

<b>Application Number:</b>	<b>AWDM/0833/21</b>	<b>Recommendation - APPROVE Subject to S106</b>
<b>Site:</b>	<b>Horton Buildings, Goring Street</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of retirement living apartments (category ii type) (17no. 1 bed and 18no. 2 bed) over 3 and 4 storeys with communal facilities and car parking.</b>	
<b>Applicant:</b>	<b>McCarthy &amp; Stone Retirement Lifestyles Ltd</b>	<b>Ward: Goring</b>
<b>Agent:</b>	<b>The Planning Bureau Ltd</b>	
<b>Case Officer:</b>	<b>Jo Morin</b>	

The application related to a roughly rectangular shaped site located on the west side of Goring Street, 45 metres south of the level crossing with the main Brighton-Southampton railway line.

Full planning permission was sought by the applicant to demolish the existing buildings on the site and erect a part 3-storey/part 4-storey, L-shaped block of 35no 1 and 2-bedroom, 'retirement living' apartments (category II-type sheltered housing), with occupancy restricted to those over the age of 60.

The Head of Planning and Development gave his presentation encompassing details of viability, loss of employment issues and the off-site affordable housing contribution, clarifying how this had been calculated. He brought to Members attention that the applicant had prepared a Air Quality Mitigation Assessment showing that the development would result in a net benefit in air quality as it would generate less traffic than the existing employment uses on the site.

The Head of Planning and Development also indicated that the applicant was willing to include a clause in the legal agreement stating that a further viability review would be undertaken if a substantial start on the development was not made within 12 months of the decision notice being issued.

There was one registered speaker in support of this application.

There was no debate for this application and members went directly to a vote.

## **Decision**

The Planning Committee **APPROVED** the application, subject to completion of a satisfactory section 106 Obligation to secure the affordable housing contribution of £371,057 together with a clause precluding the charging of ground rents, and a highway contribution towards the necessary Traffic Regulation Order, charging of ground rents,

and a highway contribution towards the necessary Traffic Regulation Order:

**And Subject to the following conditions:-**

1. Approved Plans
2. Standard time limit.
3. Agree a schedule and samples of external materials and finishes (including windows, doors and balconies and Juliette balconies) and hard surfaces
4. Agree architectural details (including entrance porch, balcony structure(s), window reveals
5. Agree and Implement solar PV scheme (minimum 141 sqm roof area)
6. Implement ecological enhancements in accordance with the recommendations of the submitted Report by Abbas Ecology, Dec 2020
7. Provide refuse/recycling facilities as shown on the approved plans
8. Agree and implement hard and soft landscaping scheme
9. Agree and implement boundary treatments
10. Agree external lighting details
11. The retirement living accommodation hereby approved shall not be occupied by any persons under the age of 60 years (other than spouses)
12. No development works shall be undertaken until a TRO to secure the additional yellow lining in the vicinity of the site access on Goring Street required to enable the development to be implemented have been approved by the LHA and written confirmation received by the LPA
13. Agree and implement site investigation scheme for contamination and remediation strategy
14. Agree verification report demonstrating compilation of remediation strategy and effectiveness of measures
15. Investigate any previously unidentified potential contamination
16. Any scheme for infiltration of surface water to ground to be agreed by LPA and supported by an assessment of risks to controlled waters
17. No piling or other penetrative construction methods unless agreed by LPA
18. Agree scheme for foul sewerage and surface water disposal in consultation with Southern Water
19. Agree measures to protect public water supply main in consultation with Southern Water
20. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
21. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and

- arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
22. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
  23. Agree cycle parking/storage
  24. Implement site access arrangements in accordance with approved plan
  25. Implement parking in accordance with approved plan
  26. Agree and implement a (Sustainable) Travel Information Pack
  27. Implement no less than 4 no active EV charging points and all remaining car parking spaces to have passive EV charging points.
  28. Agree and implement Construction Management Plan
  29. Hours of construction
  30. The cumulative noise from all new plant associated with the development should not exceed the maximum rating noise level shown in Table 4 the Noise Impact Assessment (R8791-1 Rev 0 Date: 23rd October 2020) at the nearest noise sensitive property. 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.
  31. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Impact Assessment (Technical Report: R8791-1 Rev 0, Dated 23rd October 2020) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken in rooms closest to the main noise sources to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.
  32. Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units 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.
  33. Agree all external/roof plant (and associated external housing)

<b>Application Number:</b>	<b>AWDM/1994/21</b>	<b>Recommendation - Refuse</b>
<b>Site:</b>	<b>2 Chatsworth Close, Worthing, BN13 3FF</b>	
<b>Proposal:</b>	<b>Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to fell and replace Austrian Pine tree T1.</b>	
<b>Applicant:</b>	Mr Matt Piper	Ward: Salvington
<b>Agent:</b>	Mr Tony Athur AC Gardens (Sussex) Ltd	
<b>Case Officer:</b>	Jeremy Sergeant	

The application sought to fell and replace a large mature Austrian Pine, currently protected under a TPO, located near the southeast corner of the rear garden.

The Head of Planning and Development gave his presentation explaining that the applicant had communicated that the tree is an obstacle to use of the rear garden, due to needles, cones, sap and birdmess. He illustrated that, whilst it was recognised that the tree could be an inconvenience and affected the enjoyment of the property this had to be balanced by the wider public amenity value of the tree. Officers had concluded that some of the problems stated by the owner could be partially overcome by sweeping and washing down the patio areas etc and by works of appropriate pruning of the tree. The tree was a prominent part of the street scene and made a significant contribution to the character and visual amenities of the area.

The higher density housing built in this area was originally agreed on the basis that this tree was retained. It was not considered, therefore, that the reasons for removal of the tree justified its removal as it was a healthy, fully mature tree that has been present on the site for more than 60 years.

There was one representation from a registered speaker in objection to the application who expressed similar comments to that in the report regarding the benefit of mature trees to our environment.

There were three representations from registered speakers in support of the application. Their narratives reiterated their reasons for the application which encompassed issues of health and safety caused by falling tree debris and branches, blocked gutters causing damage to the rendering and an excess of bird excrement and tree sap within their gardens.

During the debate Members discussed the difficulty of balancing personal and private issues against those of the wider community. It was also felt, since the TPO would require a replacement tree of similar stature, the residents problems would not necessarily be solved by the felling of the tree as any tree planted in its place could also present similar issues in the future.

## **Decision**

The Planning Committee **REFUSED** the application for the reason:-

The Austrian Pine tree T1 is a prominent and established feature, which contributes positively to the local character and landscape of the area, and its removal would be detrimental to visual amenities and have an adverse impact on the character and appearance of the Conservation Area. Having regard to the maturity and stature of the tree and its prominence within the street scene, there is no arboricultural or other acceptable reason provided which would justify its loss.



## **Enforcement report 68 Downside Avenue, Worthing**

### **Report by the Director for the Economy**

The property in question was 68 Downside Avenue, a semi detached bungalow on the north-east part of a looped shaped cul-de-sac on the west side of the road.

The Head of Planning and Development gave his presentation explaining that planning permission had been refused under AWDM/1479/20 for demolition of a conservatory and erection of a proposed ground-floor infill extension plus a loft conversion including 1 no. window to north, 1 no. dormer to west and east and 1 no. rooflight to the east elevation. Planning permission was subsequently granted under AWDM/1986/20 for the demolition of a conservatory and erection of a proposed rear infill extension plus loft conversion including 1 window to north, 3 no. rooflights to east and 2 rooflights to the west elevation.

In November 2021 complaints were received from neighbours regarding the erection of a large rear dormer at 68 Downside Avenue. Planning Enforcement Officers visited the site and established that, because works allowed under planning permission had not been substantially completed, the dormer window construction being undertaken could not be undertaken using Permitted Development Rights. In addition, the total volume of the dormer being erected at the time exceeded the Permitted Development Rights allowance, due to 'builder error'. The applicant's agent declared that it was planned to reduce the size of the rear dormer so that the total roof enlargements did not exceed the allowed 50 cubic metres. A recent site visit had revealed that the rear dormer had been reduced in size.

Whilst an Enforcement Notice could require the removal of the rear dormer and the necessary works to be fully implemented by the planning permission granted under AWDM/1986/20, the applicant could then subsequently install a dormer under Permitted Development Rights. A key consideration in this case was the 'fall back' position for the applicant and it was therefore important to consider the expediency of any enforcement action.

In these circumstances, Officers had considered it reasonable to allow the applicant to alter the dormer to a size that would not require planning permission if the current sequence of building works had been followed. In this instance the principle of the 'fall back' position was accepted and it was recommended that enforcement action only be taken if the dormer was not altered within the next two months to fall within 'Permitted Development Rights.'

There were three representations by registered speakers objecting to the recommendation on grounds of diminished privacy should the dormer window be allowed to remain.

There were two representations by registered supporters of the recommendation who reiterated the reasons behind the chain of events that had led to this point as previously addressed by the Head of Planning's report.

During the debate Members acknowledged the concerns of the objectors but recognised the aspects of Permitted Development Rights that would ultimately allow the dormer window to be constructed. They conceded with the Officers view that an enforcement at this point would not be expedient.

**The Planning Committee agreed that no further action should be taken in connection with this matter, provided the dormer window is altered to fall within what would have been permitted development rights within two months of this Committee.**