snowdrop Row to the west have been designed with shared-surfaces in accordance with Manual for Streets parameters.

Traffic.

A trip generation analysis for the maximum amount of future usage when the School is fully occupied by 420 pupils and 39 staff, has been undertaken using industry standard (TRICS) software. The primary catchment area is assumed to be approximately 0.6km, comprising the West Durrington development of 940 homes, and older housing to the north of the Tesco district centre and west of New Road/Adur Ave. A secondary 2km catchment is indicated southwards to the Palatine Road area and eastward to Roedean Road/Cotswold Road in the Littlehampton Road/Salvington Road environs.

Data suggests approximately 108 car arrivals between 08:00 and 09:00 (and a further 7 after 9am). 85 of the cars are indicated to also depart, with 57 doing so before and 28 after 9am. It is accepted that most of the latter departures would be people that arrived shortly before 9am and will leave soon thereafter (an exception being that some of the arrival trips could include visitors to the school).

At the end of the school day, data suggests a potential for 63 cars arriving at the school in the busiest hour and a total of 74 arrivals over a two-hour period 14:00-16:00, with the second hour perhaps including activity associated with after school clubs.

On-site parking space is proposed for 26 vehicles, including 2 to mobility standard and 7no. Electric Vehicle (EV) charging points. This will cater for the anticipated staff parking demand; 39 staff are anticipated to use 24 vehicles, including five percent car-sharing. Drop off / collect space for children by car is to the lay-by, which has been constructed for this purpose on the west side of Sunflower Street / Bellflower Drive.

The school is well situated for access by sustainable modes of travel, walking routes and access by cycle. The 'Pulse' bus service is also to be linked into West Durrington via a bus gate in Tasman Way, with a new bus stop close to the south eastern corner of the site. A School Travel Plan (STP) is also proposed, in order to promote sustainable transport and fewer car journeys; please see details below. In summary, it is considered that the development is acceptable in highway terms.

During the construction period, the use of the Construction Management Plan (CMP), including a Traffic Management Plan (TMP) would be important in managing construction through the West Durrington area, which is served by the single access road Sunflower Street, via Fulbeck Avenue. The applicant has agreed to liaise with developers of the northern sector and the approved flatted development in Fulbeck Avenue, each of which will be in progress during the school construction period. One or both of these other developments may still be under construction as the School opens, which will call for careful planning to ensure that the drop-off layby is accessible and safe.

School Travel Plan (STP)

The site is located in close proximity to a range of local amenities within the immediate vicinity of the site. The TA provides a comprehensive review of all local facilities and a commitment to a School Travel Plan which would be covered via a planning condition.

The applicant advises that the STP could also be outlined in the school prospectus, so parents are aware that sustainable travel is expected before they join the school. it continues *"Pupils will also be involved in developing measures to influence school travel habits. Information is included in the framework STP to highlight why walking, cycling and scooter use can comprise the main modes of travel and thus promoting this will be primary objectives... The STP will include liaising with neighbours of the school so that*

residents have a mechanism to highlight any concerns linked to school travel and in this way any undesirable consequences are identified and addressed in a timely manner.

The Travel Plan will incorporate measures including:

- Highlighting the three paths connecting to the surrounding development comprising walking and cycling routes.
- In terms of pupils the new schools catchment will predominantly be drawn from the new housing development and most families will be living within accessible walking distance which will obviate the need for them to have to use cars to transport children to the new school.
- The TA confirms that the school will develop measures to encourage healthier, sustainable ways to travel to and from the school with the objective of reducing and managing the use of cars.
- Have regard to the superstore 500m to the south, with the opportunity for staff to access services during the working day and thereby combine a work journey with other purposes.

The Transport Assessment and parking arrangement demonstrate compliance with both the CSA and Worthing planning policies. A planning condition is recommended to require approval of the detailed STP document, including liaison with the CHA and West Durrington Residents Association.

Flood-risk and Drainage

Policy 15 of the Core Strategy and the NPPF state that development will be directed away from areas of highest risk from flooding. Major development should also include sustainable surface water drainage (SUDS), where appropriate.

The site is in Flood Zone 1, meaning that it is at lowest risk of flooding. The site is more than 1ha however, so a Flood Risk Assessment (FRA) has been provided in line with national policy requirements. This confirms that the site is at low risk of flooding from most sources. Flood risk from groundwater has been identified as a medium risk and mitigation measures will need to be taken into account through the detailing of the drainage design and building structure which is being incorporated by the design team engineers.

The development proposes that foul water will connect to the existing foul drainage. Surface water drainage will use SUDS techniques comprising filter strips and block paving to the hard surfaced areas, allowing infiltration into the ground; the use of a water garden & pond to use some of the roof drainage, also below-ground storage tanks, to store excess water for release into the West Durrington drainage system at a controlled rate, not green-field levels.

Planning conditions are recommended for approval of detailed drainage, verification of the completed system and arrangements for management. This ensures compliance with Policy 15 of the Core Strategy and NPPF.

Air Quality

An Air Quality Assessment has been commissioned by the project's AQ consultants Stroma. This provides an assessment of the site in terms of baseline conditions and provides advice on air quality during both construction and operational phases, with mitigation recommended. A further emissions' mitigation assessment has also been submitted recently in accordance with the request of the Environmental Health officer, whose response is awaited.

Under best practice guidance, the proposals will constitute a medium risk for construction dust. Accordingly, the Construction Management Plan (CMP) outlines measures of managing control and spread of dust during construction.

With regard to operation, the air quality objectives are expected to be met at all relevant on-site receptors when the proposed development is operational. Therefore, it is unlikely that mitigation of exposure for new receptors introduced by the proposed development would be required.

Contaminated land

In accordance with Saved Policy RES9 the applicant has submitted a report including results of ground investigations. This found no elevated levels of contamination or ground gas. The Environmental Health officer agrees that no remedial works are considered necessary and that a precautionary planning condition is sufficient.

Ecology, Landscaping and Biodiversity

Policy 1 of the Core Strategy, specific to West Durrington, requires development to retain significant ecological and landscape features within the site. Policy 14 requires green infrastructure to be improved and enhanced to maintain their quality and accessibility for residents and visitors. NPPF also seeks net biodiversity enhancement.

The site has most recently been cleared and used partly as a construction compound. A preliminary Ecological Assessment has confirmed that the presence of on site ecology is low, with no protected species impacted by this development.

Through the delivery of the school new habitat will be created, including the rain gardens, pond and tree planting in the identified habitat area at the north west corner of the proposed site layout. Ecological enhancements include bat and bird boxes, within the Landscape Plan. In addition to the inclusion of specific enhancements, the provision of grassland and with wider tree planting at site frontages enhance the ecological value of the site, complying with Core Strategy Policies 1 and 14. It is hoped that hedge planting can be included along some or part of the other site boundaries, a planning

condition is recommended to ensure the new planting and biodiversity measures described.

Conclusions and Planning Balance

Educational use on site was first granted outline planning permission in April 2012 as part of a wider masterplan. The housing development and surrounding infrastructure has been delivered in phases over the last decade, with much of the development occupied.

As a reserved matters application had not been submitted following in respect the 2012 permission, the owners have agreed for the site to be transferred to the Dept for Education, where full planning permission is now sought for the delivery of the whole primary school and nursery.

The proposal would provide a greater level of educational choice encouraged by the NPPF (paragraphs 94 and 95). Overall an assessment of the proposals has been made against existing national and local planning policies and is considered to be compliant. Whilst the concern of over provision is understandable it is difficult for the planning authority to question the principal of a school on the site as this has been established by the outline planning permission and this has little if any weight in the overall planning balance. Whether it is appropriate or not to proceed or delay provision when there is potentially a greater need is a matter for the education authorities.

Planning conditions would manage matters such as detailed materials, the provision of staff and visitor parking and highway works, drainage and landscaping to ensure a satisfactory form of development.

Recommendation: That the application be APPROVED, subject to Conditions

Conditions:-

1. Approved Plans.

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[to be inserted]

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990. Standard time limit (3 years)*

3. Materials

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

Highways, Access and Construction

4. Access to be provided prior to first occupation

No part of the development shall be first occupied until such time as the vehicular access serving the development (including visibility splays at the vehicular access), and works in Sunflower Street have been constructed in accordance with the details shown on drawing number [Insert]. These works shall be permanently maintained and the visibility splays shall thereafter be kept permanently free of obstructions to visibility in accordance with the approved plans.

Reason: *In the interests of road safety and the free flow of traffic.*

5. Parking spaces - including wheelchair user and visitor space

No part of the development shall be first occupied until such time as the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, visitors and Electric Vehicle charging,, which shall be marked out and identified on site in accordance with the approved plans. The parking spaces and turning space shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 110 -113 of the NPPF, 2021.*

6. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

7. Construction Management / Traffic Management Plan

Development works shall fully adhere to the Construction Management Plan [*insert reference and submission date*]. Prior to commencement of development, a Traffic Management Plan shall also be submitted to and approved in writing by the Local Planning Authority, including the control and management of traffic and deliveries during the period of development works and shall be adhered to during the development works.

Reason: *In the interests of highway safety, the free flow of traffic and to minimise risk of nuisance from the development works.*

8. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on not at any time on Sundays or Public Holidays. 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.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

9. Contaminated Land

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with

the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

Drainage

10. Surface Water - Design

Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage 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 part of the 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.

Reason: *To ensure adequate foul and surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with policies 12 & 15 of the Worthing Core Strategy 2011, Saved Policies RES7 & RES9 of the Worthing Local Plan 2003 and paras 167, 169 & 174 of the NPPF 2021.*

11. Drainage Maintenance

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.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 &169 of the NPPF 2021.*

12. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 &169 of the NPPF 2021.*

Sustainable Design, Energy & Biodiversity

13. BREEAM

Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall achieve the BREEAM Very good standard (or the equivalent standard required by the Dept. For Education). Confirmation of this, including evidence, shall be provided to and approved in writing by the Local Planning Authority within 3 months of building first coming into use, including any remedial measures to be undertaken for any shortfall, and which shall thereafter be fully implemented.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

14. Landscaping & Biodiversity

With the exception of any works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping and biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,

- ii) detailed measures for the enhancement of biodiversity,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 &174 of the NPPF, 2021.*

15. Means of Enclosure & Gates - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the building hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

Reason: In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.

16. External Lighting – Provision and Limitation

No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.

17. Levels

Development shall accord with the details of existing and proposed levels hereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

18. Any other appropriate conditions.

15 December 2021

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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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.