



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

**Planning Committee
14 December 2022**

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

**Application Number: NOTICE/0019/22 Recommendation – Prior Approval
Required and Granted**

Site: Carnegie House, Littlehampton Road, Worthing, West Sussex

**Proposal: Application for Prior Approval for construction of one additional storey
of 9no. 1 bedroom apartments and 6 no. 2 bedroom apartments
immediately above the existing detached block of flats.**

2

**Application Number: AWDM/0056/22 Recommendation – Delegate to Head of
Planning and Development to APPROVE
subject to further comments**

Site: Former EDF Car Park, Southdownview Road, Worthing

**Proposal: Construction of 3no. buildings providing 11no. light industrial units
(Class E(g)) with associated car parking, landscaping and acoustic
fence to north side of access road.**

3

Application Number: AWDM/1433/22 Recommendation – APPROVE

Site: Tesco Supermarket Former West Durrington Shopping Centre, New Road, Worthing

Proposal: Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 11pm and 6am on a permanent basis. Application for variation of conditions 3, 4 and 7 of planning permission ref. AWDM/1568/17 to allow an additional night time delivery and extended operational hours for the home shopping facility at their store at West Durrington (both associated with the installation of an Urban Fulfilment Centre at the store).

Variation of condition 3 to read: Notwithstanding the wording of condition 2, two deliveries shall be allowed between the hours of 23:00 hours and 06:00 hours Monday to Sunday.

Variation of condition 4 to read: Loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 05:45 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 05:00 hours and 23:00 hours on any day.

Variation of Condition 7 to read: The premises shall not be open to the public for trade of business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.

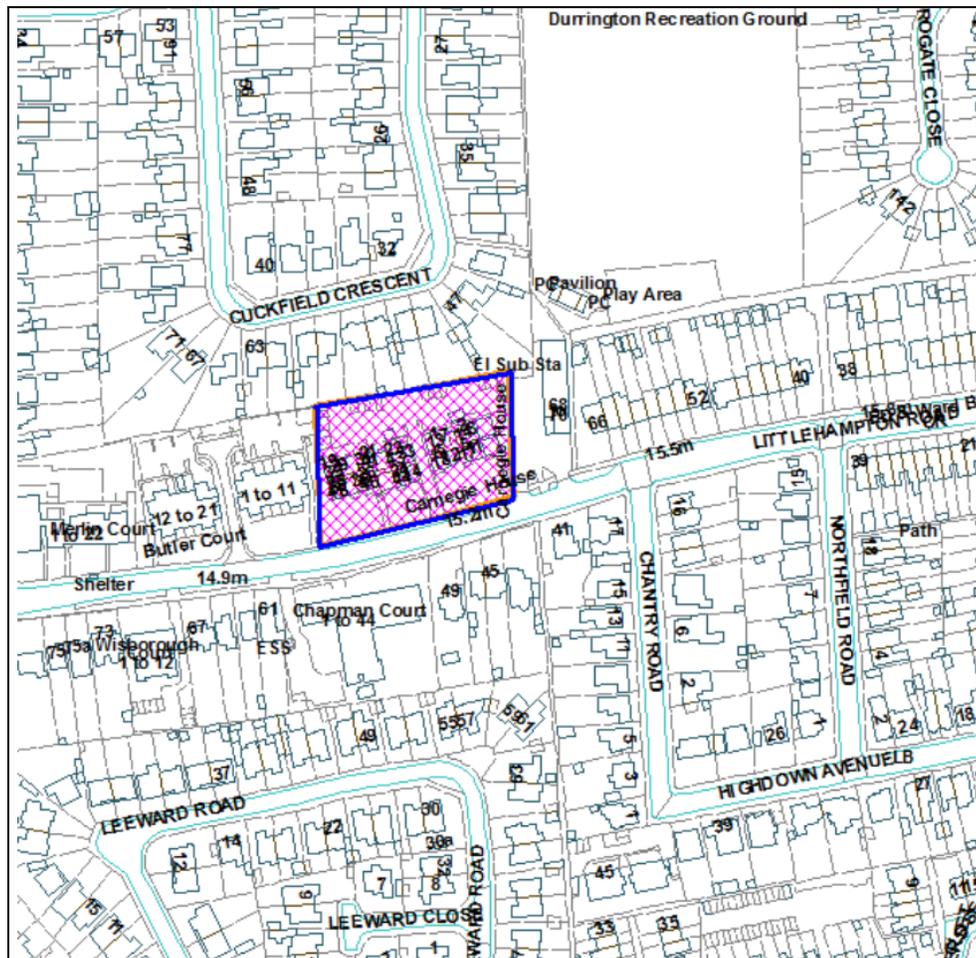
4

Application Number: AWDM/1554/21 Recommendation – To delegate to the Head of Planning to APPROVE subject to the completion of a s106 agreement

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

Proposal: Application to Vary Condition 1 of previously approved AWDM/0762/19. Amendments: position of lift shaft, reconstructed wall in fair face brick along Manor Road, refuse/recycle store relocated, alterations to approved balconies and new feature stone frame around window on south eastern corner. Proposed Car Port over 6no parking spaces, photovoltaic panels and electric car charging points

Application Number:	NOTICE/0019/22	Recommendation - Prior Approval Required and Granted
Site:	Carnegie House, Littlehampton Road, Worthing, West Sussex	
Proposal:	Application for Prior Approval for construction of one additional storey of 9 no. 1 bedroom apartments and 6 no. 2 bedroom apartments immediately above the existing detached block of flats.	
Applicant:	Mr Bradburn	Ward:Salvington
Agent:	Mr Wong	
Case Officer:	Jackie Fox	



Not to Scale

This application has been brought to Committee at the request of Councillor Nowak. The determination for the application is the 15th December 2022.

Site and Surroundings

The site is at Carnegie House on the north side of Littlehampton Road. The proposed site boundaries cover an area of 0.429Ha (4,290m²).

The site comprises two 3 storey 1960's / 70's style flat roof apartments with a central vehicular access. It consists of a total of 48 1 and 2 bed flats. The existing building is faced in a varying shaded buff brick with white cladding with white UPVC windows with a glass screen balustrades to the balconies which project forward faced with buff brick.

Externally there is a hard landscaped tarmac area to the rear of the site which is used for parking. This is accessible via the central access road. The parking is a mix of garages and open spaces. The application estimates that there are currently 50 car parking spaces, 20 of which are garages and allocated to units. This leaves 30 unallocated spaces between the remaining 25 flats. To the frontage the site is mainly laid to grass with some planting.

The surrounding area is mainly residential of 2-storey, 2.5-storey, 3- storey flats and houses with varying roof forms. Immediately to the east is the contemporary 'Sainsburys Local' with residential to the rear which is part single storey and part two storey.

Proposal

This is an application under the second schedule of the General Permitted Development Order, introduced by the The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, extending permitted development rights.

Class A of Part 20 consists of works for the construction of up to two additional storeys on existing dwellinghouses and on purpose built detached blocks of flats, together with engineering operations reasonably necessary to construct the additional storeys and new flats, replacement and new roof plant that is reasonably necessary to service the new flats, works for the safe access/egress to the new and existing flats, and any works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new flats, subject to the limitations of Part 20 and conditions as set out below in this assessment.

This application seeks prior approval for the construction of one additional storey to blocks A and B to provide fifteen flats in two new fourth floors. Block A (eastern block) would comprise 3 x 1 bedroom units and 3 x 2 bedroom units. Block B would comprise 6 x 1 bedroom units and 3 x 2 bedroom units. The application includes provision for a cycle store to the east of block A.

The additional storey would have a flat roof and the extended building would measure up to 11.1 metres in height from ground level, representing an increase in height of approx 2.6m over the existing 8.6 metre high building as detailed on the elevation drawings. The extension would largely cover the existing footprint of the building. The additional storey would be in grey cladding with food to ceiling windows in grey vertically above the existing windows and balconies. The brickwork above the entrance and stairway would be continued with matching brick.



PROPOSED BLOCK A FRONT (SOUTH) ELEVATION
SCALE 1:100(1/4)



PROPOSED BLOCK B FRONT (SOUTH) ELEVATION
SCALE 1:100(1/4)

The application includes a Design Statement which concludes that 'The sympathetic extension revitalises these existing buildings and provides 15 new dwellings that meet the current standards of living with a contemporary design approach providing synergy between the new and existing elements of the build.

Relevant Planning History

None

Consultations

WSCC Highways

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Prior Notification application with regards to any highway safety or capacity concerns. The application is supported by way of a Design Statement (DS).

The application site is located along A2032 Littlehampton Road, Worthing and comprises two 3-storey apartment blocks known as 'Carnegie House'. The apartment blocks contain a total of 45 nos. flats with a mix of 21 nos. 2-bedroom flats and 24 nos. 1-bedroom flats. The development proposals are for the construction of single storey vertical extension to the two blocks to form additional 15 flats of which 9 nos are 1-bedroom flats and 6 nos. are 2-bedroom flats.

The application is for 'Prior Approval - Construction of New Dwelling Houses', this is under the new Permitted Development right (Class AB of Part 20) to allow buildings in a terrace (of 2 or more attached buildings) in commercial or mixed use to create up to two additional storeys for use as flats. As such the applicant is required to submit information relating to 'transport and highways impact of the development'.

The application site gains access from an established access from A2032 Littlehampton Road. The site access arrangements will be retained for the proposed uses which takes the form of a simple vehicle crossover junction leading into the rear car parking area. WSCC maps have been checked for visibility splays along both sides of A2032 Littlehampton Road, which is good for the posted speed limit of 30 miles an hour. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there have been two incidents of personal injury which are attributed to driver errors. This indicates the site access has been operating in a safe manner in its present form.

A2032 Littlehampton Road is well lit with footways along both sides of the road which connects onto a wider footway network. Bus stops are located along A2032 Littlehampton Road within approx. 100 metre distance which provide services to Worthing town and nearby places. West Worthing Train Station is located within approx. 2 kilometres to the south of the site providing connectivity to Brighton, London Victoria, Littlehampton, Southampton, Chichester etc. Therefore, the site is considered sustainable.

The parking is a mix of garages and open spaces. The existing 45 residential units are served by approx. 50 car parking spaces: 20 spaces within garages and 30 allocated spaces. The proposed extension does not include additional parking spaces which

brings the parking ratio at 0.83 per unit. This level of parking provision is considered adequate given the site is in a sustainable location.

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

West Sussex Fire and Access

Having viewed the plans for the planning application no. NOTICE/0019/22 for the Prior Approval for construction of one additional storey of 9no. 1 bedroom apartments and 6 no. 2 bedroom apartments immediately above the existing detached block of flats, evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist systems complying with BS9251 or BS8458 standard.

Southern Water:

Further to your recent prior approval request for the above site, Southern Water have the following observations to make in respect of the proposed development:

- Southern Water's records show that there is water main within the proposed development site.
- No development, excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
- Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.
- In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations.
 - Reuse
 - Infiltration
 - Watercourse
 - Storm Sewer
 - Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

- It is possible that a sewer now deemed to be public could be crossing the development site.
Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Adur and Worthing Councils

Environmental Health (Public Health)

Please can we have a Construction Management Plan condition to include resident liaison and hours of operation, amongst other things.

Suggested conditions:

Hours of Construction

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours, Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Construction Management Plan

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
- HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- 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,
- a commitment to no burning on site,
- 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,
- methods to control dust from the site.

Public Sector Housing

Some of the units fall below the 39sq.m GIA required for 1b/1p in the national technical space standards and there is a slightly anomalous 'study' in Unit 5, Block A , which will clearly be a bedroom and this unit will be far below the 61 sq.m required for a 2b/3p flat.

Other than that, no objections in principle on PSH grounds

Representations (summarised)

47 Cuckfield Crescent

- Additional waste
- Additional overlooking
- Additional noise
- Anti social behaviour

49 Cuckfield Crescent

- Loss of amenity to a single story property
- Extensive overshadowing;
- Loss of daylight and outlook to habitable room windows;
- Overbearing impact;
- Increased sense of overlooking and loss of privacy;
- Increase in noise and disturbance
- Impact on the character of the area which is predominantly two storey
- Poor quality design, incongruous and poorly related to surrounding development
- Increased traffic
- Inadequate parking

7, 8, 11, 13, 15, 17, 18, 19, 20, 21, 29, 30, 32, 34, 37, 42, 44, 48 Carnegie House

- Inadequate parking
- Inadequate waste facilities
- Disruption during construction
- Additional noise
- reduced value of the property
- Inadequate drainage
- Inadequate parking
- Additional neighbours above
- Out of character with the area
- Increased traffic
- Cause Fire safety
- Health and safety during construction
- Inadequate maintenance of the property.
- Existing tight entrance
- Cause an unsafe environment
- Inadequate foundations and amenities
- Loss of daylight and sunlight
- The new bin area would cause disturbance and smells
- Restrictions on height
- Increased noise and dust
- Storage of materials
- The building is unsuitable
- Water pressure is inadequate
- loss of daylight to the car park
- Difficult for fire engines due to the parking and system is inadequate
- Intercom system is inadequate
- Loss of privacy
- Noise, dust and vibration during construction
- Overlooking of Cuckfield Crescent
- Noise and disturbance during construction
- Overdevelopment of the site
- Structure of the building and utilities
- Disturbance and damage to the property and cars
- Inadequate parking for residents and construction vehicles
- Health and safety implications due to dust and dirt, scaffolding
- Loss of a peaceful top floor flat
- Inaccurate plans Plan 204

45 Littlehampton Road

- Loss of privacy
- overdevelopment
- Additional traffic, dangerous access
- Value of the property

49 Ashurst Way Littlehampton

- Lack of parking
- Loss of a top floor flat

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 7, 8, 9, 16, 17, 19

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

SPD 'Guide to Residential Development' Nov 2013

Revised National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance (CLG)

Submission Draft Worthing Local Plan (as modified). Due to be adopted on the 13th December Council Meeting.

Policy DM1: Housing Mix

Policy DM2 – Density

DM5 - Quality of the Built Environment

DM16 - Sustainable Design

DM22 - Pollution

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 application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class A, Part 20, Schedule 2 of the General Permitted Development Order 2015 as amended which states:

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all —

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellings.

(c) works for the construction of appropriate and safe access and egress to the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

(d) the additional storeys are constructed other than on the principal part of the building;

(e) the floor to ceiling height of any additional storey is—

(i) more than 3 metres in height; or

(ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;

(f) the new dwellinghouses are not flats;

(g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);

(h) the extended building (not including plant) would be greater than 30 metres in height;

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class A.(b) development there is no existing plant on the building;

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of

- the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;*
- (m) *development under Class A.(c) would extend beyond the curtilage of the existing building;*
 - (n) *development under Class A.(d) would—*
 - (i) *extend beyond the curtilage of the existing building;*
 - (ii) *be situated on land forward of a wall forming the principal elevation of the existing building; or*
 - (iii) *be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;*
 - (o) *the land or site on which the building is located, is or forms part of —*
 - (i) *article 2(3) land;*
 - (ii) *a site of special scientific interest;*
 - (iii) *a listed building or land within its curtilage;*
 - (iv) *a scheduled monument or land within its curtilage;*
 - (v) *a safety hazard area;*
 - (vi) *a military explosives storage area; or*
 - (vii) *land within 3 kilometres of the perimeter of an aerodrome.*

Consideration of the planning merits of the application is restricted solely to those set out in the conditions of A.2 as set out below:

- (1) *Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—*
- (a) *transport and highways impacts of the development;*
 - (b) *air traffic and defence asset impacts of the development;*
 - (c) *contamination risks in relation to the building;*
 - (d) *flooding risks in relation to the building;*
 - (e) *the external appearance of the building;*
 - (f) *the provision of adequate natural light in all habitable rooms of the new dwelling houses;*
 - (g) *impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and*
 - (h) *whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State,*
 - (i) *where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,] and*
 - (j) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]*

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Assessment against the legislation

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class A

The property is a 1960/70s purpose built three storey flat block.

The proposed extension would be flats, on the principal part of the buildings, no more than 3m in height, no more than the floor to ceiling height of any existing storey, no more than 7m higher than the existing building, additional supporting structure would be internal and there is no additional plant. The building would be a vertical extension within the footprint of the existing building.

The building is not on article 2(3) land or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, a military explosives area, or within 3 kilometres of the perimeter of an aerodrome.

Consideration of the planning merits of the proposal is restricted to those matters set out in A 1.

Paragraph B includes the requirement for the LPA to have regard to the National Planning Policy Framework so far as is relevant to the subject matter of the prior approval, as if the application were a planning application.

(a) Transport and highways Impacts

A Transport Assessment has been submitted with the application.

The site is sustainably located within easy walking distance of the various shops and services and with good public transport links to other parts of the town and destinations further afield.

The application shows parking to the rear comprising 20 garages (which are allocated) and 30 open parking spaces. The open parking equates to approx 1.2 spaces for the remaining existing 25 flats. No additional parking is proposed although a cycle storage area is proposed.

Local residents have raised concerns that the parking is not adequate for the site as existing and additional units would add to concerns. However in view of the sustainable location, it is not considered that the proposal could be refused on this basis.

The LHA have not raised concerns indicating that the car parking provision is at a ratio at 0.83 per unit. This level of parking provision is considered adequate given the site is in a sustainable location.

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the

operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

The proposal includes two additional bin stores. Advice was taken by the applicant from Adur & Worthing Councils to calculate the amount of additional refuse storage required for the new units. An additional 1100l bin for refuse and an extra 1100l bin for recycling was stated to be adequate for the new development. Refuse collection would be carried out as existing. The applicant has indicated that they would be willing to provide additional bin storage if necessary.

A condition requiring details of refuse and cycle storage to be provided is considered appropriate.

(b) Air traffic and defence asset Impacts -Not relevant to this development.

(c) Contamination-

The site is not identified as being potentially contaminated

(d) Flooding

The building is in Flood Zone 1, where there is a low probability of flooding. No flood risk has been identified in relation to this property. Drainage would need to comply with Building Regulations requirements.

(e) External appearance of the building

The National Planning Policy Framework advises, in paragraph 126 that, 'The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

The NPPF emphasises securing high quality design that (amongst other things) is sympathetic to local character and history, maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live with a high standard of amenity for existing and future users (paragraph 130) and that permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary documents such as design guides and codes.

The application involves a further storey with a flat roof. The additional floor would be finished in a light grey cladding with light grey windows. The existing building has

vertical yellow brick pillars with white cladding above and below the windows which stretch between the brick pillars. There are balconies, recesses and other indentations. Although the light grey cladding is a different colour to the existing cladding it is considered that it is similar to the existing materials and therefore complies with the requirement for materials to be similar to the existing.

There will be no additional built area on the ground floor as the new build only uses the existing built footprint except for the new bin and cycle storages. The additional floor would have a different material but the grey contemporary cladding and windows would generally compliment this block, providing it with a light subservient appearance, similar to a mansard type roof. The proposed extension provides a similar style of development and the fenestration would line through down the block. The proposed proportionality and positioning of openings matches the existing building. A similar designed extension has recently been accepted on Charlton House further to the east.

It is acknowledged that the additional storey would involve additional height, scale and bulk to the building in an area which is generally two and three storey. However, a recent appeal decision at St Andrews Gardens, Church Road, Worthing (appeal reference APP/M3835/W/21/3269452) was allowed with the Inspector stating that:

'it is not for me to consider the principle of the additional floor, as the construction of an additional floor of 9 new dwellings already benefits from planning permission under the provisions of the GPDO'

It is therefore accepted that similarly with the current proposal the additional floor would benefit from planning permission under the provisions and as such it is only the external appearance that can be taken into account. As indicated above, although the extension is not of matching materials, the grey cladding would be appropriate and soften the building and the proportionality and fenestration would line through. There are also modern materials on the buildings to the east and a mix of materials in the vicinity. On its own, the external appearance of the proposal would accord with the NPPF which requires new development to comprise good quality design, which can include materials that take account of local characteristics of the area, amongst other things. The external appearance of the proposal would also, therefore, accord with Policy 16 of the Worthing Borough Council Core Strategy (2011) and DM5 of the SDWLP.

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

The application provides floor plans to support the application showing natural light to all habitable rooms.

An area schedule has also been provided to show lounge and bedroom areas and the percentage of floorspace achieved. Public Sector Housing have raised that some of the units do not meet the 39 sqm required for a one bedroom units. However they do meet the National Technical Standards of 37 sqm for properties with a shower. As such the

units comply with national standards and as indicated above provide natural light to all habitable rooms.

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

An unacceptable level of amenity would be contrary to the National Planning Policy Framework and Planning Practice Guidance which states at para 130 that planning decisions should ensure (amongst other things) that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is underlined by Core Strategy Policy 8 and Saved Local Plan Policies H18 and RES7 and Council SPD Guide for Residential Development and the Policy DM5 and DM22 of the Submission Draft Worthing Local Plan.

The existing residents within the blocks and adjoining residents have raised concerns in terms of loss of privacy, overlooking and loss of light.

It is acknowledged that during construction phases that there is likely to be disruption to residents particularly within the existing blocks as would be a consideration with all new development, conditions and informatives can be attached to ensure that hours of working and a construction management plan (as set out above) are requested to lessen the impact, within control, during construction.

Having regard to the intensification of the use of the building from the resultant increase in flats, in the context of the existing 45 flats it is considered that the level of activity associated with 15 new flats is not likely to give rise to any significant loss of amenity for existing residents in the block. Many of the residents have raised concerns about refuse storage and car parking both of which have been dealt with above and the refuse can be dealt with by condition. The LHA considers that the level of parking is acceptable. The amenity area around the blocks would be retained as existing and the site is sustainably located.

In terms of overlooking the majority of the proposed windows would be positioned to the front (south) and rear (north) as are the existing windows in the blocks. There are proposed secondary windows to living rooms in the east elevation to block B, these would look towards kitchen and bathroom windows to the west elevation of block A. It is not however considered that due to the angles and room uses that the proposed windows in this elevation would cause detrimental overlooking of existing occupants. In view of the existing windows to the north and south, it is not considered that the additional windows would cause any additional detrimental overlooking than currently exists for existing residents of the block or neighbouring properties.

The building is set away from the boundaries, in terms of loss of light a daylighting study has been provided to support the application.

The sunlight plan shows the shadowing through the seasons and 3 times within the day. It is clear that there will be additional shadowing during the winter months. The sunlight plan in January indicates that there would be further shadowing of the car park and rear of gardens of properties Cuckfield Crescent in the early morning, improving as the sun moves around the building; this additional shadowing is shown to be diminished by April. It is not therefore considered that the loss of light to the rear of the gardens in Cuckfield Crescent would be a reason for refusal. Extract shown below

Existing Daylight Assessment



Proposed Daylight Assessment



In terms of noise, the Noise PPG indicates noise needs to be considered when development would be sensitive to the prevailing acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate solutions are identified from the outset. Decision making needs to take into account whether or not a significant adverse effect is occurring or likely to occur, and the significant observed adverse effect level – this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Saved Local Plan Policy RES7 states

Development, including the intensification of existing uses, which generates or has the potential to generate pollution, will only be permitted where by virtue of its location and/or appropriate mitigation measures, its impact on the natural and built environment, including wildlife and the amenities of local residents, does not cause unacceptable harm. Development which is incompatible alongside pollution generating activities will not be permitted near to such uses where it is likely to result in the need for additional mitigating measures to control the pollution generating activity.

The supporting text states

In the context of this policy, pollutants include noise, fumes, chemicals, odour, vibration, heat and dust.

Submission Draft Worthing Local Plan policy DM22 states amongst other things:

- (a) Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.
- (d) Where appropriate, air quality and/or noise assessments will be required to support planning applications. These should be undertaken in accordance with the most up to date guidance and have regard to any relevant action plans.

The NPPF specifically advises at paragraph 185 that Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The site is located on a busy road with activity throughout the day and into the evening. There are commercial units nearby.

Construction works including noise have been raised by neighbours and residents. The Environmental Health officer has also requested a condition on the hours of working and a Construction Management Plan.

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(a) issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

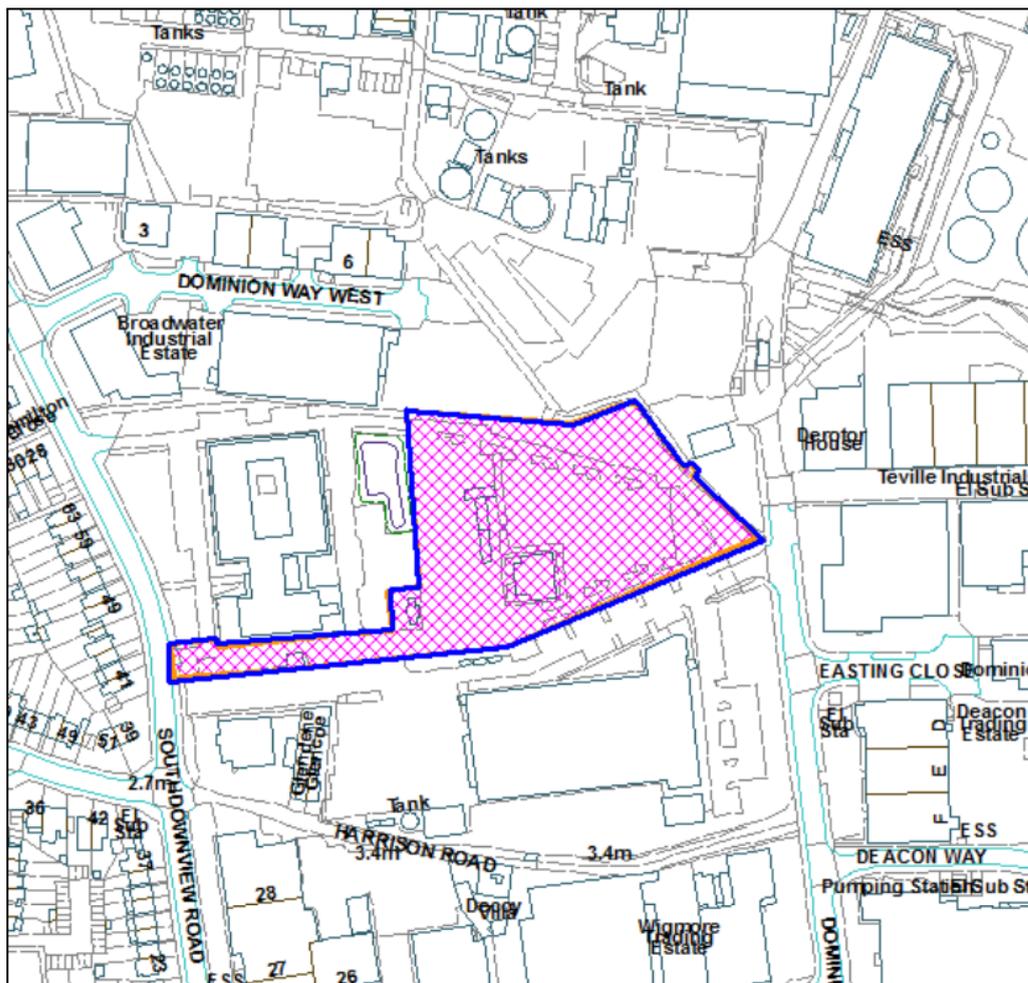
There are no protected views affecting this development.

Recommendation

Although there have been considerable concerns raised by local residents in relation to the application, consideration by the LPA is restricted to the legislation as set out above and addressed. As such Prior Approval is required because of the relevant issues raised above and is recommended for APPROVAL subject to the following conditions:-

1. Approved Plans
2. Cycle parking details to be submitted
3. Refuse storage details to be submitted
4. Hours of working
5. CMP to be submitted
6. Details of materials to be submitted

Application Number:	AWDM/0056/22	Recommendation Delegate to Head of Planning and Development to APPROVE subject to further comments
Site:	Former EDF Car Park, Southdownview Road, Worthing	
Proposal:	Construction of 3no. buildings providing 11no. light industrial units (Class E(g)) with associated car parking, landscaping and acoustic fence to north side of access road.	
Applicant:	Worthing Borough Council	Ward:Broadwater
Agent:	ECE Planning Ltd	
Case Officer:	Jo Morin	



Not to Scale

Site and Surroundings

The application relates to a backland site (0.96ha in area) comprising the former EDF car park behind Broadwater Apartments on the east side of Southdownview Road.

Broadwater Apartments consist of 78 self-contained flats within the former EDF office buildings converted in 2020 following the grant of Prior Approval under the provisions of the Town and Country Planning (General Permitted Development) Order (NOTICE/0001/19 refers).

The application site is roughly rectangular in shape served by an access road located to the south side of Broadwater Apartments. The surfaced former car park narrows towards the rear (east) part of the site. There is a group of mature trees in the far north-eastern corner on top of an embankment. At the bottom of the embankment is a ditch forming the rear site boundary. To the west the site boundary borders the rear car park of Broadwater Apartments with a dog-leg at its southernmost end.

There is a small parking area in front of Broadwater Apartments as well as the larger parking area to the rear, both served by an access road off Southdownview Road and running parallel to the north side of the apartment block.

Adjoining the site to the north is the car park belonging to Bookers Cash Wholesale, accessed from Dominion Way West, a short cul-de-sac off Southdownview Road. To the north east (on the other side of the ditch) the site adjoins part of the GSK complex and a small light industrial unit, both accessed from Dominion Way. To the south is Rayner Intraocular Lenses, a large high tech business premises surrounded by open parking accessed from Dominion Way.

The site is included within East Worthing Industrial Estate and Broadwater Business Park, as are the neighbouring business and commercial premises described above.

There are residential dwellings on the west side of Southdownview Road opposite the site access.

Proposal

As initially submitted full planning permission was sought by the Council (under Regulation 3) for the construction of 11 no. flexible industrial buildings (3,303sqm Gross Internal Area) on the site for light industrial (Class E(g)) and/or storage and distribution (Class B8) use, with associated car parking (82 spaces) and landscaping. The proposed units would be accessed using the existing site access and access road off Southdownview Road.

Following discussions with officers the description of the application has been amended to omit the flexibility to include Use Class B8 (warehousing and distribution), so that the proposed use of the development would be solely for light industrial purposes under Class E(g).

The proposed site layout would consist of:-

i) A block of 4no units (Nos 1-4) each with ground-floor GIA of 253 sqm plus 76 sqm mezzanine (total GIA 329 sqm) backing onto the western site boundary (with Broadwater Apartments) facing eastward into the site. The block would have a mono-pitched roof having a maximum height of 8.9m at the rear (west) sloping down to an eaves height of 7.4 metres at the front. Each unit would have a loading door (4.6m high) with an 8m deep loading bay and either 5 or 6 car parking spaces on an open forecourt in front of the block.

ii) A block of 5 no units (Nos 5-9) each with a ground-floor GIA of 207 sqm plus 52 sqm mezzanine (total 259 sqm GIA) backing onto the southern site boundary (with Rayner) and facing north into the site. As above, the block would have a mono-pitched roof having a maximum height of 8.9m at the rear (south) sloping down to an eaves height of 7.4 metres at the front (north). Each unit would have a loading door (4.6m high) with an 8m deep loading bay plus 4 or 5 car parking spaces on an open forecourt in front of the block (or in the case of Unit 9 split between the forecourt and a short row of 3 space on the opposite side of the access road).

iii) Units 10 and 11 comprise an attached pair within a detached building located roughly in the centre of the site. The larger unit (Unit 10) would have a deeper footprint comprising a ground-floor GIA of 309 sqm plus 52 sqm mezzanine (total 361 sqm GIA). Unit 11 attached to the east side would have a shallower but wider footprint comprising 239 sqm GIA at ground-floor plus 52 sqm mezzanine (total 291 sqm GIA). The building would have a dual pitched roof with a north-south ridge 8.9m high sloping down on the east and west side to an eaves height of 7.4m. Unit 10 would have twin loading doors (4.6m high) on the west side of the building each with 8m deep loading bays in front. This unit would have 9 car parking spaces wrapping round the south and west sides of the building. Unit 11 would have a single loading door (4.6m high) on the south side with an 8m deep loading bay in front and 6no car parking spaces on an open forecourt on the south side.

The proposed layout shows 9no visitor car parking spaces interspersed throughout the site of which all but one are shown to be active EV charging spaces. A total of 20 active EV charging spaces are shown throughout the scheme. Three separate bin and bike storage areas are shown to the west side of Unit 5, the north side of Unit 10 and the east side of Unit 11, plus a new brick-built substation (south-west of Unit 5 adjacent to the southern site boundary).

The proposed buildings would be clad in composite micro-rib horizontal wall cladding in Graphite (RAL 9023) with Metallic Silver (RAL 9006) feature panels, PPC aluminium windows, curtain walling and entrance doors in Anthracite Grey (RAL 7016) and Dahlia Yellow (RAL 1033) highlights.

The existing site access would be adapted and the access drive reconfigured to provide 2-way access and egress serving the proposed development including removal of the existing substation buildings and a new pedestrian footpath formed on the south side of the access road (adjoining the southern site boundary).

An acoustic fence is shown on the north side of the access road alongside the site boundary with Broadwater Apartments (roughly 80 metres in length) extending eastwards before wrapping round to extend a further 20 metres northward (to the rear of Unit 4).

The application is supported by a Planning Statement, Transport Statement, Travel Plan, Noise Impact Assessment, Arboricultural Report and Impact Assessment, Air Quality Assessment, Phase I & II Geo-Environmental Assessment, Surface Water Drainage Design Summary & Calculations (plus Supplementary Groundwater Level Monitoring, SUDS Drainage Maintenance Schedule, BREEAM Pre-Assessment Report and Statement of Community Involvement).

Relevant Planning History

AWDM/1008/19 Construction of 5 no. buildings providing 22no. light industrial units (Class B1c) with associated car parking and landscaping. Planning permission granted April 2020.

Broadwater Apartments (Former EDF Offices)

NOTICE/0001/19 Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 78no. flats consisting of 51no. one-bedroom, 25no. two-bedroom and 2no. studio flats (Use Class C3) with 75 car parking spaces. Prior Approval Required and Granted.

AWDM/0645/20 Application for non-material amendment to approved application NOTICE/0001/19 for change of room mix from 2no. to 4no. studios, 51no. to 44no. one-bedroom flats and 25no. to 30no. two-bedroom flats. Approved.

AWDM/0554/20 Proposed revision to car parking layout approved under NOTICE/0001/19 (from 75no spaces to 76no spaces) and provision of 2no refuse stores.) Permitted.

AWDM/1168/19 Approval of Details Reserved by Conditions 2 (cycle parking), 3 (measures to prevent use of rear car park), 4 (foul and surface water drainage) and 5 (acoustic insulation scheme) of Application number NOTICE/0001/19. Approved.

AWDM/0654/19 Replacement grey UPVC windows/doors to all elevations including new Juliet balconies (east and west elevations) and new facade treatments to all elevations. Permitted.

Consultations

West Sussex County Council:

The **Local Highway Authority** has raised no objection in principle, commenting:-

'The application site is a former EDF offices site located along the eastern side of Southdownview Road in Worthing. The former office building at the front of the site is currently being converted to residential use by the name of 'Broadwater Apartments'

following the granting of prior approval application NOTICE/0001/19. The former EDF car park now has an extant planning permission, under application no. AWDM/1008/19, to redevelop the site to construct 22 light industrial units (B1(C) land use class) with a total commercial floor area of 2,608.5sqm. The current proposal seeks to redevelop the former car park site to construct 11 flexible industrial units comprising light industrial use (Class E(g)) and storage and distribution (Class B8) with an increase in overall commercial floorspace to 3,303sqm.

Access and Visibility

The northern access of the site will be solely utilised by the proposed residential development and the southern access will provide access only to the proposed commercial development at the rear of the site. The current proposals would utilise the approved access arrangements through planning application AWDM/1008/19, which is considered appropriate to serve the increased commercial floor space on the site. The proposed access arrangement is shown on drawing 2020/5676/001, attached within the submitted Transport Statement. In accordance with Manual for Streets standards for a posted speed of 30mph speed limit, visibility splays of 2.4 x 43m are achievable along both sides of Southdownview Road. The Road Safety Audit carried out under planning application AWDM/1008/19 identified a problem with parked cars restricting the side road visibility for drivers emerging from the access.

The applicant responded to this by offering to extend the existing double yellow road markings through part of the visibility splays on the eastern side of Southdownview Road to ensure that the splays are maintained in perpetuity. The extent of the markings is shown on drawing 2020/5676/001. Swept path assessments shown on drawing 2020/5676/002 demonstrates that the proposed access arrangements would prove a suitable width for all cars and typical goods vehicles to pass simultaneously at the entrance. Drawing 2020/5676/003 demonstrates that, if required, an articulated vehicle could also turn within the site and exit in forward gear. Personal Injury Accident (PIA) Data An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there have been no incidents reported near to the site access. This indicates that the site access has been operating in a safe manner.

Trip Generation and Highway Impact

Using TRICS, the approved development traffic flows under permitted application AWDM/1008/19 estimated that a 2,608.5sqm floorspace of commercial units would generate around 49 two-way vehicle movements in the AM peak hour, 43 two-way vehicle movements in the PM peak hour and a total of 363 two-way vehicle movements amounting to an Annual Average Daily Traffic (AADT) level of 259 vehicle movements. Using the same trip rates, it was estimated that a 3,303sqm floorspace of commercial units would generate 62 two-way vehicle movements in the AM peak hour, 55 two-way vehicle movements in the PM peak hour and a total of 460 two-way vehicle movements amounting to an AADT level of 329 vehicle movements. WSCC had requested a further assessment of the total traffic impact of the changes of the site including the consented change of use of the main building from office (6,159sqm floor area) to 78 units residential dwelling granted through NOTICE/0001/19. The change of use from office to residential development resulted in 112-113 fewer vehicle movements during each of the peak hours. The proposed

development forecast to generate 62 and 55 two-way vehicle movements in the AM and PM peak hours respectively would therefore continue to offer a considerable net reduction in vehicle traffic when compared to the site's historic office use. Therefore, the LHA do not consider the proposed development trips would cause a severe impact on the local highway network.

Parking

A total of 82 vehicle parking spaces are provided for the proposed development. This is based on the WSCC Guidance on Parking at New Developments (September 2020) guidance for under Class E Commercial Business and Service – Business (office, research and development and light industrial process) which would require 1 space per 30sqm. Also, it has been considered that the application site is located within Zone 4 which is considered to be an accessible location. A parking accumulation exercise demonstrates that the proposed vehicle parking capacity of 82 spaces would be appropriate to cater for the operations of the site with suitable space capacity to accommodate any sporadic peaks in demand. In accordance with WSCC Standards, a total of 5 spaces would be designed and designated for disabled (blue badge) parking. A total of 20 EV charging points across the site, including a single EV charging point for each individual commercial unit and 7 additional EV spaces for visitors (including disabled bays). This would amount to 26% of all space. The revised Building Regs (Approved Document S which comes into effect from 15th June 2022 requires all the parking spaces to be provided with 'Active' charging points.

In accordance with WSCC's parking guidance, a total of 22 cycle parking spaces for staff are provided within secure and sheltered locations across the site. For visitors, a single short-stay cycle parking space would be provided at the front of each commercial unit. Delivery and Servicing The proposal would include the provision of a dedicated loading / unloading bay for each individual unit on the site. These bays would be 8 x 4 metres to accommodate all necessary vehicles. Refuse Storage and Collection Collection of waste and recycling would be organised by Worthing Borough Council through a private contractor, who would service all commercial units 1-2 times per week.

Sustainability

Through planning application AWDM/1008/19, it has been established that the site is in a sustainable location with proximity to town centre which provides convenient accessibility to shops, services and retail opportunities.

Conclusion

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

Conditions

Access: No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details approved by the LPA.

Reason: In the interests of road safety.

Vehicle Parking and Turning: No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle Parking: No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

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

EVC Parking Spaces: No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

Construction Management Plan: 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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.

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

The WSCC Fire & Rescue Service comments:-

I refer to your consultation in respect of the above planning application and would provide the following comments:

1. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented Reason: In the interests of amenity and in accordance with policy AG3 of the Adur Local Plan 1996 or policy P29 and P30 of the Adur Local Plan 2014 and in accordance with The Fire & Rescue Service Act 2004.

WSCC Lead Local Flood Authority (LLFA) comments:-

Flood Risk Summary

Current surface water flood risk based on 30 year and 100 year events: Low Risk

Comment: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states that 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification: Moderate Risk

Comment: The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones: The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk

Ordinary Watercourses nearby? Yes

Comment: Current mapping shows an ordinary watercourse adjacent to the eastern boundary site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site? No

Comment: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Surface Water Drainage Design Summary and Calculations included with this application state that permeable paving and below ground attenuation, with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. This application should be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed, including the suitability of infiltration of the site.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved designs. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Southern Water

Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the “practical point of connection”, as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water runoff rates are to be discharged at proposed connection points. Alternatively, if this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

Southern Water request that should this application receive planning approval, the following condition is attached to the consent: *“Construction of the development shall not commence until details of the proposed means of surface water runoff disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.”*

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:-

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council’s technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.

A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Southern Water request that should this planning application receive planning approval, the following informative is attached to the consent: *“Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

Southern Water has reviewed this planning application and feel that it does not go far enough to consider potential impacts to groundwater. The site is located within the EA SPZ1 and SPZ2 for Southern Water’s East Worthing public water supply groundwater abstraction. Any construction or operational related contamination of the groundwater has the potential to impact our abstraction source within 50 days. The geo-environmental report states that local groundwater flow can be away from the groundwater abstraction. Southern Water would strongly contest this when the site is located within the EA SPZ1 and zone of influence of our East Worthing abstraction. If the groundwater flow understanding that the conceptual model is based upon is flawed, then this will require revision. Clarity is required between the superficial alluvium aquifer and the principal Chalk bedrock aquifer.

Piled foundations are currently proposed. The risks these features will have to the groundwater environment have not been assessed in the provided documentation. Cross contamination has also not been considered.

Southern Water notes that the groundwater quality suite included in the Phase 1 and 2 geoenvironmental report is not comprehensive for the site’s historical land-use and thus cannot be relied upon to inform upon actual drinking water risks. The Generic Quantitative Risk Assessment is therefore likely to be missing a number of determinants that could pose risks to drinking water quality. This should be updated given the proximity of the site to the Southern Water East Worthing abstraction source.

Southern Water notes that the current drainage strategy is to discharge surface water to a drain to the east of the site. Southern Water will require review of the drainage design.

At present based on the information provided we believe the development poses a high risk to our East Worthing groundwater abstraction as the impacts from site construction and operation have not been considered in full. We require hydrogeological assessment(s) to ensure that risks to groundwater are identified and appropriately mitigated. Southern Water would also like to review and approve the proposed piling risk assessment. At present Southern Water OBJECT to this application and seek further reassurances that our groundwater abstraction source will not be impacted by the proposed development.

Environment Agency: No comments received.

Sussex Police: No major concerns with these proposals, however, a series of additional detailed measures from a Secured By Design (SBD) perspective are recommended by the Designing Out Crime Officer to mitigate against any identified local crime trends and site specific requirements. This includes advice on security measures for commercial developments, considerations relating to installation of CCTV and intruder alarms, securing of cycles within the development and advice on bin stores.

It is advised that the applicant may wish to consider applying for Parkmark accreditation for the car parking areas within the development which is aimed at reducing both crime and the fear of crime in parking facilities.

With regards to landscaping and boundary treatments it is recommended that ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres to provide a window of observation through the area.

Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020.

Adur & Worthing Councils:

The **Environmental Health Officer** initially commented:

Contaminated Land

A Phase I & II Geo-Environmental Assessment (UK20.5034 Date Issued: 24 th August 2020) has been submitted with this application. The preliminary conceptual model does not specify the risk category of each linkage that has been identified. The ground gas sampling does not appear to have followed the frequency/period of monitoring guidance contained within Ciria C665. What is the generation potential of the site? Even if it is considered to be very low there should have been 4 readings over a period of 1 month with at least two of these at low and falling pressure. The report advises that shallow soils are unsuitable for use in the proposed marginal soft landscaped areas and it recommends the addition of 300mm clean cover. A high visible membrane should be laid at the base of this cover system.

Noise

A Noise Impact Assessment Report (Report Ref: P4547-R1-V2 Issue Date: 19th December 2021) has been submitted with this application. This report includes an assessment based on BS 4142:2014+A1:2019 and identifies the impact of noise from the access road and forklift truck activities would have the greatest impact on nearest noise sensitive dwellings, with the rating level exceeding the background noise level at all monitoring points.

However, it is noted that the nearest noise sensitive dwellings have incorporated acoustic glazing and MVHR on the external facades to mitigate against external noise and minimise the need to open windows for ventilation. With the acoustic glazing which has been installed within these dwellings, the predicted noise levels from the proposed use should not result in elevated internal noise levels.

The modelling of facade noise levels at Broadwater Apartments within Table 2 includes the mitigation provided by the acoustic barrier on the north side of the access road. However, this Noise Impact Assessment advises against the provision of this acoustic barrier but it does not include noise modelling without this mitigation in place. Please could an updated model be provided?

Noise mitigation has been provided at Broadwater Apartments, however it is noted that there are two properties to the south of the access road on Harrison Rd (named Glencoe and Glendean), what are the predicted noise levels affecting these properties?

Section 4 of the report provides an outline Noise Management Plan, I have the following comments concerning this:-

Section 4.3.19: It is generally recommended that appropriate assessment should be undertaken in accordance with BS4142:2014+A1+:2019 and that an acceptable rated noise level at the façade of the nearest noise sensitive receptor should not exceed +5 dB above the prevailing background sound level for the time the activity operation would typically active for. As the proposed use of this area will result in an increase in background noise levels we want to avoid any further noise creep. We would expect the rating level not to exceed the prevailing background sound level at the nearest noise sensitive facade

Air Quality

An Air Quality Assessment Report (ref. P4548-R1-V1 dated July 2021) has been submitted with this application. This assessment was undertaken in line with the Institute of Air Quality Management (IAQM) guidance. Section 5.3.15. details mitigation measures to be implemented as part of the proposals in order to minimise air quality impacts associated with road traffic emissions. Within the Emission Mitigation Statement, please could the applicant provide costings for each proposed mitigation option.

The EHO left the Council in Summer 2022 and the following further comments have been provided by a different Officer follows:-

My biggest concern is the traffic in and off the site, particularly heavy goods vehicles, because of the proximity of some of the residential units to the site access road. Approximately 2m from the edge of the road to the facade. Looking at the acoustic scheme for the residential units, it is evident what has been installed is not what was recommended in the acoustic report for Notice/0019/19.

Acoustic vents for the rooms are missing, which in turn will mean windows need to be opened for ventilation and as a result you will lose the noise protection. I am surprised the applicant's acoustician has not picked this up as he has done the reports for both developments. Given this omission, I would also like to see the evidence that the correct window specification has been installed, as the acoustician refers to this in his latest report for application AWDM/0056/22. This needs addressing as the acoustician is factoring this in for this latest application.

The acoustic report for this development AWDM/0056/22, refers to an existing acoustic fence to the east and part of the south sides of the apartments. This featherboard fence is pretty flimsy and contains gaps by the fence posts; you can see daylight between the panels and the post, so this fence will provide limited acoustic robustness. That said, I am satisfied that noise from activity within the proposed units and the immediate surroundings of these units can be adequately managed, it is the effect of traffic to and from the site along the access road that needs more work.

The proposal is to erect an acoustic fence in front of the ground floor units, but this is likely to be oppressive as it will reduce natural light and remove any view to these apartments. We should also note that the first floor overhangs this space so it will mean these apartments only get a small opening of natural daylight if an acoustic fence is erected here. Furthermore, any vehicle noise will go over the top of the acoustic fence and will reflect off the overhang and could possibly cause an echo chamber between the acoustic fence and the apartment facade. Finally, some of these apartments are already occupied, and consideration should be given to what the tenants may have to say if a 2m fence is erected outside their windows. The acoustic fence could make things!

I am of the view that the previous approved planning application for light industrial is likely to generate fewer traffic movements than warehousing and distribution and I would have expected to see more detail in this new application on expected increase in traffic flow numbers and the impact of this traffic on these apartments facing the access road. It would be preferable that any new permission does not increase traffic movements along the access road. Additionally, the suitability and effectiveness of the acoustic barrier in front of these apartments needs to be considered in more detail. Furthermore, I would recommend that a 10mph speed limit is put in place along this access road and that the road is maintained to prevent potholes that may cause vehicles to clank. Finally, I would ensure that the access road is gated to prevent access outside business hours.

Following amendment of the application to omit the Class B8 (Warehousing & Distribution) element the EHO has commented:-

“The conditions for the existing permission are OK to control noise from the light industrial development and I have no concerns here. My main concern is the acoustic fence along the access road as this will impact the residents’ outlook from their homes. I am not convinced this will be very effective as traffic noise will be reflected back down by the first floor overhang. We should recognise that the height of the noise source, the engine in 7.5 tonne lorry will be set over a meter from the ground so the barrier will only be 60 to 80 cm above the source. My own view is that a tightly controlled speed limit, 10 mph, along the road would be the most appropriate way to minimise vehicle noise. Controlled via a digital speed indicator sign.”

The **Engineer** has commented as follows:-

Flood risk: The application is within flood zone 1, the site is not shown as being at risk from surface water flooding.

Surface water drainage: The surface water drainage strategy submitted allows for restricted discharge at 4.9l/s to watercourse. This is acceptable in principle. The connections from the watercourse must be established to show that water will be able to efficiently drain from site without increasing flood risk, currently no inlet or outlet to the watercourse is visible. Improvements to the watercourse will be required. Winter groundwater monitoring and winter infiltration testing results will need to be supplied at discharge of conditions stage.

If you are minded to approve this application please ensure that the drainage documents and drawings supplied are NOT listed as approved. And please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere:-

“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 shall be brought into use until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

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

development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

And the accompanying informatives:-

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

And:-

"Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse."

The Tree and Landscape Officer comments:

I consider that the proposed landscaping and tree protection plans are acceptable. The loss of the large Willow trees will have an effect on the area, but is reasonable considering the species and the area will be compensated by the provision of more suitable new trees.

Representations

None at the time of writing.

Relevant Planning Policies and Guidance

Saved Worthing Local Plan (WBC 2003): Policies H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 3, 4, 12, 15, 16, 17, 19

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

West Sussex County Council 'Guidance on Parking at New Developments' (WSSCC 2020)

Submission Draft Worthing Local Plan (as Modified): SP1, SP2, SP3, DM5, DM10, DM11, DM15, DM16, DM17, DM20, DM22

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 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

Principle

The policy context consists of the NPPF and the local development plan which at the time of writing comprises the saved policies of the Worthing Local Plan (2003), and the Worthing Core Strategy (2011). The modified version of the new Worthing Local Plan currently carries substantial weight in the determination of planning applications having been found to be 'sound' by the Inspector following independent examination. It is due to be adopted at the Council meeting on 13 December 2022 at which point the new Local Plan will supersede the above-mentioned Core Strategy and saved Worthing Local Plan (2003) policies.

The extant planning permission (AWDM/1008/19) for the construction of 2,431 sqm of light industrial floorspace within 22no units (former User Class B1(c)) on the site is also a material consideration of substantial weight.

National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF that there is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the

policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 81 of the NPPF requires that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The approach set out in the adopted Core Strategy is one which seeks to ensure that the right amount and range of business premises and sites are delivered in sustainable locations to meet the needs of the local economy. CS Policy 3 seeks to ensure the right conditions are created for delivering sustainable economic growth by (amongst other things) promoting key employment areas for reinvestment, intensification and redevelopment to bring about upgraded and additional employment floor space area and making more efficient use of existing underused and accessible employment sites.

To ensure that an adequate supply of employment space is retained CS Policy 4 seeks to protect and retain existing employment generating sites and premises for employment use.

A similar approach is taken by Policy DM11 in the new modified Local Plan informed by evidence from Worthing Economic Research and Employment Land Review (2016 and update 2020) which found that employment space in Worthing is in high demand and under threat from other uses and supports the approach that existing employment land should be retained to ensure future economic growth.

The study found that demand for industrial space in Worthing remains strong with low levels of vacancy reflecting a limited supply of industrial space in the market, particularly modern, good quality space. Development of new industrial space has been limited in recent years with much of the Borough's existing stock relatively dated and in need of refurbishment. This, coupled with a shortage of availability means that existing firms within Worthing struggle to accommodate any expansion and relocation plans in the Borough, particularly those with medium to large spatial requirements. The limited availability of industrial supply locally has made it difficult to encourage new businesses to relocate in the Borough. The study found that demand for industrial space in Worthing comes from a mix of industrial sectors (particularly warehousing and small-scale logistics) with most premises requirements up to 10,000 sq ft (930 sqm), but also some demand for larger industrial units. Overall, the market is in need of new, modern stock that offers a good range of small to medium industrial and warehousing units.

The extant permission AWD/1008/19 provides 22no mostly smaller sized units between 97-104 sqm GIA, with only one slightly larger unit of 196 sqm. In contrast, the current application proposes a smaller number of slightly larger units with floor areas ranging between 259-361 sqm GIA (including mezzanines).

The development site is located within the designed East Worthing Industrial Estate and the proposed development to provide 3,303 sqm of light industrial floor space (Class E9(g)) can be supported in principle in accordance with Core Strategy policy

4 and policy DM9 of the modified Submission Draft Worthing Local Plan, as providing a more intensive redevelopment of the former EDF car park for much-needed employment use.

The key considerations are the effects of the proposed development on the residential occupiers of nearby Broadwater Apartments, visual amenity and highway safety considerations.

Layout, Character and Appearance

The proposed buildings are laid out to make the most efficient use of the available land based on a V-shaped internal road layout compared to the previously approved 'loop' (AWDM/1008/19). The 2 larger perimeter blocks (1-4 and 5-9) are linear in form and sited to face inward into the site with the larger pair of units (10-11) forming an 'island' roughly in the centre of the site.

The buildings, now designed to include optional mezzanines, are some 2m taller in height compared to the previously approved light industrial units. Nevertheless, all would be lower in overall height than Broadwater Apartments (the former EDF office building) fronting Southdownview Road, and in view of the 'backland' location of the development, they would have a relatively limited impact in public views from Southdownview Road or Dominion Way to the rear.

The scale, form, massing, design and external materials and finishes of the proposed buildings are appropriate to a commercial environment within the designated industrial estate and would have a cohesive, contemporary aesthetic.

The altered layout and size of the proposed units compared to the previous scheme will result in the loss of additional trees and vegetation alongside the northern and eastern site perimeters, as well as hedging along the southern boundary. None of the existing trees are subject to a Tree Preservation Order.

The submitted Arboricultural Impact Assessment identifies a total of 23 individual trees on the site, 9 tree groups and 2 hedges with the key arboriculture features comprising 6 willow trees (T.2, T.3, T.6, T.7, T.8 and T.9) growing adjacent to the northern site boundary, and 2 field maples (T.11 and T.19), a walnut (T.12) and red oak (T.14) growing within the soft landscaped alongside the north and eastern site boundaries.

Of these, nine individual trees, six groups, part of one other group and one hedge would need to be removed. Of the nine individual trees to be removed, 5no are identified as 'crack willow' and Category 'B' (i.e. Trees of moderate condition, with minor defects or sub-optimal form but still of modest arboricultural, landscape or conservation value with a minimum potential lifespan of 20 years). The others, comprising 1no Elder and 3no Alder trees are identified as Category 'C' or 'U' trees. (Category C - Unremarkable trees of poor condition or form with limited arboricultural, landscape or conservation value, Category U - Trees of such impaired condition they cannot realistically be retained as living trees in the context of the current land use for more than 10 years).

The main justification for tree and vegetation removal is to allow space for the construction of new building footprints, car parking and circulation spaces, but also to allow space for high quality replacement landscaping. With specific reference to the crack willows the submitted report identifies: *“As a species these trees have broad crowns and although they are already mature they do have further growth potential. As this species matures, it propagates through dropping limbs which then set seed. Therefore the proposed Units 10 and 11 as well as the proposed footpath and seating area are too close to these trees to allow a positive relationship within the proposals going forward.”*

Whilst a total of 5no existing trees were identified for removal as part of the previously approved scheme, the submitted report notes that AWDM/1008/19 was not supported by arboricultural reports and did not identify the safety issues of retaining the existing crack willow trees in proximity to buildings, parking and circulation spaces.

The submitted Arboricultural Report recommends planting of 5no heavy standard Elm trees ‘Ulmus x columella’ (developed to be completely resistant to Dutch Elm disease) within the soft landscaped area to the north of the site to mitigate the loss of the crack willow trees. The Council’s Tree and Landscape Officer has raised no objection to the current proposals on this basis, noting that the proposed replacements would be more suitable. The application is not accompanied by a detailed planting schedule. It is noted the submitted site plan, albeit indicative, only appears to show 4no heavy standard replacements although there would seem to be adequate space within the existing landscaping area adjoining the northern and eastern boundaries to accommodate additional suitable tree planting, as well as some other opportunities for smaller tree and hedge planting on ‘leftover’ spaces within the site and along its edges, as well as either side of the access road. It is important that the 9no individual trees to be removed are replaced on a 1-to-1 basis, and this can be secured as part of a specifically worded planning condition.

Neighbour amenity

The most affected neighbours are the occupiers of the 78 residential flats within Broadwater Apartments (a residential conversion of the former EDF office buildings). The building consists of 2 main components comprising a larger 3-storey element on the north side and smaller 2-storey building to the south joined by a narrow 2-storey link. The change of use from offices to residential was carried out under the provisions for permitted development set out within the Town & Country Planning (General Permitted Development) Order via an application for Prior Approval initially granted under NOTICE/0001/19 with associated external alterations to the building granted planning permission under AWDM/0654/19.

The application is supported by a noise impact assessment which is based on site-specific background data that was also submitted to support the previous approved scheme AWDM/1008/19. The assessment has been undertaken with reference to BS4142:2014 which provides methods for assessing noise of an industrial/commercial nature. The report identifies the main sources of noise

emissions to be from commercial vehicles entering and leaving, and moving around the site, and Forklift trucks loading and unloading goods.

The report identifies the closest noise sensitive receptors (NSR) as Broadwater Apartments. It notes that the conditions of the Prior Approval granted under NOTICE/0001/19 required implementation of an acoustic insulation scheme in order to provide a satisfactory internal living environment for the future occupiers due to potential noise breakout from the commercial and industrial uses located to the north, east and south of the site. The approved scheme (AWDM/1168/19) included the fitting of acoustic glazing to all units and MVHR (mechanical ventilation with heat recovery) to all the external facing units in order to provide occupants with acceptable internal noise levels with windows closed and also appropriate ventilation.

The report refers to a reduction in the number of industrial units compared to the extant scheme, but not the increased amount of overall total floor space nor inclusion of Class B8 (storage & distribution) uses as initially proposed.

It references the existence of a 3m high close-boarded fence along the eastern, and part of the southern site boundary of Broadwater Apartment, although in fact the fence in situ is of a far more flimsy construction and not as described.

The report explains that the design, layout and orientation of the proposed buildings on the site would have a significant screening effect that would adequately protect the residents of Broadwater Apartments from noise associated with vehicle movements (including forklift truck and offloading activities) within the site.

The report identifies the key issue as the proximity of the access road to the southern facade of Broadwater Apartments with elevated noise levels likely to be existent at this location on a sporadic basis. There are windows in this elevation at ground and first-floor level serving habitable rooms, with some residential units having a sole south-facing aspect toward the access road. However, the report goes on to conclude that with the acoustic attenuation measures implemented at Broadwater Apartment and with delivery vehicle movements managed through the implementation of an overarching noise management plan, that there would be no adverse noise impacts for these residents with the worst-affected apartment on the southern facade likely to be exposed to a worst case scenario break-in level of 23 dB(A). Details of a noise management plan outlined in the submitted report include controls over hours of operation with no working, trade or business (including the arrival, reception or despatch of deliveries) except between the hours of 0700 and 1900 Monday to Friday and between 0800 and 1400 hours on Saturdays; implementation of an acoustic barrier to the north boundary of the development site; and a restriction on vehicles entering the site to no greater than 7.5 tonnes.

The extant scheme AWDM/1008/19 includes the provision of an acoustic barrier up to 2m in height along the north side of the proposed access road running adjacent to the southern facade of Broadwater Apartments and this is also required as a condition of that permission. The current scheme also shows the provision of an acoustic fence in this location notwithstanding that the submitted noise report suggests that the resulting detriment to light and aesthetics, especially for the

residents of the ground-floor apartments, would likely outweigh the acoustic attenuation benefit of this feature.

In visiting the site the Council's EHO has identified that the acoustic attenuation measures required as a condition of NOTICE/0001/19 in relation to Broadwater Apartments appear not to have been implemented as approved by AWDM/1168/19 and hence the assumptions to this effect contained within the submitted report are likely to be flawed. This is a potential breach of planning control that will require further investigation.

That aside, the EHO is largely satisfied that noise from activity within the proposed industrial units and the immediate surroundings of the proposed units *can* be managed and would not give rise to unacceptable noise and disturbance for the occupiers of Broadwater Apartments.

The EHO's key concern relates to traffic movements, particularly heavy goods vehicles, along the access road sited only 2m from the southern facade of Broadwater Apartments, stating: *"I am of the view that the previous approved planning application for light industrial is likely to generate fewer traffic movements than warehousing and distribution and I would have expected to see more detail in this new application on expected increase in traffic flow numbers and the impact of this traffic on these apartments facing the access road."*

Officers have also questioned the suitability of some of the proposed noise control measures outlined in the submitted noise report for Class B8 (storage and distribution) uses; not least the suggested restriction on vehicle sizes up to 7.5 tonnes, and proposed day-time only business hours. The risk is that subsequent pressures to weaken or dilute these controls in order to meet the normal business requirements of prospective warehouse operators would further impact on the amenities of the occupiers of Broadwater Apartments. Furthermore, the practicalities of enforcing a weight limit on vehicles visiting the site makes such a condition unenforceable.

Following discussions the flexibility to include Class B8 (storage and distribution) uses has been omitted from the current scheme, with the proposed use now limited to Class E(g) light industrial use only.

The EHO has also questioned the effectiveness of the proposed acoustic fence included as part of the proposals, noting that the original design of the southern part of the former EDF offices involves the first-floor overhanging the recessed ground-floor (with a series of distinctive external 'ribs' along the southern edge of the facade). The EHO has identified a risk that in the absence of modelling an acoustic fence could actually worsen noise impacts of the occupiers of the ground-floor flats on the south side of Broadwater Apartments by reflecting off the underside of the first-floor overhang. The EHO considers that a restriction on traffic speeds on the access road up to 10 mph would be more effective in controlling vehicle and traffic noise. The effectiveness of such a measure is also questioned from an enforcement point of view since the access road would not be adopted, but the Noise Management Plan could include a requirement for a digital speed indicator sign on the access road which would act in an advisory measure to drivers.

Given the concerns about the likely effectiveness of an acoustic fence together with its impact on the receipt of light to, and outlook from, the ground-floor windows to flats on the south side of Broadwater Apartments on balance it is considered it should be omitted from the current proposals (at least where it would run parallel to the southern facade of Broadwater Apartments). On the other hand, there would be some merit in providing a lower fence with hedging on the north side of the access road which would at least provide a more attractive 'softer' boundary for residents facing onto it, as well as some visual separation from traffic on the access road.

A Noise Management Plan amended on this basis which identifies the main sources of noise and measures controlling them could be secured as a condition of planning permission (as for AWDM/1008/19).

Accessibility and parking

The site is within a sustainable location within the built-up area to the east of the town. The nearest bus stops are on Dominion Road some 400 metres distant being a 5 minute walk - Compass Route 16 serving South Lancing,/Worthing/Tarring and Connect 7 serving Lancing/Worthing/High Salvington). The rail station at East Worthing is within a walkable distance some 850 metres to the south.

The proposed development will utilise the existing site entrance on Southdownview Road to be adapted for 2-way traffic as approved by AWDM/1008/19, and with the access road altered to provide a 6 metre wide carriageway allowing two-way vehicle movements along its length.

The current application is supported by a Transport Statement (TS) prepared to summarise the key transport impacts arising from the proposed increase in floorspace compared AWDM/1008/19 (but not the broadened range of uses to include Class B8 as initially proposed).

Indeed, paragraph 3.1.3 of the TS notes that due to the modest size of the units and the nature of the 'light' commercial activities proposed, there would be little requirement for larger articulated vehicles to enter or exit the site. Nevertheless, drawings demonstrate that if required an articulated vehicle could turn within the internal space and leave in a forward gear.

The proposed access arrangement would include a 1.8m wide footway along the southern side of the access road extending from Southdownview Road to the proposed commercial units and would be fully segregated from vehicle traffic.

The proposed site access layout would provide visibility splays of 2.4m x 43m in accordance with the 30 mph speed limit along Southdownview Road and in accordance with the Local Highway Authority's previous requirements under AWDM/1008/19. The proposed arrangement also includes an extension to existing double yellow line road markings on the eastern side of Southdownview Road to address a problem with parked cars affecting sightlines identified through the previous Road Safety Audit.

In terms of additional traffic movements and capacity on the local highway network, the Transport Statement submitted with the application states that the proposed development will result in a maximum of 62 two-way vehicle movements during AM peak hour and 55 two-way vehicle movements during the PM peak hours. This would amount to an increase of 13 and 12 additional two-way vehicle movements during the AM and PM peak compared to the extant scheme AWDM/10008/19, amounting to an additional vehicle movement every 4-5 minutes.

Overall the proposal would generate around 460 two-way vehicle movements on a daily basis, amounting to an Average Annual Daily Traffic (AADT) of 329 vehicle movements. The proposed development would generate a total of 14 daily OGV (Ordinary Goods Vehicle) movements (a mixture of light goods and heavy goods) to 10 vehicle movements AADT. This is equivalent to an increase of 3 vehicle OGV movements (two-way) per day compared to the extant scheme.

In assessing the earlier development scheme AWDM/1008/19 the local Highway Authority requested that the trip generation for the residential conversion of the former EDF offices (now Broadwater Apartments) be combined with the trip generation for the commercial development to provide a full overview of the anticipated trip rate generation compared to the former use of the site. The submitted TS demonstrates that compared to the historic office use of the wider site, the combined residential and current proposed commercial development will continue to offer a net reduction in vehicle traffic equivalent to 50 and 58 fewer movements during the AM and PM peak hours respectively.

The proposed development, together with Broadwater Apartments, would generate a total AADT flow of 588 vehicle movements amounting to a reduction in AADT by 94 vehicle movements compared to the former office use and resulting in a 'betterment' to the local highway network. The local Highway Authority has not challenged this conclusion.

The submitted layout shows provision for 82no. car parking spaces on the site including 11 spaces for larger vehicles (1 per unit) in front of the loading doors.

The WSCC Guidance on Parking at New Developments requires 1 car parking space per 30sqm which would equate to 110 spaces (albeit it expressed as maximum guidance). A reduction from the maximum is justified on the basis that the site is within WSCC accessibility Zone 4 - an accessible area where it would be appropriate to encourage travel by non-car modes. The application is supported by a Travel Plan which includes a number of measures and incentives for users of the site (principally staff) to encourage non-car use, including up-to-date travel/timetable information; introduction of flexible working policies and practices to allow travel outside peak times, discounts sought for bus and rail travel by staff; discount purchase scheme for bikes and cycle equipment and the setting up of a car share database with incentives/rewards for staff that car share.

A total of 22 cycle parking spaces are proposed in accordance with the WSCC guidance at a ratio of 1 space per 150 sqm floor space.

The proposed layout includes a total of 20 EV charging points across the site, including a single EV charging point for each individual commercial unit and 7 additional EV spaces for visitors (including disabled bays). However, it should be noted that the revised Building Regulations Approved Document which came into effect in June 2022 requires all the parking spaces to be provided with 'Active' charging points.

That aside, the local Highway Authority has raised no objection subject to the recommended conditions. Having regard to the provisions set out in paragraph 110-113 of the National Planning Policy Framework it is considered there are no justifiable highway grounds to resist the proposals.

Sustainability

The application is accompanied by a pre-assessment report to assess the potential BREEAM score and rating for the proposed development which identifies the development could potentially achieve a maximum BREEAM 'Very Good' rating of 65.05%. This would accord with Policy DM16(f) which requires non-residential development of at least 1,000 sqm to achieve BREEAM 'Very Good' as the minimum rating based on the latest BREEAM scheme.

With regards to the promotion of renewable and low carbon energy development, the applicant is willing to accept a condition requiring at least 10% of predicted total energy requirements to be met from renewable and low carbon energy production in accordance with policy DM17 of the modified SDWLP. This could be in the form of solar PV roof panels and/or air source heat pumps.

Impact on Groundwater Abstraction

Southern Water raised no objection to the extant planning permission but has raised concerns in connection with this current application on the basis of potential impact on groundwater abstraction. The objection, particularly in light of the existing planning permission, is disappointing. Nevertheless, the applicant has been requested to try and address the matter and Members will be updated at the meeting.

Other issues

An Air Quality Assessment has been carried out to provide consideration of air quality impacts associated with the current proposal and to identify mitigation measures to reduce the effects to an acceptable level. Undertaken in accordance with IAQM methodology a damage cost calculation determines that the development should include mitigation measures equal to £15,109.

The report indicates a number of proposed measures to minimise air quality impacts associated with road traffic emissions including the provision of 21 EV charging points and associated infrastructure at a value £127,500.

Part S of the Building Regulations (for non-residential buildings with more than 10 parking spaces) would now require provision of a minimum 11 active EV charging spaces. The cost of installing the 10 additional EV charging spaces (beyond those

required under the Building Regulations) would exceed the calculated damage costs of £15,109 and can be secured by condition.

Conclusion

The proposed development is within a sustainable location and would provide a maximum 3,303 sqm floor area of much-needed light industrial floor space within the designated East Worthing Industrial Area and Broadwater Business Park. As before, it is recognised that the site access and its physical proximity to Broadwater Apartments does not allow for an ideal interface between commercial and residential uses. However, it is considered that as amended and subject to the recommended measures to control noise to be secured by conditions, the potential impacts on residential amenity would not be materially worse than for the extant scheme AWDM/1008/19 as to justify refusal.

Recommendation

Delegate to the Head of Planning Services to **APPROVE** subject to the concerns raised by Southern Water in relation to groundwater being satisfactorily addressed, and subject to the following conditions:-

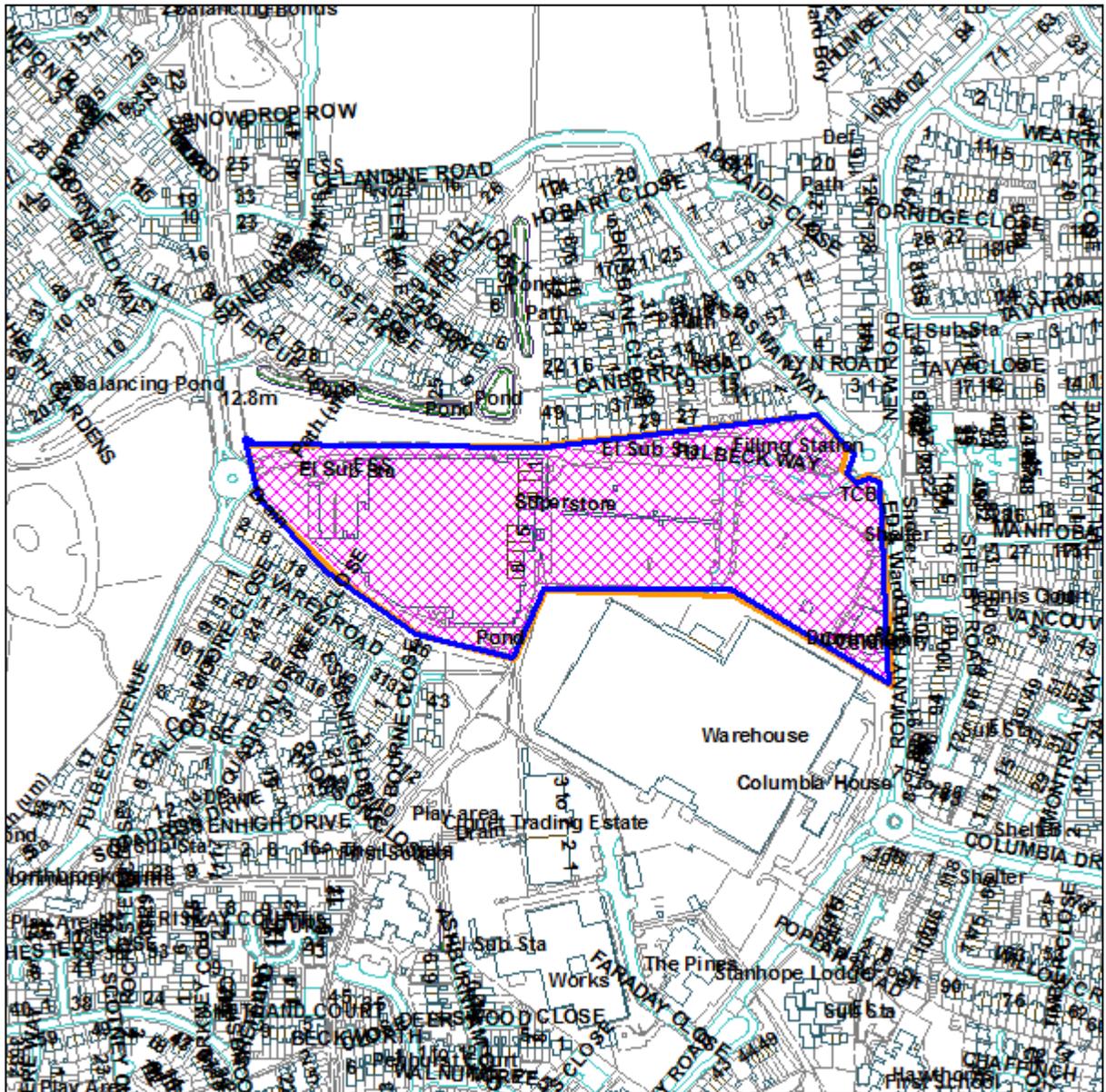
1. Standard time limit
2. Approved plans
3. Unless otherwise agreed in writing by the LPA the materials and finishes of external walls and roofs (including windows and doors) of buildings shall consist of those annotated on the approved plans
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order the use of the buildings shall be limited to light industrial use (Class E(g)) of the Town and Country Planning Use Classes Order
5. Agree tree protection plan and measures
6. Agree hard and soft landscaping scheme to include not less than 9no replacement (heavy standard) trees
7. No external lighting or floodlighting other than agreed in writing by LPA
8. No external working or storage outside of buildings
9. Details of finished floor/site levels to be approved
10. Remove permitted development rights for extensions and external alterations
11. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details approved by the LPA.
12. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
13. 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 LPA

14. 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
 - 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.
15. Agree and Implement the Travel Plan
16. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
17. No development shall be occupied until a footway from the site entrance on Southdownview Road to the eastern end of the access road has been provided in accordance with details of its alignment, design and construction which have been submitted to and approved in writing by the LPA.
18. No development shall be occupied unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan should specifically include measures to restrict the size of delivery vehicles to 7.5 tonnes, restrict Forklift trucks used on the site to a low noise electric type, require reversing alarms on Forklift trucks to be a white / pink noise signal and a digital speed indicator sign on the access road. Thereafter the Noise Management Plan shall be adhered to at all times the light industrial units hereby permitted are in use.
19. No external fixed plant necessary for the implementation of the development hereby permitted shall be installed, fitted to any building or constructed on the site unless a noise attenuation scheme for the external fixed plant has been submitted to and approved in writing by the LPA. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance. Thereafter no external fixed plant shall be installed, fitted to any building or constructed on the site other than in an application on that behalf.

20. No working, trade or business (including arrival, reception or despatch of deliveries) shall take on the premises except between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.
21. Full investigation/remediation of potential contamination
22. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.
23. 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 in consultation with Southern Water. 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 as well as acceptable discharge points, rates and volumes, 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 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.
24. 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.
25. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
26. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
27. Agree and implement not less than 21 active EV charging spaces and associated infrastructure.
28. Agree and implement boundary treatments to include details of fencing and hedging along the northern side of the access road adjoining the site boundary with Broadwater Apartments.

29. Agree and implement sustainability and energy efficiency measures to achieve a BREEAM rating no lower than 'Very Good'.
30. Not less than 10% of predicted total energy requirements of the development to be met from renewable and low carbon energy production in accordance with details to be submitted and approved in writing by the LPA

Application Number:	AWDM/1433/22	Recommendation - APPROVE
Site:	Tesco Supermarket Former West Durrington Shopping Centre, New Road, Worthing	
Proposal:	<p>Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 11pm and 6am on a permanent basis. Application for variation of conditions 3, 4 and 7 of planning permission ref. AWDM/1568/17 to allow an additional night time delivery and extended operational hours for the home shopping facility at their store at West Durrington (both associated with the installation of an Urban Fulfilment Centre at the store).</p> <p>Variation of condition 3 to read: Notwithstanding the wording of condition 2, two deliveries shall be allowed between the hours of 23:00 hours and 06:00 hours Monday to Sunday.</p> <p>Variation of condition 4 to read: Loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 05:45 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 05:00 hours and 23:00 hours on any day.</p> <p>Variation of Condition 7 to read: The premises shall not be open to the public for trade of business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.</p>	
Applicant:	Mr Ben Train	Ward:Northbrook
Agent:	Mr Roderick MacLeod	
Case Officer:	Jackie Fox	



Not to Scale

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Site & Surroundings

The supermarket store forms part of the redeveloped Durrington District Neighbourhood Core & Non-Core Shopping Centre which was approved under these planning permissions.

The application site is surrounded by residential development which lies in the roads of Varey Road and Rees Close to the south of the site, Canberra Road to the north-east of the site and the newly built properties which form part of the major residential development at West Durrington to the north.

The service yard and 'Dotcom' facility serving the store is located directly to the westerly rear aspect of the store and is enclosed by 4 metre high acoustic fencing to the north and west. The acoustic barrier and tree/shrub planting to the western

boundary of the site adjacent to Varey Road was secured under condition 16 of the outline permission. There are two main lorry loading bays on the westerly end of the building which enable goods to be delivered directly from the lorry into the main warehouse.

The entry gates are located to the north of the service yard area and delivery vehicles are required by condition 12 of the reserved matters application to arrive and depart the site via Fulbeck Avenue to the west.

The Proposal

The current application seeks planning permission for the variation Condition 9 of outline planning approval WB/05/0245/OUT and Condition 5 of approval of reserved matters application WB/09/0146/ARM as well as conditions 3,4 and 7 of AWDM/1568/17 to allow for one additional delivery to the Tesco store between the hours of 23:00 hours and 06:00 hours on a permanent basis and an extension to hours of the operation of the DOTCOM deliveries.

Condition 9 of the Outline application specifies:

“No loading, unloading, deliveries or collections shall take place other than between the hours of 06:00 hours and 23:00 hours on any day.”

Condition 5 of the Approval of Reserved Matters permission specifies:

“At no time shall delivery vehicles arrive at the site before 06:00 hours and no delivery vehicles shall wait within the internal access road or parking areas before this time.”

Condition 3 of AWDM/1568/17 specifies

Notwithstanding the wording of condition 2, one delivery shall be allowed between the hours of 23:00 and 06:00 hours Monday to Sunday

Condition 4 of AWDM/1568/17 specifies

No loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 08:00 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 07:00 hours and 23:00 hours on any day.

Condition 7 of AWDM/1568/17 specifies

The premises shall not be open for trade of business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.

The current opening hours of the store are also restricted to 06:00 hours to 00:00 hours Monday to Saturday and 10:00 hours to 18:00 hours on Sunday under condition 13 of the outline approval.

This current application proposes

- Increasing the number of deliveries to the site between 23:00 hours to 6:00 hours from 1 delivery vehicle to 2 delivery vehicles
- Increasing the hours for loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries from 08:00 hours and 23:00 hours to the hours of 05:45 hours and 23:00
- Increasing the cooling process in relation to the Dotcom vehicles from 07:00 hours and 23:00 hours on any day to 05:00 hours and 23:00 hours on any day.
- The application also includes a minor change to condition 7 to clarify that the premises shall not be open to the public for trade or business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.

Applicant's Supporting Statements

These amendments to the operation of store and home deliveries are required to allow the installation of an Urban Fulfilment Centre (UFC) within the store. This involves the internal conversion of a proportion of the retail sales area within the store into an automated picking and packing area for home delivery (dot com) orders. These internal works do not require planning permission. The UFC proposals are part of a roll out of these facilities across the UK in response to the increased demand for home deliveries experienced during the coronavirus pandemic, and which have resulted in material changes to customer shopping patterns. The new facility at West Durrington will allow Tesco to significantly increase the capacity to undertake home deliveries from the store, meaning that customers will more easily be able to find a delivery slot to suit their requirements. It will also enhance the Click and Collect capabilities at the site

Tesco require the vehicles to be cooled for a 45 minute period prior to loading and departure of the vehicles in the morning. This cooling process needs to start at 05:00, with loading starting at 05:45.

In order to facilitate the operation of the proposed Urban Fulfilment Centre, Tesco also require to bring an additional delivery vehicle to the store between the hours of 0600-2300. The existing single night time delivery typically arrives around 0100 hours, the proposed second delivery would be made around 0300 hours.

PLANNING HISTORY

There is a long planning history associated with the Tesco Store at West Durrington. Of most relevance to the current proposals, outline planning permission (ref. WB/05/0245/OUT) for the construction of the store was granted in May 2008. Condition 9 of this consent prohibited deliveries to the store between the hours of 23:00 and 06:00. Reserved matters (ref. 09/0146/ARM) for the store development was then approved in September 2009. Condition 5 of this permission repeated the

restriction on the arrival of deliveries to the site before 06:00 hours. Condition 4 of this approval also introduced controls on the operation of the dotcom deliveries to between 08:00 hours and 23:00 hours on any day, with cooling undertaken between the hours of 07:00 hours and 23:00 hours on any day.

A subsequent Section 73 application (ref. AWDM/1242/16) to vary Condition 9 of the outline permission and condition 5 of reserved matters approval, was then granted in October 2016. This allowed one additional delivery to the Tesco store between the hours of 23:00 and 06:00 for a temporary 12 month period. This was subsequently made permanent as a result of approval of application ref. AWDM/1568/17 in February 2018. Conditions 3 and 4 of this permission therefore exert control over deliveries to the store and the operation of the home delivery service from the store.

PLANNING POLICY ASSESSMENT

The National Planning Policy Framework (NPPF) was updated in July 2021. It sets out the Government's planning policies and how these are expected to be applied. With regard to retail development, paragraph 86 of the NPPF sets out that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation." Paragraph 185 of the NPPF is also relevant to these proposals as it covers policy in respect of noise, particularly that development should: "Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."

At a local level, the Worthing Core Strategy (2011) together with saved policies from the Worthing Local Plan (2003) set out the policy context at the local level for the determination of this planning application. Paragraph 5.13 of the Core Strategy summarises that the overarching spatial strategy principles are "To achieve a high level of sustainability in the borough, maintain, protect and (where appropriate) enhance open spaces, protect heritage and conservation areas and ensure all communities have access to appropriate housing, employment opportunities, services and facilities".

The Tesco store at West Durrington lies within the West Durrington District Retail Centre. Policy 6 of the Core Strategy requires development to meet the needs of the area served by the Centre and to be of a scale appropriate to the Centre so as to avoid adversely impacting on the vitality or viability of other nearby retail centres. The policy also seeks to encourage the hierarchy of town, district and local retail centres by encouraging convenient and accessible district and local shopping facilities to meet day to day needs of residents and contribute to social inclusion.

We contend that the proposed installation of the Urban Fulfilment Centre at the Tesco store at West Durrington will meet both the spatial strategy and policy principle by improving local access to retail facilities for local residents. In particular, the proposals will improve the ability of those with mobility difficulties to access local shopping facilities, and will therefore contribute to social inclusion.

Retained policy H18 of the Worthing Local Plan is also relevant to the proposals as it has regard to the protection of residential amenity. It sets out that “Development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents will not be permitted”.

In order to demonstrate compliance with the prevailing policy context, Tesco have commissioned an Environmental Noise Assessment (which accompanies this application) to assess the impact of the proposals on residential amenity. This demonstrates that, in the context of nationally recognised standards and planning guidance, predicted noise levels from delivery and home shopping activity during the proposed extended hours periods would not give rise to significant adverse impact. The proposals are therefore considered to comply with and hence would comply with the requirements of both the NPPF and retained Policy H18 of the Worthing Local Plan

Concluding Remarks

Tesco Stores Ltd seek permission for the variation of conditions 3 and 4 of planning permission ref. AWDM/1568/17 to allow an additional night time delivery and extended operational hours for the home shopping facility at their store at West Durrington. This will allow the installation of a new Urban Fulfilment Centre at the store which will meet increased demand for home deliveries locally.

I trust that the application is satisfactory, and look forward to receiving confirmation from you when it has been registered. Please do not hesitate to get in touch should you require any further information

Relevant Planning History

WB/05/0245/OUT – Outline Application approved in 2008 for the redevelopment of the existing district centre to provide a new district centre incorporating a Tesco superstore, shopper cafe, unit shops, community centre and associated car parking and access arrangements.

WB/05/1097/FULL – Planning permission refused in 2005 for the erection of a temporary single storey 'Dot-Com' home shopping facility to rear of existing store.

WB/09/0331/FULL – Planning permission approved in 2009 for change of use of single car parking space to house steel cabin for the storage of supplies in connection with hand car valeting operation.

WB/09/0146/ARM - Application for Approval of Reserved Matters following Outline Approval WB/05/0245/OUT approved in 2009 for the redevelopment of the existing district centre to provide a new district centre incorporating a Tesco superstore, shopper cafe, unit shops, community centre and associated car parking and access arrangements (including diversion of public footpath)

WB/09/0146/ARM/NMA1 - Application for non-material amendments following a grant of planning permission WB/09/0146/ARM approved in 2010 for redevelopment of the district centre to provide a new district centre incorporating a Tesco

Superstore. Amendments include; change to position of doors (generally), changes to door styles (generally), updated main entrance glazing (centre of east elevation), plant screen return indicated (left side of east elevation), roofline alteration to stair pod (south and west elevation), amended cladding colour (right side of south elevation), horizontal cladding changed to vertical spanning at change in roof level (left side of west elevation), curtain walling height reduced over mall MOE doors (left side of north elevation) and panel of curtain walling removed/re-arranged doors (left side of north elevation).

WB/09/0146/ARM/NMA2 - Application for non-material amendments following grant of planning permission WB/09/0146/ARM approved in 2010 for redevelopment of the district centre to provide a new district centre incorporating a Tesco Superstore. Amendments include; change of appearance of cycle shelter and covered trolley bays.

WB/09/1022/FULL – Planning permission approved in 2010 for erection of canopy to cover part of pedestrian walkway in car park of new district centre.

WB/09/0925/FULL - Retrospective application approved in 2009 for the erection of 3 metre high close boarded timber fence on land within Tesco site and rear of 43-49 Canberra Road and along western side of the garden of 49 Canberra Road.

WB/10/0074/FULL – Planning permission approved in 2010 for the provision of a new Community Centre and associated site works involving demolition of the existing Centre and relocation to the east of the new Tesco Store Development car park.

AWDM/0569/12 – Planning permission approved in 2012 for 12 non-illuminated fascia signs in connection with proposed car wash (AWDM/0570/12).

AWDM/0570/12 – Planning permission approved in 2012 for the change of use of nine parking spaces to a hand car wash and valeting operation including the erection of a canopy and installation of an office.

AWDM/0605/14 – Planning permission was sought in 2014 to vary condition 13 of WB/05/0245/OUT (Construction of new Tesco store) to vary the hours of opening to be 24 hours. This application is currently undetermined after being held in abeyance pending agreement to new conditions and Applicant liaison with local residents.

AWDM/1242/16- Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 2300 and 0600. The condition was varied but only for a temporary period of 12 months until 7th November 2017.

AWDM/1568/17 Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 11pm and 6am on a permanent basis.

Consultations

WSCC Highways

The LHA originally requested further information to understand the additional vehicle changes. Following the submission of further information that the LHA raised no objections

Adur and Worthing Councils:

The Council's Environmental Health Officer has no objections to the variation of the planning conditions

Representations

10 Varey Road -

My property backs on to the delivery area of Tesco and the noise levels are high. If the lorries start reversing and unloading I have to close all of the windows at the back of the house (not ideal in the summer months). Plus the noise of the staff shouting to one another, playing music and pressing the horns of the delivery vehicles. If there were to be more deliveries particularly early in the morning this would inevitably interrupt our sleep. I absolutely object to the extra delivery

18 Primrose Place -

It will disturb my sleep as I live directly opposite this entrance and during the day it's noisy enough.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): H18, TR9, RES7
Worthing Core Strategy (WBC 2011): Policy 1,6
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance

Submission Draft Worthing Local Plan (as modified)

DM5 - Quality of the Built Environment
DM10 - ECONOMIC GROWTH AND SKILLS
DM11- Protecting and enhancing employment sites
DM13 - RETAIL AND TOWN CENTRE USES
DM15 - SUSTAINABLE TRANSPORT & ACTIVE TRAVEL
DM22 - POLLUTION

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations. s73 of the 1990 Act allows for the variation of permissions.

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

Principle

The supermarket store lies within the West Durrington District Retail Centre. Policy 6 of the Core Strategy requires development to meet the needs of the area served by the Centre and to be of a scale appropriate to the Centre so as to avoid adversely impacting on the vitality or viability of other nearby retail centres. The policy also seeks to encourage the hierarchy of town, district and local retail centres by encouraging convenient and accessible district and local shopping facilities to meet day to day needs of residents and contribute to social inclusion.

Policy DM 13 states that within District Centres and Local Centres the policy approach seeks to encourage convenient and accessible local shopping facilities that are of a scale appropriate to the role and function of the centre to meet day to day needs of residents, and contribute to social inclusion.

The principle of the replacement supermarket store was established under outline consent WB/05/0245/OUT and approval of reserved matters consent WB/09/0146/ARM in which the hours of deliveries were restricted by condition 9 of the outline approval between 06:00 hours and 23:00 hours and delivery vehicles were restricted under condition 5 of the reserved matters approval to not arrive at the site before 06:00 hours or wait within the internal access roads or parking areas before this time. The hours were extended and an additional vehicle delivery allowed on a permanent basis under AWDM/1568/17.

The supermarket chain now seeks planning permission to vary these conditions further to allow for one further additional delivery during the night between 23:00 hours and 06:00 hours and increase the hours associated with the DOTCOM activity.

The principle of extending the delivery times and additional delivery vehicle of this supermarket in this sustainable District Centre location is supportable subject to the proposal not significantly harming adjoining residents living conditions or having a harmful impact on the local highway network.

Impact to residential amenity

There are two aspects to this application, the additional night time delivery and increase in DOTCOM activity.

In terms of the additional delivery, Tesco has carried out one additional delivery during the hours of 23:00 hours and 6:00 hours since approx 2016 without known complaints.

Due to changing operational requirements Tesco are now seeking to secure a second night time delivery. The existing single night time delivery typically arrives around 0100 hours, the proposed second delivery would be made around 0300 hours. In overall noise level terms, the proposed second delivery would be no noisier than the single permitted delivery.

An acoustic report has been submitted with the application which updates the assessment report submitted with the previous applications. A baseline noise survey was undertaken between Monday 4th July and Tuesday 5th July 2022. Two measurement locations were used; location A was selected to be representative of the closest properties to the south of the store in Varey Road and Rees Close, whilst location B was selected to be representative of the noise climate at the properties in Primrose Place to the north.

The intent of the planning system is to ensure that a development does not result in “significant adverse impacts on health and quality of life.” BS 4142:2014 considers that the threshold of significant adverse impact is “a difference around +10 dB or more ... depending upon the context”. The NPPF and NPPG state that where a noise level which falls between a level which represents the lowest observable adverse effect and a level which represents a significant observed adverse effect, then according to the explanatory notes in the statement “...all reasonable steps should be taken to mitigate and minimise adverse effects in health and quality of life while together taking into account the guiding principles of sustainable development. This does not mean that adverse effects cannot occur but that effort should be focused on minimising such effect

BS 4142:2014+A1:2019 introduces the concept of ‘context’ to the process of identifying noise impact. Section 11 of BS 4142:2014 explains “The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs (our emphasis). An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur.

The delivery activity noise surveys all indicate peak noise levels, generally, well below the World Health Organisation (WHO) night time peak noise guideline value of 60 dB LAmax (above which the onset of sleep disturbance may occur). The survey results would indicate that noise associated with the currently permitted single night time delivery is complying with the requirement of paragraph 185 of the NPPF and avoiding giving rise to significant adverse impact.

The comparison of predicted noise levels compare favourably to the measured noise levels at the properties in Primrose Place/Varey Road . The predicted delivery event noise levels are well below the WHO CNG night time values; and hence would be indicative of low impact. Predicted delivery activity noise levels can also be

compared to the existing ambient noise climate to consider the change in ambient noise level.

The impact classification in the context of change in ambient noise level for delivery activity occurring between 2300 and 0700 hours is low and hence the overall the report assessment objectively demonstrates that when considered in context, an additional second nighttime delivery could be received without associated noise giving rise to significant adverse impact; which is the planning test in accordance with the NPPF.

In terms of noise from home shopping activity, Tesco proposes that up to nine of their home shopping delivery vehicles (HSDV) would be cooled, via electric hook up, from 0500 hours, within the existing home shopping loading bays in the service yard. Following this cooling phase the first 9 HSDV would then be loaded with customer orders, and parked up prior to departure. Whilst the first 9 HSDV are being loaded, the second 8 HSDV commence cooling.

The assessment of home shopping activity noise would typically be undertaken in accordance with BS 4142:2014+A1:2019, since the principle noise source is from the refrigeration plant. However, given that the proposed operating hours fall within the night time period, guideline noise values in consideration of internal receptor locations should also be considered in determining noise impact. For noise that may occur at night, BS 4142 requires the assessment to be considered to a 15 minute time base. Hence the assessment considers three principle scenarios on the basis of the proposed home shopping operation schedule. 9x HSDV on cooling phase; 9x HSDV are being loaded at the same time that the second 8 HSDV are cooling (as proposed to occur from 0545 to 0630 hours);

The noise consultants obtained noise data for the home shopping activities at several existing superstores. In noise terms there are two activities: firstly, there is the period when the HSDV on-board refrigeration equipment is used to provide the initial cooling of the refrigerated section which takes about 45 minutes, secondly, there is a further 45 minute period where the HSDV is being loaded, along with intermittent operation of the on board refrigeration unit.. The noise of the refrigeration equipment is continuous 57 dB, normalised to 10 metres. After this, the loading commences and during this activity the refrigeration equipment operates for about 20% of the time which gives a noise level of 50 dB at 10 metres.

The consultants indicate that although the BS 4142 assessment for the cooling phase occurring at 0500 hours is indicative of adverse impact, this is not a significant adverse impact, which is the planning test. Furthermore the result of the BS 4142 assessment is now required to be considered in 'context', particularly since the receptor location at this time will be inside properties. The most appropriate assessment method for noise that occurs at night, for internal receptors, is the consideration of absolute noise levels in relation to guideline noise values. The predicted rating noise levels are within the WHO guideline noise values.

The assessment indicates that when noise from proposed home shopping activities occurring from 0500 hours are considered in context the associated noise impact is low.

The noise assessment recommends the follow measures shall be implemented at all times to reduce noise levels from service yard activity:

- There will be adequate signage and instruction to ensure that all drivers and staff follow the noise management measures;
- All engines to be switched off as soon as vehicles are parked up within the service yard;
- All delivery and home shopping delivery vehicles (HSDV) to be driven in as quiet a manner as possible, avoiding unnecessary engine revving;
- No radios or stereos to be left on in vehicles whilst in the service yard or vicinity of the store;
- Staff to be instructed to work quietly when outside the store or in the service yard - only performing essential tasks where noise could be generated;
- All components of the delivery system to be maintained in good working order

An updated 'Service Yard Management Plan' has been requested to reflect extended hours and further recommendations of the acoustic consultants.

The acoustic report supports that the noise associated with the additional lorry movement and increased night time operation to service the DOTCOM element would be within an acceptable noise tolerance for night time activity.

The Environmental Health Officer has not raised any objections, as such it is considered that with the noise assessment and recommendation that the proposal would not cause a detrimental impact on neighbouring properties.

Traffic Implications & Highway Safety

The proposal would involve one additional delivery lorry accessing the service yard from Fulbeck Avenue to the west between the hours of 23:00 hours and 06:00 hours daily. As the delivery vehicle would be accessing and exiting the site during the night time period it is anticipated that the surrounding roads to the south and west would be less busy. The County Council Highways Authority has confirmed that one additional delivery and the increase in the DOTCOM activity would not cause any concern from a road capacity or highways safety perspective.

Sustainability

The application involves a variation to conditions to an existing development. The changes in operational requirement to provide an additional delivery and service the DOMCOM would potentially lessen the number of individual journeys to the store and support sustainable life choices.

Recommendation

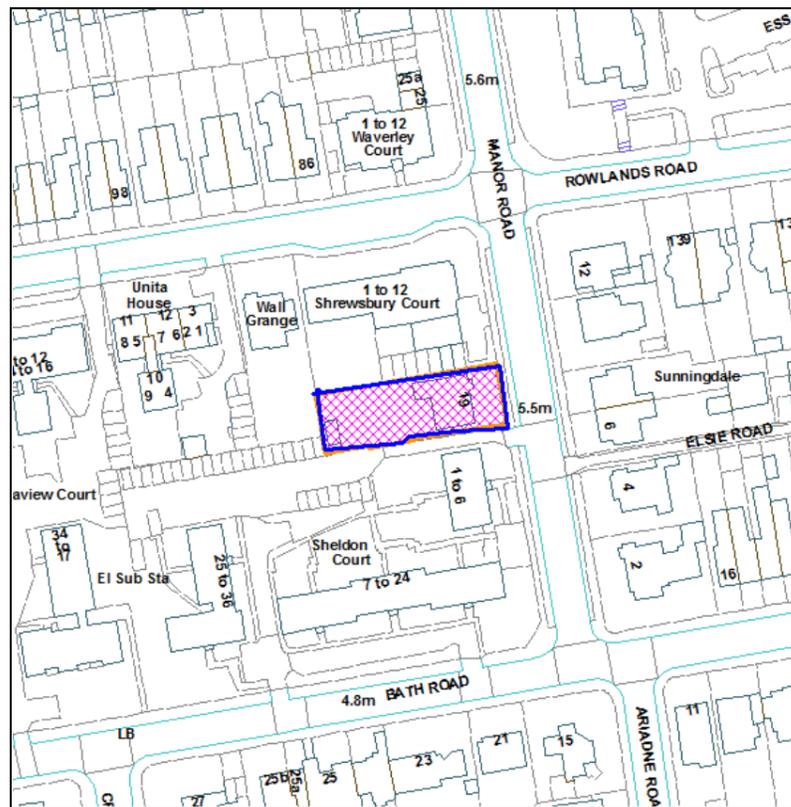
APPROVE

Subject to Conditions:-

1. Approved Plans
2. No loading, unloading, deliveries, collections or associated delivery vehicle movements shall take place on the site (including the access road to the north of the store or parking areas) other than between the hours of 06.00 hours and 23.00 hours on any day.
3. Notwithstanding the wording of condition 2, two deliveries shall be allowed between the hours of 23:00 hours and 6:00 hours Monday to Sunday.
4. No loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 05:45 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 05:00 hours and 23:00 hours on any day.
5. All delivery/collection vehicles serving the supermarket shall only arrive and depart from the western access off Fulbeck Avenue, other than Dotcom vehicles being moved from the parking area to the east of the District Centre to the delivery yard. The acoustic gates to the Delivery Yard shall be kept closed at all times when not in use to allow ingress or egress of a delivery vehicle.
6. At all times deliveries to the store shall be made in full compliance with the details of the Service Yard Management Plan.
7. The premises shall not be open to the public for trade or business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.
8. Retention of shop window display – east and north elevations.
9. Surface water sewer from parking areas and hard standings susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. On-going maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.
10. Development retained in accordance with the previously approved scheme to mitigate the loss of habitat caused by the proposed development on the watercourse.
11. Development retained in accordance with the approved details for buffer zone alongside the watercourse to the west of the site.
12. Development to be retained in accordance with approved details relating to the wall around the substation/transformer, the fence around the Dotcom parking area to the south of Canberra Road and the acoustic fence to the rear of No.'s 45 to 49 Canberra Road.
13. Development retained in accordance with approved parking provision and maneuvering areas shown on the approved phasing plan. The approved parking and maneuvering areas shall thereafter be only used for this purpose.

14. Development retained in accordance with approved details for the loading and unloading of vehicles and parking of delivery vehicles and this space shall not thereafter be used for any purpose other than for the purposes for which it is provided.
15. No external lighting or flood lighting shall be installed.
16. Development retained in accordance with the approved ventilation system for the extraction and disposal of cooking odours.
17. Development retained in accordance with the previously approved landscaping scheme.
18. Development retained in accordance with the approved acoustic barrier and associated tree and shrub planting along the boundary of the site parallel with Varey Road.
19. Any facilities, above ground for the storage of oils, fuels or chemicals, shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.
20. No additional floorspace shall be provided within the store, including any mezzanine floor, without the prior approval of the Local Planning Authority in an application on that behalf.
21. The level of convenience floor space within the Tesco superstore shall not exceed 3,750 square metres unless approved by the Local Planning Authority in an application on that behalf.
22. The approved District Centre in addition to the superstore floorspace referred to in condition 21 shall provide a minimum of 2,765 square metres for unit shops and shopper café. These unit shops/café shall be located outside of the superstore retail area (i.e. beyond the till area).

Application Number:	AWDM/1554/21	Recommendation - To delegate to the Head of Planning to APPROVE subject to the completion of a s106 agreement
Site:	19 Manor Road, Worthing, West Sussex, BN11 3RT	
Proposal:	Application to Vary Condition 1 of previously approved AWDM/0762/19. Amendments: position of lift shaft, reconstructed wall in fair face brick along Manor Road, refuse/recycle store relocated, alterations to approved balconies and new feature stone frame around window on south eastern corner. Proposed Car Port over 6no parking spaces, photovoltaic panels and electric car charging points	
Applicant:	Mr P Le	Ward:Heene
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Jackie Fox	



Not to Scale

Introduction

The application came before Members on the 16th February 2022, where members agreed the variation to condition 1 subject to a S106 legal agreement to secure a contribution to affordable housing. The S106 has not been signed and the applicants have now made further amendments which requires this application to be reconsidered.

Site and Surroundings

The site contained a single detached dwelling, accessed from Manor Road with an 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 application which has been amended since originally submitted is a variation to planning permission AWDM/0762/19 to provide 10 one and two bedroom apartments.

The original amendments included:

- Moving the position of the lift from the northern end of the building slightly further into the centre of the building. The subsequent internal amendments involve some changes to the configuration of the flats.
- Changing the design of the cantilever balconies to the front and rear elevations and enclosing the balconies with metal railings rather than solid construction previously
- Changes to the balcony window fenestration
- Obscure glazed windows to north elevation (serving bathrooms)

- New entrance porch surround and door
- New wall to the frontage in brick and flint stone detail
- Move the bin stores to the front of the property and enclose with a light timber pergola.
- Redesign and adjust the position of the cycle store at the rear
- Increase the height of development by 240mm
- Addition of an automatic opening vent to the flat roof.

These elements have previously been agreed by Members.

The additional proposal is for a carport over 6 parking spaces, photovoltaic panels and electric car charging points.

The car port measures 15.7m x 5.165 m and covers the existing proposed six open spaces at the rear of the site. The car port would be timber framed with a slatted screen to the north and west sides. Electric charging points would be provided to each parking space. The roof would contain 12 photovoltaic panels.

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.

AWDM/0762/19-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.- APPROVED

Consultations

West Sussex County Council:

Flood Risk- We have no comments to submit for this application to vary this condition. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter. (

No further comments received

Highways – No objections to the application.

No further comments received

Southern Water: No objections subject to informatives for connection to the sewer

Adur & Worthing Councils:

The Environmental Health Officer- With reference to the above application, the moving of the lift plant room to beneath the stairs brings this noise source closer to a residential bedroom of Flat 1.

To protect residential amenity I would advise the following conditions.

1. The use hereby permitted shall not commence unless and until an insulation scheme for protecting the northern bedroom of Flat 1 from lift plant room noise has been submitted to and approved by the local planning authority. The scheme shall achieve the maximum recommended noise levels within the living accommodation due to lift operation specified in Table 5 section 7.7.3.4.1 of BS8233:2014. 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 achieve the specified criteria.

2. The lift motor and associated equipment should be installed on suitable anti-vibration mountings to prevent the transmission of excessive vibration and/or structure-borne noise to any parts of the living accommodation.

No further comments received

The Private Sector Housing officer has no comments

Drainage Engineer - We have no comments on this application. We would like to take this opportunity to highlight to the applicant that we have a surface water drainage checklist which details our requirements for discharge of conditions applications. The checklist can be found here:

<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>.

No further comments received

Representations

One letter of objection from a resident of Shrewsbury Court who considered it was inappropriate to have bins on the frontage and would impact on the aesthetics of the road and the development itself.

One further letter has been received following re advertising from 6 Manor Road

We have concerns in regards to the parking in Manor Road that will only be made worse by this development. There are insufficient car parking spaces for the number of apartments being planned and in general anyway, there is on average more than one car per household now. At present, Manor Road is not a parking permit area which means non-residents park here when working in Worthing or day trippers to the area. It is very difficult for existing residents to find parking for their vehicles now and the spill out from the under provisioning of spaces for this new development will only make this worse. We would only remove our objection if the Council supported a parking permit area to be made active for this end of Manor Road. That way we can handle the requirements for residents only and not commuters working in the area or visitors in general.

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 (2021)
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)

Submission Draft Worthing Local Plan 2020-2036 (as modified):

SP1 (Presumption in Favour of Sustainable Development)
SP2 (Climate Change)
DM1 (Housing Mix)
DM2 (Density) DM3 (Affordable Housing)
DM5 (Quality of the Built Environment)
DM6 (Public Realm)
DM9 (Delivering Infrastructure)
DM15 (Sustainable travel and Active Travel)
DM16 (Sustainable Design)
DM20 (Flood Risk and Sustainable Drainage)
DM21 (Water Quality and Sustainable Water Use)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. S73 of the Act also allows for variations to approved schemes. Regard shall

be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

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

Planning Assessment

The principle of redevelopment of the site has been accepted and the amendments to condition 1 reported early this year. The key considerations are the impact of the car port on the visual amenity of the proposed building, the street scene and any residential amenity.

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 proposed carport would be at the rear of the site and although partially visible due to the existing access would not be unduly prominent in the street scene and would be seen in context with existing garages associated with Sheldon Court to the south. The car port would not be visually obtrusive in the street scene.

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 carport would be of a light timber construction with photovoltaic panels to the roof, it is considered the proposed amendments to be of an appropriate design 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.

Residential Amenity

The carport would be positioned to the rear of the site with part of the rear garden of a property in Rowlands Road to the west, gardens of Shrewsbury Court to the north and the access to Seldon Court and garages to the south. The site was previously shown for parking for 6 vehicles.

The building would be a timber construction enclosed to the south and west elevation. There would be photovoltaic panels above. The carport is some distance from the dwellings associated with the property in Rowlands Road and Shrewsbury Court. The height and materials would ensure that it would not cause loss of light or visual impact to neighbouring residential properties.

A neighbouring property has raised concerns about parking and the adequacy of parking for the proposed development. However the application would not decrease the number of parking spaces previously approved for the development and would provide for a more sustainable parking solution.

Affordable Housing

Following negotiations the scheme provided a contribution of (£45,375) (index linked) towards affordable housing.

There are no changes to the size of the development and the contribution would remain as set out above. A variation to the legal agreement is required to update it to the amended scheme.

Sustainability

The proposals involve a carport with electric charging points and photovoltaic panels, both of which are sustainable options in accordance with policy.

Recommendation

To delegate the decision to the Head of Planning and Development to **APPROVE** subject to the completion of variation to the Section 106 agreement to secure an 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 below 1.7m above finished floor levels
12. Agree, implement a sound insulation scheme between floors and northern bedroom of Flat 1 from lift plant room noise (amended)
13. Noise emitted from the lift cabinet does not exceed 62dB LAeq at 1m and anti vibration mounts (amended)
14. Agree, implement and retain balcony details
15. Agree implement boundary treatment

14 December 2022

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.