



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
21<sup>st</sup> August 2019**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0879/18**

**Recommendation – Delegate for  
approval subject to a s.106 Deed Of  
variation and varied wording to  
conditions 1 & 12**

**Site: Land South of 6 Grand Avenue, West Parade, Worthing**

**Proposal: Variation of condition 1 and partial variation of condition 12 of Planning permission AWDM/1713/16 in order that some windows on parts of the east elevation are no longer obscure-glazed and that all balconies on the east elevation and the roof-terrace to flat 30, do not have privacy screens on their east side (this variation does not affect privacy screens to the roof terrace and stairs to flat 4).**

**2**

**Application Number: AWDM/0848/19**

**Recommendation – Approve**

**Site: 151 Rowlands Road, Worthing**

**Proposal: Conversion of existing care home (Class C2) to provide 19 no. affordable residential units (Class C3) comprising 4 x 2 bedroom flats, 14 x 1 bedroom flats and 1 x bedsit) involving two storey extension replacing conservatory, single-storey extension, pitched roof dormer, enlarged dormer and flat roof dormer to South elevation; flat roof dormer, single-storey extension and roof light to West elevation; mechanical smoke extract outlet to roof; alterations to fenestration and internal alterations. 7no. parking spaces.**

**3**

**Application Number: AWDM/0762/19**

**Recommendation – Approve**

**Site: 19 Manor Road, Worthing**

**Proposal: Demolition of existing building and replacement with 10no. one and two bedroom apartments set over four floors, with balconies to West, East and South elevations, accessed from Manor Road with parking for 6no. cars.**

**4**

**Application Number: AWDM/0835/19**

**Recommendation – Approve**

**Site: Dome Cinema, 22 Marine Parade, Worthing**

**Proposal: Listed Building Consent for retention of replacement internal kiosk in foyer (Retrospective).**

**5**

**Application Number: AWDM/1021/19**

**Recommendation – GRANT permission  
subject to the removal of the balcony on  
the 1<sup>st</sup> floor rear elevation**

**Site: The Downview, Downview Road, Worthing**

**Proposal: Erection of 8no. flats in 3-storey block comprising 6no. 1-bedroom and 2no. 2-bedroom on land to south of the former Downview public house (permitted under AWDM/1834/17).**

**6**

**Application Number: AWDM/0977/19**

**Recommendation – Approve**

**Site: The Downview, Downview Road, Worthing**

**Proposal: Non-Material Amendment to planning permission AWDM/1834/17 for retention of bay window and adjacent chimney and omission of proposed balconies.**

**Application Number: AWDM/0879/18**

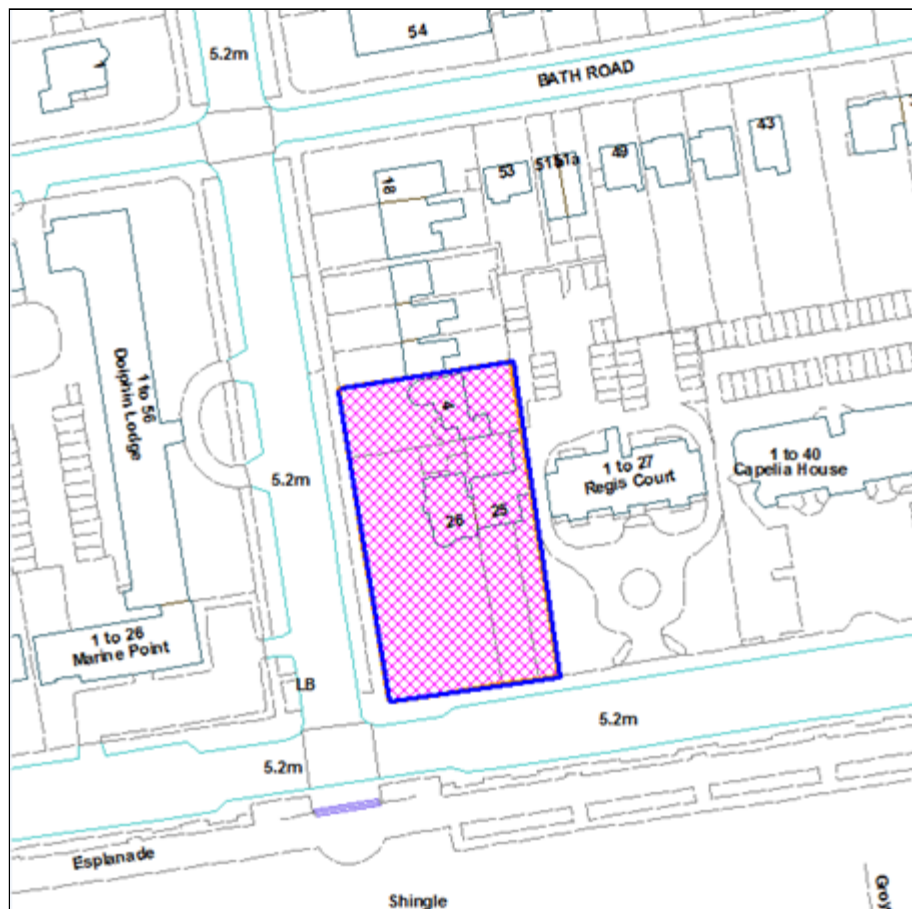
**Recommendation: Delegate for approval subject to a s.106 Deed Of variation and varied wording to conditions 1 & 12**

**Site: Land south of 6 Grand Avenue, West Parade, Worthing**

**Proposal: Variation of condition 1 and partial variation of condition 12 of Planning permission AWDM/1713/16 in order that some windows on parts of the east elevation are no longer obscure-glazed and that all balconies on the east elevation and the roof-terrace to flat 30, do not have privacy screens on their east side (this variation does not affect privacy screens to the roof terrace and stairs to flat 4).**

**Applicant: Roffey Homes**  
**Case Officer: Stephen Cantwell**

**Ward: Marine**



**Not to Scale**

## **Introduction**

This application for variation of two conditions of an existing planning permission was considered by this Committee on 26<sup>th</sup> June. It was resolved to grant approval subject to the provision of obscure glazing to the side-facing bedroom window on the sixth floor of the approved block of flats, and to vary the wording of conditions 1 & 12 to reflect this.

## **Current Position**

Following this resolution, subsequent legal advice has concluded that there should also be a deed of variation to the legal agreement which was attached to the original planning permission. The agreement covers the provision of an affordable housing contribution. The deed would not change this requirement but will ensure that it is carried forward into the varied planning permission.

The Committee is also asked to agree amended wording to Condition 12, which varies slightly from that previously minuted. The proposed wording is set out in the revised recommendation together with condition 1 which contains the list of drawings to be approved, and now includes provision for obscuring of the side bedroom window in the East Elevation drawing No 04002 Rev J.

It is also noted that a neighbour at Regis Court has expressed concern that a letter from the applicant's agent to Members was received two days before the Committee meeting, which in his view, provided additional material but did not allow sufficient time for his response. It contained a pair of photographs showing balcony screens used elsewhere which had not been seen before. A new annotated aerial photograph showed distances between other buildings along the seafront. The agent referred to these as illustrations of his concern about the impact of balcony screens on the appearance of the building; also that the distance from Regis Court was similar to other relative distances between buildings where there are no similar screens.

Officers considered that this late material repeated arguments which had been made in earlier submissions and were addressed in the Officer's report. The aerial view showed the same distances as had been previously annotated on a street elevation drawing and did not warrant further examination.

The original report of 26<sup>th</sup> June is appended to this report for information. Please note that the Committee considered, but did not agree with the Officer recommendation to retain, in part, the requirement for obscure glazed screens on the sides of balconies to the height of 1.6m along half the width of each balcony side and a revised and reduced amount of clear glazing at the penthouse level. The revised recommendation below is to seek the Committee's agreement that a deed of variation should be completed and that the wording of conditions 1 & 3 below is also approved.

**Revised Recommendation:**

i) **That in pursuance of its resolution of 26<sup>th</sup> June 2019, the Committee delegates authority to the Head of Planning to complete a s.106 deed of variation and that the wording of conditions 1 & 12 be varied as set out in viii below.**

ii) **Condition 1**

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.

<b>Reference/Drawing Number</b>	<b>Version</b>	<b>Date Rec</b>
SITE LOCATION PLAN	Drg No 600	26.06.2018
EXISTING SITE PLAN	Drg No 601	26.06.2018
PROPOSED SITE PLAN	Drg No 602 Rev A	09.11.2016
PROPOSED SITE PLAN WITH EXTG BUILDING	Drg No 603 Rev A	09.11.2016
BASEMENT PLAN (LEVEL 0)	Drg No 610 Rev F	11.11.2016
GROUND FLOOR PLAN (LEVEL 1)	Drg No 611 Rev E	09.11.2016
FIRST FLOOR PLAN (LEVEL 2)	Drg No 612 Rev E	09.11.2016
SECOND FLOOR PLAN (LEVEL 3)	Drg No 613 Rev D	09.11.2016
THIRD FLOOR PLAN (LEVEL 4)	Drg No 614 Rev D	09.11.2016
FOURTH FLOOR PLAN (LEVEL 5)	Drg No 615 Rev D	09.11.2016
FIFTH FLOOR PLAN (LEVEL 6)	Drg No 616 Rev D	09.11.2016
SIXTH FLOOR PLAN (LEVEL 7)	Drg No DR-A 01007 Rev Q	24.04.2019

SEVENTH FLOOR PLAN (LEVEL 8)	Drg No DR-A 01008 Rev Q	24.04.2019
ROOF PLAN	Drg No DR-A 01009 Rev H	24.06.2018
NORTH & SOUTH ELEVATION	Drg No 04001 Rev G	19.07.2018
EAST ELEVATION	Drg No 04002 Rev J	01.07.2019
WEST ELEVATION	Drg No 04003 Rev F	16.05.2019
SOUTHERN STREET SCENE	Drg No 626 Rev A	09.11.2016
CURTAIN WALLING ELEVATIONS – SOUTH & EAST	Drg No DR-A-31101 Rev D	24.04.2019
ELEVATION SOUTH - CONTEXT	Drg No 04004 Rev A	03.10.2019
TYPICAL BAY ELEVATION	Drg No 629 Rev A	09.11.2016
SECTION A-A	Drg No DR-A-05002- Rev G	12.07.2019
SECTION B-B	Drg No 631 Rev D	09.11.2016
BIN STORE ENCLOSURE	Drg No 650	09.11.2016
CYCLE SHELTER	Drg No 651 Rev A	09.11.2016
BOUNDARY WALL	Drg No 652 Rev A	09.11.2016
LANDSCAPE MASTERPLAN	Drg No 680	09.11.2016
SITE HABITAT PLAN	Drg No Figure No 01	09.11.2016

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

## **Condition 12**

The development shall not be built other than as follows:

- a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.

- b) All lounge/diner/kitchen room windows in the first to fifth floors of the east elevation of the eastern shoulder shall be permanently as follows:
  - i) the lower panel up to the transom height at least 85cm above finished floor level shall be un-openable and obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and,
  - ii) the lower part of the upper panel of the window up to a height of 1.5m above finished floor level shall also be obscured by permanent application of an obscure film which gives a degree of obscuration equivalent to Pilkington Texture Glass Level 3,
  - iii) the upper panel shall be top hung or hung from the northern side edge of the frame.
- c) All bathroom windows in the upper floors of east elevation of the eastern shoulder and corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6m above finished floor levels.
- d) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.
- e) The bedroom and dressing area windows (W705 & W706) at sixth floor level on the east elevation up to a height of 1.5m above finished floor level shall be obscured by permanent application of an obscure film which gives a degree of obscuration equivalent to Pilkington Texture Glass Level 3 and thereafter retained at all times.
- f) The panels CW5, CW6, CW7 & CW8 and the wall between CW7 & CW8 (seventh / penthouse floor), shall be opaque.

The above shall be permanently retained thereafter.

***Reason:*** *In the interests of neighbour amenity (overlooking) in accordance with saved Local Plan Policy H18 Core Strategy Policy 8 and the National Planning Policy Framework.*

21 August 2019

## **Appendix: Report considered by Committee on 26<sup>th</sup> June**

### **Site and Surroundings**

This seafront site is at the corner of West Parade and Grand Avenue approximately 1km west of town centre. It is a rectangular site of 0.26ha and lies immediately to the west of the seven-storey residential block Regis Court, which faces the seafront and has front balconies and a penthouse terrace. To the north are houses in Grand Avenue, including the nearest neighbour no 6, the side wall and rear garden of which forms the rear (north) boundary of the application site. The site is generally flat and is currently vacant following the demolition of the original three-storey house. On the opposite side of Grand Avenue is Dolphin Lodge, a distinctive landmark building of eight storeys, which lies some 40m to the west of the site.

The site has planning permission for the construction of an eight-story residential block, which was granted by this Committee in August 2017, following refusal of an earlier application for an eleven storey building which was dismissed at appeal in 2016.

### **The Proposal**

This application was due to have been considered at a previous Committee meeting but was deferred at the applicant's request to allow for further amendments which have now been submitted. These seek to address points of concern.

The application is to vary planning conditions nos. 1 & 12 of the 2017 approval.

Planning condition no 1 is a list of the approved drawings, new versions would be substituted to include changes to windows and balcony screens.

Condition 12 is a requirement for various windows to be obscure glazed and unopenable and for obscure screens to be provided to balconies and the roof terrace in order to minimise overlooking to existing neighbouring flats at Regis Court. The wording of condition 12 is immediately below. The application proposes to remove and vary clauses b, c & d in locations on the eastern faces of the approved building.

#### *Condition 12:*

*The development shall not be built other than as follows:*

- a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*
- b) All windows in the upper floors of east elevation of the eastern shoulder shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*
- c) All windows in the upper floors of the east elevation of the corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*



- d) *The roof terrace to the corner block and all balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 ms in height on their eastern flanks.*
- e) *Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.*

*The above shall be retained thereafter.*

*Reason: In the interests of neighbour amenity (overlooking) in accordance with saved Local Plan Policy H18 Core Strategy Policy 8 and the National Planning Policy Framework.*

These proposed changes to windows and screens under clauses b, c & d are described and considered, each in turn, in the Planning Assessment section of this report. Condition 12 is repeated at the end of the report with potential amended wording.

The most recent amended plans also changes some of the window positions and sizes on each side of the top two floors of the building (floors 6 & 7). These are considered to be of little consequence other than on the east side of the building. They are also described in detail in the Planning Assessment section

### **Relevant Planning History**

**AWDM/1713/16:** Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 29 flats arranged as 3 storeys tall and rising to 8 storeys together with associated 40 car parking spaces (including 31 in basement), new accesses and landscaping.

**STATUS:** APPROVED 11 July 2017

**AWDM/1805/14:** Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

**STATUS:** REFUSED and APPEAL DISMISSED 18 June 2016

### **Consultations**

None

### **Representations**

### **Amendments May 2019**

One Letter: Planning Agent for Residents of Regis Court.

“The amendments seek to overcome concerns specifically relating to the impact upon the amenity of occupiers of the Regis Court, located directly adjacent to the east of the application site.

The amendment detail on dwg no. 04002\_I are the most relevant to my client. The plans detail the following:-

- Windows W108, W209, W309, W408, W508, W606, W704, W705 to be fully obscurely glazed;
- Windows W109, W210, W310, W409, W509, W607 to be obscurely glazed to a height of 1.5m measured from internal floor level; and
- Curtain wall CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 replace previously detailed fenestration.

As a point of clarification, we ask why curtain wall panels CW5, CW6, CW7, and CW8 are indicated as being obscurely glazed, while panels CW1, CW2, CW3, CW4, and CW9 previously identified as windows are not. This may be a drafting error, however until we receive comfort that this is the case we reserve our right to pass further comment.

If as we are to assume the curtain wall system at penthouse level in effect removes all windows from the eastern elevation this overcomes our previous concerns relating to the impact upon neighbouring amenity, specifically to the roof terrace of the Penthouse to Regis Court.

It is however disappointing that the applicant remains intent on seeking the removal of the requirement privacy screens to the balconies to the east elevation directly adjacent to Regis Court. Given the separation distance between corresponding balconies, the screens are required to protect neighbouring amenity. We direct you to our previous more detailed correspondence on this matter.

The windows serving the 6th-floor east facing elevation are now detailed to be obscurely glazed, this is welcomed and represents an improvement in the potential impact upon neighbouring amenity. However, it is disappointing to see window W706, remains unobscured. This is the largest window to this elevation at this level and results in an increase in the potential for overlooking and also the level of perceived overlooking. As a result, the occupier of the adjoining penthouse at Regis Court may be more reluctant to make use of the valuable amenity space provided by the roof terrace.

Furthermore, the window is a secondary window which serves the master bedroom with a south facing aspect, served by full height floor to ceiling patio doors. We see no reason as to why this window must remain unobscured if its purpose is to provide additional light to the room. Again we refer you back to our previous correspondence on this matter. While we welcome and recognise the amendments which the applicant has made to overcome some of the concerns raised we feel that some issues remain unresolved, which in their current state would impact upon the amenity of neighbouring occupiers.

We maintain the position that the glass screens serving balconies to the east elevation and obscuration of window W706 are required as originally stipulated by the LPA to protect neighbouring amenity, in accordance with saved Local Plan Policy H18, and the National Planning Policy Framework”.

#### **Amendments November 2018:**

Three letters from immediate neighbours (one from a planning consultant concerning Regis Court on behalf of Protect Worthing Seafront Campaign Group). Objections and concerns:

- i. Although amendments have addressed some impacts, concerns remain regarding neighbouring amenities due to:
  - a. Lack of obscure glass to upper floors
  - b. Lack of balcony screens
- ii. Space between balconies does not accord with the Council's standards and screening is needed to avoid demonstrable impact on neighbours
- iii. Taller buildings call for greater privacy distances
- iv. Asserted impact of balcony screens has not been substantiated – no plans have been submitted to show these.
- v. Impact on penthouse terrace was clearly identified as an issue by the planning Inspector in the original refused scheme [AWDM/1805/14 in 2016]
- vi. Terrace is well used and has patio doors to living room. Another living room window on this elevation will also be overlooked.
- vii. Windows on the northern shoulder which were required to be obscure should not be changed.
- viii. Please confirm the building is not being made taller, that the distance to neighbour is not being reduced or impinged by the underground parking area, and that consultation will be undertaken before any ventilation system is installed
- ix. Request that a screen to the external stair is also added.

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

Worthing Core Strategy 2011: Policies 8 & 16

Worthing Local Plan 2003 (saved policies): H18

Supplementary Planning Document 'Space Standards' (WBC 2012)

National Planning Policy Framework (2019)

National Planning Practice Guidance

The National Planning Policy Framework (NPPF) has considerable status as a material consideration which can outweigh Development Plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the recent NPPF, 2019 states that development should be approved unless: it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against NPPF policies overall; or if the NPPF affords particular protection to assets or areas of importance, (recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

In assessing Development Plan policies relevant to this case alongside the recently published NPPF, it is considered that those which are relevant to the current case are in conformity with it. However, as informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the NPPF. Accordingly the Council needs to assess its housing delivery strategy. To this end a Housing Study and Issues and Options document was published and a new Draft Local Plan was published for consultation between October and December 2018, the response to which are currently under consideration.

Policies require that development and cases of development intensification should not result in unacceptable reduction in amenity for local residents and ensure high quality homes. Good quality architectural composition and materials are expected. Associated supplementary guidance 'Space Standards (WBC, 2012) states that private or semi-private outdoor space is important. Balconies which face the street but are set well back from it and are at higher levels, are considered to be space where occupiers can be relatively unobserved and enjoy adequate privacy. The impact on existing privacy is relevant to the consideration of this application.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

The issue raised by this application is the impact on residential amenity and privacy of neighbouring residents, mainly at Regis Court to the east and, to more limited extent, neighbours in Grand Avenue to the north. Impact on the appearance of the building is also relevant.

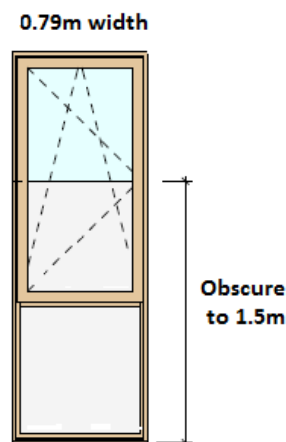
The following assessment considers the proposed changes to particular groups of windows and balcony screens each in turn under individual subheadings. For ease of reference each of these is accompanied by the applicant's drawing which identifies by red-line their location on the approved building. As with the original permission, the subheadings refer to 'Eastern Shoulder' and 'Corner Block', which are titles assigned to various parts of the approved building and referred to in the planning condition 12.

1. ***Eastern shoulder - south east corner windows***



- 1.1. These side windows are close to the side corner on each of the six floors of the eastern shoulder part of the building. This is the closest part of the building to Regis Court, some 5.2m to the east. The windows are slightly further south than the balconies to flats on Regis Court and slightly below the roof terrace of its penthouse. Each is a secondary window to the main living, dining and kitchen space of the approved flats; their main windows being large patio-type doors which open onto their front (sea-facing) balconies.

- 1.2. The proposal, as recently amended, is that these windows should not be entirely obscure glazed and unopenable, as required by condition 12 (b), but that the top section, which is 85cm above floor level, should be openable. The lower section would be obscured glazed and part of the upper section would use applied film, up to a height of 1.5m. Above this height the glass would be clear. The window is capable of being top-hung or side hung.



- 1.3. The applicant explains that because the window is close to the internal corner of the lounge/dining room, it is unlikely that new residents would stand close-up to the window and look out toward the balconies of Regis Court, approximately 6m away. From a seated position, such as a table or sofa, the obscure section would be higher than seated eye-level. Therefore overlooking would be unlikely.

- 1.4. The neighbour has responded that this arrangement, which includes this partial obscuration, is an improvement, especially given the intervening distance which is less than would be desirable between the windows of tall buildings.
- 1.5. In consideration of this aspect of the proposal the proposal does introduce a degree of risk of overlooking. The clear glass upper part of the window and ability to open the top section may also create some sense of implied overlooking from the perspective of residents, whose private balconies are only a short distance away. However, the combined effect of the obscuring and the location of windows close to the internal corner of the room are considered to limit the line of sight to neighbouring balconies. Overlooking would only be possible from an acute angle within the room, and close-up to the glass.
- 1.6. Furthermore, if the window is either top-hung or hung on the left hand (north) side of the frame, this would to an extent, reduce the acute line of sight further when opened. Subject to this additional provision in addition to the permanent use of obscure glass and film it is considered that the risk of overlooking is reasonably slight and the proposal is acceptable.

2. ***Corner block - south east corner windows***



- 2.1. These side windows are close to the side corner on each of the seven floors of the corner block part of the building. This is further away from Regis Court and 4.8m further south, so that the windows would be approximately 20m from the balconies and roof terrace at Regis Court. Each window is to the main living and dining space of the approved flats but is secondary to the large sea-facing patio-type door in each case. The applicant wishes to amend the condition to allow clear-glazed openable windows here.
- 2.2. As in the previous case, the windows are close to the internal corner of the room, so that lines of sight towards Regis Court, are confined to the corner and front-most part of the rooms of the new building. Views are particularly

acute due to the forward-set position of this part of the building relative to Regis Court. In addition to the 20m intervening distance, it is considered that the risk of overlooking here is low and the proposal is acceptable.

3. ***Eastern shoulder & Corner block - Balcony and Terrace Screens***



- 3.1. Condition 12 (d), requires that privacy screens of 1.6m height are erected on the side of the balconies of the eastern shoulder of the building and the roof terrace of the corner block. These are shown outlined in red above.
- 3.2. The applicant has requested that this requirement be waived, due to the impact on the uncluttered architectural design of the approved building.
- 3.3. The applicant also contends that the distance of 9m between the approved balconies and those at Regis Court is sufficient to maintain a reasonable degree of privacy. They add that it is greater than the distances between balconies of existing seafront residential blocks further to the east. Furthermore the approved building would be 2m further south than Regis Court which means that any line of sight is at an angle.
- 3.4. In terms of the roof-terrace screens for the approved eight-floor roof terrace, they contend that the intervening of 15-20m from the seventh floor roof terrace at Regis Court, and the location of the proposed some 2m – 4.5m further south is sufficient to maintain a reasonable degree of privacy.

**Balcony Screens**

- 3.5. Neighbouring residents express concern that the lack of screens will demonstrably impact their privacy. It is noted that their balconies are approximately 1.7 deep and just accord with contemporary external space standards of the SPD. They are an important area of outdoor amenity space.

- 3.6. In consideration of these views, it is noted that the absence of balcony screens from the closest of the approved balconies, which are some 2.8m deep, would provide a direct line of sight to those of Regis Court. Whilst the intervening corner of the approved building may block the line of sight from part of each balcony (perhaps the closest 0.8m to the building façade), the remainder would be unobstructed.
- 3.7. Although a similar relationship to that proposed in the current application, exists between balconies on the east side of Regis Court and four of the balconies at its neighbouring block (Capelia House), this is not typical of the relationships between balconies of tall seafront buildings further east. Others are set further apart or are screened. Furthermore this limited comparable relationship pre-dates the Council's Supplementary Planning Guidance, which sets out the importance of privacy for balconies. The existing balconies to Regis Court are set some 32m from the site frontage, and although they face towards a well-used promenade, the distance affords a degree of privacy, which merits protection.
- 3.8. Officers have suggested compromise solution to the applicant, whereby the 1.6m obscure screen, such as frosted glass, would only run along half of the side of each balcony, with the front corner reducing to a standard lower height of approximately 1m of clear or obscure glass. It is considered that in the ordinary course of using the balconies, looking southwards towards the sea or slightly south east towards the pier, users are unlikely to look across neighbouring balconies. In this scenario a view towards the neighbours would only be had by standing close to the front corner of the new balconies and looking slightly backwards towards Regis Court.
- 3.9. The applicant has reiterated concerns that these stepped-height balcony screens would affect the appearance of the building. In the officer's opinion, the use of glass screens which are partially 0.6m taller than a standard height of around 1m, and with obscure glass, contained within a slender metal frame which ends at the in the middle of each balcony side, (where plans already indicate a division in the screen), is unlikely to have a significant effect on the appearance of the new building. If the Committee agrees with this suggested solution, it remains possible to request amended plans accordingly.

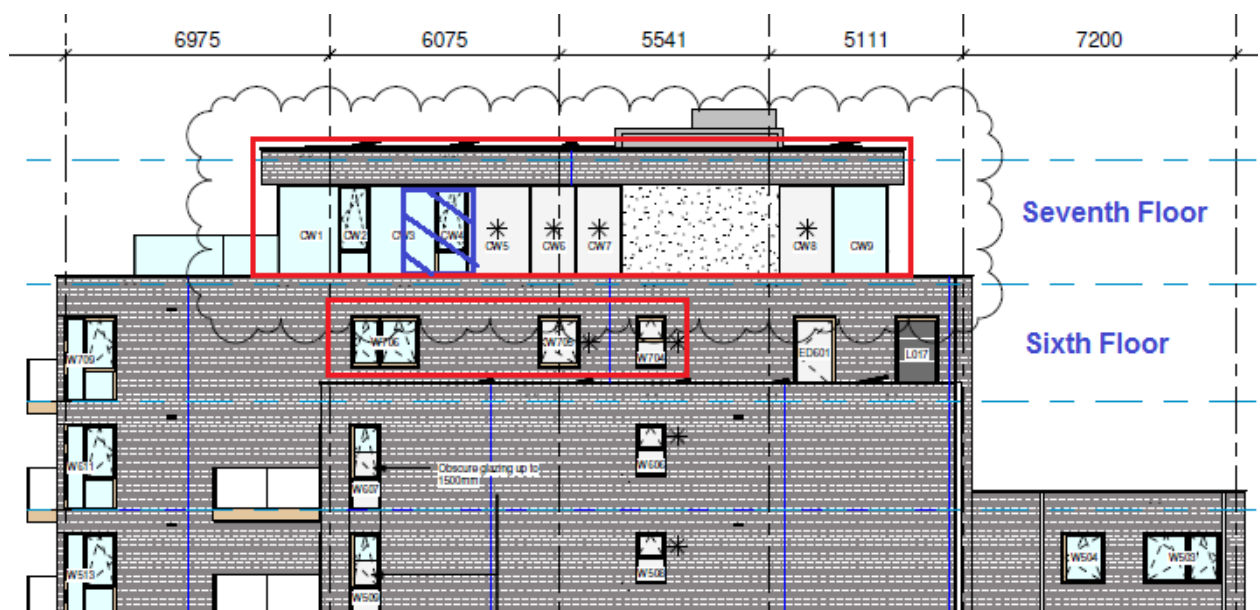
#### Roof Terrace Screens

- 3.10. In terms of the roof-terrace, the relationship between this and the existing terrace at Regis Court, which is one floor lower, is an important consideration. There would be a line of sight between the two terraces and an intervening distance of between approximately 15m and 21m. The closest part of the approved terrace is also the narrowest, being some 1.2m in depth from the facade. This provides a link between a patio-type door and the main part of the terrace further west. This comparatively narrow space is less likely to be used for sitting-out than the wider area. The absence of a privacy screen here considered to bring only a low risk of overlooking to the neighbouring terrace.



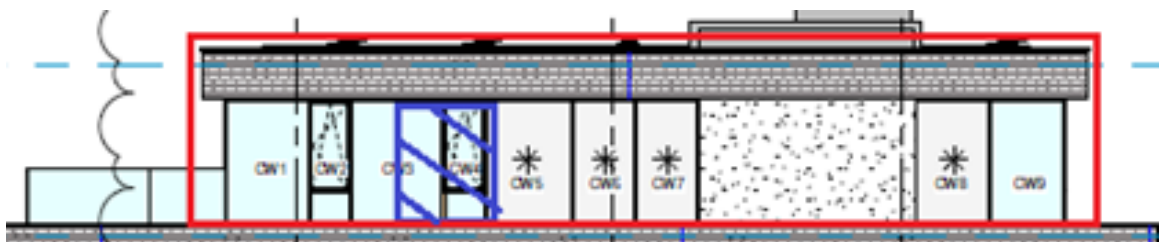
- 3.11. The wider part of the terrace extends 4m from the façade and is likely to be used for sitting-out. However, the intervening distance of some 21m and its location some 6m further south than the neighbouring terrace, is considered sufficient to afford a reasonable degree of privacy in the absence of a privacy screen.
- 3.12. In consideration of the relationship to existing balconies at Regis Court flats, which are further south than the existing roof terrace, it is noted that the overall distances described in 3.8 above, would also apply. Furthermore lines of sight are likely to be at least partly blocked by the edges of the approved building. Therefore the absence of a privacy screen is unlikely to significantly affect their privacy.

#### 4. **Corner block - Sixth floor and Penthouse (seventh) floor windows**



- 4.1. These side windows are on the top two floors of the corner block. The most recent amended plans have changed the internal layout on both floors and the arrangement of windows, most notably at the penthouse, seventh floor level.
- 4.2. At the sixth floor two windows; a bathroom and a dressing area, are to be obscure. One is side hung, the other has an opening top section above 1.7. Both are considered acceptable.
- 4.3. The third and largest sixth floor side window is the secondary window to a bedroom (it also has a window facing the sea). This faces towards Regis Court, the neighbouring roof-terrace of which is approximately 12.5m away at a similar level/height above ground, but very slightly (0.5m) northward. The proposal is that this should be clear glazed, rather than obscured.

- 4.4. In consideration of this bedroom window, the use of the room and its position and distance from the neighbour terrace suggests that whilst there would be a line of sight to the terrace, the loss of privacy here is debatable. Whilst this is a matter of judgement, balance, it is not considered so serious as to warrant refusal. It is noted that the line of sight to balconies on the floors of Regis Court below, are likely to be interrupted, at least in part, by the intervening side wall and roof of the easternmost part of the new building.
- 4.5. At the seventh floor penthouse level, the internal layout has been amended so that the corner bedroom & en-suite which was to have faced the sea and Regis Court, is now an open plan kitchen-dining room. The bedroom has been re-sited to the north-west rear corner.
- 4.6. The window arrangement on the east elevation has been amended so that clear-glazed windows would be clustered towards each corner. Two of these would have top-hung opening sections. As the neighbour letter observes, series of opaque panels (CW5 – CW8) and wall would occupy the central part of the eastern wall.
- 4.7. These amendments have improved the impact of application, by reducing the amount of clear glazing in the central part of the side of the penthouse. However, concerns remain that a line of sight from the kitchen/diner area, towards the neighbour terrace approximately 1 floor below and 14.5m away, and in line with the southern end of the terrace, would impinge too greatly upon neighbouring privacy.
- 4.8. Officers have suggested a further amendment, which is to amend two of the windows alongside the kitchen diner, to become fixed and obscure glazed. This is shown by purple hatching in the drawing above, and reproduced in extract here.



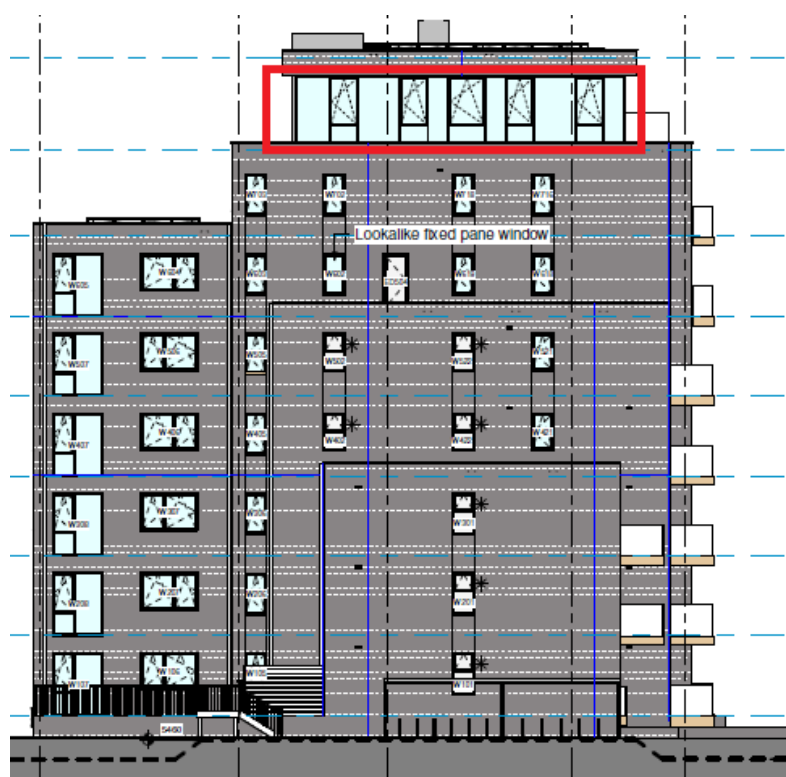
- 4.9. This change would mean that no clear glazed penthouse windows would face immediately towards the neighbouring terrace. There is a risk that angled views could be received from the front corner of the new dining area, but mindful of the more significant southern views from this room, it is considered, on balance, that the probability of actual overlooking is limited. Window CW2 (see illustration above), is a top or side hung opening window is also considered acceptable.
- 4.10. The applicant has considered and declined the officer suggestion. They cite separation distances which are typically used by planning authorities, for instance the 22m separation between facing windows across rear gardens in

guidance published by Adur District Council. Although the 22m guide is used in the context of two storey development, the applicant uses the analogy to demonstrate that upper windows often have a line of sight to a neighbouring garden some 13m away. They suggest therefore that the intervening distance of 12.5m – 14.5m in the current application, retains a similar degree of privacy for the existing roof terrace.

- 4.11. By contrast, neighbours comment that comparisons with the standards of other Council, suggest that greater distances than 22m should apply between buildings which are taller than 2 storeys. Therefore the requirement for obscure glass is particularly important here. The neighbouring terrace also contains important windows to the neighbour's indoor living space, (18m away), which would also be overlooked.
- 4.12. This is a matter of judgement, in consideration of which, the analogy of the 22m separation has some relevance. However it is also relevant that the neighbouring terrace is smaller than the type of garden for which the guide is used. The overall intervening space, including the existing terrace, is 16.5 and 18.5 rather than 22m. Furthermore the use of glass-wall fenestration in the penthouse gives a much larger area through which overlooking could take place and a greater impression of being overlooked for the neighbouring resident both from the terrace and to a more limited extent, the neighbouring living room windows.
- 4.13. In the appeal decision of 2016, impact of an eleven storey block on the amenities of neighbours, including overlooking, was one of the main determining issues. The Inspector considered the relationship between its proposed seventh floor and the penthouse and terrace at Regis Court.
- 4.14. He observed that the proposed seventh floor would have been 6m from the terrace. The plans showed four narrow windows to a bedroom, sitting room and bathroom on the proposed side wall. Further away, some 17m from the terrace were two bedroom windows a hall and balcony. He concluded: "*The close proximity of the seventh floor would appear overbearing from within the penthouse; and the proposed large areas of glazing would mean an unacceptable loss of privacy for its occupiers*" [Note: It appears that his comments refer to the seventh level, not the seventh floor]
- 4.15. By comparison, the intervening distances of 12.5m - 14.5m between the side windows at this level and the penthouse level of the approved building and the edge of the existing terrace, is considerably greater than the 6m minimum observed by the Inspector. There are also fewer windows at this level but extensive windows at the penthouse level. The Inspector's comments support the conclusion that the proposed use of clear glass would cause overlooking if they are too large or numerous. The officer suggestion to limit clear glass in the front corner to windows CW1, CW2 & half of CW3 of the penthouse along with the bedroom window of the sixth floor is considered to strike a reasonable balance.

- 4.16. Although the applicant has declined the recent request to revise the penthouse windows, it remains open to the Committee if it agrees with the officer's assessment, to ask again for such an amendment.
- 4.17. In consideration of the relationship between the penthouse windows and to existing balconies at Regis Court flats, the recently amended material suggests that lines of sight are likely to be partly blocked by the edges of the approved building and unlikely to be significantly affected.
- 4.18. Lastly, in consideration of the re-sited bedroom in the north-west corner, the use of a clear glazed window on the eastern side of this bedroom would not face directly onto the neighbour terrace. Whilst it would allow for an angled view down towards it, the angle, distance and use of the room, combine to suggest that obscure glass is not necessary here.

5. **Northern elevation**



- 5.1. The proposal amends the detailed arrangement of windows on the north elevation of the penthouse, but does not change the overall amount or position of glazing here. Planning condition no 12 does not require these to be obscure glazed or unopenable. In light of this, the relocated bedroom is unlikely to significantly change the impact on neighbours to the north.
- 5.2. The amended plans continue to show the use of obscure glass to other parts of the northern elevation (see *asterisks* on the plan) as follows:
- i) all windows in the link block, which is 7m from the side boundary of the no 6 Grand Avenue, largely facing the side wall of the neighbour's house
  - ii) four windows in the 'northern shoulder' which is 21m from the boundary with no 6 Grand Avenue.

The impact on no 6 Grand Avenue is no greater than in the approved plans.

## **6. Appearance**

- 6.1. The proposal includes the additional a small tank housing (0.9m tall) on the roof of the building, which would be clad in a pale grey-blue material and is set well away from the edge of the roof,. As such it is unlikely to affect the appearance of the building. None of the proposed changes to the glazing are considered to affect the design and appearance of the approved building.
- 6.2. In consideration of the applicant's contention that the additional of privacy screens will create a cluttered appearance, there is some sympathy with this argument in terms of those on the terrace, where they stand above the level of the main roof. However, the incorporation of screens to the ends of the balconies, would be seen against the backdrop of the main façade of the building and could be reasonably integrated with the design of their approved balustrades

## **Other Matters**

With regard to other points raised in representations, the height of the building is shown about 3cm taller in the current drawings than those previously approved, but this is considered negligible. The distance to the neighbouring boundary is unchanged and the basement car park does not impinge upon this gap. It is noted that ventilation louvres to the basement car park on the northern face of the building, are no longer included in the amended drawings, which is minor change of no negative outward impact.

The neighbour has asked whether any external ventilation plant has been approved; this is governed by condition 15 of the original permission (AWDM/1713/18), which requires the submission of such details, notwithstanding any information contained in the original application. As yet no details have been submitted pursuant to this condition. If received a consultation would be undertaken with the environmental health officer to ensure adequate standards are met.

The neighbour request for a screen to the external (fire escape) staircase, which is approximately 0.8m – 1m above ground level, remains a requirement of planning condition 12 (e).

## **7. Summary**

- 7.1. In summary the following proposed changes are considered acceptable:
  - i) Eastern shoulder – use of partly obscure windows using glass and film up to 1.5m above floor level and an opening top panel, hung at the top or north side
  - ii) Corner Block – clear glazed bedroom window at sixth floor
  - iii) Corner block – south east corner windows – use of clear glazed, openable windows
  - iv) Corner block – penthouse. A narrow openable window at CW2

- 7.2. The following are not considered acceptable:
- i) Eastern shoulder - the absence of privacy screens for balconies
  - ii) Corner block – penthouse the extent of clear glass on the east elevation.
- 7.3. The recommendation below is to seek amended plans which require obscure balcony screens of 1.6m height along half the width of each balcony side and a revised and reduced amount of clear glazing at the penthouse level.
- 7.4. If agreed condition 1 would be changed to include amended drawings and condition 12 would be worded as at 7.1 below
8. **Recommendation: Approve subject to delegation of authority to the Head of Planning to:**

- i) **retain the requirement for 1.6m privacy screens to balconies on the east elevation of the eastern shoulder but allow these to be partial (along half of the side of the balconies and,**
- ii) **allow a clear glazed, openable bedroom window at the sixth floor and,**
- ii) **allow limited use of clear glazed windows (CW1, CW2 & part of CW3) at the penthouse, including CW2 as openable, and**
- iii) **vary conditions 1 & 12 as described at 8.1 below.**

8.1. **Conditions:**

1. 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:

**[amend list of approved plans to include final amended plans]**

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

12. **[changes are in italics]:** The development shall not be built other than as follows:

- a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
- b) *All lounge/diner/kitchen room windows in the first to fifth floors of the east elevation of the eastern shoulder shall be permanently as follows:*
  - i) *the lower panel up to the transom height at least 85cm above finished floor level shall be unopenable and obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and,*
  - ii) *the lower part of the upper panel of the window up to a height of 1.5m above finished floor level shall also be obscured by permanent application*

*of an obscure film which gives a degree of obscuration equivalent to Pilkington Texture Glass Level 3,*

*iii) the upper panel shall be top hung or hung from the northern side edge of the frame.*

*c) All bathroom windows in the upper floors of east elevation of the eastern shoulder and corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6m above finished floor levels.*

*d) At the sixth and seventh (penthouse) floors of the eastern elevation of the corner block, the following windows shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6m above finished floor level:*

*- W705 (sixth floor), and*

*- CW4 and part of CW3 (seventh / penthouse floor), in accordance with [amended drawing to be received inserted].*

*The panels CW5, CW6, CW7 & CW8 and the wall between CW7 & CW8 (seventh / penthouse floor), shall be opaque.*

*e) All balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 m in height on their eastern flanks in accordance with [amended drawing number when received showing half of each side with 1.6m privacy screen, including material for this].*

*f) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.*

*The above shall be permanently retained thereafter.*

Reason: In the interests of neighbour amenity (overlooking) in accordance with saved Local Plan Policy H18 Core Strategy Policy 8 and the National Planning Policy Framework.

Application Number: AWD/0848/19

Recommendation – APPROVE

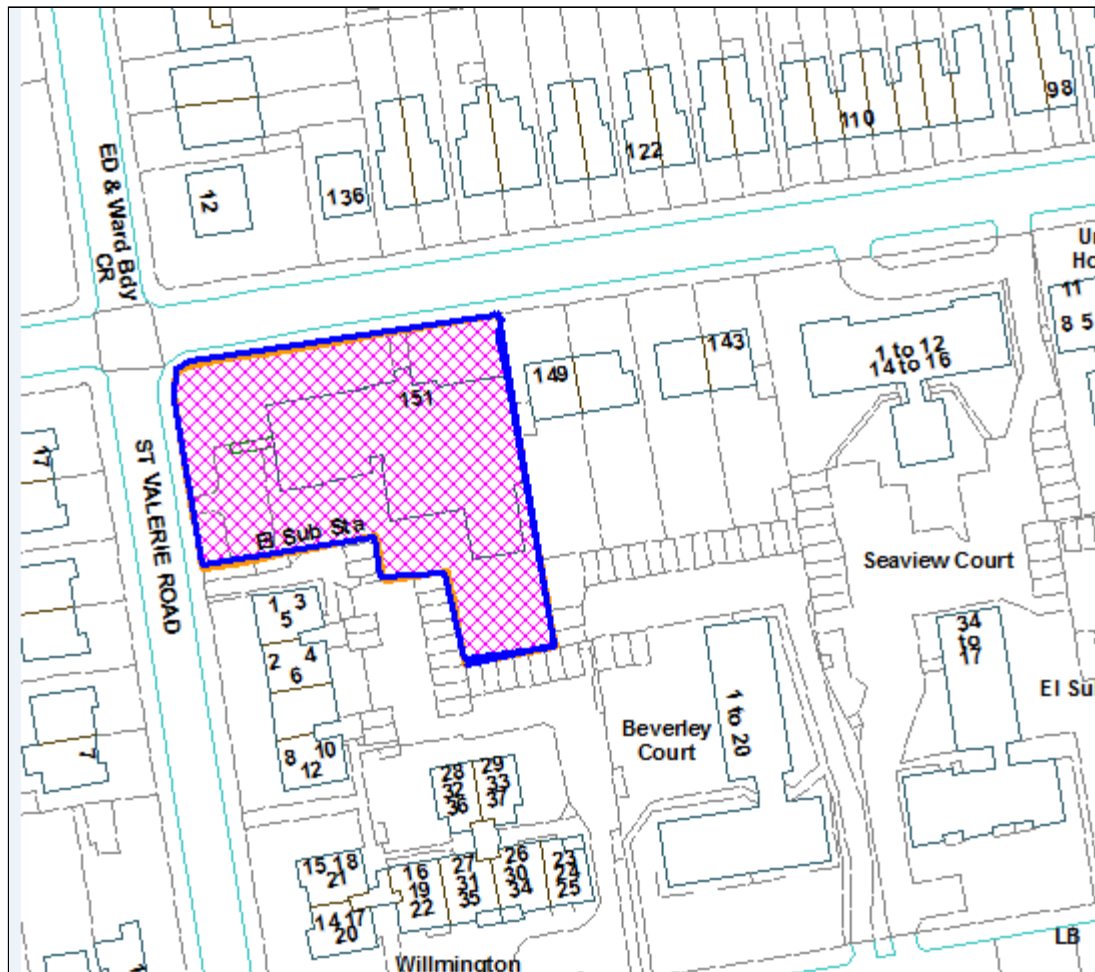
Site: 151 Rowlands Road Worthing West Sussex BN11 3LE

**Proposal:** Conversion of existing care home (Class C2) to provide 19 no. affordable residential units (Class C3) comprising 4 x 2 bedroom flats, 14 x 1 bedroom flats and 1 x bedsit) involving two storey extension replacing conservatory, single-storey extension, pitched roof dormer, enlarged dormer and flat roof dormer to South elevation; flat roof dormer, single-storey extension and roof light to West elevation; mechanical smoke extract outlet to roof; alterations to fenestration and internal alterations. 7no. parking spaces.

Applicant: Worthing Borough Council

Ward: Heene

Case Officer: Jo Morin



**Not to Scale**



## **Site and Surroundings**

The application relates to a large detached Edwardian building (1906) occupying a larger than average corner plot (0.2ha in area) located on the south side of Rowlands Road on the east side of its junction with St Valerie Road. The building is currently vacant but was last used as a care home (Class C2) for Masonic ladies, with occasional lodge meetings and ceremonies ancillary to that use. It is understood the care home use was slowly run down over a period of time until there was just one resident in occupancy.

The original detached hipped-roof dwelling consists of brickwork at ground-floor with a rendered upper with decorative mock 'Tudor' boarding (now painted over) under a plain clay-tiled roof with bonnet hip tiles and finials. The character of the original dwelling has been diluted by unsympathetic roof extensions, UPVC replacement windows and an oversized 2-storey extension (with rooms in the roof) added to the west side in the mid-1970s. However, a number of character features remain including a grand entrance porch with stained glass side lights, arched door opening and solid timber door fronting Rowlands Road, plus chimneys and exposed rafter feet at eaves level and edging the original square bay window and porch. The north and west site boundaries are enclosed by attractive traditional flint and brick walls approximately 1 metre high with taller piers and 'buttresses' framing the pedestrian entrance leading to the front door.

There are currently 2 vehicle accesses serving small parking areas, one access from Rowlands Road and the other from St Valerie Road.

The site is not located in a conservation area and the building is not statutorily or locally listed. There are a number of mature trees on the site and a Tree Preservation Order (No.19 of 2000) covers a group of ten trees (G.1) adjacent to the northern and western site boundaries and a group of 4 trees (G.2) in the south-east part of the grounds.

The surrounding area is primarily residential in character consisting of a mix of detached and semi-detached houses dating from the early to mid-20C interspersed with mid to late-20C low-rise flat blocks typically set within landscaped grounds with rear garage compounds.

## **Proposal**

Permission is sought for the conversion and extension of the existing building to provide 19 no. residential flats (Class C3) consisting of 4 x 2-bedroom units, 14 x 1-bedroom units and 1 bedsit unit, with 7 on-site parking spaces.

The proposed dwellings will provide transitional affordable accommodation for those in need until permanent accommodation becomes available, and to reduce reliance on the use of Bed & Breakfast accommodation.

As originally submitted the proposed external alterations consisted of:-

- Single-storey extension (10.7 metres wide and 2.9 metres deep) with part pitched, part flat roof attached to the north elevation fronting Rowlands Road;
- Replacement of the existing conservatory on the south (rear) elevation with 2-storey extension (6.8 metres wide x 2.9 metres deep) with parapet flat roof 6.9 metres high.
- Single-storey addition (2.6 metre wide x 4.6 metres deep) with parapet flat roof attached to west side of existing single-storey, flat-roofed rear extension.
- Single-storey flat-roofed infill extension (2.9 metres wide x 3.1 metres deep) within existing courtyard linking main building to existing outbuilding (adjacent to eastern site boundary).
- Insertion of roof light and formation of 'blind' box dormer (3.3 metres wide and 1.6 metre high) at second-floor on west side roof slope;
- Formation of door opening at ground-floor on west side elevation to new services cupboard;
- Widening of existing dormer at second-floor on south (rear) roof slope by 2.6 metres on east side;
- New box dormer at second-floor on rear (south) roof slope of original dwelling;
- New dormer pitched-roof dormer (1.7 metres wide) at second-floor on rear (south) roof slope projecting from existing ridge;
- Formation of mechanical smoke extract outlet (3.7 metres wide x 1.2 metres deep) on existing roof at the western end of the building;
- Blocking up of existing window/door openings at ground-floor on the south and west elevations and replacement of existing UPVC windows in UPVC. [The existing large timber windows facing the courtyard serving Flats 2 and 3 to be repaired and refurbished.]

Following discussion the proposed single-storey extension on the front (north) elevation has been omitted, as has the pitched-roof dormer on the south elevation and the design of the 'blind' box dormer on the west elevation altered to include windows.

The shared garden amenity space to the north, west and south will remain with the existing trees and boundary planting retained.

The main residential access into the building will be from the existing main entrance on the north side fronting Rowlands Road, with a secondary entrance on the west side of the building. A new disabled access platform ramp is proposed to the north side entrance. This will involve reconfiguring the existing external steps and removing a section of the existing feature brick wall which frames the entrance path, but will not necessitate altering the existing porch structure. A reconfigured access ramp is proposed to serve the secondary entrance.

Seven car parking spaces are proposed, 3 no. in an enlarged parking area to the north accessed from Rowlands Road (with slight adjustment of the existing access), and 4 no. spaces (including 2 no. disabled bays) in the existing parking area to the west utilising the existing access from St Valerie Road.

Refuse and re-cycling is split into 2 areas, one adjacent to the north parking area adjoining the eastern site boundary and one adjacent to the western parking area adjoining the southern site boundary.

The application is supported by a Planning Statement, a Design and Access Statement (Crowther Associates) and Arboricultural Survey and Report (Ramsey & Co).

## **Consultations**

**West Sussex County Council:** The Local Highway Authority has raised no objection, commenting:-

### *“Access Arrangements & Parking*

*Vehicles and pedestrian access points will remain as existing, from the unclassified Rowlands Road and St Valerie Road, both subject to 30mph speed restriction and unrestricted on-street parking in this location. Primary access will be from Rowlands Road, where 3 x car parking spaces will be accessed, with the remaining 4 x car parking spaces accessed via the existing access to St Valerie Road.*

*The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a recorded injury accident at the junction of Rowlands Road and St Valerie Road. From an inspection of accident data it is clear that this was not related to use of existing access points. There is no evidence to suggest that the existing site access points have been operating unsafely or that the proposed change of use would exacerbate an existing safety concern.*

*The LHA acknowledge resident concerns with respect to existing on-street parking. Whilst the nearby junction is not protected by double yellow lines this is considered an existing scenario. Onus is on driver to park responsibly without causing a highway safety concern - the proposals are not anticipated to detrimentally alter the existing situation and thus it is not considered that double yellow lines could be justified as reasonable and necessary/relevant to the development, as per National Planning Policy Framework (NPPF) six tests of planning conditions.*

*Using the proposed habitable room and social housing tenure of the 19 x flats the WSCC Car Parking Demand Calculator envisions a demand for 11 x car parking spaces total, on the basis that these are unallocated. This is a shortfall of 4 x spaces, as a total of 7 are proposed. This is not anticipated to result in a 'severe' impact to safe operation of nearby public highway, though the Local Planning Authority (LPA) may wish to assess the impact of additional on-street parking from an amenity perspective.*

### *Accessibility*

*The site is served by street lit footways with bus stops within walking distance that offer routes to various nearby destinations. West Worthing Train Station is a 6 minute bicycle ride distant and bicycle storage will be provided for the flats in line with WSCC standards.*

*Worthing town centre is within a mile walk and some limited services and amenities, such as pharmacy is within 0.2 mile of the site.*

*The location of the site is considered suitable for sustainable means of transport to be used and therefore a reliance wholly on the private car is not considered necessary for all daily trips. The proposals therefore meet with paragraph 108 of the NPPF in that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.*

#### Conclusion

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

Conditions relating to the provision of car and secure cycle parking as shown, and the approval and implementation of a construction method statement and plan are recommended.

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

The **Environmental Health Officer** comments that as this is a major application, consideration must be given to air quality issues. The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality. The intention of the guidance is to identify air quality impacts through an impact assessment and ensure the integration of appropriate mitigation via an emissions mitigation assessment. The purpose of an emissions mitigation assessment is to assess the emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment.

The **Tree and Landscape Officer** comments that although pleased no trees will be lost has concerns regarding the north side of the building where the living area is being extended toward the [protected] trees beyond the original footprint. As the crowns are already close to the building the officer considers this will put future pressure onto the trees of group G1.

The **Private Sector Housing Manager** has requested an informative is attached to any permission advising that some aspects of the development may result in hazards that require action under the Housing Act 2004. In particular, F/11 has an inner room and fire escape windows at 1st floor or above are not acceptable under the Housing Act. The large 'store' for F/17 on the second floor would be too easily used as a habitable room, also creating an inner room. Compliance with Building Regulations will not necessarily address the hazards identified and the Applicant is advised to contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

The **Engineer** comments that the site lies in flood zone 1 and is unaffected by modelled surface water flooding. Proposals for surface water drainage are considered to be appropriate.

**Southern Water Services:** No objection in principle. A condition requiring details of the proposed foul and surface water disposal to be approved is recommended.

An informative is requested advising the developer that a formal application for connection to the public sewerage system is required.

A sewer now deemed to be public could be crossing the site and the developer is advised to contact Southern Water for advice.

## **Representations**

33 representations objecting to the proposals have been received from the occupiers of 104, 112, 120, 122, 126, 128, Ground and Top Flats 130, 132, 134, 136, 145, 149, 155, 155A Rowlands Road; Flats 1, 7 Beverley Court; 41, 45 Bath Road; 1, 11, 12, 13, 17 St Valerie Road; Flats 22, 23, 32 Wilmington Court; 6, 8 Manor Road raising the following concerns which have been summarised:

- Overdevelopment: The site has been used as a care home for 16 individuals for many years the proposed is to develop 19 residential flats which will result in many more individuals living on the site than previously, potentially up to 40 people. The site is not large enough to accommodate this number of flats/people and will put pressure on local the local area/people.
- Provision of 7 parking spaces is woefully inadequate. As the road lies outside the CPZ it is already difficult to park on-street during the day as it is used by non-residents. This development will add more pressure making it even harder for residents to park near to their homes and especially tricky for someone with a newborn baby.
- The road is used as a rat-run and cars drive at speed down the road. More cars parked on the street will add to existing dangers and accident risk. Just reversing out of the driveway is dangerous with the number of parked cars on the road and speeding traffic and has already resulted in accidents. Parking provision on the site is grossly inadequate for the number of dwellings and will obviously lead to more cars on the road and more accidents. The development should be drastically reduced in scale for simple safety reasons.
- The submitted Statement states that limited [on-site] parking is available to reflect the likely short-term tenancy arrangements for the flats. In reality, tenancies are likely to be for 2 or even 3 years.
- The Planning Statement gives a very stereotypical assumption about levels of car ownership of the future tenants but without any supporting evidence. In reality the Council will have no regard to the car-owning status of prospective tenants.
- The only feasible solution to the problem of insufficient parking provision would be to demolish the existing building and building flats with an underground car park to provide one parking space for each flat and their visitors.

- If in due course a modern block of flats is built to replace the existing building the design must be in-keeping with the surrounding Edwardian houses. The heavy period wooden front door and entrance to the existing building is of particular interest with its original stained glass in place. This should be salvaged and re-used, mixing the old and new in a modern building yet retaining the character of the area.
- Understand that housing is needed for local people and would not object to a reduced number of dwelling units with more on-site parking.
- The front door and stained glass porch is of particular interest and it would be preferable to use the existing wheelchair access at the St Valerie Road entrance to the building rather than damage this period feature.
- The majority of occupiers will not be families thereby changing the whole demographic of the area which is prescribed in the land registry as a 'family area'.
- Why has the development been so poorly thought out that the Private Sector Housing team has raised concern.
- The mature Beech tree on the frontage requires a tree root protection radius of 9.6 metres and the Maple a tree root protection radius of 5.4 metres, yet the proposed 3 metre deep front extension requires foundations to be dug which are only 3.5 metres from these trees. The trees are under a protection order, providing a picturesque covering to the west wing and the threat to their safety and health by cutting roots is of utmost concern. The single-storey front (north) extension will damage or even kill the mature trees in front of the building.
- Concerned about future grounds maintenance with the Council looking to cut costs and save money.
- The proposed encroachment of the front building line breaches a covenant on the land dating from its sale in 1869. Whilst not considered under planning law it would not be good PR for the Council to breach a covenant. Internal reconfiguration could provide a similar number of units, but for bedsits rather than flats.
- A couple of the flat layouts do not satisfy Building Regulations for fire safety.
- Some simple internal reconfiguration to the internal west wing corridor on the first-floor and installation of means of escape windows could do away with the obtrusive zinc-covered smoke extract on the roof and would save money.
- The felling and topping of trees on the site will be detrimental to the area.
- The proposed foundation design of the north side extension is at odds with the specification given by the specialist landscape architect. The architect has specified the use of 'driven screw piles' to support the extension structure whereas the landscape architect stipulates that all excavation within the root protection areas to be undertaken manually with hand tools (or air spade) in order to protect the tree roots – no machinery to be used. Any form of pile placed within the tree root area has the potential to cut or damage roots as the piles are driven blind into the subsoil. Furthermore, the ground around the pile becomes compacted and has an additional damaging effect.
- Neighbouring properties will be overlooked and privacy compromised if existing trees are trimmed or removed.
- The Statement by ECE is fallacious in parts:
  - i) It incorrectly states the building dates from 1970s whereas the brickwork above the front door clearly shows it was constructed in 1906, as is evident by the

many traditional period features of the building which contributes to the pleasurable character of the surroundings.

- ii) It incorrectly states the building was used as a respite accommodation centre for wives and carers of members of the Masons. This is untrue. The building was never used for respite accommodation but was used as a care home and meeting place for lady masons whose families could no longer care for them. The description of the proposal should be corrected.
- iii) It states that the proposed development will remain in scale with the surrounding built area within the existing footprint with only small extensions to the north and south. However, the proposed 'small' extension to the north extends 3 metres and breaks the housing line for the road and would be further forward than the main entrance. The development does not therefore remain in scale with the surrounding built area. Building an extension to the front of a property which strides the housing line is not a result of good architecture.
- iv) The Statement states that the proposed development will incorporate an insulated external fabric but no further details are provided. Will the feature wood paneling on the front of the building be re-fitted? Will the brickwork at ground-floor remain visible?
- v) 1 St Valerie Road is not the closest building to the south and is on the junction with Bath Road. Nos. 3 and 5 St Valerie Road do not exist.
  - The Statement references paragraph 127 of the NPPF but does not detail how doubling the capacity of the building and changing it to temporary social rented housing, many of whom will be vulnerable individuals, will add to the overall quality of this family area.
  - Given the shortage of housing it is likely that the future occupiers will live at the property for at least 2 years; more thought needs to be given to the number of units proposed in order to prevent overcrowding and ensure the well-being of residents.
  - None of the units has been designed to be accessible or adaptable for people with mobility issues or disabilities.
  - Changing the use from the former care home, a quiet, solitary place with few visitors to the proposed C3 residential use will inevitably impact neighbour amenity bringing disturbance and noise. Other concerns arising from overcrowding include loitering, misbehavior, agitation, difficulty parking. Noise levels and disturbance for existing residents is bound to be vastly increased with a doubling of the capacity of the building. It is very unfair on existing residents.
  - Other planning applications in the vicinity have been refused on grounds of harm to residential amenity and inadequate parking/access provision.
  - This high density development is out of keeping with the established character of the area. The area is already under threat from 2 other proposed flat developments at Grand Avenue and Manor Road. The combined impact of these developments will further increase densities and have a seriously detrimental effect on the character of the area.
  - I fear for the air quality of the area with the increased traffic.
  - The submitted Statement references an internet-based reporting system to monitor and analyse energy usage to give real time information and data. However, the use of SMART meters particularly when clustered, emit microwave pulses and their detrimental effect on health and well-being is

well-researched; the negative health effects outweigh the benefits of easy access to energy reports.

- No risk assessment has been undertaken as to the impact on existing residents of additional noise, lighting, traffic movements, parking, crime and anti-social behavior.
- There will be additional strains on community services, such as schooling, healthcare, waste collection and policing. This should be taken into consideration before any decisions are made. Public services will be swamped with increased demand, longer waiting times etc.
- The development will have a detrimental effect on house prices locally.
- The Council needs to re-think and replace this proposal with a family-orientated building with sufficient parking facilities. Placing high density temporary social housing for predominantly single people and couples into a historically quiet and family-orientated area seems an odd decision when so many shops and buildings in the town centre lie empty.
- Concerned at the speed with which this building has been acquired by the Council and its change of use proposed.
- The additional lorries and parking during construction works will cause a safety hazard and increased risk of accidents on the road junction between St Valerie Road and Rowlands Road – there are no yellow lines at present and sight-lines are massively reduced. The last accident left 5 no. vehicles damaged.
- The building will need to be upgraded to comply with the thermal requirements of the Building Regulations. The Council should reinforce its green environmental credentials and insist that all elements of the building envelope are upgraded to current standards. This would ensure energy bills are reduced for those that can least afford it.
- The submitted Statement states that the thermal upgrade to the external walls will be by an external insulated fabric and the elevations do not show this cladding/fabric. Most thermal upgrading to older buildings is carried out internally to protect external details and visual appearance.
- The Council's own policy document (A Guide to Residential Development SPD) makes the case for more family housing as opposed to smaller flats. The Draft Local Plan recommends a mix of housing with only 15% one-bedroom units, preferably near transport hubs.
- The submitted Planning Statement is poorly researched and fails to take proper account of the realities surrounding the development. A new Statement should be required to be submitted.
- I have worked all my adult life for the home I have now in a quiet respectable and friendly neighbourhood of retired people or families, where I feel safe, where people appreciate the attractive architecture and ambience of the area and take pride in maintaining their homes. People parachuted in with no love or respect for the area could upset our happy cohesive community. Social housing is needed but this is not the place for it. There appears to be no provisions made for the supervision of tenants.
- There is no information on who the future residents will be, a half-way house for drug addicts? London Boroughs sending their social problems to Worthing? The short-term social housing at Princes Gate on George V Avenue resulted in stories of low-level criminality, drugs and anti-social behavior in what had previously been a congenial, friendly little community.



- Query why nearby residents did not receive notification letters, plans appear to be a fait accompli. Query why can't representations be seen online.
- The widening of the dormer window on the 2<sup>nd</sup> floor east elevation proposed reconfiguration of the first floor so that an existing stairwell window will become a bedroom window will result in a lack of privacy including looking into a bedroom window at No.149.
- I will be writing to my MP to raise my concerns.

The residents of 13, 15 and 17 St Valerie Road have been notified of the amended plans, specifically to the amended design of the west side dormer, and any additional representations received will be reported at the Committee meeting.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

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

Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 10, 13, 15, 16, 17  
 Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18  
 Supplementary Planning Document 'Space Standards' (WBC 2012)  
 WSCC Guidance on Parking at New Developments (2019)  
 National Planning Policy Framework (2019)  
 National Planning Practice Guidance

### **Planning Assessment**

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the provisions of the Development Plan where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in

adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The Council has acknowledged that it cannot currently demonstrate a 5 year supply of housing based on objectively assessed housing need.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18, TR9, and RES7, Core Strategy policies 7, 8, 9, 10, 13, 15 and 16; the policies set out in National Planning Policy Framework and allied Practice Guidance.

The key considerations are:-

- The principle of the proposed development for affordable housing (Class C3);
- Effect of the proposals on the character and appearance of the surrounding townscape;
- Impact on protected trees
- Residential amenity – living conditions of future occupiers
- Residential amenity – impact on amenities of neighbouring occupiers
- Parking and highway safety
- Other issues.

### ***The Principle of Proposed Development***

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text (paragraph 7.12) makes it clear that it is important to provide an appropriate choice of housing for all age groups, including specialist and extra-care accommodation, but there is no policy which specifically seeks to safeguard existing care home (Class C2) accommodation.

The proposed conversion and enlargement of the existing building would provide a mix of affordable primarily 1-bedroom, but some 2-bedroom and bedsit flats (Class C3) to accommodate residents in housing need on a temporary or 'transitional' basis until permanent accommodation becomes available and is intended to reduce an existing reliance on meeting such need through Bed & Breakfast accommodation.

A number of studies undertaken in recent years have identified housing affordability as a major issue for many residents within the Borough, particularly for families and newly forming households. Work undertaken to support the emerging Local Plan has concluded that home ownership has become less affordable and as a consequence the number of people on the housing register has increased across all sectors. In May 2017 there were 1,277 households on the Worthing housing register and the lack of available property means that people are often housed in temporary and sometimes inappropriate accommodation. The Worthing Housing Study (2015) identified an overall need for affordable housing of 8,700 units over the 20 year plan period from 2013-2033 which equates to 435 affordable homes a year. The above-mentioned Housing Study identifies that the profile of need for affordable housing is skewed toward smaller 1-bedroom (48.3%) and 2-bedroom (29.1%) units.

The policy approach set out in Policy CS8 seeks to bring forward a range of housing types which outside of the town centre should predominantly consist of family housing but which acknowledges there remains a role for flats to play in higher density town centre locations. The site is located within an inner residential suburb which is characterized by a mix of dwellings types including detached and semi-detached houses, converted flats and low-rise flat blocks. The adaptation and extension of the existing building to provide 19 no. residential flats would not be inconsistent with this existing character and would help meet a compelling need for affordable housing in the Borough, and particularly those in most urgent need.

### ***Effect of the proposals on the character and appearance of the surrounding townscape***

As noted above, the original Edwardian house has previously been extended and enlarged over the years by a number of unsympathetic additions which have diluted, but not destroyed its character. Overall the building and grounds make a positive contribution to local character and the street scene and this is reinforced by the traditional boundary treatment and mature trees and landscaping within the north and west site frontages which help 'soften' views of the existing large extensions.

Negotiations have resulted in improvements to the scheme, most notably with the omission of the proposed front extension. The remaining proposed extensions are located to the rear (south) of the building other than the box dormer on the west-facing roof-slope. Initially shown as a 'blind' dormer it was considered by officers to be a somewhat unsympathetic and 'bulky' addition to this roof slope which currently lacks any protrusions. The design of the dormer has been amended to introduce fenestration which has relieved its heavy appearance. Whilst the 'box' form and proportions of the dormer remain somewhat 'ungainly' given there are other larger box dormers elsewhere on the building it is considered on balance the visual impact of this element would not be so harmful to justify refusal and particularly as the nearby south-facing dormer initially proposed on the same western component of the existing building has been omitted.

The mechanical smoke extract outlet would be sited on the roof of the existing 2-storey extension, set-in approximately 0.5 metres from the western and northern edges and projecting approximately 1 metre above the flat roof. It would be a visually prominent and utilitarian addition to the building. It is understood that the need for the roof equipment could be overcome by some reconfiguration of the internal layout in conjunction with insertion of additional means of escape windows, but this would lead to a reduction in the gross internal floor area of one or more of the ground-floor flat units, or even a reduction in the overall number of dwelling units. Although not an attractive feature, it is considered the resulting impact on the appearance of the building and the visual amenity of the surrounding area would not be so harmful as to insist on an alternative means of adhering to this aspect of Building Regulations that would potentially compromise the existing optimal layout and amount of affordable accommodation.

### ***Impact on protected trees***

The only trees affected by the development are the large, mature Beech and Maple trees (both approximately 14 metres tall) located on the northern site frontage onto Rowlands Road. Both are subject to the TPO NO.19 of 2000 and make a prominent and positive contribution to the attractively verdant character of the area. The Beech tree (T.11 within the submitted report) has a root protection area radius of 9.6 metres and the Maple tree (T.12) a root protection radius of 5.4 metres. As initially submitted the proposed single-storey front extension was shown to intrude into root protect zones of both T.11 and T.12. Although the Council's Tree and Landscape Officer was satisfied that with suitably designed and hand-dug foundations the extension could be constructed without damage to these trees he was nevertheless concerned that the physical proximity of the extension to the trees would lead to future pressure to carry out more and/or heavier works to the trees in order to relieve gloomy living conditions within the nearest proposed flats.

This concern has been satisfactorily addressed by the amendment to omit the proposed single-storey, front extension.

### ***Residential amenity – living conditions of future occupiers***

The gross internal floor area of the proposed flat units would not all meet the Council's adopted minimum space standards as set out in the 'Space Standards' SPD but all except Flats 7 and 8 would meet the Government's nationally described Standards. [The latter does not distinguish between 1-bedroom flats and studio flats but sets standards based on the number of bed-spaces (persons), for example, a 1-bedroom, 1-person unit can be considered the equivalent of a 'studio' or bedsit flat.]

As amended, Flat 7 would have a gross internal floor area (GIA) of 38.2sqm and Flat 8 would have a GIA of 37.1sqm. Both are shown on the submitted plan as 1-bedroom, 2-person units and therefore fall below the Government's Nationally Described Standard of 50sqm. If Flats 7 and 8 were to become 1-bedroom 1-person units, both would then meet the Nationally Described Standard of 37sqm.

Where possible the flats have been configured to achieve a dual aspect. Only Flats 7, 8, 14 and 19 will have a sole north-facing outlook. However, the outlook from the ground-floor flats 7 and 8 has been improved by the omission of the proposed front extension in so much that the existing space is retained between the front of the building and the nearby mature trees.

Flat 2 (a 1-bedroom, 1-person unit) would have an outlook only onto internal courtyard areas which is not ideal.

However, subject to Flats 7 and 8 being re-designated as 1-bedroom, 1-person units, it is considered that on balance a satisfactory standard of living environment would be provided for the future occupiers.

The existing private landscaped grounds to the rear (south) would be available as communal amenity space and the enclosed area meets the Council's minimum external space standard of 20sqm per flat.

A number of third parties have made reference to the comments of the Private Sector Housing Manager, but it should be pointed out that no objection has been raised.

### ***Residential amenity – impact on amenities of neighbouring occupiers***

The site adjoins No.149 Rowlands Road to the east, one half of an attractive pair of semi-detached, hipped-roof 2-storey houses dating from the mid-C20 with plain clay-tiled roofs and decorative mock 'Tudor' boarding to the upper floor.

Adjoining to the south is Wilmington Court, a complex of 36 no. flats within landscaped grounds dating from the mid-1970s. The complex consists of 2 separate blocks, one fronting St Valerie Road and the other fronting Bath Road to the south. There is vehicle access from both roads serving a garage compound to the rear of the flats.

Opposite the site to the west are semi-detached houses in St Valerie Road (Nos. 13-17) and to the north, older-style detached and semi-detached houses in Rowlands Road. On the east side of the junction is 12 St Valerie Road, a detached house dating from the mid-C20. Although addressed in St Valerie Road its principal elevation incorporating its main architectural features fronts Rowlands Road.

In the main, the proposed extensions and alterations are well-separated from neighbouring properties. The most affected are the occupiers of the northern block of Wilmington Court. The proposed 2-storey flat-roofed extension would be sited 9.3 metres from the southern site boundary but off-set from the built-form of Wilmington Court which is sited further forward (west) closer to the edge of St Valerie Road. There are windows in the nearest north-facing elevation of Wilmington Court (one on each floor), which appear to serve habitable rooms and face toward the rear south elevation of the existing extended building at No.151. It is noted that windows in the nearest south-facing element of the latter have been designed as 'high-level' windows apparently to avoid a direct overlooking relationship. It was originally proposed to insert a standard height window at first-floor within this existing element as well as a single-leaf French door at ground-level. The first-floor window has since been amended to revert to a high-level window as before which is welcomed. First-floor windows in the proposed 2-storey extension would overlook windows in the north and east elevations of Wilmington Court at a distance of less than 20-metres but at an indirect angle. Bearing in mind these windows in Wilmington Court are already overlooked from the second-floor windows in the existing south-facing dormer at No.151, it is considered the additional overlooking effects as a result of the development would not result in a serious loss of privacy for the occupiers of this nearest block.

Windows have been added following amendment to the proposed west-facing dormer facing St Valerie Road, but are sited over 30 metres from the front windows

of the houses opposite (Nos. 13-17) and would not result in unacceptable loss of privacy through overlooking.

The resident of No.149 Rowlands Road has expressed concern about loss of privacy as a result of overlooking of a first-floor bedroom window from an existing window in the east side of No.151 which currently serves a little-used stairwell, but is proposed to serve a bedroom. However, there is a distance of approximately 10 metres between the windows in question which do not directly face one another, in part owing to the larger scale of the original building at No.151 compared to No.149. Whilst it is acknowledged the window in question would now serve a habitable room, it is considered the effects of overlooking from an existing window at this distance and angle in relation to No.149 would not result in a significant loss of privacy for the occupier.

As initially submitted, the majority of refuse/re-cycling bins were shown to be stored adjacent to the car park alongside the eastern site boundary with No.149. Whilst sited for ease of access on collection day, the resultant activity given the amount of storage was considered somewhat unneighbourly and, as amended, a greater proportion of bins will now be stored on the west side of the site adjacent to the less sensitive southern boundary (which adjoins the vehicle access leading to the parking area at Wilmington Court).

A number of third parties have expressed concern over the potential for increased noise and disturbance and possible anti-social behavior arising from the proposed intensification of use. It is worth pointing out that the former care home use was run down over a period of time and the building under-occupied. The immediate neighbours have no doubt become used to the associated lack of activity at the property. The proposed development will inevitably result in more comings and goings and associated noise but there is no reason to believe this would be to an unacceptable level. With regard to concerns about overdevelopment, the resulting density of 93.4 dwellings per hectare (dph) would be little different to the density of Wilmington Court at 91.4dph.

In planning terms both market and affordable housing fall into the same C3 use class. Internal and external space standards are met by the proposals, and the density of the development is not materially different to that of the adjoining private, purpose-built flat building. Consequently the proposals cannot realistically be considered to constitute 'overcrowding'. There are many reasons why people find themselves in housing need and it cannot be assumed that the majority of future tenants will be vulnerable or that the proposals would lead to an increased risk of anti-social behavior or criminality in the locality.

### ***Parking and highway safety***

The site is within a sustainable location, within reasonable walking distance of shops and facilities in Rowlands Road Neighbourhood shopping centre, and bus routes with stops nearby in Bath Road and Grand Avenue.

A total of 7 no. parking spaces are proposed within the 2 parking areas, compared to the calculated demand of 11 parking spaces based on the WSCC Residential

Parking Demand Calculator (which takes into account the tenure of housing development). However, the local Highway Authority has not raised an objection to this level of provision taking into account the sustainable location.

The site is located outside the Controlled Parking Zone and a large number of third parties have raised concern about the limited capacity of surrounding roads to accommodate any increased demand for on-street parking and the associated highway safety risks. It is noted that surrounding roads are heavily parked with vehicles during the daytime and evening and this is no doubt partly due to the location of these roads just outside the CPZ, where in addition to parking by local residents, many visitors to and workers in the town take the opportunity to park on-street and walk into the town centre. A number of residents have noted the fact that the junction of Rowlands Road and St Valerie Road is not yellow-lined allowing vehicles to park close to the junction and restricting visibility. However, this has been specifically considered by the Highway Authority, including an assessment of recent accident records, but no objection has been raised on highway safety grounds. In the absence of any severe implications for highway safety it would therefore be difficult to substantiate refusal on grounds of insufficient parking provision.

Adequate provision is made for secure, covered cycle parking with 1 cycle locker per flat unit (19 in total).

### ***Other issues***

In terms of sustainability, the proposals involve the re-use and adaptation of an existing building. The majority of existing windows are already double-glazed (UPVC), but it is proposed to replace these with new UPVC windows. The applicant's agent has confirmed that reference to external thermal insulation was an error within the application submission. The introduction of *internal* thermal insulation would have fewer implications for the external appearance of the building, but would potentially impact internal layouts and in the circumstances would not be reasonable to insist upon.

Air quality is a material consideration in the determination of planning applications and within this context the NPPF states that planning decisions should sustain and contribute toward compliance with relevant limit values or national objective for pollutants taking account of Air Quality Management Areas (AQMA) (paragraph 181), and that development should wherever possible help improve local environmental conditions such as air quality (paragraph 170E). It goes on to state that planning decisions should ensure that new development is appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Within this context, Paragraph 110 of the NPPF states that developments should (amongst other things) give priority to pedestrian and cycle movements and – where possible – facilitate access to high quality public transport, and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Against this background a guidance document 'Air Quality and Emissions Mitigation Guidance for Sussex' (2019) has been prepared which requires developers to carry out an 'Emissions Mitigation Assessment' to quantify the health damage in

monetary terms associated with transport emissions relating to a development. The Environmental Health Officer has pointed out that the assessment has not been undertaken for this 'major' development.

Following request, the applicant has declined to carry out the emissions mitigation assessment but proposes that 1 no. EV charging point can be provided within the car park. The applicant's agent comments that the site is not within or adjacent to an AQMA and that the Air Quality and Emissions Guidance is not a development plan document. Whilst the proposal is a 'major' development in terms of the standard definition the applicant's agent states that consideration must be given to the proposed use when assessed against the previous care home use. In addition to the proposed EV point, attention is drawn to the provision of cycle lockers (1 per flat unit) and that all boiler units installed will be low NOx to environmental standards. It is stated that these measures are proportionate to scale of the development and reflective of the proposed use as affordable units.

The EHO has responded to state the applicant has provided no evidence that the proposal will result in a net reduction in vehicle movements compared to the former use. The emissions mitigation assessment is designed to ensure the health impacts of emissions associated with the development are offset by appropriate mitigation. Simply stating a charge point and 19 cycle spaces will be provided is not sufficient and demonstrates that the mitigation hasn't been properly considered.

Notwithstanding that the 'Air Quality and Emissions Mitigation Guidance for Sussex' is not a development plan document the development proposals nevertheless represent an opportunity for the Council to show leadership on this issue and to demonstrate that its own development is sustainable from an air quality perspective. Whilst not amounting to a reason for refusal it is nevertheless disappointing that the Council's own guidance on this issue has not been followed and an emissions mitigation assessment not carried out.

The additional floor area proposed is exempt from CIL on the basis that the proposed residential accommodation will be affordable housing.

## **Recommendation**

**APPROVE** subject to conditions:-

1. Standard time limit
2. Approved plans
3. Materials of extensions and alterations to match and agree sample (Pre-commencement)
4. Agree design detail of parapet roof(s) to extensions (Pre-commencement)
5. Agree design of replacement windows (Pre-commencement)
6. Agree detailed design of platform lift and alterations to main entrance (Pre-commencement)
7. Agree and implement alterations to boundary wall at Rowlands Road access, including new section of wall and pier
8. Agree details of external finishes to rooftop plant
9. Agree and implement cycle storage



10. Agree and implement 1 no. EV charging point
11. Provide access and parking in accordance with details to be agreed
12. Agree and implement construction management plan (Pre-commencement)
13. Hours of construction
14. Agree and implement tree protection measures (Pre-commencement)
15. Agree landscaping/re-use of excavated material in rear garden
16. Agree and implement communal TV aerial/reception
17. Agree and implement foul and surface water disposal (Pre-commencement)
18. Implement and retain refuse storage provision
19. Flats 7 and 8 to comprise 1-bedroom, 1-person units.

21 August 2019

Application Number: AWD/0762/19

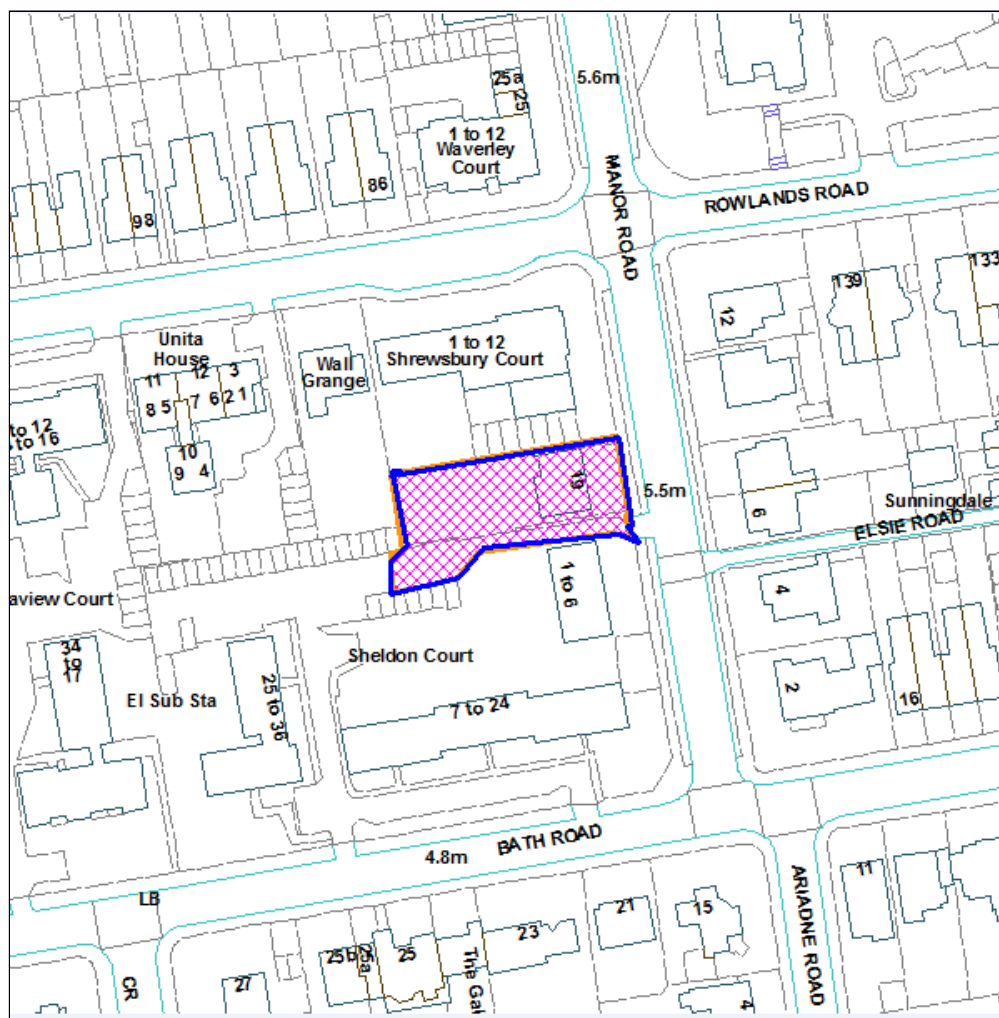
Recommendation – APPROVE

**Site:** 19 Manor Road Worthing West Sussex BN11 3RT

**Proposal:** Demolition of existing building and replacement with 10no. one and two bedroom apartments set over four floors, with balconies to West, East and South elevations, accessed from Manor Road with parking for 6no. cars.

Applicant: Mr P Le  
Case Officer: Jackie Fox

Ward: Heene



**Not to Scale**

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## Site and Surroundings

The site contains a single detached dwelling, accessed from Manor Road with off-street parking area to the front, and a landscaped rear garden.

The site is within a largely residential area of Worthing (the only apparent non-residential use nearby is a nursery school on the opposite side of the road, within a former dwelling). The residential uses are varied, with a number of Edwardian/Victorian properties (those on the opposite side of the road are within the Ivy Place Conservation Area), as well as more modern flats.

The flats to the north of the site (Shrewsbury Court) are part two storey/part three storey with a pitched roof. This building abuts the application site at ground floor level with a covered parking area, and is separated by a garage length (about 6m) from the site boundary at first and second floor levels. There are four clear-glazed windows in the side elevation facing the application site; the building has balconies and windows to the front, and further windows to the rear.

The flats to the south of the site (Sheldon Court) are three storey with a flat roof, forming part of a development of 3 apartment buildings with shared garden, access and garaging. There are no windows in the side elevation of the nearest block facing the application site, but there are clear glazed windows to both front and rear elevations of Sheldon Court. The nearest building is separated from the application site by a private access driveway and grass verge.

## **Proposal**

The proposed development comprises the demolition of the existing two storey dwelling and replacement with a four storey building comprising 10 flats. The fourth storey would comprise a mansard roof set in from the main elevations.

The proposal comprises 6 x 1 bedroom flats and 4 x 2 bedroom flats arranged over the four levels. The proposal would have a lift to serve the upper floors.

The proposed building would be of a more traditional style. It would have a range of materials principally of brick but including render to the south east corner feature and ground floor. It would have balconies to three floors in the front south east corner and on the rear. At fourth floor the slate mansard roof would be set in principally from the front and rear elevation with a small terrace to the south elevation and a larger terrace to the rear (east). The design shows window and parapet detailing.

The building would have a similar frontage onto Manor Road as the flat blocks to the north and south. The existing vehicle access would be closed, and access taken for parking to the rear of the building from the existing access to the flats to the south, Sheldon Court. There would be only pedestrian access to the front. Outside amenity area is shown to the front and the rear. Private amenity is also created through the introduction of 9 private balconies and a roof terrace for flat 10

Six parking spaces, the bin stores and cycle parking are shown to the rear.

The application is accompanied by

- Design and Access Statement
- Daylight and sunlight assessment
- Transport Report

- Sustainability statement
- Statement of community involvement
- Drainage Statement

## **Relevant Planning History**

Application 03/01419/FULL permitted the change of use of the building from two flats to a single dwellinghouse. The site appears to be in use as a single dwellinghouse.

PREAPP/1079/17- Demolition of existing house and erection of 13 flats (4 x 2 bed, 9 x 1 bed)

PREAPP/0381/18- Demolition of existing house and erection of 13 Flats comprising 6no. x 2 bed flats and 7no. x 1 bed flats

PREAPP/0673/18- Demolition of existing building and erection of 10 flats with parking

## **Consultations**

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

***Flood Risk-*** Current surface water mapping shows that the site is at low risk from surface water flooding, moderate risk from ground water flooding. They recommend a surface water drainage condition.

***Highways – No objections to the application.***

***Southern Water:*** No objections subject to informatics for connection to the sewer

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

The ***Environmental Health*** officer raises no objection. They advise that conditions on sound insulation, hours of working, submission of a construction management plan and emission mitigation assessment be included on any approval. Environmental Health officers are also satisfied with the information for noise emitted from lift hydraulics unit/control cabinet. They recommend a further condition to ensure that noise emitted from the cabinet does not exceed 62dB LAeq at 1m

The ***Private Sector Housing*** officer has no objections

The ***Engineer*** considers the proposals within the drainage statement are appropriate and acceptable. They recommend a condition that the development shall be fully in accordance with the submitted drainage report.

## **Representations**

16 letters of objection have been received. 6 from residents in Manor Road. 5 from residents of Sheldon Court, 4 from residents of Shrewsbury Court and 1 from a resident in Rowlands Road.

The objections raise the following general concerns:

The proposal would involve the loss of a family home  
The four story building is an overdevelopment of the site, out of character with the street scene  
The design is not appropriate  
The proposal would involve the loss of trees and hedging  
Existing trees should be retained  
There would be the loss of wildlife  
The proposal would impact on pollution  
The scheme would provide inadequate parking  
The development would cause additional on street parking on a road which is already heavily parked.  
Additional noise and disturbance from construction  
There is inadequate parking for construction and delivery vehicles

From residents in Shrewsbury Court:

The proposal would cause adverse overlooking of flats in Shrewsbury Court.  
There would be a loss of light to residents in Shrewsbury Court  
Additional noise impact on the residents of Shrewsbury Court from the parking area to the rear  
The north facing stairwell windows would overlook properties in Shrewsbury Court and should be obscure glazed

From Residents in Sheldon Court and leaseholders:

Overlooking and loss of privacy for residents in Sheldon Court.  
Additional vehicles using the Sheldon Court access causing additional noise and would be dangerous.  
Concern who would maintain the access road through Sheldon Court  
Concern that there is no restriction to use of Bath Road access through Sheldon Court and the proposed parking spaces  
There should be a restriction on parking to ensure future residents of the new flats don't use parking allocated for residents of Sheldon Court

From a resident in Rowlands Road:

Impact the roots of a bay tree in a property in Rowlands Road

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

Saved Local Plan policies (WBC 2003): H18, TR9, RES7  
Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 10, 14, 15, 16, 17, 18, 19  
National Planning Policy Framework (HCLG 2019)  
National Planning Practice Guidance  
Guide to Residential development SPD (WBC 2013)  
Space Standards SPD (WBC 2012)  
Worthing Community Infrastructure Levy (CIL)  
West Sussex County Council Guidance on Parking at New Developments May 2019  
Developer Contributions SPD (July 2015)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Paragraph 73 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The housing requirement set out in policy 7 of the Core Strategy is clearly more than 5 years old. An assessment of local housing need has been undertaken as part of the new Worthing Local Plan, but the latter is still at a very early stage and has no formal status in the determination of planning applications.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18; TR9, and RES7, Core Strategy policies 7, 8, 9, 11, 13, 15, 16 and 17; the policies set out in National Planning Policy Framework and allied Practice Guidance; and the Council's SPDs on 'Space Standards' and 'Guide to Residential Development'.

The key considerations are:-

- The principle of the loss of an existing family dwelling
- Impact on the character and appearance of the area including the Conservation Area.
- Impact on the amenity of future occupiers and neighbours

- Parking and highway safety
- Affordable Housing

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

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community with higher density housing (including homes suitable for family occupation) in and around the town centre with new development outside of the town centre predominantly consisting of family housing.

Policy CS9 seeks to ensure the retention of the existing housing stock unless the proposal results in a net increase in the family housing stock, the housing and its environment is of an unacceptable standard which cannot be improved, or the loss would facilitate the delivery of a needed community use.

The policy approach was informed by the Strategic Housing Market Assessment (2008) (and subsequently supported by the SHMA Up-date in 2012) which outlines the importance of providing family housing and the key objective of retaining, where possible, existing family housing.

The main objective of the Core Strategy policy approach was to redress the imbalance in the housing mix that has dominated new development at that time, namely smaller flats. The SHMA provides the evidence base for the policy approach set out in the Core Strategy. Worthing's housing offer was focused towards smaller properties. The shift to the construction of 1-2 bed properties over the last 5 years (prior to Core Strategy adoption) had been significant. Flats accounted for almost one-third of Worthing's total housing stock. The majority of the flats are in purpose built blocks but a significant proportion of flats are in converted buildings (often resulting from the sub division of larger Victorian and Edwardian properties). The SHMA found that between 2006-2011, just 9% of homes built in the borough had 3 or more bedrooms compared to an estimated need/demand closer to 40% provision of larger properties such as this. Therefore, the policy approach is one that seeks to increase the number of family homes through new development and to protect the existing stock. Whilst the policy acknowledges that there is still a valid role for flats to play and particularly in higher density, town centre developments they should not form the principal type of future housing stock in the Borough.

Since the adoption of the Core Strategy the NPPF was published in 2012. The CS was assessed against the NPPF to ensure general compliance and was found that the policies were in general compliance. However, since that time changes to the way in which the housing need of an area are assessed has changed significantly (together with some other changes) and as a consequence the Core Strategy is currently being reviewed. It should be noted that the current CS 'target' for annual delivery of housing is 200dwpa however; under the revised housing assessment (standard methodology) the level per annum is currently around 920 dwellings per annum. Even with building out all available sites there would a shortfall in the region of 10,000 dwellings over the new plan period.

It is therefore acknowledged that there is a need for additional dwellings, however this needs to be weighed against the loss of much needed family house.

The determination of whether a dwelling is suitable for family occupation is not solely based on number of bedrooms and access to private amenity space. The SPD produced to support the policy *would expect that the unit concerned would have 2 larger bedrooms and would accommodate at least 3 people, have adequate internal and external storage areas to meet the needs of a family. It should normally have direct ground floor access to a suitable area of private amenity space suitable for children to play safely and for the sole use of the occupants.*

In terms of existing stock it goes on to state at Para 4.16:

*'The existing housing stock is an important part of the overall housing provision of the town, which contributes to meeting local needs. It is recognised that the conversion of existing housing can provide an important source of new housing, however a key objective for Worthing is to retain, where possible, existing family housing.'*

Finally, it clarifies that each application will be considered on merit and that if it is determined, that the property subject of an application provides suitable family housing then policy 9 would apply and the loss of the property would only be allowed if the criteria set out in that policy are met. The policy states that;

*Policy 9 - Existing Housing stock The Core Strategy will seek to ensure the retention of the housing stock unless;*

- The proposal results in a net increase in the family housing stock*
- The housing and its environment is of an unacceptable standard, which cannot be improved*
- The loss would facilitate the delivery of a needed community use'*

The proposal would result in the loss of detached traditional family house it would however result in the provision of 10 units four of which have two bedrooms and could be considered to provide family accommodation. Taking the policy considerations and SPD into account three of the units are 81sqm and flat 10 is 109sqm. All the two bedroom units therefore comply with and exceed national and local space standards. The properties have good sized bedrooms and balconies and the larger unit has a roof terrace. The development includes private amenity area to the rear which although not for exclusive use of any of the flats does provide an area that could be used by families. The proposal is therefore considered to comply with policy 9 and although a larger family unit would be lost, the proposal would involve in a net increase in family accommodation. The application will also provide much needed housing.

### **Impact on the character and appearance of the area including the conservation area.**

In terms of the appearance of the development, the existing dwelling is not of any special architectural interest, but its scale and form does respect the pattern of development within the Conservation Area on the opposite side of Manor Road.



To the south, Sheldon Court, comprises 3 x three storey flat roofed buildings wrapping around the corner with Bath Road. It has only a small parking area to its Manor Road frontage, which is mainly landscaped to provide an attractive setting for the building. The majority of the parking and garages are to the rear with access points from Manor Road and Bath Road.

To the north Shrewsbury Court is a more modern three story block with undercroft parking accessed from Manor Road. It has a pitched roof.

On the opposite side of the road within the Ivy Road conservation area comprises a mix of traditional Edwardian style dwellings with landscaped front gardens and general space about the building.

Good quality design and architectural composition is required by policy 16, this is elevated to high quality in the NPPF. Development which may affect heritage assets such as conservation areas and listed buildings should sustain and enhance them and make a positive contribution to local distinctiveness.

The application proposes a building which although four storeys has a mansard roof which is set back from the principle elevations, it would be no taller than Shrewsbury Court to the north and would be on a similar frontage to both the adjacent blocks. The development is within a street with a mixture of residential development both in terms of scale, height and design, there is therefore no set style of height and although the proposed scheme is especially four storeys it would not be out of scale or context in the street scene and has been reduced considerably during the pre-application process.

The design of the scheme picks up on brickwork and render from surrounding blocks and the detailed feature corner on the south east and good sized balconies add interest to the building. The design and detailing has been subject to discussion and agreement during pre-application for the site. The scheme has been set away from the northern and southern boundaries and landscaping provided to the frontage as well as the rear.

The Ivy Place Conservation Area statement indicates that in Manor Road in general there are relatively wide streets, generous spaces about the buildings and recessed building lines all of which serve to convey a sense of spaciousness in the area. The design of the proposed flat block has more of a traditional feel which would be more appropriate for the location and any impact on the conservation Area.

It is considered the proposed flat building would provide good space about the building and would provide a good standard architectural composition and detailing, consistent with the mixed style and character of locality, and as such would not detract from the visual amenity of the area and sustain and enhance the Conservation Area.

Concerns have been raised at the loss of trees and hedging and the impact on wildlife. The current dwelling has hard landscaping to the front and a mature garden to the rear with trees and hedging. None of the trees are subject to a TPO. The

application will involve the loss of the mature landscaping to the rear. This is however not prominent in the street scene and its loss although unfortunate will be replaced in part. The proposal will also include closing off the existing vehicular access on the frontage and its replacement with a pedestrian access and a landscaped frontage with new planting. This is considered to be a considerable improvement in character with the street scene. The applicants' agent has also indicated that they are content to look at ways the site can be enhanced with biodiversity. An appropriate condition ensuring details of landscaping and biodiversity would be appropriate.

The siting, design and enhancements to the frontage are considered to ensure that the proposal would comply with policies within the Core Strategy and NPPF.

### ***Residential Amenity***

#### **Future residents**

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

#### ***Residential Amenity – living conditions of future occupiers***

The proposed flats would have internal floors areas as follows:-

Flat 1 2-bed 81m<sup>2</sup>

Flat 2 1-bed 52.5m<sup>2</sup>

Flat 3 1-bed 52.25m<sup>2</sup>

Flat 4 2-bed 81m<sup>2</sup>

Flat 5 1-bed 52.5m<sup>2</sup>

Flat 6 1-bed 52.25m<sup>2</sup>

Flat 7 2-bed 81m<sup>2</sup>

Flat 8 1-bed/ 1 person 45m<sup>2</sup>

Flat 9 1-bed 52.25m<sup>2</sup>

Flat 10 2-bed 109m<sup>2</sup>

All exceed the National minimum standards.

The Council's Guide to Residential Design SPD and Space Standards require provision of at least 20sqm amenity space per 2-bed flat and for balconies to be large enough for a table and chairs. All the flats have good sized balconies of 3.4sqm and flat 10 has a roof terrace 5.9sqm and 15.4sqm. The scheme achieves a rear amenity space of 115sqm plus a front garden of 75.9sqm.

A satisfactory standard of accommodation would be provided for future occupiers.

### ***Residential Amenity- Existing Residents***

To the north is Shrewsbury Court a modern flat block primarily facing Rowlands Road. In terms of the impact of residents in this block the proposed building is set away from the boundary, the nearest element being the undercroft parking with the nearest residential accommodation approx. 7.4m away on a flank to flank basis. The nearest south elevation of Shrewsbury Court contains a number of windows including a kitchen and secondary living room window. The proposed flat block includes windows in the north elevation facing towards Shrewsbury Court. The proposed windows are to bathrooms and the stairwell, both are non-habitable, all could be obscure glazed. It is not considered that there would be therefore be any direct overlooking.

In terms of loss of light and prospect. The proposed building would be south and due to the distance and the provision of daylight and sunlight favourable indicators it has been established that the proposal would not cause adverse loss of light. Furthermore the windows in Shrewsbury Court are either non-habitable or secondary windows. The proposed block has balconies to the east and west elevation and a roof terrace to the south and west. The position of the balconies is such that they would be set away from the northern elevation. It's not considered that the balconies which would face to the front and rear would cause adverse overlooking of residents of Shrewsbury Court.

With regards to the impact on the residents of Sheldon Court to the south. The north elevation of the nearest block in Sheldon Court is blank. There are a number of windows proposed in the southern elevation of the application which look towards Sheldon Court which have the potential to cause overlooking. However in view of the distances and blank northern elevation of Sheldon Court it is not considered that there would be any direct inter-looking.

In respect to the potential of overlooking from any proposed balconies and terraces. The proposed balconies on the south east corner are the closest to Sheldon Court. They are however set in from the southern flank elevation and face onto the frontage. They would not cause direct overlooking to residents in Sheldon Court. The balconies in the east elevation are set further in from the south elevation and are further back than the rear of Sheldon Court, any view of the balconies would be obscured by the proposed building. The proposed roof terrace on the south elevation is at the fourth floor, it would look towards the blank elevation of Sheldon Court. The relationship is acceptable.

Residents of Sheldon Court have also raised concerns in relation to additional noise from parking and access and the restriction of parking on the site. Although the proposal would create additional activity on the existing access road to gain access to the parking and cycle area to the rear, this is an existing access road into Sheldon Court from Manor Road, it is not considered that the additional car movements and activity to six car parking spaces and 6 cycle racks would cause a detrimental impact on the amenity of the existing residents.

With regards to access to the parking area, the applicant's agent has indicated that an easement has been provided along the existing access road through Sheldon

Court to the proposed parking to the rear. The arrangements of this easement would be subject to agreement between the two parties and not a matter for consideration in relation to this application other than to ensure that the parking and appropriate access is provided.

One further objection was received from the residents of Rowlands and potential impact on amenity and existing trees. The property on Rowlands Road is on the frontage and would not be impacted by direct overlooking or loss of light. The nearest element to the boundary of this property is the proposed parking. This end of the properties garden currently has parking to its south and west boundaries. Although there would be a loss of trees which are currently on this boundary, the proposal would not cause any additional loss of residential amenity and replacement landscaping would be provided within the communal garden subject to a landscaping condition.

### ***Parking and Highway Safety***

As there is limited side access retained as part of the proposal, parking provision for cars and bicycles relies on access over the private driveway serving Sheldon Court, to the south. As indicated above a right of way/easement has been negotiated with the adjacent landowner.

The proposal includes 6 parking spaces shown along the western boundary and 6 cycle stands along the northern boundary.

The West Sussex County Council Guidance on Parking at New Developments May 2019 indicates that the site is within zone 5 of 'parking behaviour zone' meaning that it is highly sustainable. The guidance indicates that in zone 5, 1 and 2 bedroom flats require 0.6 space per dwelling. This would equate to 6 spaces. The parking therefore complies with the guidance.

WSCC highways have indicated that the parking is appropriate and the Transport report is acceptable. They indicate that a minor works highway licence for the closure of the current site access and proposed pedestrian access before work commences will be required.

Local residents have raised concerns in relation to additional on street parking and the impact on finding parking spaces, additional traffic and deliveries. The road is generally heavily parked as it lies outside the parking restricted zones and older style properties in the area and flats have limited parking on site. The proposed development does however meet the parking standards and is in a highly sustainable location where the encouragement should be to promote means of transport other than the car. Furthermore the proposal will create a further parking space on the road with the closing of the vehicular access. Secure, convenient provision is also made for cycle storage.

### **Affordable Housing**

The council's requirement for affordable homes is set out in policy 10 of the Core Strategy. Affordable housing contributions are also set out in section 5 of the

'Developer contributions' SPD. On sites of 6 to 10 dwellings a 10% contribution will be sought as a financial contribution.

Members will recall that on the 24<sup>th</sup> July 2019 the Committee considered a report entitled 'Affordable Housing and impact to changes made to national planning guidance' setting out the revised Interim position statement on affordable housing. Members agreed to recommend the Interim Policy Position to the Cabinet Member for Regeneration and the Cabinet Member has recently (12<sup>th</sup> August) approved the interim Position Statement. This decision is subject to a call in period up until the 19<sup>th</sup> August.

For information the Interim Position States

*To reflect the national policy position set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) the Council will only seek contributions from major developments (10+ dwellings). To reflect this change, and the policy being taken forward in the emerging Worthing Local Plan, the affordable housing policy established in the Core Strategy (Policy 10) will apply to developments as follows:*

*New residential development (including conversions and changes of use with the capacity to provide 10 or more self-contained units will be expected to provide an appropriate mix of affordable housing according to the following site size thresholds:*

- i. on sites of 10-14 dwellings (gross) 20% affordable housing will be sought*
- ii. on sites of 15 (gross) dwellings or more 30% affordable housing will be sought.*

*Calculations for affordable housing contributions (including any Vacant Building Credit that might apply) will be made in line with the NPPF, PPG and the above draft policy position and will be informed by the Councils Developer Contributions SPD (2015).*

As a major development of 10 dwellings the proposed development would therefore be required to make a 20% contribution under the recently adopted interim position. However the applicant's agent argues that this revised policy approach has been brought in after the application was submitted and following considerable pre-application correspondence.

Planning applications should be determined in accordance with the adopted Local Plan unless there are material planning considerations. As the current Local Plan policy is out of date, following the revised NPPF, it would be appropriate to determine this application in accordance with latest planning policy and therefore seek a 20% contribution. The applicant's agent has been requested to meet the higher contribution and Members will be updated at the meeting.

## **CIL**

The existing house plus summer house, workshop and shed has a gross internal floor space of 286.73sqm. The total gross internal proposed floor space is 774.25.

The CIL chargeable floorspace is therefore  $774.25 - 286.73 = 487.52\text{sqm}$ .  
Calculated at  $487.52 \times \text{£}128.57/\text{sqm} = \text{£}62,680.45$ .

## **Recommendation**

**To delegate the decision to the Head of Planning and Development to approve subject to the completion of a S 106 agreement to secure a 20% affordable housing contribution and the following conditions:**

1. Time to implement
2. Approved plans and documents
3. Agree and implement surface water drainage details.
4. Development in accordance with the drainage report
5. Construction method statement including hours of construction, dust suppression and emissions
6. Agree external materials, finishes and architectural details
7. Provide parking and access
8. Provide cycle storage
9. Details and implement hard and soft landscaping
10. Agree, implement biodiversity plan
11. Obscure glaze north facing windows no opening above 1.7m above finished floor levels
12. Agree, implement a sound insulation scheme between floors
13. Noise emitted from the lift cabinet does not exceed 62dB LAeq at 1m
14. Agree, implement and retain balcony details
15. Agree implement boundary treatment

## **Informatives**

1. Pro-active amendment
2. New Address
3. Southern Water
4. Minor works license to close existing access

Application Number: AWD/0835/19

Recommendation – APPROVE

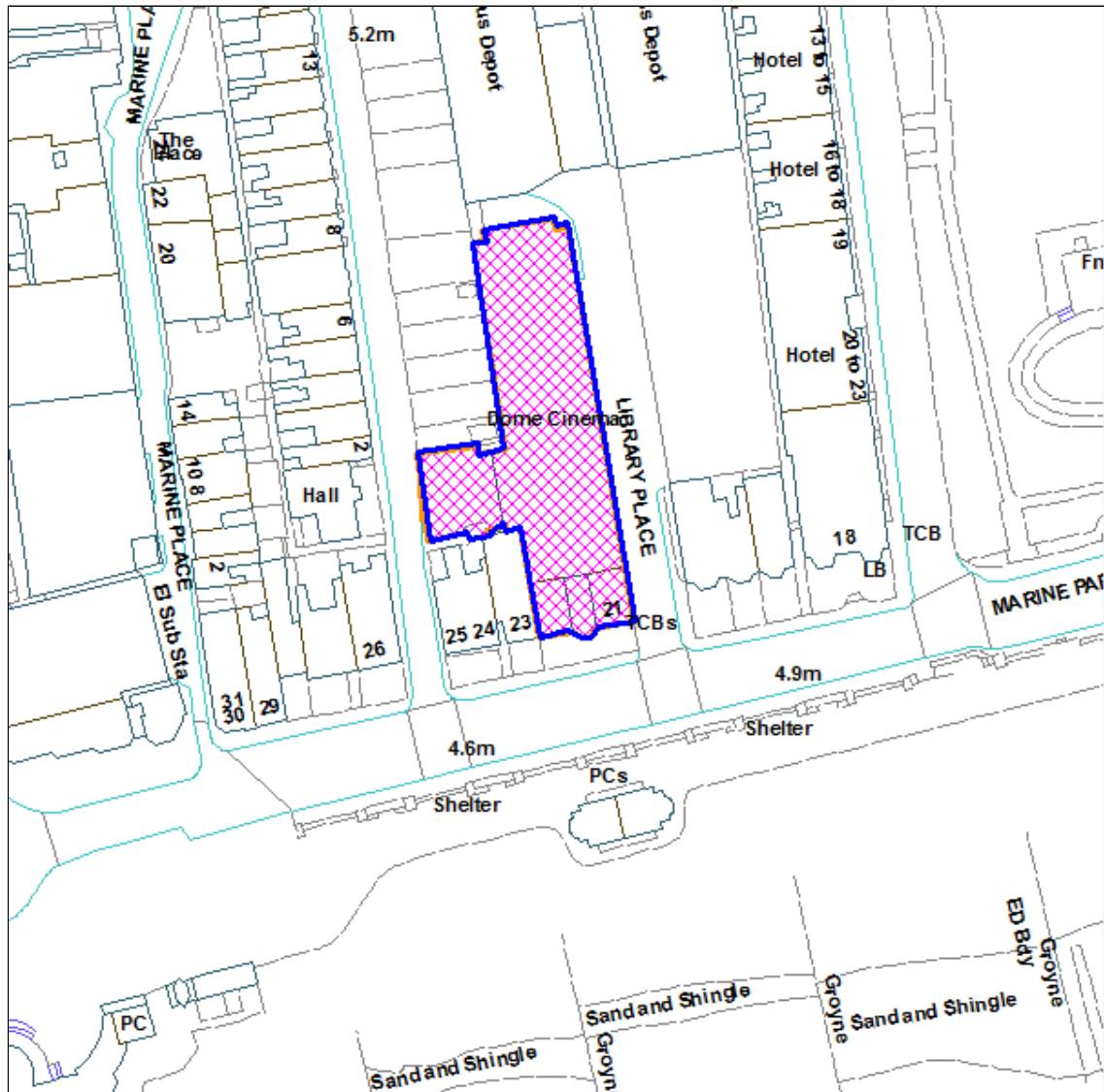
Site: Dome Cinema 22 Marine Parade Worthing

Proposal: Listed Building Consent for retention of replacement internal kiosk in foyer (retrospective)

Applicant: Mr Paul Jervis

Ward: Central

Case Officer: Rebekah Hincke



Not to Scale

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This application has been called in to the Planning Committee at the request of Councillor Jim Deen.

## Site and Surroundings

The application site relates to the Dome Cinema located with a characterful Edwardian building opposite the seafront and within the town centre. The Dome is principally used as a cinema but includes an upper floor café/function room and a café at the front of the ground floor. The design of the interior dates from 1921.

The building is within the South Street Conservation Area and is a Grade II\* listed building, described as follows in the register:

*Marine Parade THE DOME CINEMA TQ 1502 WORTHING MARINE  
PARADE (north side) 753/5/272 The Dome Cinema 31.5.89 GV II\**

*Cinema and bingo hall, originally a multipurpose kursaal. 1911, by Theophilus Arthur Allen for Carl Adolf Seebold, at a cost of ?4,000. Remodelled 1921 by R Kirksby Bowes at cost of ?8,000. Brick, stuccoed at front, otherwise pebble-dashed; dome supported by steel posts. Plain tile roof to front range; otherwise Welsh slate, rear ranges with crested ridge tiles(part removed). Two-storey, five-bay front range, the ground floor projecting and having shops flanking entrance arcade. Above and behind this is the original cinema of 1911, later a ballroom and restaurant and now (in 1996) a bingo hall; in dome over front is former billiard room. To rear is the thirteen-bay deep Coronation Hall, originally used principally as a roller skating rink, concert hall and ballroom; in continuous use as cinema since 1921.*

*Entrance elevation restored in 1995. Mid-C19 shop fronts flank bowed entrance to arcade, the bow supported by columns and formerly with gates; later entrance to first floor to left of bow; parapet. First floor has round-arched windows with glazing bars set between pilasters and linked by impost string. Tower has angle pilasters, platt band, round-arched six-pane windows, octagonal dome and cupola. Right return: two-storey section has round-arched windows on ground floor with radial glazing bars to fanlights and smallpane casements; three-light small-pane casement windows to first floor. Similar windows to one-storey section; some louvred; two ridge louvres. Left return: similar but without the round-arched windows.*

*The interior survives remarkably complete and is full of interest. Entrance arcade has patterned terrazzo floor, incorporating builder's name plate; glazed green tile dado; former shop doors and windows (blocked); glazed double door on left side with small panes originally giving access to first floor; and compartmental ceiling with decorative plasterwork. At rear lies the main entrance, which has arched doorway and side lights, the glazed doors with central roundels and glazing bars, all dating from 1921.*

*Entrance foyer originally an open-air theatre with small balcony and a stage set under semi-dome; the present interior is a complete and lavish remodelling of 1921. Similar doors to those at entrance serve auditorium, and are set in the pine partitioning which separate the former refreshment room (on left) and cloakroom (on right); these have small pane glazing with coloured glass lettering over doors. Main foyer area dominated by large polygonal paybox of 1921, itself a rare feature, with separate smaller kiosk inside passage serving cheap seats in front stalls. All areas with patterned cornices and ceilings. Enriched window architraves, light roundels,*



*brass bannistered stairs up to doorways leading into main auditorium set between etched side mirrors with cameos, swags and sconces.*

*The main auditorium or Coronation Hall retains original balcony to sides with decorative metal balustrade. Original stage with some decoration survives behind later proscenium; this itself obscured behind wide screen installed in 1955 by Goldsmith and Pennells, architects. Viewing boxes at rear now projector and rewind rooms, richly decorated and with cupids and hearts. Decorative ceiling of 1921 and comparable with that in entrance hall; it includes raised semi-domes masking original ventilation system. Shallow raked floor and fixed seating installed in 1921, some seats still the originals and in their original position.*

*The first floor bingo hall opened as a cinema in October 1911 and in 1921 became a ballroom. It has a decorative ceiling, partly concealed, and light bosses. The former restaurant overlooking the sea has a more decorative compartmented ceiling and columns.*

*The Dome is of dual interest as a rare surviving kursaal or multipurpose hall, with the original plan of a roller skating rink in the main hall. Save for the balcony front, the decoration all dates from the conversion of this hall to a cinema in 1921, and this is both remarkably elaborate and exceptionally complete. The Dome is one of the best five early cinemas to survive in England, and the grading reflects both its architectural and historical interest. Sources Original plans from the cinema and local authority The Worthing Gazette, 19 April 1911 and 26 July 1921 Listing NGR: TQ1506002486*

## **Proposal**

Listed Building Consent is sought retrospectively for a new freestanding refreshment counter sited within the inner entrance foyer, replacing the former counter with a larger structure measuring 5.348 metres in width and 2.927 metres in depth in an elongated octagonal shape positioned in front of the entrance steps to the ground floor cinema screen. Some of the timber panels from the old counter have been reused and with new Ash panels added with a dark stain finish to match. Counter tops are finished in black granite.

This application does not relate to the polygonal paybox located in the entrance foyer which remains without alteration.

The application is accompanied by a Heritage Statement that provides a background to the history of the building and describes how the former refreshment kiosk had deteriorated and did not meet the cinemas needs in terms of space, equipment, and health and safety requirements.

## **Relevant Planning History**

The most recent applications at the site were:

AWDM/0574/17 - Conversion of former tourist information office into a cinema auditoria

Approved: 22nd September 2017.

AWDM/0576/17 - 3 no. internally illuminated poster boxes to front elevation

Approved: 22nd September 2017.

AWDM/0575/17 - Listed Building Consent for change of use of tourist information office to cinema auditoria and 3 no. internally illuminated poster boxes to front elevation

Approved: 22nd September 2017.

## **Consultations**

**Historic England** – confirmed no comments to offer.

The **Cinema Theatre Association** (CTA) has made the following comments:

- 1. The structure should probably be called a 'counter' rather than a 'kiosk' to avoid confusion with the historic ticket kiosk.*
- 2. The counter being replaced is not historic, so we have no objection its loss.*
- 3. The design of the new counter is rather crude, but probably just about acceptable. However:*
- 4. It is wrong that the counter was installed first, and that permission is being sought retrospectively. Any proposed change to the listed Dome should be discussed with you as Design & Conservation Architect first.*

The **Conservation Area Advisory Committee** raises no objection in principle but comments that the new kiosk is too close to the steps.

## **Representations**

None received

## **Relevant Legislation**

The Committee should consider the application for Listed Building Consent in accordance with Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 11, 16

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

Revised National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

## **Planning Assessment**

There has been no objection raised by consultees over the loss of the former refreshment counter.

The internal works would not make any significant alteration to the building fabric or decoration, with the proposed refreshment kiosk being freestanding and sited centrally within an area defined by four existing columns.

The orientation and size of the counter has been altered when compared with the former structure, with the new counter sited closer to the main foyer steps and across much of its width. As a larger structure than the previous kiosk, it screens some of the decorative features of the steps from view when entering the foyer area but is sited approximately 1.6 metres from the staircase for access.

In the absence of any objection from Historic England, the CTA, or the Council's own Design and Conservation Architect, whilst it is disappointing that the works were carried out before first applying for consent, it is considered that the replacement refreshment kiosk is acceptable in terms of its impact on the architectural or historic interest of the building and would help the cinema to adapt to customer demands and therefore supporting its continued use.

## **Recommendation**

### **Grant Listed Building Consent subject to conditions:-**

1. Approved plans

21<sup>st</sup> August 2019

Application Number: AWDM/1021/19

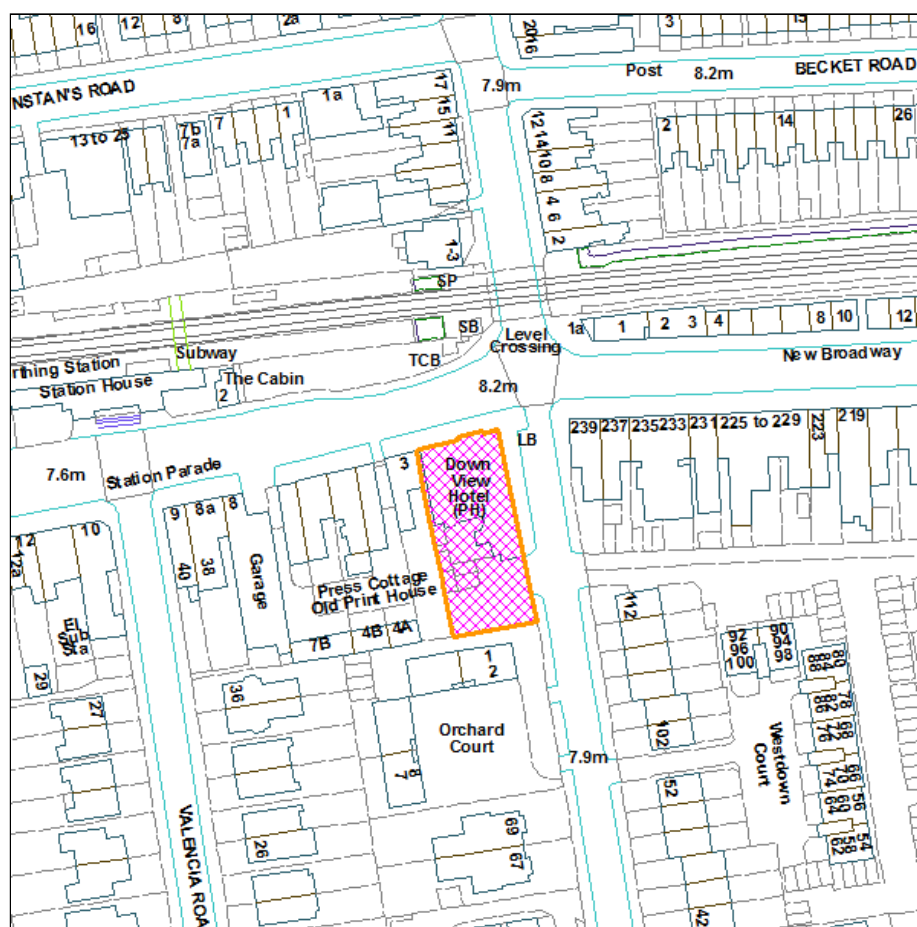
Recommendation – GRANT  
permission subject to the  
removal of the balcony on the 1<sup>st</sup>  
floor rear elevation

Site: The Downview, Downview Road, Worthing

Proposal: Substitution of 8no. flats in 3-storey block comprising 6 no. 1-bedroom and 2no. 2-bedroom instead of permitted terrace of 4no. 2-bedroom houses with parking on frontages on land to south of the former Downview public house (permitted under AWDM/1834/17)

Applicant: c/o ECE Planning  
Case: Gary Peck  
Officer:

Ward: Heene



Not to Scale

## **Proposal, Site and Surroundings**

This application seeks full permission for the erection of 8 flats in a 3-storey block. 6 of the flats would be 1 bed (4 of which would be 2 person flats and the other 2, 1 person flats) and the other 2 would be 2 bed (for 3 people). Unit sizes vary between 40 and 62 square metres. The main part of the building would be brick with cladding to the recessed upper floor. No parking spaces are proposed.

Planning permission was granted in 2018 for the conversion and alterations to the former Downview public house to provide 9 residential units, retention of the commercial use on part of the ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business) and the erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages. Following the grant of planning permission, the site was purchased by the Council to develop. This application only relates to the rear part of the site, the conversion part of the application is already being implemented.

The application site sits on the south western corner of the Tarring Road, South Street, Downview Road crossroads opposite West Worthing railway station with the associated level crossing gates immediately to the east of the station. A range of retail/commercial uses at ground floor level with residential above sits on the south side of Tarring Road (the application site also sits within the defined neighbourhood shopping area of Tarring Road) while to the rear of the site on the southern side is the small residential development of Orchard Court. There is further residential development on the eastern side of Downview Road which appears similar to the style of the proposed terraced dwellings

## **Relevant Planning History**

AWDM/1834/17: Conversion and alterations to former public house to provide 9no. residential units comprising 7no. 1-bedroom and 2no. 2-bedroom apartments with bin and bike storage to rear (south) and retention of commercial use of part of ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business). Erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages – Permission granted in June 2018 - approved

AWDM/0131/19: Non-Material Amendment to planning permission AWDM/1834/17 including new rooflight to east elevation, omission of rooflights and some windows to west elevation, lower pitch to roof of function room and other minor amendments to dormer windows and fenestration on south elevation - approved

## **Consultations**

### **Southern Water**

No objection subject to an informative.

### **Environmental Health**

No objection subject to conditions

## **Technical Services**

Thank you for the opportunity to comment upon this application, I note it is a variation on the approved AWD/1834/17. The scale of the development is similar to the previously approved therefore my comment will be similar. The site lies in Flood zone 1, the northern and eastern sides of the building may be affected by surface water flooding – car swash, the level crossing to the north has certainly suffered flooding issues. The proposals will replace hard surfacing with roofs and hard surfacing and there is nowhere on the site to locate a soakaway so the surface water proposals – discharge to public sewer are acceptable.

## **West Sussex County Council**

The above proposal to create 8 flats for temporary accommodation as part of Worthing Borough Councils temporary housing stock, has been considered by WSCC as the County Highway Authority and no objection is raised.

The site is located on Downview Road, a residential 'one way' street with a 30 mph speed limit. The location is highly sustainable provided direct access to train services, across the road, and good bus services into Worthing Town Centre and beyond. The site is also close to the local shops and amenities of West Worthing.

The site is a car free development, based on the temporary nature of the occupants but also due to its location there is no need for a car as all amenities are accessible by sustainable forms of transport.

The site will provide cycle storage sheds should occupants have a bicycle they wish to store.

As with any development a construction management plan should be submitted to the LPA for approval to ensure the public highway is kept safe and secure at all times.

## **Representations**

1 letter of objection has been received on the grounds of lack of parking stating that parking is already at a premium around surrounding roads because of commuters using West Worthing railway station.

1 letter of comment received stating that an objection will be made if any balcony overlooks the residential properties to the west

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 10, 11 & 16  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

## **Relevant Legislation**

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

Section 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 principle of development to the rear part of the site has already been established by the previous permission for 4 dwellings and therefore the main issue is whether the proposed alterations would have an adverse material impact upon the character of the area and the amenities of neighbouring properties.

Since the original permission was granted, the site has been purchased by the Council. The proposed units would now be used for emergency short term housing for which there is a well-known shortage across the town. The principle of providing thus type of accommodation, rather than the open market housing previously proposed, is considered acceptable in meeting identified housing needs therefore.

The revised application does not provide any car parking provision, whereas the previous scheme provided 4 spaces, 1 per unit. While the representation objecting on this point is noted, the application site is in a highly sustainable location being located across the road from the railway station, close to bus routes, as well as an established shopping parade. It is the type of site in location terms, therefore, that would not require parking provision under the current National Planning Policy Framework, and in light of any objection from the County Council as the highways authority on such grounds, there is no reason to resist the application on parking grounds. In purely visual terms, the previous parking provision would be in front of the units proposed, and the absence of cars in front of the newly proposed building will almost certainly provide a more attractive appearance in the street scene.

The previously approved scheme was a terrace of 4 dwellings of a uniform design. While fitting in to the space available, it did not relate in any particular detail to its surrounds, its predominant frontage material being render for example. The current proposal is for a more contemporary brick and cladding approach with the clad upper storey being set back as is fairly common with buildings of this style. The brick to the lower floors will relate well to the converted public house as well as Orchard Court to the south. The variation in roofline also allows a discernible step between the higher Downview building and those further to the south. The building should fit comfortably into the street scene, therefore.

The revised design of the building means that it is slightly higher than that previously approved in its central section but also further away from both the southern boundary and the converted building itself. Your officers consider that the

opportunity to provide slightly extra spacing to the boundaries more than compensates for the slight increase in height.

Balconies are proposed to the front elevation on the first floor and there is a terrace area accessible to the front of the second floor (there is no access to the rear). Given the balconies and terraces face publicly viewable area, it is not considered that there would be any adverse impact upon the amenities of neighbouring properties.

To the west of the application site is a mix of uses to the rear of the shops fronting Tarring Road, but immediately to the west is number 3 Station Parade which consists of a shop and residential unit with garden immediately adjacent to the application site. The garden would have been faced by 8 windows at first floor level as a result of the previous proposal, and the current proposal also has 8 windows facing across the garden of this property albeit at first and second floor level, although the latter is set back. However, one of the first floor units has a balcony serving it which, given the terrace area at second floor level is restricted to the front of the building, seems unnecessary and may lead to a more intrusive level of overlooking than the more passive overlooking that may occur from a window. It is considered that the removal of the balcony would lead to a solution more comparable with the previous approval.

The units meet or exceed slightly the National Space Standards and given the nature of the site and its surrounds, it is considered that the proposal makes an effective and efficient use of its surrounds.

The Community Infrastructure Levy applied to the proposal, but as a temporary accommodation scheme, the agent for the Council as applicant is claiming social housing relief. Officers are considering this matter and a further update will be provided prior to the meeting.

The scheme will provide much needed accommodation in a building that will fit well into its surrounds and accordingly it is recommended that permission is granted.

## **Recommendation**

To GRANT permission subject to the following conditions:-

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

- 01     Approved Plans
- 02     Full Permission
- 03     Noise Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise



guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

- 04 External plant: Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS4142: 2014 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.
- 05 Hours of Construction: The hours of construction shall be restricted to Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours and no work permitted on Sundays, Bank or Public Holidays.
- 06 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policy.

- 07 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works and methods to control dust from the site.

Reason: In the interests of highway safety and the amenities of the area.

- 08 Contaminated Land: Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority: (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 09 No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.  
Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.
- 10 No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
Reason: In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.

- 11 No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of amenity.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or any incidental building over 5 cubic metres in volume erected within its curtilage.  
Reason: In the interests of amenity and the environment having regard to the nature of the site and saved policy H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.
- 13 The window in the southern side elevation of the extension hereby permitted shall at all times be glazed with obscured glass.  
  
Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the southern side wall of the building.  
  
Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan

## **Informatives**

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

Application Number: AWDM/0977/19

Recommendation – APPROVE

Site: The Downview, Downview Road, Worthing

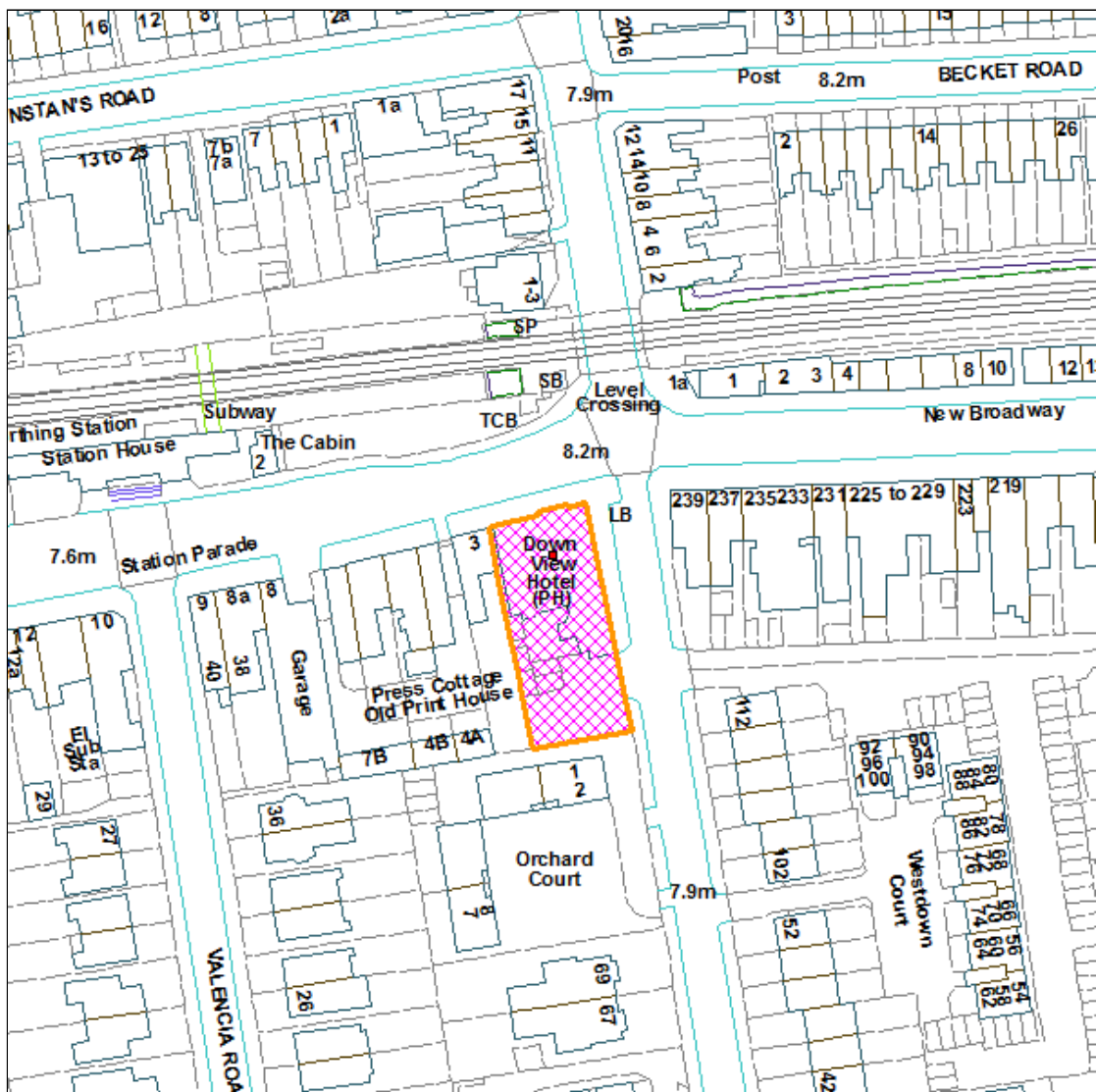
Proposal: Non-Material Amendment to planning permission AWDM/1834/17 for retention of bay window and adjacent chimney and omission of proposed balconies

Applicant: Worthing Borough Council

Ward: Heene

Case: Gary Peck

Officer:



Not to Scale

## Proposal, Site and Surroundings

This proposal seeks a non-material amendment to planning permission AWD/1834/17 - *Conversion and alterations to former public house to provide 9no. residential units comprising 7no. 1-bedroom and 2no. 2-bedroom apartments with bin and bike storage to rear (south) and retention of commercial use of part of ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business). Erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages.*

This proposal relates to the conversion of the former public house, which is currently being implemented. A separate revised application for the rear of the site appears elsewhere on the agenda.

The proposed amendments fall into 2 parts. Firstly, an existing bay window on the southern side of the building was not previously shown as being retained but it has now been established that the bay provides structural support to upper floor and roof. Its retention would allow a slightly extra usable room space to the units in question (about 1.5 sq m each). The bay incorporates a chimney which in turn will be refurbished.

The omission of the balconies is proposed because of safeguarding concerns as the units are proposed as temporary accommodation. Such units are normally required to be safe and secure and usually do not include balconies.

The non-material amendment process is part of the government's flexible options for amending previous planning permissions where the alterations proposed are so minor that it is not considered necessary to require a new planning application. The proposal is not an application for planning permission, therefore, and there is no requirement for formal consultation. Applications of this type are not normally brought to the committee for consideration when submitted by other applicants, but there is no delegated authority for applications submitted by the Council, hence the application is brought to committee for consideration.

Planning permission was originally granted in 2018 for the conversion and alterations to the former Downview public house. Following the grant of planning permission, the site was purchased by the Council to develop.

The application site sits on the south western corner of the Tarring Road, South Street, Downview Road crossroads opposite West Worthing railway station with the associated level crossing gates immediately to the east of the station. A range of retail/commercial uses at ground floor level with residential above sits on the south side of Tarring Road (the application site also sits within the defined neighbourhood shopping area of Tarring Road) while to the rear of the site on the southern side is the small residential development of Orchard Court. There is further residential development on the eastern side of Downview Road which appears similar to the style of the proposed terraced dwellings.

## **Relevant Planning History**

AWDM/1834/17: Conversion and alterations to former public house to provide 9no. residential units comprising 7no. 1-bedroom and 2no. 2-bedroom apartments with bin and bike storage to rear (south) and retention of commercial use of part of ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business). Erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages – Permission granted in June 2018 - approved

AWDM/0131/19: Non-Material Amendment to planning permission AWDM/1834/17 including new rooflight to east elevation, omission of rooflights and some windows to west elevation, lower pitch to roof of function room and other minor amendments to dormer windows and fenestration on south elevation - approved

## **Consultations**

No comments received

## **Representations**

No comments received

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 10, 11 & 16

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

## **Relevant Legislation**

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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.

## **Relevant Legislation**

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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**

This application was submitted under the non-material minor amendment procedure whereby very minor applications can be determined under an expedited process which does not require a formal application, nor is there any requirement for public consultation. Ordinarily, such applications are dealt with within 28 days under delegated powers.

The proposed omission of the balconies and balustrades has little visual impact given that will simply be replaced by a window instead. This primarily affects the rear elevation of the building, but there was also a balcony proposed on the western side of the front of the building which will now incorporate a window instead. While it was not considered previously that the incorporation of the balconies would adversely affect neighbouring properties, nonetheless their omission is likely to result in the impact of the development being reduced – indeed, the only objection to the original proposal from a neighbor was partly based on the inclusion of balconies.

The retention of the bay window is necessary for structural reasons. Its removal previously was not part of the scheme suggested by the Local Planning Authority and hence there is no objection to its retention even if it were not required for structural purposes. In visual terms, there will be little material impact especially as the bay is situated on the western part of the rear elevation which, once the car park area is redeveloped, will become the least visible part of the building.

The proposal is therefore considered acceptable.

### **Recommendation**

APPROVE the non-material amendments in accordance with the application and accompanying plans.

For the avoidance of doubt these plans comprise:-

Drawing number (08) 01 rev A – Existing Plans and Elevations

Drawing number (08) 02 rev B – Highlighted Floor Plans received 1 July 2019

Drawing number (08) 03 rev A – Highlighted Elevations received 1 July 2019

Existing planning permission AWDM/1834/17 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Numbers:

Drawing number (08) 01 rev A – Existing Plans and Elevations

Drawing number (08) 02 rev A – Proposed Floor Plans received February 2019

Drawing number (08) 03 rev B – Proposed Elevations received February 2019

21<sup>st</sup> August 2019

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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