



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

**Planning Committee
22 February 2023**

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1141/22 Recommendation – REFUSE

Site: Miller House, 14 - 16 Farncombe Road, Worthing, West Sussex

Proposal: New build 4 no. 2 bedroom houses

2

Application Number: AWDM/1884/22 Recommendation – Approve and delegate to Head of Development to issue the decision upon completion of a s.106 undertaking.

Site: 10 - 20 Marine Place, Worthing, BN11 3DN

Proposal: Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation.

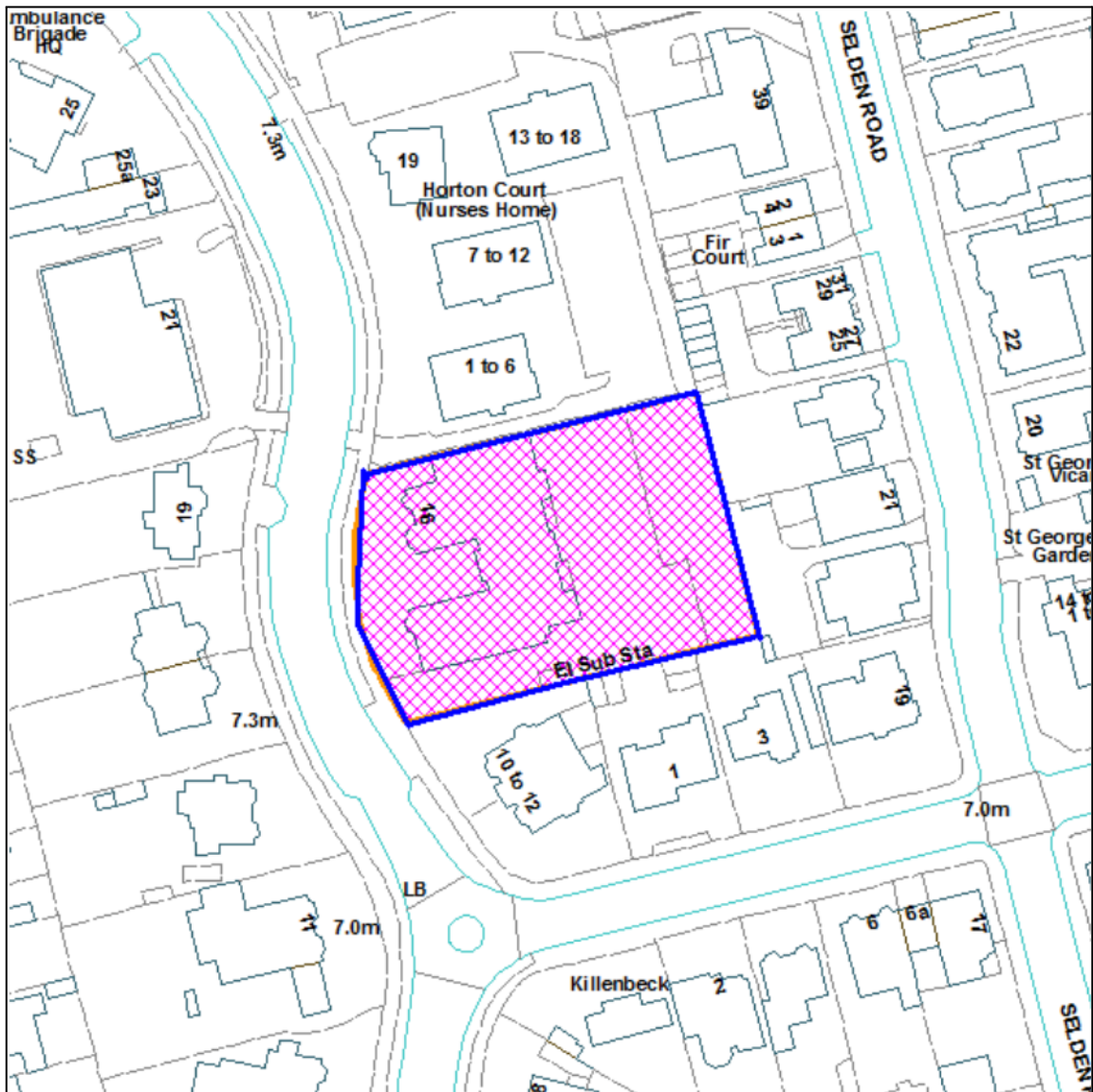
3

Application Number: AWDM/1680/22 Recommendation – REFUSE

Site: Cissbury Chase (Former Worthing Sixth Form College)

Proposal: Application to vary conditions 2, 9 and 11 of planning permission AWDM/0363/11 to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase [Planning permission AWDM/0363/11: Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets.]

Application Number:	AWDM/1141/22	Recommendation - REFUSE
Site:	Miller House, 14 - 16 Farncombe Road, Worthing, West Sussex	
Proposal:	New build 4 no. 2 bedroom houses	
Applicant:	Patagonia Properties Ltd	Ward:Selden
Agent:	Stickland Wright Ltd	
Case Officer:	Jacqueline Fox	



Not to Scale

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Site and Surroundings

The site relates to two large Victorian villas on the east side of Farncombe Road, which are currently in residential one bedroom apartments. The buildings are identified as 'Local Interest Buildings' within Appendix 7 of the Worthing Local Plan 2003 and lie within the heart of the Farncombe Road Conservation Area, being identified as positive contributors to the Conservation Area.

The buildings are substantial, having been extended with part single-storey and part two-storey extensions to the rear including a single-storey link section which is set back some distance from the frontages.

The buildings are set back from Farncombe Road with the boundary flint wall and mature trees on the street frontage. The site has access for vehicles and pedestrians and a large car parking area to the rear as well as some landscaping on the eastern boundary.

The front elevation is characterised by the two original building frontages. These frontages have canted bays, shallow pitched slate roofs, timber sash windows with banding to distinguish ground and first floor. The building is two storey and painted render.

There are mature trees on the site, 3 of which have a T.P.O

The Farncombe Road Conservation Area Appraisal states that the character of the area is defined by its large villas, with double-fronted proportions and shallow-pitched, hipped roofs in natural slate, timber sashes and decorative features, with mature trees contributing to the setting and the buildings themselves being set well back from the edge of the pavement.

Farncombe Road is a wide tree lined street with a mix of commercial and residential uses. The site is bounded to the north and south by 3 storey residential buildings both set back from Farncombe Road. To the south and east of the site the property boundary is backed on to by car parking and gardens from residential properties off Church Walk and Selden Road. These properties are 2 storey height with a mix of character and material palette. On the opposite side of Farncombe Road are flats, HMO buildings and office use within the villa style properties consistent along the street.

The site is also within the Farncombe Road 'key office location' as identified under Core Strategy Policy 4.

Proposal

The application proposes a detached building at the rear of the site for 4 two bedroom terraced houses

The block would comprise three full height two storey dwellings with an element attached to the north which would involve rooms in the roof space which would be lit by dormers to the front and rear to provide a further dwelling. The building would be in the north east corner of the site and would orientate east, west, with the frontage

of the properties facing to the rear of the block comprising 14 and 16 Farncombe Road.

The proposed building is shown with a gable at the centre of the two storey element, with small pane sash style windows at first floor. The ground floor has arched brickwork detailing above the front doors and timber detailing.

The lower attached dwelling to the north has a central front door, windows either side and small pitched roof dormers, all windows have small pane detail and sash style windows. At the rear casement style windows are shown.

There is a proposed narrow shared landscaped area to the front in two sections and the properties themselves would have individual rear gardens facing east.

The proposed dwellings would be red brick with high performance timber-aluminium windows and a slate roof. PV panels are proposed to the south/west facing pitched roofs.

The application proposes 23 car parking spaces to the front and the south of the site, as well as cycle and bin stores.

The existing building is let as part of the councils 'Open Doors Scheme' for a period of five years and currently provides accommodation for a mixture of single tenants, single parents and families (currently 33 residents) . All tenants are provided to Patagonia Rental as Landlord by Worthing housing tram and sign up on a 12 month tenancy agreement. All tenants had been moved from temporary accommodation, some who were located many miles away from families and friends

The applicant agent indicates in support of the application:

The existing building is now one bedroom studio apartments but there is a lot of underused car park to the rear of the site where we are proposing to build 4 2 bed homes along with associated outdoor space, parking, cycle storage, refuse storage and landscaping.

The first design iteration extending the existing building to the rear was not favoured by the planners, concerns were raised with this proposal. Therefore during a productive meeting with the case officer, head of planning and conservation architect it was agreed that a detached property of an independent coach house style was more appropriate.

The proposed new build is diminutive in scale and height when compared to the existing Victorian villas. They are also diminutive in scale when compared to all of the existing buildings surrounding the site. The proposed building has a more prominent elevation which lines up with the existing building rear elevation. This creates symmetry forming formal communal gardens between. This provides space for the car parking to the south.

The subservient section of the proposal is hidden by the two storey section of the building. The proposed scheme provides an active use to an underused site

providing much needed homes for the area. This is a well connected, town centre location and it is recognised that the location would be desirable for families. As such, 4 two bed houses to cater for young families. This allows a higher density use appropriate for the town centre, while still offering generous amenity space to occupiers of both new and existing accommodation on the site.

The footprint and mass of the proposed building has been carefully considered and placed to ensure it does not over-dominate the existing building. The new building is 23 metres away from the properties on Seldon Road and 13 metres away from the existing building.

The proposals result in : - 4 No Two bedroom houses at 73(2), 74 and 76 sqm all of which meet nationally described space standards. They all have private gardens.

The application includes a heritage statement, design and access statement and viability statement.

Relevant Planning History

AWDM/0122/20 - Partial demolition of existing link connection and construction of new glazed entrance and altered front entrance roof. Associated landscaping and cycle parking- APPROVED

NOTICE/0003/21 - Application for Prior Approval of Proposed Change of use of an offices to form 21 no. residential units (Use Class C3) - Prior Approval is required and approved subject to the conditions

AWDM/1087/21-Demolition of non original extensions within a conservation area, external alterations - new windows, doors and new access ramps. New extension to rear for plant room.APPROVED

AWDM/1560/21-The addition of a 2-storey building comprising 4no. one-bedroom apartments and a pair of 2no. 2-storey two-bedroom houses attached to the rear (east) elevation of the existing building at 14-16 Farncombe Road- Pending Determination.

Consultations

West Sussex County Council:

Summary and Context

This proposal is for the erection of four two-bedroom dwellings. The site is located on Farncombe Road, a C-classified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns to the proposed development.

The LHA previously provided comments pertaining to highway matters for this site for application NOTICE/0003/21, raising no objections. The Local Planning Authority

(LPA) permitted the application. The application for 21 residential units has since been built out, and this has been taken into consideration whilst assessing the current application.

Access and Visibility

The applicant proposes no alterations to the existing vehicular access arrangements. From inspection of local mapping, there are no apparent visibility issues with the existing points of access on to Farncombe Road. In addition, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.

Parking and Turning

The applicant proposes to reduce the existing vehicular parking provision from 38 parking bays to 23 parking bays, a reduction of 15. From inspection of the plans, on-site turning appears achievable for cars, allowing them to exit the site in a forward gear. Larger vehicles may have to reverse out of the site, but this is not anticipated to result in an adverse highway safety impact. When taking into consideration both the existing 21 residential units and proposed 4 residential units, the WSCC Car Parking Demand Calculator indicates that a development of this size and location would require 25 car parking spaces, if the spaces are unallocated. Therefore, any over spill parking would have to be accommodated on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the shortfall of two car parking spaces would result in a detrimental highway safety impact nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Regarding cycles, the applicant has demonstrated a communal cycle store, which alongside the existing cycle store on-site will provide secure cycle parking provision in accordance with WSCC Parking Standards.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with regular bus services available from nearby Lyndhurst Road. Both Worthing and East Worthing Train Stations are within walking distance of the site.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied: Car parking spaces and car spaces

Southern Water:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. 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

Adur & Worthing Councils:

Conservation Design Architect

The large Victorian villas along Farncombe Road were laid out on generous plots along a wide and serpentine tree-lined roadway following the sale of the land in 1865, and by the time the 1875 OS Map was published the vast majority of the plots had been developed establishing the urban grain. This particular enclave was the only area to the east of the town to develop with grand villas during this period, partly due to the area's liability to flooding. Although a very small number of the depicted villas have since been demolished (five), the vast majority of these similar aged buildings are still in existence, their form and characteristics resulting in the area's local distinctiveness.

The significance of the Farncombe Road conservation area is derived from its sinuous street scene of elegant, generously proportioned villas set behind softly landscaped front gardens and the tree lined highway. Although some of the villas have been altered, the primacy of their Victorian design remains, and there are broad consistencies in their widths, 2/3 storey heights, roof profiles and their spacing. This leads them to be viewed as a collective, which reinforces the planned, suburban flow of the conservation area. Due to its rather anomalous placement within this part of the town, its tranquil and affluent character contrasts with the otherwise busy and urban roads to which it connects. This leads the conservation

area to have a particular sensitivity to change that would encroach upon its spacious character and suburban scale.

In 1994 the Council granted planning permission at 14/16 Farncombe Road for major extensions and a linking element to these Victorian villas in order to create additional office space for a major employer in the town. The impact on the appearance of the conservation area was limited by maintaining the soft green verdant frontage to the villas and setting back the lightweight glazed linking element. The scale of the extensions were reduced at the rear to single storey. The necessary car parking for the offices was secured at the rear of the buildings, whilst retaining a substantial area of soft landscaping, which acted as a buffer to the properties in Selden Road.

Following the conversion of these buildings into residential units, the current scheme proposes 4 further residential units occupying a new block at the rear of the villa's curtilage in a 'coach house' style. In contrast to the existing buildings on the site, the new buildings would be constructed using red brick and aluminium windows with georgian styled glazing bars.

The Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining any planning application for development. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

It should be noted that the current character doesn't include separate buildings set deep within the rear garden areas of the Victorian villas. The proposed buildings will be visible between the existing villas to some extent. Although the proposed development would be screened to some extent by the existing buildings on the site, this should not be the only determining factor in assessing the potential harm of any new proposals. The footprint of new buildings should fit into the urban context of the area, and wherever possible relate to the existing grain. The use of materials generally matching in appearance or complementary to those that are historically dominant in the area is important, as is ensuring that materials, detailing and finishes are all of high quality. This is not considered to be the case with the current scheme.

The original footprints of the two villas, 14 and 16 Farncombe Road, have already spread to cover a substantial part of their garden plots which has resulted in some erosion in the character of the conservation area. Adding 4 further residential units, thinly veiled as 'coach house' buildings will further compromise the spacious character of the conservation area. Where backland development is proposed within a conservation area the impact of the proposal on the pattern of development in the vicinity needs to be carefully considered.

Taking all factors into consideration, the proposal would harmfully divert from the spacious and suburban character which defines the significance of the conservation area. The harm to the conservation area would be less than substantial. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the NPPF and needs to be weighed in the balance with the public benefits of the development.

Environmental Health

There are no adverse EH comments for this application

Technical Services

Following the submission of additional plans:

The soakaway positions are fine but we still the standard drainage condition

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy DM20 of the Worthing Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

And the accompanying informative:

"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%). 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 groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our

requirements for avoiding pre-commencement conditions, or to discharge conditions"

Housing

The plan isn't to use these as EA/TA. They would be put on to the Opening Doors scheme as affordable private rentals like all the other flats on the site and would be used to permanently house small families owed a housing duty to get them out of expensive EA/TA placements.

I have not had any advanced discussions with the developer yet as we are awaiting planning permission approval, but certainly the intention is for us to use these properties if approved. I am aware that this does not have any material consideration to the planning application and there is no guarantee that they will give them to us, but it's worth mentioning that if we are able to obtain them I would estimate that each one would save the council £12k - £15k per year in EA/TA costs, plus it provide a much better standard of living to families currently placed in unsuitable EA/TA.

I can't comment on the general design etc as this is not my area of expertise, however the site currently has 21 one bed flats which are all on the Opening Doors scheme and are well managed and maintained by the developer. The site is quite large and well spaced out with the proposed properties being separate to the main building, so in my view the addition of 4 more properties would not cause any detriment to the area in terms of density of people living on the site or the managing agent's ability to effectively manage the area.

Representations

23 Selden Road

As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living.

Our specific objection is as follows:

Loss of privacy and overlooking

With reference to the Draft Worthing Local Plan, point 4.23: "It is also important to ensure adequate privacy and daylight to both existing and new homes." and point a) vii of the CP5 QUALITY OF THE BUILT ENVIRONMENT section: All new development (including extensions, alterations, ancillary development, change of use and intensification) should: "not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space".

Our home and garden backs on to the proposed development. The proposed site of development would result in both our home and garden being severely overlooked

from the top rooms of the new development, resulting in a serious invasion of our privacy. This is especially the case for the two houses which appear to have windows in their roofs thus making them three storeys. The trees that are currently there do provide some cover not enough especially considering the coverage changes with the seasons and the subsequent loss of leaves. Equally, these trees could be easily removed resulting in no coverage at all.

Presumably the house which does not have a window illustrated on the plan could also install one at a later date thereby adding to the invasion of our privacy.

Residents of the proposed homes would be able to see clearly into our back garden, a room on the ground floor and, more importantly, one of our rear upstairs bedrooms which is our youngest son's bedroom.

We believe that the proposed development is a direct contravention of the draft Local Plan for Worthing. The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities.

We would be grateful if the council would take our objections into consideration when deciding this application.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 15, 16, 19

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

Space Standards SPD

Housing Delivery Test Action Plan (WBC 2021)

Guide to Residential Development SPD

Housing Delivery Test Action Plan (WBC 2021)

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

- SP1 Presumption in Favour of Sustainable Development
- DM1 HOUSING MIX
- DM2- Density
- DM5 Quality of the Built Environment
- DM16 - SUSTAINABLE DESIGN
- DM17- ENERGY
- DM18- BIODIVERSITY
- DM20 - FLOOD RISK AND SUSTAINABLE DRAINAGE

- DM23 - STRATEGIC APPROACH TO THE HISTORIC ENVIRONMENT
- DM24 - THE HISTORIC ENVIRONMENT

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

For LB/CA

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

Policy context

Paragraph 11 identifies at the heart of the NPPF 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.

The adopted Development Plan comprises the Worthing Core Strategy which was adopted in April 2011. In addition to the policies set out in the Core Strategy there are 16 Local Plan policies that remain 'saved' from the Worthing Local Plan 2003. These saved policies were adopted in September 2007. A new Local Plan, the Submission Draft Worthing Local Plan (SDWLP) (as modified) has been endorsed by the Council and has recently been found sound by an independent inspector. It now has significant weight in the determination of planning applications.

Policy 8 of the Worthing Core Strategy concerns getting the right mix of homes in terms of size and location, the main objective of the policy approach to redress the imbalance in the housing mix, namely smaller flats. The spatial approach will therefore be to reinforce the town centre to provide higher density developments with new development outside the town centre designed to bring forward a range of housing types and in particular meet the needs of family housing.

Policy 13 concerns natural environment and landscape character; it states amongst other things that all new development will respect the biodiversity and natural environment that surrounds the development and will contribute to the protection and, where applicable, the enhancement of the area. The planning process should play a leading role in not only protecting designated high quality biodiversity areas but also providing the opportunity to enhance the quality of the biodiversity in those areas where there is no statutory provision to do so.

Policy 16 of the Worthing Core Strategy relates to the quality of the built environment and design and requires development to enhance the character of a site and the prevailing character of the area. All new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. It should make a positive contribution to the area and not have an unacceptable impact on adjacent properties, and amongst other things contribute towards an overall improvement in the quality of the living environment.

A key objective of the Core Strategy is to ensure that the right mix and type of homes are delivered in the right places to meet the identified local need. Good design is vital to ensure that Worthing's built environment is not compromised. The 'Guide for residential Development (SPD) October 2013 seeks to outline the key elements for achieving these objectives when considering all new residential developments in Worthing. The aim of this SPD is to interpret policy as well as to include design-led good practice guidance.

Para 3.3 states 'A key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features.'

At para 3.11 the SPD indicates that new residential development should seek to incorporate the principles of Lifetime Homes Standards, new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. It is important to ensure that dwellings are capable of providing a suitable layout and adequate room sizes that reflect the use and type. All new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. Guide for Residential Development (SPD) - October 2013 16 of accommodation.

Saved policy H18 'Residential Amenity' states: "Development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents, will not be permitted."

The Submission Draft Worthing Local Plan (SDWLP) (as modified) has recently been found sound by an independent inspector as such relevant policies DM1, DM2 and DM5 are considered material in the determination of the application.

DM1 Housing Mix states at relevant section a)-c)

a) In order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up-to-date evidence of housing needs and demands.

b) The Council will support proposals for high-quality self-build and custom build projects that are sensitive to the characteristics of the local area.

c) Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings.

DM2 - DENSITY states

a) Development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration must be given to:

i) the site context and character of the surrounding area in which it is located, and including consideration of any nearby heritage assets or important landscape;

ii) its current and future level of accessibility by walking, cycling and public transport; Social Policies

iii) the need to achieve high quality design;

iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;

v) and the capacity of surrounding infrastructure.

b) Residential development of family housing should achieve a net density of a minimum of 35 dwellings per hectare. In exceptional cases, lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;

c) Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and local services.

Space Standards

d) New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market

dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply for external space.

e) The Council will only consider any variation to the requirements set out above in exceptional circumstances, for example when a social or charitable housing provider is able to demonstrate that the homes it is seeking to deliver meets an identified need for supported housing and temporary emergency accommodation and that there is a clear and robust 'move on' strategy and site management in place.

Policy DM5 of the SDWLP requires all new development to be:

- i) of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area (including consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping);
- ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, impact on street scene and layout of the development;
- iii) make a positive contribution to the sense of place, local character and distinctiveness of an area;
- iv) respect, preserve and enhance heritage assets and settings;
- v) be well built, accessible, fit for purpose, and adaptable to changing lifestyle, demography and climate;
- vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) between all locations; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout);
- vii) make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime;
- viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space;
- ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain;
- x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution.

Policy DM16 regarding – sustainable design indicates

a) All development (excluding householder applications) will be required to achieve the relevant minimum standards below unless superseded by national planning policy or Building Regulations. Applications for major development must be

supported by a Sustainability Statement demonstrating that the minimum standards are met and where possible exceeded. All development is encouraged to exceed these minimum standards where possible

And DM17 – ENERGY

a) All new housing and major non-residential development should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after Co2 reductions from energy efficiency measures).

DM18 – BIODIVERSITY

a) Planning applications should be supported by relevant environmental information, which is informed by appropriate up-to-date ecological information, prior to determination.

b) All development should ensure the protection, conservation, and enhancement of biodiversity. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. This process is known as the mitigation hierarchy.

DM24 - THE HISTORIC ENVIRONMENT

a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

b) Proposed development should take account of the information and guidance in Worthing's Conservation and Heritage Guide (which will be updated and periodically reviewed).

The NPPF seeks to achieve sustainable development, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development: economic, social and environmental. Paragraph 9 states that "these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

Paragraph 126 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states: "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."

Paragraph 130 goes on to state that planning decisions should ensure developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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.

Para 134 indicates that permission should be refused for development of poor design especially where it fails to reflect local design policies and Government guidance on design, taking into account any local design guidance and SPGs.

Paragraph 74 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old.

It is acknowledged that in response to the requirements of the Framework and informed by local evidence a 5 year supply of housing in relation to Objectively Assessed Needs cannot currently be demonstrated.

The Council recognises the Governments' commitment to boost the delivery of new homes and has responded to this challenge by undertaking a full review of the existing adopted Worthing Core Strategy 2011. As part of the new Local Plan the Council has undertaken a robust assessment of all potential opportunities to deliver new homes. The Worthing Borough Council Housing Delivery Test Action Plan (Aug 2021) focusses on whether there are any additional measures that could be identified to improve the delivery of new dwellings.

With regards Para 11(d) of the NPPF and the so-called 'tilted balance', the recent Court of Appeal case (Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government & Ors. Case Number: C1/2020/0542/QBACF) found that the NPPF presumption is "policy, not statute" and

“does not change the status of the development plan as the starting point for decision making”. Sir Keith Lindblom went on to state:-

“Restricting the scope of paragraph 11(d)ii to shut out the relevant policies of the development plan, as if they were automatically alien to the assessment it required, would seem incompatible with the status and role of the NPPF. Fortunately there is no need to construe the works of paragraph 11(d)ii as having that effect, and in my view, it would be wrong to do so.”

He added that other provisions of the NPPF reveal the Government’s continuing commitment to the “plan-led” system:-

“If the proposal is plainly in conflict with the policies in the plan, granting permission for it might be seen as undermining the credibility of the plan, inimical to the ‘plan-led’ system itself, and contrary therefore to the basic policy of the NPPF.It is clear, therefore, that a complete assessment under paragraph 11(d)ii, in which ‘adverse impacts’ and ‘benefits’ are fully weighed and considered, may well be better achieved if relevant policies of the development plan are taken into account. I would therefore reject an interpretation of paragraph 11(d)ii that renders the policies of the development plan as irrelevant as a matter of law from the assessment required under that provision, What emerges on a true interpretation of paragraph 11(d)ii....is that it requires of the decision-maker an assessment of the kind described, in which the relevant policies of the development plan may be taken into account. Whether and how policies of the development plan are taken into account in the application of the policy comprising paragraph 11(d)ii will be a matter for the decision-maker’s judgement, in the circumstances of the case at hand.”

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

Infill development is usually defined as development which fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides. Infill development requires sensitive design and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas. Insensitive infilling that will negatively impact on areas character or amenity will be resisted.

Backland development is usually defined as development on land that lies to the rear of an existing property that often, but not in all cases, fronts a road. Access can be from the road serving the original properties from the front, from the side or from the rear. Backland development may occur within the curtilages of existing buildings or closely adjacent to them. Backland development is often but not solely, land that is formally used as gardens, or is partially enclosed by gardens. Garden space has a number of roles including the contribution to local character, green infrastructure,

secure spaces for play, biodiversity flood risk and mitigating the effects of climate change.

A backland or infill development should therefore contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density levels and layout will be refused.

The creation of houses is acceptable in principle in this sustainable location, the key issues are the impact on the character and appearance of the area including the conservation area, the design of the building and its suitability on the site taking into account the existing buildings, existing use and viability, residential amenity for future residents, impact on neighbouring properties, parking and accessibility and any further technical issues as assessed against the Development Plan and relevant policies within the NPPF

The effect on the character and appearance of the area and Heritage Assets

The existing buildings dates back to the mid nineteenth century and are substantial impressive buildings in render with character detailing

The site is within Farncombe Road Conservation area, the conservation statement indicates that *'All the buildings are set well forward on their plots to produce generous back gardens, yet far enough back from the pavement to give the streets their broad, open aspect. This effect is reinforced by the generous grass verges between road and pavement and by the wide roadways. Mature trees throughout the area, both in gardens and verges, create a pleasant setting for the buildings.* It goes on to say : *The building lines follow the road, with most houses being set 8-10 metres from the edge of the pavement; this, and the generous spacing between the houses affords a series of changing vistas to anyone travelling along Farncombe Road.*

Although Farncombe road has had new development, this has been in synergy with the existing buildings in the street retaining the rhythm and character of the street and conservation area.

The frontage building of 14 and 16 Farncombe Road sits comfortably within the street scene and although now in several flats there has been limited intervention to the building to the frontage other than to link the buildings and refurbish .

National planning policy within the NPPF sets out policy for 'conserving and enhancing the historic environment'. NPPF advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It further states that such assets are irreplaceable and any harm or loss should require clear and convincing justification.

Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to

avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The overarching duty imposed by s72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 applies even where the harm to a heritage asset is found to be 'less than substantial'. This was set out in the Court of Appeal decision - Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137 (paragraph 29 of the judgement makes that clear). It stated that the decision maker must be careful not to equate 'less than substantial harm' with a less than substantial planning objection. The need, if harm is identified, to give considerable weight to the presumption that preservation is desirable should be expressly acknowledged in carrying out the balancing exercise.

Policy DM24 within the SDWLP requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

The new houses would lie at the rear of the existing property of No. 14-16 that fronts Farncombe Road. Access to the houses would be via the existing access. The applicants have concluded in their heritage statement that:

There are no listed buildings in this location and therefore it is the setting of the Conservation Area which is of historic significance here. The Conservation Area Appraisal itself focuses upon the quality of the streetscape and provides little evidence for assessment of back land areas. It is inferred that the street scene is of most significance here. The conservation area has areas of differing character, due to the evolution of the historic settlement. Our assessment of the conservation area and street views show that our proposal has considered these views and is intentionally discreet. There will only be glimpsed part views of the proposed building, but these are modest and often backdropped by other larger buildings within the setting. Importantly, the Conservation Area Appraisal does not comment on the qualities of glimpsed views in the streetscape, only that they offer 'changing vistas'. We see nothing at odds with the appraisal. The architectural character follows a 'coach house' precedent and intends to maintain the distinctiveness of the

proposals, as an ancillary building to the main building group, whilst also using a style which is historically sympathetic and subservient in scale. We have agreed with the planning department that this is an appropriate stylistic response. The proposals make good use of the land whilst being sympathetic to the historic building context and discreet within the reading of the conservation area

The significance of the Farncombe Road Conservation Area is derived from its sinuous street scene of elegant, generously proportioned villas set behind softly landscaped front gardens and the tree lined highway. Although some of the villas have been altered, the primacy of their Victorian design remains, and there are broad consistencies in their widths, 2/3 storey heights, roof profiles and their spacing. This leads them to be viewed as a collective, which reinforces the planned, suburban flow of the conservation area. Due to its rather anomalous placement within this part of the town, its tranquil and affluent character contrasts with the otherwise busy and urban roads to which it connects. This leads the conservation area to have a particular sensitivity to change that would encroach upon its spacious character and suburban scale.

The Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining any planning application for development. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

The comments of the applicants have been taken into account and meetings taken place to look at solutions, however the current scheme due to its size and scale would still be a substantial two storey building in scale and character measuring approx 23m x9m (max); the applicants have been advised by officers that a coach house type building may be appropriate on the site which befits the grandeur of the building and its setting. The proposal would not be a coach house style, the building is predominantly full two storey and partly with rooms in the roof space. The building size and scale would be significantly greater than other garden outbuildings within the grounds of properties in Farncombe Road and would certainly not be the scale of a building which would have been associated with a dwelling of this size and period. Furthermore the style of the building would be completely different to the existing building proposed to be in red brick with a design which is completely at odds to the existing style of the locally listed building. The building would not present as a small subservient coach house as suggested by officers.

The new dwellings would furthermore introduce parallel backland development which although would involve some landscape to the frontage, it is a narrow strip and the site at the rear will be taken up with buildings and associated amenity. As indicated above the consequence is a scale of development which would involve intervention to the frontage with Farncombe Road, as such the development would appear cramped building has limited landscaping to its frontage with a large expanse of hard surfacing to the south and frontage to create the parking and turning area. The scheme would still appear cramped and out of character on its site, it would introduce hard standing and parking areas and would be an overdevelopment of the site. The footprint of new buildings do not fit into the urban context of the area, and the materials are not complementary.

The car park, even in its unkempt form, is compatible with the character of the immediately adjoining properties in Farncombe Road, with well spaced and appropriate development. The provision of a two storey building at the rear would therefore result in a significant hardening and cramped appearance. The provision of this form of development would be at odds with the prevailing frontage development and spacious appearance of this part of Farncombe Road.

The original footprints of the two villas, 14 and 16 Farncombe Road, have already spread to cover a substantial part of their garden plots which has resulted in some erosion in the character of the conservation area. Adding 4 further residential units, thinly veiled as 'coach house' buildings will further compromise the spacious character of the conservation area. Where backland development is proposed within a conservation area the impact of the proposal on the pattern of development in the vicinity needs to be carefully considered.

Taking all factors into consideration, the proposal would harmfully divert from the spacious and suburban character which defines the significance of the conservation area. The harm to the conservation area would be less than substantial. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the NPPF and needs to be weighed in the balance with the public benefits of the development, as set out in paragraph 202 of the NPPF. It is not considered that the applicant has brought forward a scheme for housing with sufficient justification to outweigh the harm that would be caused to the conservation area and heritage assets. While the development would bring forward 4 dwellings, its size and design of the scheme is considered to be inappropriate, which would have a negatively permanent impact on the conservation area and heritage assets.

The design and suitability of the building

The Victorian villas 14 and 16 Farncombe Road are heritage assets identified as making a positive contribution to the Conservation Area, which is a Designated Heritage Asset. This is reflected in their local list status. The substantial heritage significance of these buildings and their contribution to the significance of the Conservation Area as a whole is explicitly identified in the Council's Appraisal document of the Conservation Area. The Appraisal demonstrates Nos. 14 and 16 are key elements of the Conservation Area's special architectural or historic interest, and are important and integral to the character and appearance of the Conservation Area

The design of the building does nothing to enhance the scheme providing for a two storey terrace of houses without regard to the style and context of the existing building. The building does not pick up on any references from the opulent character and references of the Victorian villas.

The applicants have provided a heritage design statement as well as a viability statement in support of the design and the requirement to have the size of development currently proposed. The comments have been taken into consideration and the work with the council to provide much needed rental accommodation but as indicated previously the current scheme is not a coach house, the design is inappropriate and the building would relate uncomfortably and awkwardly in the

setting of the substantial Victorian Villas and the balance of their formal composition, as well as being out of scale to adjacent buildings and diminishing the grandeur of the spacing around the villas. The overall effect would be harmful to the established character and appearance of the Conservation Area contrary to policy and the NPPF.

Residential Amenity

Future residents

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

It is important new homes are designed to meet the needs of the proposed occupants. In its Guide to Residential Development and Space Standards SPDs, the Council has adopted guidance setting out what is expected in the design of housing. Both identify that homes will need to have direct access to usable private amenity space or garden for the sole use of the household. The amenity area will need to provide for safe and secure outdoor space, for drying of clothes and outside covered storage for items such as bicycles, garden tools, and garden furniture. The Space Standards SPD specifies the minimum standard for gardens for houses.

The two storey houses at 73,74 and 76sqm would comply with the internal space standards.

In terms of external space, each dwelling would be provided with a rear garden, three of the dwellings would have gardens of approx 40sqm the northern dwelling would have a greater area. 40 sqm is below the space standards shown for a two bedroom dwelling of 50sqm. Although it is not considered that the application would be refused on this basis it adds to the concerns that the development is an overdevelopment of the site.

Neighbouring amenity

Saved Policy H18 requires new developments not to have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, light, outlook.

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

The most affected neighbours are the flats/bedsits within existing No 14 and 16 Farncombe Road, 1 and 3 Church Walk, properties within Horton Court and 21 and 23 Seldon Road.

In terms of the impact on the residents of 14 and 16 Farncombe Road, this property is in flats, it has windows to the east (rear) facing the application site and to the south facing the proposed access. The distance between the proposed fronts and the rear of No 13 is approx. 13m, which is at the minimum level of acceptability and

is likely to lead to inter-looking between the properties. The building would also have a visual impact on the residents of these east facing properties.

With regards to the impact on residents in Horton Court this is in flatted accommodation. The nearest block is set further forward on the site and at an angle. It is not considered that the proposal would cause detrimental loss of light, visual impact or undue overlooking of the block.

1 and 3 Church Walk to the south would not be unduly affected by the development. The building is set off the boundary with only a single window to a bathroom on the first floor on the southern elevation.

With regards to 21 and 23 Selden Road these properties lie directly to the rear of the proposed building. No 21 appears to be in flats with a parking area to the rear closest to the boundary with the rear of the application site. No 23 is in single occupation with a rear garden. The occupant of No 23 has raised concerns about the proposal in terms of overlooking and contrary to policy.

The application shows that the proposed dwellings would be 7.5-8m from the rear boundary with No 23, the plan shows the retention of the trees on the boundary. The distance from the rear of the proposed dwellings to the rear of No. 23 is approx 15m (at its nearest point) giving a separation distance of approx 22.5-23m. Although it is accepted that the proposal will cause some overlooking of the rear garden of No 23, this is not an unusual separation and it is not considered that it would cause detrimental overlooking or loss of light to this property.

Access, Car and cycle parking

All new development should accord with highway safety, car parking and cycle standards.

The application proposes the provision of 23 car parking spaces to the front, and southern side of the site for the flats and the proposed dwellings.

The Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network although they have indicated that the LPA may wish to consider the amenity implications associated with the parking requirement.

They consider that the number of parking spaces is acceptable for the development.

Sustainability

The applicant agents have indicated that as a practice they always work with a fabric first approach. This means the detailing of air tight homes which are well insulated. They seek to make passive solar gains through glazing locations and orientation. They indicate that the proposals make best use of under-utilized brownfield land to deliver new homes in an already developed town centre location. The land is therefore of low ecological value and is well situated for public transport and nearby amenities, mitigating the need for car travel.

There are electrical charging points available on the site as per local guidelines for parking provision for new developments.

The design incorporates air source heat pumps for each house and PV panels on the roof.

Drainage

The proposed site lies within flood zone 1 and is not shown as being at risk of surface water flooding.

An additional plan has been submitted to overcome the objection originally raised by the drainage engineer and is now considered acceptable subject to conditions.

Conclusion

The applicants have sought to submit an application for residential accommodation on a site where officers have raised concerns in terms of the impact of the development on the size and character of the site and the impact on the conservation area.

It is appreciated that the development would bring forward much needed two bedroom accommodation in the rental sector and the viability of the scheme would be compromised by a smaller development on the site. However it is considered that the siting, scale and design of accommodation being proposed would cause harm to 14 and 16 Farncombe Road which, due to their significance to the Conservation Area, would lead to harm to the conservation area.

As such the proposal would be contrary to paragraph 201 of the National Planning Policy Framework as it would result in substantial harm to the established character and appearance of the Conservation Area (a Designated Heritage Asset), failing to either preserve or enhance. The development would not be compatible with Policy 16 of Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified) or guidance within the Supplementary Planning Document 'Guide to Residential Development, in that it would not respond positively to local character, and adversely affect the appearance of the street scene.

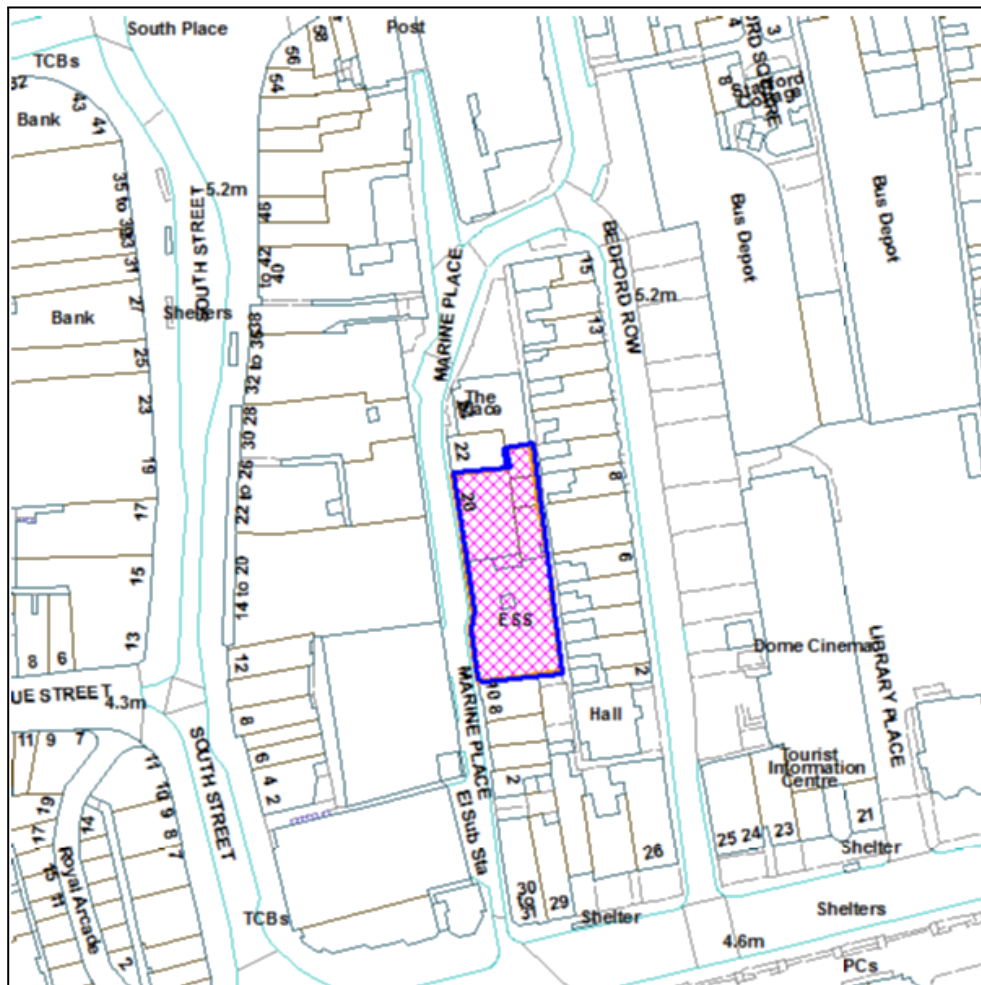
Recommendation

REFUSE for the following reasons:

1. The proposed dwellings by reason of their size, siting and design would represent piecemeal, backland development which would be a discordant overdevelopment of the site that relates poorly to the urban grain, plot pattern and street character, lacking any meaningful sense of place or sympathy with local distinctiveness or the character of the Conservation Area and would be visible as such from Farncombe Road and furthermore adding harding and clutter on the frontage. The proposal would therefore be contrary to saved policy H18 of the Worthing Local Plan, Policies 8 and 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified)the Guide to Residential Development SPD 2013 and the NPPF.

2. The proposed dwellings by reason of its design, size and siting represents an anomalous and awkward form of development causing harm to the setting and composition of local listed buildings No. 14 and 16 Farncombe Road, identified as making a positive contribution to the Farncombe Road Conservation Area. The proposal would also involve the detrimental part loss and part relocation of a substantial flint wall. The proposal would give rise to substantial harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary to policy 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified)the Council's SPD 'Guide to Residential Development' and relevant paragraphs within the NPPF.

Application Number:	AWDM/1884/22	Recommendation - Approve and delegate to Head of Development to issue the decision upon completion of a s.106 undertaking.
Site:	10 - 20 Marine Place, Worthing, BN11 3DN	
Proposal:	Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation.	
Applicant:	Star Property Investment and Management Ltd	Ward: Central
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Stephen Cantwell	



Not to Scale

Proposal, Site and Surroundings:

This application seeks full planning permission for the construction of a three storey building to comprise nine apartments. Outwardly this would take the form of a terrace of three maisonettes at its northern end, which would appear as townhouses, each with separate front doors and gardens but with a top floor apartment above the 'maisonettes'. The southern end appears as a more conventional apartment block containing six flats accessed by a single entrance; which would also access a proposed basement commercial space and courtyard with cycle racks.



Fig. 1: Small Scale Image of Proposal outlined in red, within Marine Place

This 0.07ha town centre site is largely an existing open-surface car park with a 42m frontage to Marine Place and single storey warehouses at its northern end, which are to be demolished. The street is old and narrow and within the Conservation Area; it provides service access to the rear of South Street shops, including Iceland and the former Debenhams store. It also contains other small commercial premises and new apartment blocks further to the north (not shown above).

At its southern boundary is the two storey St Clare's Community Hub at nos. 8-10, operated by Turning Tides. The site backs onto the rear of the listed Georgian terrace at Bedford Row and the listed Bedford Cottage with The Dome visible beyond this. A small electricity sub station at the centre of the existing car park would be relocated to the southern end of the redeveloped site. The proposed layout is shown below. Larger scale elevations are included in the Planning Assessment section below and colour images will be provided at the Committee meeting.

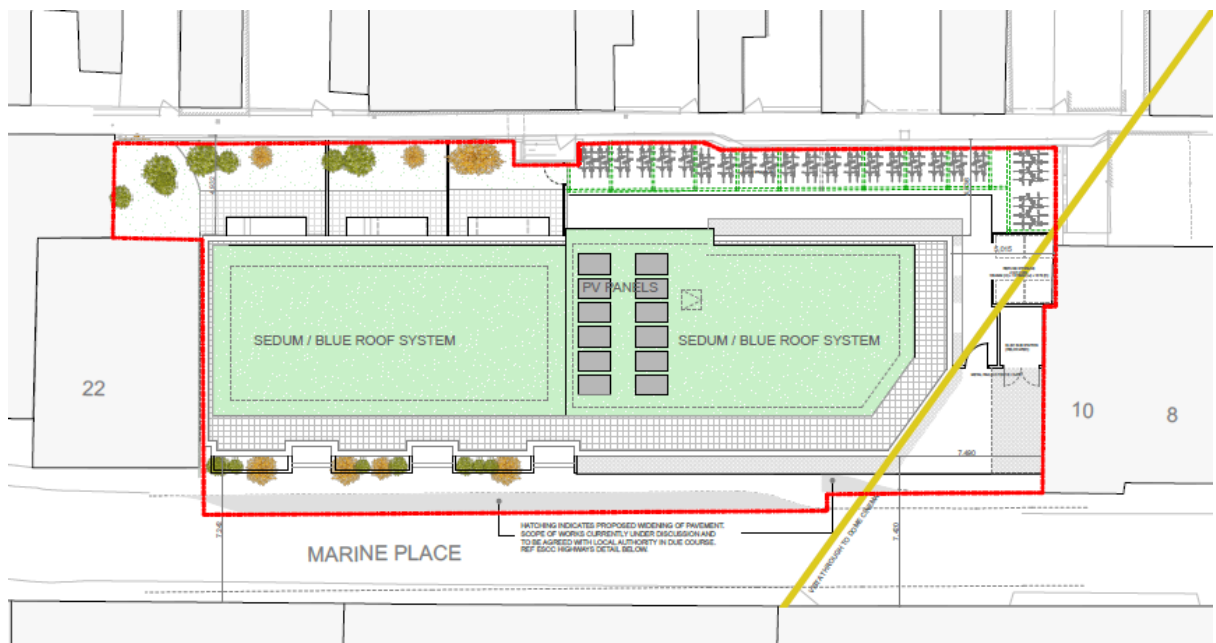


Fig. 2: Proposed Site Plan (yellow line showing view towards The Dome)
Relevant Planning History: None Relevant

Consultations

County Highway Authority: No Objection

- Given the town centre location with access to pay and display car parks a no parking provision is acceptable.
- Trips to the site are unlikely to be high; 14 residential trips/day and 31 for the office. However, as no parking is provided all these trips would be on foot
- Developers should encourage sustainable transport modes, a travel plan with a monitoring fee of £1,500
- Cycle parking will be provided in secure communal stores
- Marine Place is a one-way street with parking restrictions, which will also prevent parking, other than for loading and unloading which is unlikely to occur on a regular basis.
- Works within the public highway will be required to widen the footway. The loading bay markings will need to be removed/ relocated, and once the new footway has been constructed, an extension to the existing double yellow should be continued along the carriageway.
- There is no history of safety concern (no recorded incidents involving pedestrians).
- This can be implemented by a S278 transport regulation. This work to be undertaken by the developer, we would not look for a s106 contribution.
- Some of the footway is within private land and may require a s38 agreement to become maintainable highway land
- A Construction Management Plan (CMP/CEMP) is required prior to the demolition of the buildings, which may require traffic management in the one-way road.

Environment Agency: No Objection

Subject to a condition concerning: Adherence to flood risk assessment measures including specified floor levels; sleeping accommodation to be set no lower than 5.61 m above Ordnance Datum and use of flood resilient finishes. Details pursuant to be submitted to and approved by the Local Planning Authority.

Southern Water: Awaited

Historic England: Confirms No Comment

Suggests that the views of the Council conservation and archaeological advisers are sought

Archaeological Consultant: No objection

The site has potential to contain significant archaeological remains ranging from the prehistoric to the post-medieval periods. Recommends conditions for archaeological ground investigation, and prior agreement of method.

Conservation & Design Officer: No objection

The setting of these buildings has been considered by the developers and the current scheme has been designed to try to limit the impact on their settings. The building has been pulled back from the southern boundary, and a chamfer has been cut from the corner of the building to maintain a view of the Dome Cinema. Although there will still be some harm, due to the proximity of the proposals to the identified heritage assets, this is considered to be less than substantial.

The South Street Conservation Area, first designated in 1975 is also an identified historic asset. The scale of the proposed buildings in the street, with a recessed top floor, is not considered to be harmful in this section of Marine Place. Details reflect those recently approved in Marine Parade.

This road running between Warwick Street and the seafront would benefit from some environment improvements, as its character reverts to residential away from a service street.

[Detailed comment:

The site is within the. Marine Place is an historic part of the early growth of Worthing, constructed on former farmland around 1802 - 1805. The southern section of Marine Place originally consisted of a row of good class lodging houses, the northern end was dominated by small business premises and stables, a number of nearby historic service buildings were demolished in the 1970s in order to create a new section of highway between Marine Place and Bedford Row

As an integrated part of the wider area, the significance of some of Marine Place's buildings are included in Worthing Borough Council's *South Street Conservation Appraisal 'Bedford Row, an elegant four storey bow fronted terrace from the early Regency period most of which is Listed....At the rear of Bedford Row to the west is Marine Place wherein is located the Listed Bedford Cottage and several buildings of significant local historic or architectural significance.'*

The site is currently an open car park, but was previously partially occupied on the street frontage by residential buildings.

Bedford Row, largely Gde II listed, is an elegant early nineteenth century terrace which backs onto an historic twitten running between the sites. The listed Bedford Cottage, is just to the south of the site. Currently there are views through the vacant proposal site to the dome of the grade II* listed Dome Cinema]

Safety & Resilience Officer: No objection

I am satisfied with the mitigations in place in the event of flooding. Whilst the proposed development sits within flood zone 3 the absence of historical incidents coupled with the risk of being very low, I have no objections.

Environmental Health - Private Sector Housing : Comment

The stacking of uses between the second and third floors is unsympathetic and remains the case in the amended plans, which could lead to neighbour disturbance that cannot be mitigated through legal intervention.

Environmental Health - Public Health : Awaited

Sussex Police: Comments

Use and Access:

It is important that the boundary between the public space (office/co-working areas) and private areas (apartments) is clearly indicated. The management plan indicates that this would be open to residents and non-residents, therefore it is important to ensure that the structure of the development is maintained so that the proposed different uses do not cause conflict with each other. Clear segregation and robust management will be needed. It's Imperative that entry-control to the proposed apartments/town houses is for authorised persons only. Trades person or timed-release mechanisms are not advised as they have proven to cause antisocial behaviour and unlawful access to communal developments

Also recommends consideration of CCTV and intruder alarm for the entrance of the office space / apartment block and that lighting of the development will be important.

Cycles:

A design of galvanised steel bar cycle-stand is recommended that enables both wheels and the crossbar to be locked to the stand. No more than 30 cycles will be stored within a communal cycle store. Railings and gates to the cycle store must allow natural surveillance. Access control will be required to ensure that only residents are able to enter this area.

Further details can be found at www.securedbydesign.com

County Fire & Rescue Service: Further Information Required

Requests evidence that all points are either within 45 metres of a fire appliance in accordance with regulations. Otherwise a domestic sprinkler or water mist system is required.

Technical Services; Drainage: Further Information Required

Flood risk.

The application is within flood zone 3. An access and egress route plan lacking in the submitted emergency plan and evidence that safe access for emergency services is provided at all times.

Surface water drainage;

The proposed drainage strategy is broadly agreed, including attenuation via blue roofs and permeable surfacing. More information at this stage to ensure sufficient

space for surface water drainage, including calculations,, an impermeable areas plan with labelled water storage. A diversion route for the foul sewer crossing the site and the level of the sewer connection to demonstrate achievable gravity connection

The Worthing Society

[Comments on original plans] Proposals are broadly in Art Deco style but rather bland, more reference to local buildings could be made.

The height of the new building facing Grade II Listed Bedford Row, could give a 'sense of enclosure'. Concerns of nearby residents and businesses noted regarding potential light loss of light., with serious concerns at the rear of Bedford Row, where west-facing basement flats already suffer lack of light. The Daylight and Sunlight Report needs to be revisited regarding these concerns.

This part of the South Street Conservation Area has become rather rundown in recent years. It is desirable to restore the street scene and replace the dilapidated commercial storage buildings but the Worthing Society would have preferred two-storey town houses rather than a three-storey block to better complement existing buildings and lessen the effect on neighbours.

The 'street art' [mural] feature would need careful monitoring to ensure design quality and risk of future vandalism. Perhaps a sensitive landscaping design would be better. [**Officer comment** - the mural has been deleted]

If approved, a surveyor will be necessary to assess the effect of construction and vibration works on the adjacent Yoga premises, a building of some age.

Representations - Six responses

Objection by owner of the former Debenhams site:

No objection to the principle of redevelopment, however based on the inter-relationship, potential overlooking and overall negative impacts on amenity to the neighbouring site, we cannot support the current scheme. We therefore suggest amendments are made to mitigate the potential impact of overlooking and loss of amenity to the surrounding sites.

Other neighbour objections and comments

- The proposed height will greatly affect our outlook, sense of space and privacy. The back windows will be opaque up to a certain height after which they will be clear glass. However if you look at angles - this does not maintain privacy. People standing or sitting in a lower level, will be able to easily see up through the clear glass and across and into our flats.
- Basement flats windows are habitable rooms and suffer a lack of natural light, which has been missed in the daylight report. Loss of privacy and the only daylight my west facing flat receives, this structure will look into my bedroom window also potential noise with arising anxiety and stress

- The Debenham's development is already going to add to prolonged construction noise and disturbance. The size of these two proposed developments is potentially going to have a large negative noise impact on this relatively quiet area.
- Wind tunnel - It is likely that wind strength, noise and eddies will increase as the gap is narrowed between buildings and the wind has to go somewhere.
- Lack of parking provision a single space for service vehicles is insufficient.
- No need for the office space and so many cycle racks (43no.). The space could be better used in providing some car parking and vehicle charging points.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 7: Meeting Housing Need

Policy 8 Getting the Right Mix of Homes

Policy 13: The Natural Environment and Landscape Character

Policy 15: Flood Risk and Sustainable Water Management

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Policy 18 Sustainable Energy

Policy 19 Sustainable Travel

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

Policy BE1: Building Design;

Policy TR9: On-site Parking Provision;

Policy H18: Reduction of Amenity for Local Residents.

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Submission Draft Worthing Local Plan as Modified ("SDWLP):

The emerging Local Plan (SDWLP) covers the period up to 2036 and will replace the existing Core Strategy. It has reached an advanced stage of preparation, following its examination and is up to date and in conformity with National Planning Policy. The SDWLP is due to be adopted shortly and is afforded substantial weight in the determination of planning applications. Policies include:

SP1, Sustainable Development

SS1, Spatial Strategy

DM1, Housing Mix
DM2, Density
DM5, Quality of the Built Environment
DM6, Public Realm
DM 13, Town Centre Uses
DM15 Sustainable Transport
DM16, Sustainable Design
DM18 Biodiversity
DM17 Energy
DM20, Flood Risk & Sustainable Drainage
DM23, Historic Environment - Strategic Approach
DM24, The Historic Environment

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.

Section 72 Planning (Listed Building & Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area, and s.66 requires consideration of the effect on the setting of listed buildings.

Planning Assessment

Principles & Sustainable Development

The site lies within the town centre as defined in the Core Strategy, 2011. Plan objective 2 is to regenerate and revitalise the centre, supported by Policy 3, which promotes mixed use developments, including new office space and Policy 4 which envisages higher density housing. Both of these support the principle of this mixed use proposal, and the proposed housing density of 129 dwellings/ha. Policy SS3 of the Submission Draft Worthing Local Plan (“SDWLP”) continues this support for mixed use developments and that standards of high architectural urban design, environmental standards and sustainability should be met.

Sustainable design is considered in greater detail by policies DM16 and DM17 of the SDWLP. These require all new homes to achieve at least 20% CO2 savings, and up to 31% where achievable, by a combination of thermally efficient fabric and at least 10% of energy demand provided by renewable energy. Sustainable solutions are sought by other SDWLP policies concerning transport (DM15) , water usage (110

litres/person/day) and sustainable drainage techniques (DM21) and net biodiversity gain (DM18).

In the current application thermally efficient construction and insulation is designed to provide a minimum of 19% CO₂ above the Building Regulations baseline of 2013. The location of the building on this narrow side street with tall buildings to the east and west and windows on each of these facades, provides for levels of solar gain which can be managed by passive ventilation, using openable windows and trickle vents for cross-ventilation, although mechanical air-conditioning may be required to the lower floor office, and the Environmental Health officer's comments are awaited on this..

Solar PV panels are to be located on the roof, behind the parapet. Information has been requested to confirm their contribution towards overall energy demand in order to meet the 10% required under the Core Strategy and new Local Plan policies. Although the total 19% CO₂ saving is 1% below the minimum requirement of the SDWLP, some slight allowance can be made, given that this application is to be determined only at the point that this policy requirement is introduced. Water efficient installations are also proposed to meet the 110 litre/person requirement.

A planning condition can require verification of these sustainable development characteristics, with provision for remedial actions in the event of any under-performance.

The sustainable approach to transport comprises both a car club offer and substantial cycle parking, together with the accessibility of the site to services and public transport, which is discussed later in this report. central site. The much improved biodiversity characteristics of the scheme and also described later, as are flood risk management.

In terms of housing mix the nine homes would comprise 4no. two-bed and 5no. three-bed, which is supported by Policy 8 & SDWLP Policy DM1. This does not trigger the need for a proportion of affordable homes under Policy 10 & SDWLP Policy DM3 . However, in practical terms, the lack of outdoor space is a degree more significant for larger flats, where the probability of family needs is more likely to arise. This is considered in the Residential Amenity section below.

The commercial development comprises an office space of 120sqm for approximately 20no. computer work-stations, with a meeting room. The applicant refers to this as a potential 'co-working space', in which residents of the building may also use this space for work. However, this is not an exclusive use and the space may be used by other people 8.30am - 6.00pm, Monday to Friday, via an online booking system. Details of its management, to ensure secure usage and co-existence with the residential use of upper floors would be required by planning condition.

Design, Character and appearance

Marine Place is a narrow street in which the facades of buildings on each side of the street are typically 7m apart, as can be seen in the photograph Figure 3 below. By

comparison with the broader streets of the nearby seafront and South Street, the street has a more intimate character. The variety of two-storey and single storey buildings on the east side, with their mixture of roof shapes, materials and architectural styles, provide visual interest.

The significantly taller buildings on the west side, including the rear of the former Debenhams, are less varied; the absence of doorways and presence of covered-up windows is somewhat less animated and less varied. However, these buildings contribute to the strong building line which characterises much of the street.



Fig. 3: Marine Place looking south (application site on east side beyond blue-painted 'Yoga Building')

Figures 4 - 7 below, show the four elevations of the proposed building. In Figures 6 & 7, buildings in Bedford Row to the east and former Debenhams to the west, are also shown. It can be seen that the proposed three storey building is well within the range of existing heights. Figure 1 at the beginning of this report, also shows how the proposed height would be slightly lower than existing buildings at the extremities of the eastern side of the street, and would be reasonably consistent with the rising-falling pattern of heights in between.

The recessed top floor means that the main parapet above the proposed first floor windows, is close in height to the eaves lines of neighbouring two storey buildings. Of equal importance, the proposal provides a strong building line along a substantial part of the eastern side of the street, which reinforces the existing intimate character.



Fig. 4: Front Elevation



Fig. 5: Rear Elevation

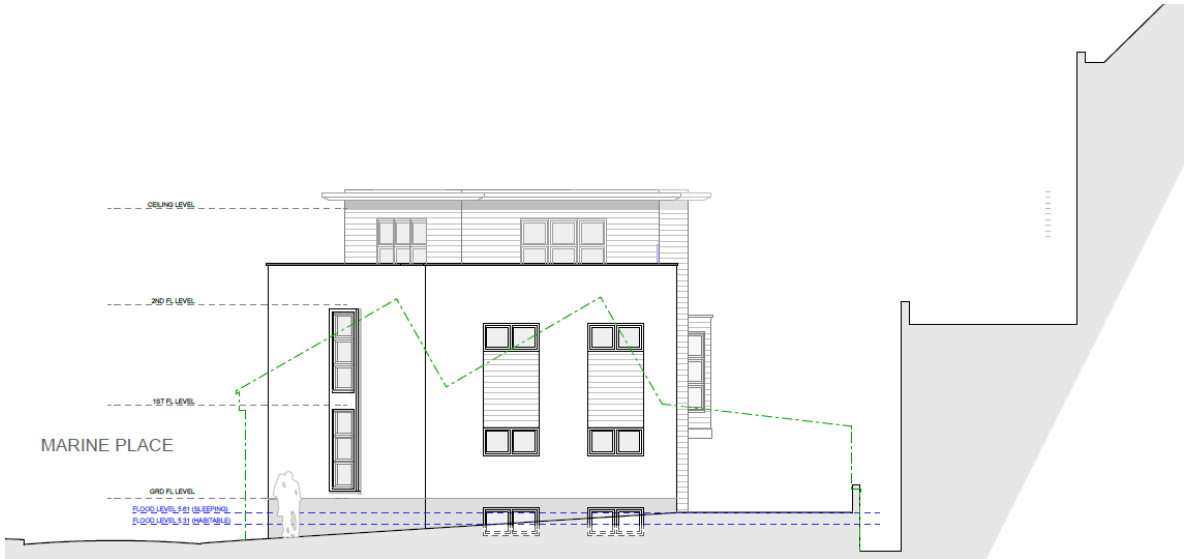


Fig.6: Southern Side Elevation

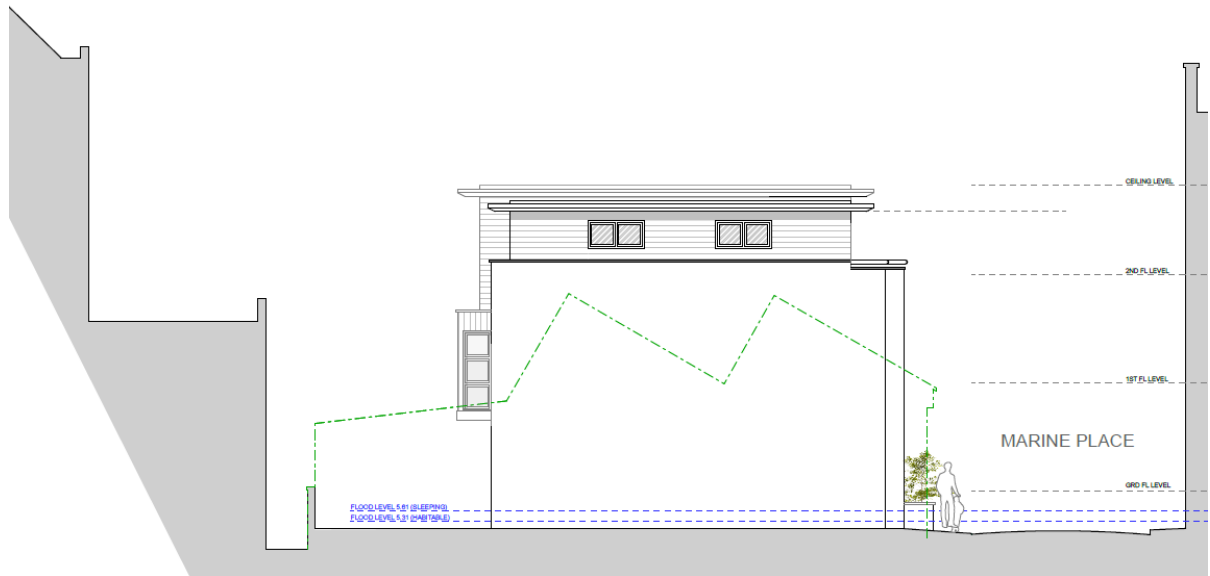


Fig. 7: Northern Side Elevation

The detailed design of the proposed building uses two forms. The southern half, containing most of the apartments and the lower ground floor office space, has the appearance of a single apartment block, defined by wide horizontal runs of windows, wrapped by a band of projected masonry, all in light render. This borrows from the marine-deco style of other nearby buildings, including the southern corner ('Caso Cira' premises), Debenhams and the recently constructed apartments at the rear of the former Mothercare building (see photos below)

The northern half uses three bays and individual doorways, to evoke a terrace of three buildings. This would contain three maisonettes. This echoes some of the narrower plot frontage of neighbouring buildings to the south. The distinction between this proposed northern 'terrace' and the southern apartment block, is reinforced by the use of a more contemporary styling with larger individual window panes and timber cladding in recessed parts of each of the three facades and porches; also for the face of the upper apartment, which comprises the recessed top floor above the three. This styling is influenced by the contemporary block recently constructed in Marine Place 100m to the north (Figure 8, top right photo).

The two halves are unified by a chamfered, oversailing roof canopy, with a slight difference in height at the junction of the block and terrace.

These current plans in figures 4-7, are amendments, which result from several informal iterations, following guidance from the Conservation and Design officer and consideration of the design comments from the Worthing Society. They are considered to provide the high quality standard of urban design, required under new Policy SS3 and the Core Strategy Design Policy 16.

The southern end of the proposed development comprises a chamfered corner, which preserves a view towards the rear of the listed buildings, Bedford Cottage and The Dome, also the rear of the listed Bedford Row, which is discussed in the Heritage section below. In design terms the chamfer adds an interesting facet to the

street. An earlier proposal for a mural here, has been replaced by a column of slightly projected windows, which reinforces the marine-deco design.

To the south of the building, a small recessed yard is retained, which serves as a small parking area, with service access to the relocated electricity sub-station and bin store, and gated access through new recessed railings to the apartment block and extensive cycle parking along the southern and western boundaries. Careful detailing of the area, the enclosures and ground surfacings appropriate to the Conservation Area, can be required by planning condition.

At the rear of the site, the rear (eastern) boundary wall of mixed flints and brick, facing a 'twitchen' alleyway, would be retained. Newer and taller additions along this wall would be removed and made good. This is also discussed in the Heritage and Residential Amenity sections below. These boundary details and the southern yard area are also considered acceptable in urban design terms, in accordance with policies.

One further design consideration is that of the street itself, where the control of means of enclosure and pavement widening is important in maintaining design quality.



Fig. 8: Some existing buildings in Marine Place

Heritage

The site is both within the South Street Conservation Area and in the setting of the listed buildings: Bedford Row to the east and Bedford Cottage to the south east, further beyond this is the view of the listed Dome Cinema. Policies 16 of the 2011 Core Strategy & DM24 of the SDWLP and the NPPF (especially paras 199 - 205), require consideration of the impact of proposed development on these heritage assets and their significance. Any degree of harm must be weighed against the benefits of development. In accordance with these policies and NPPF, the applicant has submitted a consultant's Heritage Assessment.

The assessment identifies the importance of the early C19th Grade II Bedford Cottage, with its coursed cobbles and rubblestone construction with yellow and red brick dressings and contrasted corbels. It is accessed via the twitten. Historically it was enclosed by buildings, but for part of the C20th, following other demolitions, it has been visible from Marine Place, across the application site.

Bedford Row is also early C19th, comprising four storey, mostly stuccoed frontages with curved bay windows and ornate front doors. The rears of these listed buildings, which are largely visible from Marine Place across the site is said to: *'have developed in a less uniform way and [were] never intended to be visible from the street are of less architectural interest, comprising a series of closet wing extensions/additions, and a varied materials finish and state of repair.'*

The unlisted, single storey Gospel Hall to the south of Bedford Row is noted for the classical entrance porch and arched windows, all at the front (east), but not for any of its rear facade, which faces the south east corner of the application site. However, it is considered to contribute to the setting of Bedford Row.

Further to the south east, the 1911-built Dome Cinema is noted in the Council's Conservation Area Assessment of 2001, as part of the complex of promenade buildings and a listed building 'of more than special interest'. Whilst its visibility from Marine Place is not noted in the appraisal, this is a vantage from which the rear of its tall and prominent dome can be glimpsed, serving as a visual connection between the historic promenade and this Marine Place, both of which are in the conservation area.

According to the applicant's consultant the site itself, including its single storey workshop/storage buildings, makes: *'no important or positive contribution to the character or appearance of the South Street Conservation Area. Indeed, the poor quality 20th century buildings and partly undeveloped nature of the Site is at odds with the prevailing character and appearance of the area'*.

The Council's 2001 assessment attaches no particular conservation significance to the site but it is among the listed enhancement opportunities, for either: *a landscaping scheme to enhance the street scene and the setting of Bedford Cottage, or permit appropriate infill development which equally should enhance the street scene and the setting and situation of Bedford Cottage and the attached buildings.*

In consideration of heritage impact the proposed building, which adheres to historic building lines and echoes the mixed plot sizes and frontages in the street, creates a greater sense of continuity and enclosure. This strengthens the intimate character of the street. The inset top floor avoids the tendency for tall buildings to appear overpowering and the light-reflecting pale render echoes the stuccoed treatment which is seen at Bedford Place and in other rendered Marine Place buildings.

Views from Marine Place towards Bedford Row and beyond would be reduced by the proposal, but the upper part of Bedford Cottage would remain visible along with the Dome, due to the carefully designed chamfer to the southern end of the proposed building. The Heritage Assessment notes that whilst these views are less extensive, they are improved by the quality of the proposed building in the foreground, by contrast to the poor quality appearance of the existing car park. This conclusion is considered reasonable and it is agreed that the sympathetic scale and design qualities of the proposal would enhance Marine Place

Views to the rear of Bedford Row are more substantially reduced. However, the facades have little architectural note, aside from occasional window arrays and the range of rear alterations which speak of their varied changes over time. However, visibility would remain from the street, across the proposed entrance yard, so that the degree of harm is not considered to be substantial. From Bedford Row, the westward view towards the site from the environs of Gospel Hall is likely to be slightly changed, by a view of the southern corner of the proposed building against the skyline, but this is considered to be partial, distant and recessive, rather than intrusive.

The proposed selective removal of C20th century additions to the flint wall at the rear of the site, and making-good is another benefit of the development, which will enhance this characterful pedestrian route and outlook to adjoining residents.

In policy terms and in consideration of the NPPF, any harm upon the conservation area and setting of listed buildings, is considered to be limited to the reduced views between Bedford Cottage, The Dome and the rear of Bedford Row from Marine Place. However the retained views offered by the chamfered building and yard area are such that the harm is less than substantial. When weighed against the public benefits of the building in terms of its enhancement of Marine Place and its mixed use, bringing regeneration and vitality to this part of the town centre, the less than substantial degree of harm is considered to be acceptable.

It is also noted that pavement widening is proposed in front of much of the site frontage. This will improve pedestrian safety and comfort. Discussions have considered whether this could form part of a wider, future traffic and environmental improvement scheme in the street, possibly stimulated but at this time, there is no identified scheme for such works.

An archaeology assessment has been submitted and reviewed by the Council's archaeological consultant. This identifies potential for significant archaeological remains ranging from the prehistoric to the post-medieval periods. The consultant has recommended conditions for ground investigations, with prior agreement of methods to be secured through appropriate planning conditions

Residential amenity – proposed dwellings

Each of the proposed dwellings meets nationally described internal space standards and has a dual aspect, in order to allow for light and cross ventilation. The development has been designed to comply with Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings), with internal layout designed to allow for wheelchair movement in order to meet the changing needs of households in accordance with policy 8 SDWLP policy DM1 . There is also disability scooter storage with battery charging.

The internal arrangement has raised a comment from the Environmental Private Housing officer, concerning the disposition of bedrooms above or below kitchen-diner rooms or the commercial space. This occurs in three of the proposed dwellings, this relationship is unchanged in the recently amended plans. Advice has been obtained from the Building Control Officer, who recommends that sound insulation in advance of Building Regulations Standards would be required by planning condition.

Externally, each of the proposed maisonettes would have private rear amenity space which meets the minimum 20 sqm space standard required of the Council's Space Standards SPD. Whilst there is only outdoor terrace space for two of the six apartments (narrow areas around the set-back façade. The SPD acknowledges that in some cases, new dwellings in central locations may be less able to provide a full complement of outdoor spaces on-site. It is noted that the seafront and beach are very close-by. The site is also a few minute's walk from Steyne Gardens, with Beach House Park a little further. As such the application is considered reasonable in terms of outdoor amenities.

Residential amenity – existing dwellings

The site is located in an area of narrow streets, which are often characterised by relatively small spaces between buildings. The closest part of the proposed building would be between 6.5m - 13m from the rears of several of the existing apartments in Bedford Row, the slightly recessed top floor of the proposal increase this by 0.5m for most of these relationships.

It follows that outlooks from existing apartments will be affected and that light impacts must also be considered. On this latter point, the amended sunlight and daylight assessment applies a series of tests which are from the National Building Research Establishment, to examine sunlight, daylight and shading; the amended version also corrects an earlier omission.

The conclusions show that in respect of visible skyline and light, five windows are affected to an extent below recommended levels, although these are fairly minor by degree, for instance a value of 0.76 instead of 0.8 for the visible sky component. A courtyard garden at no. 9 Bedford Row also experiences a small incursion in afternoon light, although light penetration is mainly affected by existing structures, such as the wing of the existing building at no.9 itself, and its existing neighbour.

Whilst these results have some significance, the application provides the opportunity to improve the immediate outlook for these properties but the removal of the existing buildings at the northern end of the site, which are physically close than the proposal, and by the lowering of the tall boundary wall (shown in figure 9), removing mainly C20th additions and making good the remaining wall, possibly with some area of railing to create a reasonably secure height.

The impact of this change would be to improve the immediate outlook from these windows and the courtyard gardens of Bedford Row, as well as the character of the twitten through which they are accessed. This is considered to provide qualitative improvements in outlook and possibly to some degree, daylight, as some counter-balance to the effect of the proposed building. A planning condition can be used to secure the detailed implementation of this change.



Fig. 9: Rear wall to twitten at Bedford Row

In terms of privacy, these close relationships have necessitated care in the design approach. At first floor level, the use of obscure glazing for proposed bathroom, landing and secondary windows, can avoid lines of sight towards neighbours. Bay windows are also proposed, in which clear glass is only used in side panels, not facing existing neighbours.

Second floor obscure glazing can be used in a similar way to the first floor. However there are two bedrooms and possibly a study here in which windows facing Bedford Road, are the sole means of light to these rooms. This suggests that clear glass would be preferable for proposed residents. The applicant has been asked to consider whether some change can be made here which would reduce the risk to neighbouring privacy. An update will be given

In consideration of the relationship with the rear of the Debenhams building, the proposed windows would be between 7-8m from windows from the Debenhams facade, which contains several original windows, which are currently covered over. These would be variously uncovered and replaced as part of the current proposals for conversion and enlargement of that building (AWDM/1906/22).

To avoid or reduce this relationship would be likely to necessitate quite a different approach to the design of the proposed building, for instance angled bay windows could be used, to face southwards towards the sea. Whether this would be suitable in architectural terms, has not been explored, nor the question of whether there is

adequate space in this narrow street, for any projection away from the facade of the building. However, the appearance of the building is likely to be quite different from that of the proposed, which is considered to represent a good standard of design for its context.

Whilst the intervisibility between the site and the future-converted Debenhams building, is less than desirable, in this particular case, the nature of the narrow street and strong building lines which define it, make an ideal solution hard to achieve here.

In terms of noise and disturbance, there are four main considerations: the use of the commercial space, roof terraces; the relocated sub-station & new bin store and construction works.

On the first of these points, the applicant anticipates that the commercial space would be in use 8.30am - 6.00pm, Monday to Friday. It would be open to anyone resident or non-resident who is in need of office or meeting space. Bookings would be via an online portal. The facility would be monitored, in order to ensure safety, cleanliness and a point of contact for any queries or issues and secured at the end of everyday.

It is considered that a daytime office use is unlikely to give rise to noise and disturbance, despite the location of its entrance door some 6.5m from the nearest neighbour. It is also noted that the car park use itself gives rise to a degree of vehicular noise. The applicant's description indicates a mixture of remote and on-site management, albeit the on-site component may only be to open and close the space each day. It is recommended that a management plan be submitted to describe its operation in greater detail, including arrangements to minimise risk of officer users access unauthorised residential parts of the building.

Roof terraces are on the west (street) and south (courtyard) sides of the building, where any arising noise is less likely to impact upon existing neighbours to the south and east, subject to a suitable form of screen to be installed at the south east corner of the terrace, via a planning condition requirement. The risk of noise to future residents of the future-converted Debenhams building to the west and to the lower floors of the proposed building is harder to address, since they would be closer.

It is possible to require that these terraces are not used other than for looking out onto or for maintenance, by use of a planning condition. However, this might be viewed as a disproportionate response to the risk and difficult to enforce, mindful that the terraces are quite narrow and unlikely to hold many people at any one time.

Finally the relocated electricity substation and bin store, would be adjacent to nos. 8-10 Marine Place, which contains some side facing windows. The views of the Environmental Health officer are awaited concerning the risk of noise, vibration or hum, which may necessitate, for instance, specific standards of insulation and containment. An update will be given on this matter

Accessibility and Parking

The proposal is centrally located and the Highway Authority agrees that the proposal to replace the existing car park is likely to generate a low number of daily trips, 14 no. residential and 31no. office-related. Given the accessible location, the emphasis upon other modes of transport, via the 43 cycle parking spaces and travel plan, is acceptable.

As part of this, the applicant has agreed to provide a 2 year membership for a car club for each new household, and a modest drive-time credit allowance, to familiarise new residents with this option. Currently a car club is in operation at the Council's High Street Car Park. This can be secured by a s.106 provision.

The Highway Authority and Police have recommended secure covered cycle parking and the applicant has been asked to amend the proposals so that fully enclosed stores are provided for residential cyclists to the rear of the building, with canopies for others. An amended plan has been requested.

Pavement widening in front of the building, is proposed and can be undertaken by the developer using a Grampian style planning condition (which requires physical works in the highway, before occupation of the new homes and offices. Officers have considered whether an equivalent contribution could be received and added towards wider highway and environmental streetworks, but currently there is no wider plan for such works by the Highway Authority, into which this could be added.

A Construction Management Plan would be required as part of a planning permission, which would require traffic management of the one way street, including provision for deliveries both the the site and existing businesses, such as the Iceland store, the service access ro which is located further southward along Marine Place.

Flood Risk & Drainage

The site lies within flood zone 3, a high risk area, where the risk of flooding is 1 in 100 years or greater. As such National policy (NPPF) in addition to Policies 15 of the Core Strategy and DM20 SDWLP, require a sequential approach to the identification of sites for new development, based upon an examination of other sites and their availability so that uses which have higher vulnerability to flooding, are located in areas of lesser risk, unless there are overriding reasons for doing so, and various exceptions are met.

The high risk flood zone comprises much of the southern part of the town centre, between Splashpoint and West Buildings. Within this area, major mixed use land allocations, including offices ('less vulnerable'), and new dwellings ('more vulnerable'), have been made in the SDWLP for available redevelopment sites at Grafton Road Car Park and the Stagecoach Bus Depot in nearby Marine Parade. Other mixed use allocations in the central or edge-of-centre sites are on sites outside the risk zone at the former gas work at Lyndhurst Road, Union Place and Teville Gate. These contribute to the total of new homes required during the period up to 2036.

However, these sites, together with the total suburban and other allocations in the Local Plan, can only deliver less than 30 percent of the total requirement. With limited other opportunities for other unidentified 'windfall' sites to emerge during the plan period, smaller sites such as the proposed can provide an important contribution, particularly in central locations, where access to public transport and services provides an opportunity for sustainable development.

The application has received the support of the Environment Agency, although the sequential test is not explicit in the applicant's flood risk assessment as required by policies 15, DM20 and NPPF, and an update is currently being prepared by the applicant. However, in sequential testing terms, given the constraints and limited opportunities for housing developments, particularly in the town centre, the probability of different outcomes seems low. If so, the proposal can be supported, if the following exceptions are met:

- i. Delivery of regeneration and redevelopment of brownfield land
- ii. Reduction of flood risk
- iii. Inclusion of multi-functional sustainable drainage.
- iv. Safe access and egress, with flood warning & escape plan
- v. Flood resilient design

In consideration of these requirements, the site provides redevelopment and revitalisation via mixed uses, in accordance with the objectives and policies of the Core Strategy and SDLP, and in accordance with the Conservation Area Assessment, which specifically identifies the site for regeneration.

The existing impermeable site would be replaced by a more permeable one, with water attenuation in the expansive blue-green roof area. Subject to further comments from the Council's Engineer upon the recently amended drainage information, this may satisfy the requirements for sustainable drainage, with commensurate benefits to the management of surface water as an element of flood risk reduction. This approach is supported by the Environment Agency. The response of Southern Water concerning sewer connection is awaited.

As confirmed by the Council's Safety and Resilience officer, the application contains a description of the evacuation route from the building northwards for 30m through Marine Place (estimated floodwater of 230mm depth) to the edge of floodwaters. Arrangements for updating and dissemination of this information and of flood warnings to residents and users of the office space can be included in a formal plan as part of planning permission.

Measures of flood resilient construction (waterproof floors, walls, raised electrical sockets, non-return valve and flood-proof air bricks), are also included in the applicant's amended flood risk assessment and can be implemented as a requirement of a planning condition.

It is noted that the floor levels of the flats and maisonettes are to be set at 300mm above predicted flood-water height, as agreed by the Environment Agency, and is also to be required by a planning condition.

The Agency also advises that the lower ground floor office space should not be used for habitable purposes; this would comprise a highly vulnerable scenario in this flood zone, and unacceptable under National policy, (NPPF and associated guidance). Given the Permitted Development mechanisms which might lead to this situation in the future, it is essential that such a change of use is prevented by use of a planning condition. This condition will also avoid the risk that additional residential accommodation could arise without triggering the need for affordable housing and open space contributions which would apply to a development of 10 or more dwellings.

Biodiversity & Landscaping

The existing impermeable hard surfaced car park and buildings offer negligible biodiversity value and almost no vegetation. In accordance with SWDLP Policy DM18 the proposal uses areas of new planting, the largest of which are to the rear of each of the three maisonettes, to provide new planting which is tolerant of the near-coastal location. Smaller planter beds are proposed at the site frontage and a planted pergola along the cycle parking area.

This represents a significant improvement in vegetation and is augmented by the use of bee-bricks, which are to be incorporated in the southern façade along with three swift boxes at the eastern eaves. At roof level, behind the proposed parapet, a blue / sedum roof is proposed. Collectively, these provide opportunities for birds and insects and the roof serves as water attenuation, together with areas of porous paving at ground level. The detail and appearance of which is also important in design terms. These proposals can be managed by use of planning conditions (including suitable ground preparations and future maintenance), and are considered to meet policy requirements for biodiversity gain and well-landscaped design.

To the north and rear of the northernmost maisonette, a proposed wildlife area is shown. It is intended that this would be heavily planted to augment the overall biodiversity benefits. This is welcome although it is recognised that it would be difficult to enforce its long term maintenance for this purpose, and there is a risk that it may become used for garden purposes; hence its biodiversity significance is not regarded as significantly greater than that of the other proposed private gardens.

Other issues

Fire Safety

The amended plans, including additional fire safety information, have been sent to the County Fire and Rescue Service, in response to its request for confirmation of distances for fire appliance distance. Its response is awaited

Site Management

Future site management, including access to the office space, communal and outdoor space, sustainable drainage and flood evacuation information and updating, can be required by planning condition. Ongoing responsibility for its implementation

can be included in a s.106 undertaking, together with the car club arrangements and travel plan monitoring fee.

Summary

The proposal is considered to provide an appropriate form of mixed use development in the town centre, which enhances the character of the conservation area. Its central location provides accessibility without on-site car parking and a car club offer together with travel plan and secure cycle storage.

Subject to the updated flood risk assessment with explicit sequential test and the use of conditions, including obscure glazing and selective lowering of the eastern boundary wall, it is considered to be acceptable in terms of use and would have an acceptable spatial relationship with existing neighbours. The comments of the Environmental Health officer are awaited concerning the management of any noise and vibration risks. Other satisfactory responses are awaited from the Fire and Rescue Service, Council Engineer and Southern Water. Approval of the application is recommended subject to the receipt of these.

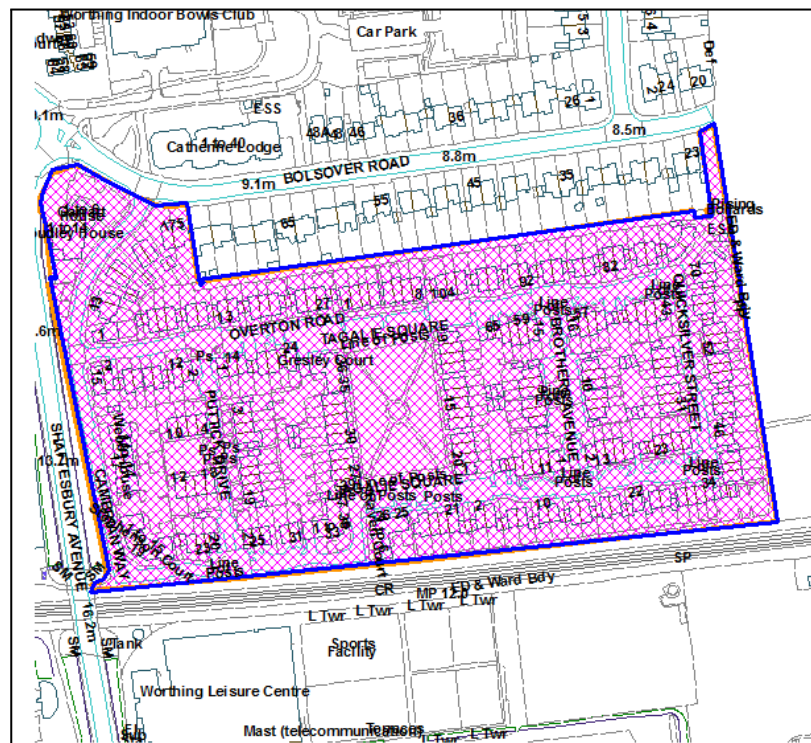
Recommendation

APPROVE and delegate to Head of Planning and Development to issue decision on completion of s106 undertaking

Subject to Conditions:-

1. Approved Plans
2. Time – 3 years to implement permission
3. Materials and large scale detailing
4. Landscaping – Hard and Soft Details, including biodiversity
5. Means of Enclosure – details and limitation of Permitted Development Rights at site frontage.
6. Rear boundary – detailed modifications and implementation.
7. Use of obscure glazing and side screen at south east corner of terrace
8. Office use of lower ground floor and no conversion to habitable space
9. Sound insulation between floors
10. Management of office space
11. Secure cycle stores, details and implementation.
12. Travel Plan
13. Archaeology – investigation and details of method
14. Site remediation – investigation and details of method
15. Levels – floors and land levels
16. Flood evacuation plan, including management and updating
17. Sustainable drainage and maintenance.
18. Construction management plan
19. Construction works – hours of.
20. Widening of pavement
21. Any other appropriate conditions

Application Number:	AWDM/1680/22	Recommendation - REFUSE
Site:	Cissbury Chase (Former Worthing Sixth Form College)	
Proposal:	Application to vary conditions 2, 9 and 11 of planning permission AWDM/0363/11 to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase [Planning permission AWDM/0363/11: Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets.]	
Applicant:	Cissbury Chase (Worthing) Management Company Ltd	Ward: Castle
Agent:	ECE Planning Limited	
Case Officer:	Jo Morin	



Not to Scale

This application has been called to Committee for determination by Cllr Lionel Harman on the grounds that it would give the residents an opportunity to present their case for enclosing the buffer landscaped area.

Site and Surroundings

The application site (5.683 ha) comprises a modern residential housing estate known as Cissbury Chase developed on the site of the former Worthing Sixth Form College. The site is made up of detached, semi-detached and terraced dwellings with associated on-plot parking and gardens, plus private access roads, communal parking courts and off-plot parking bays (including visitor parking) and a large central area of Public Open Space. To the north, east and south of the site are narrow strips of land comprising landscape 'buffer strips' onto which the rear gardens of a sizeable proportion of perimeter dwellings in Overton Road, Tagalie Square and Quicksilver Street back onto.

The buffer strips, with gated access for maintenance purposes, were included as part of the planning layout of the original estate granted planning permission under AWDM/0363/11.

The northern buffer strip (approximately 4 metres wide) backs onto the residential rear gardens of properties in Bolsover Road (Nos 23-75 odds).

The eastern buffer strip (roughly 2.0-2.5 metres wide) backs onto West Tarring allotment gardens.

The southern buffer (4 metres wide at its eastern end narrowing to roughly 2 metres at the western end) backs onto railway land and the main south coast railway line. Worthing Leisure Centre lies beyond the railway line. There is a 2 metre high acoustic fence located within the southern buffer.

The buffer strips consist of a mix of unmaintained woodland, hedgerow and planting. The site boundaries of the north, east and southern buffer strips with neighbouring land is marked by chain link fencing.

Proposal

Permission is sought by the resident's management company, Cissbury Chase (Worthing) Management Company Ltd to vary Conditions 2, 9 and 11 of planning permission AWDM/0363/11 to remove the landscaped buffer strips to allow the extension of the adjacent private residential gardens.

A covering letter accompanying the application explains that not all of the residents with properties backing onto the existing buffer strips have participated in the scheme and it is proposed that those which have not participated would have the buffer strip to the rear of their properties split between adjacent neighbours, or left 'as is', if the management company can gain access to it.

It is proposed that the existing 1.8 metre high close-boarded fencing to the private gardens will be reused to separate the new extended boundaries of each area.

The covering letter states that the acoustic fencing to the southern strip “will remain in situ, but if moved, will be retained at a similar height and effectiveness”.

The application is accompanied by a Preliminary Ecological Appraisal and Biodiversity Enhancement Strategy by Lizard Landscape Design and Ecology.

Relevant Planning History

AWDM/0363/11

Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Permitted subject to Conditions and S106 Legal Agreement.

Condition 2:

List of Approved Plans

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

Condition 9:

No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of the development hereby permitted.

Reason: In the interests of visual amenity and the environment and to comply with Policy 16 of the adopted Core Strategy.

Condition 11:

No development including removal of trees and vegetation, and, demolition or alterations to building(s) shall take place until details indicating how suitable provision will be made for protected species and their habitats, including the provision of bat boxes, bird boxes and habitat piles, have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made before development commences and, thereafter, shall be retained and maintained in accordance with the approved details.

Reason: *To safeguard the ecology of the area, and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) to ensure that a habitat remains for them during and after development.*

The S106 Agreement sets out the various financial and other obligations agreed between the relevant parties (Worthing College, the Developer, the Council and the County Council) relating to the development of the site.

The landscape buffer strips are included within the Definitions as 'Non Adopted Areas' which do not form part of the land to be transferred or sold on long lease with any Residential Unit or Units and which is not to be adopted taken over by or vested in any authority or other body acting under statutory powers and which will be managed under the estate Management Arrangements in accordance with the Agreement.

Schedule 7 of the Agreement sets out covenants by the College relating to the setting up of Estate Management Arrangements (including the formation of a Management Body) for the future management and maintenance of the Non Adopted Areas.

Paragraph 4.3 of Schedule 7 states: *Unless the Council shall approve any different method of management the estate Management Arrangements shall include the establishment of a suitable Management Body the details of which shall be set out in the Estate Management Arrangements.*

Paragraph 4.4 of Schedule 7 states: *The Estate Management Arrangements (including details of any Management Body) shall be provided to the Council prior to Occupation of the first Residential Unit so as to satisfy the Council that proper arrangements have been established for the future management and maintenance of the Non Adopted Areas.*

AWDM/0521/22 Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets. Variation of Conditions 2, 9 and 11 (reference AWDM/0363/11) and to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase. Withdrawn.

Consultations

Ecology Advice (Hankinson Duckett)

Designated sites

The closest statutory designated area to the application site is Cissbury Ring SSSI located approximately 4.3km from the application site and the closest non-statutory designated area to the application site is Ham Farm Wood SNCI located 1km from the application site (Note: Information obtained from Ecological Assessment (Aspect Ecology, 2011) carried out to inform previous application for the site). We agree that

no effects on these areas are expected and in view of the small scale of the works an updated desk study with regard to designated sites is not required.

Habitats

Ruderal/ ephemeral vegetation vs woodland/hedgerow/scrub vegetation

The Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, 2022) indicates that the habitats present within the three parcels of land associated with the application comprise ruderal/ ephemeral vegetation. It should however be noted that:

1. No map has been provided to show the locations of these identified habitats;
2. No species list has been provided;
3. No supporting photos to inform this assessment have been provided; and
4. Section 4.4 specifies that full access along lengths of the site were not possible, however no associated map to indicate the areas of the site which were inaccessible have been provided.

The assessment of the identified presence of these habitats is further raised into question by the Covering Letter (ECE Planning, 2022) which, rather than ruderal/ ephemeral vegetation, describes the buffer strips associated with the site as supporting 'a mix of unmaintained woodland, hedgerows and planting'. The Covering Letter also includes the below images which show grassland with scattered scrub/ young trees and other established vegetation (rather than the ruderal/ ephemeral vegetation reported by Lizard Landscape Design and Ecology).

The description and images in the Covering Letter correlate with the intended planting proposals given in the *Worthing College: Soft Landscape Proposals* (Catherine Shelton Associates Ltd, 2013) for the previous application, which recommended the planting of a mix of native woodland species.

The evidence available suggests that this area is not dominated by ruderal/ephemeral vegetation which, among other issues reported below, raises significant concerns on reliance on the conclusions reached in the Preliminary Ecological Appraisal submitted in support of the application.

Habitat connectivity

No assessment has been given within the Preliminary Ecological Appraisal into the habitat connectivity provided by the hedgerow/woodland/scrub habitats anticipated to be present. This is surprising given the original purpose of the buffer. It would appear that the connectivity around the site (and along the off-site railway and allotments) would be enhanced by the presence of the buffer which the proposals would result in the loss of in its current form.

Instead of the buffer being managed by the management company it is proposed that the buffer be incorporated into the existing gardens. However, there is a significant discrepancy between the proposed on-going management of this buffer between the Covering Letter and the ecology reports.

The Covering Letter states:

'Extending the residential curtilage would make an appropriate use of land which is currently not being used efficiently. The land at present, has no value to residents

and minimal ecological value (Refer to accompanying reports produced by Lizard) and therefore extending this buffer would allow occupiers to have a bigger garden and utilise the existing unmaintained space.’ This implies that the buffer zone habitats present will be lost and the land converted to gardens [practically the relocation of the fence is likely to result in the loss of the scrub/woodland/hedgerow habitats present].

In comparison the Biodiversity Enhancement Strategy states:

‘Habitats to the boundaries are to be maintained as instructed within the original planning conditions. All residents to the dwellings involved (new and future occupants) are to be provided with copies of what is to be managed and how this can be provided additional ecological enhancements are to be encouraged where the owners can make the area suitable (Hedgehog Homes to properties and hedgehog holes to fencing between properties).’ Ignoring the practicalities of trying to relocate the fence line whilst maintain the habitats present, the likelihood of each area of the buffer being managed independently by the relevant householder is impractical.

Whilst the current householders may have good intentions in this regard, and it may be possible for restrictive covenants to be put in place, it is considered extremely unlikely that all current and future householders would abide by this requirement and policing and enforcement would be very difficult, time-consuming and potentially costly to implement. Despite the Preliminary Ecological Appraisal concluding that: *‘with the management maintain (sic) will still act as its current ecological function’* the same document itself casts doubt over delivery in the long-term stating: *“The risk of homeowners altering the habitat directly and indirectly is an increasing risk that the over time the management is ignored or standards not fully meet. As such compensatory enhancements are proposed within public space surrounding the railway and allotment to allow continued use by the taxa should be implemented.”*

Clarification is required on the discrepancies between the ecology reports and the Planning Statement as to what the proposals for this buffer are and how the proposals can be practically provided on the ground. In addition, no consideration is given with regard to the removal of the fence which would allow access to the buffer by household pets such as dogs.

Biodiversity Impact Assessment calculation

In order to quantify the biodiversity loss/gain as a result of the proposed development, prior to determination of the application, a Biodiversity Impact Assessment calculation (Defra Metric 3.1) should be provided. This calculation should be carried out to demonstrate biodiversity net gain in accordance with Paragraph 174 of the NPPF. (Note: If the buffer is to be incorporated into the gardens of the residential properties doubts raised over the on-going management of this buffer would require the biodiversity net gain to be provided within public open space).

Whilst the measures included in the Biodiversity Enhancement Strategy are welcomed, these are not considered likely to result in ‘enhancement’ as:

- Hedgehog holes: The proposal is to remove a largely continuous buffer comprising semi-natural habitats outside of residential curtilages. Provision of hedgehog holes in the subsequent new fencing reaching up to the boundary is unlikely to mitigate for this loss. Whilst the removal of the fencing could make the garden areas more accessible, suitable habitat is expected to be lost and pets, such as dogs, would have full access. Provision of hedgehog holes is therefore not considered to be an enhancement.

Notwithstanding the current application, the applicant may be minded to add hedgehog holes to the existing fencing in view of their awareness of this issue.

- Reptile Hibernaculum: By the applicant's own admission, the proposals are expected to result in the loss of the continuous buffer of semi-natural habitat around the site boundaries and are expected to reduce the extent of suitable land available to the local reptile population. Provision of hibernation opportunities would not compensate for this loss.
- RAMs for hedgehogs, reptiles and amphibians: Whilst it is agreed that these would be required were the proposals to receive consent, the RAMs are simply to avoid killing and injuring individual animals during clearance/ ensure compliance with nature conservation legislation and are not enhancement measures.

Protected and notable species

Badgers

The Preliminary Ecological Appraisal states that no evidence of Badger was recorded. However as areas of the site and adjacent land were inaccessible to survey (and no discussion on this survey constraint is given) the validity of this assessment is raised.

Either an updated Badger survey should be undertaken or further information provided on the likelihood of Badgers being present within the un-surveyed areas of the site and adjacent land within 30m; this requirement is further justified given the presence of the off-site railway and allotments which provide suitable habitats for Badgers.

Reptiles and amphibians

Although it is agreed that locally significant populations of reptiles and amphibians at the site are highly unlikely to be present, the applicant's ecology submissions identify that the application site has potential to support small numbers of common and widespread reptile and amphibian species. Measures to protect reptiles and amphibians through the course of construction should be detailed within a revised *Biodiversity Enhancement Strategy* which addresses the issues of habitat loss and fragmentation given above.

Birds

No assessment on the suitability of the site to support nesting birds has been provided. Although the site is highly unlikely to support a significant assemblage of

birds, there appears to be some potential for nesting birds to be present within the March-September bird breeding season. Measures to protect nesting birds through the course of works should be detailed within a revised *Biodiversity Enhancement Strategy*.

Other considerations

The proposal appears to have arisen over concerns regarding the actions undertaken by the current management company and seeks to overcome these by placement of responsibilities for management in the hands of multiple independent homeowners. By the ecologist's own admission, the long-term maintenance of a buffer by the homeowners in this manner is uncertain. The question therefore needs to be asked why the current management company has not implemented management of the buffer as required under the existing planning consent and, if indeed that is the case, why this cannot be rectified by action against the current management company or employment of a new one.

Advice:

Prior to determination the following documents should be provided:

- The Preliminary Ecological Appraisal should be re-visited and an assessment of habitats present within the site provided. This needs to include a map showing the habitats present, species lists and supporting photographs. In addition, the areas of the site inaccessible for survey need to be clearly shown on a supporting map.
- The Preliminary Ecological Appraisal needs to be extended to cover the presence of nesting birds within the site.
- Further surveys with regards to the presence/ absence of Badger setts should be undertaken if the current conclusions reached are to be maintained.
- A *Biodiversity Impact Assessment* calculation should be undertaken to demonstrate that a net gain for biodiversity can be achieved across the site.
- The *Biodiversity Enhancement Strategy* and *Ecological Design Strategy* should be updated to demonstrate how sensitive on-site and off-site habitats and species, including woodland, hedgerow, Badgers, reptiles, amphibians and nesting birds, will be protected throughout development and how spread of invasive species will be controlled. The *Biodiversity Enhancement Strategy* and *Ecological Design Strategy* should also include details of establishment and long-term maintenance of new habitats and ecological features proposed as part of the development. NOTE: The *Estate Block Plan* shows two areas of the site as 'potential areas for enhancement' if it is proposed that these areas are to be enhanced for biodiversity then these areas need to be considered in the *Biodiversity Enhancement Strategy* and *Ecological Design Strategy*.
- Justification as to how and why the new approach to buffer provision would be expected to be more effective, and enforceable, than the current approach.

This information must be made available prior to determination of the planning application.

Summary

Review of the proposals and ecological submissions in support of the application has identified multiple areas where baseline information and assessment are deficient to demonstrate compliance with Policy 13 of the Core Strategy, the 2021 NPPF and nature conservation legislation.

We recommend that where appropriate the further information identified above is provided, and issues raised addressed, prior to determination of the application to fully assess the ecological impacts of the proposed development.

Ultimately however, the proposal appears to have arisen over concerns regarding the actions undertaken by the current management company and seeks to overcome these either by removing the habitats included in the landscape proposals of the original planning consent [if you are looking at the Covering Letter] or by placement of responsibilities for management in the hands of multiple independent homeowners [if you are referring to the ecology reports]. Depending on which report referenced this would either result in the habitats present being lost or (by the ecologist's own admission) the uncertainty of the long-term maintenance of a buffer by the homeowners. The question therefore needs to be asked why the current management company has not implemented management of the buffer as required under the existing planning permission, if indeed that is the case, why this cannot be rectified by action against the current management company or employment of a new one.

Sussex Police

Thank you for your correspondence of the 25th of October 2022, advising me of a planning application to vary conditions 2, 9 and 11 of planning permission AWDM/0363/11 to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase [Planning permission AWDM/0363/11: Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets] at the above location, for which you seek advice from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered. I have had the opportunity to examine the detail within the application

and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

This application is seeking Variation of Conditions 2, 9 and 11 (reference AWDM/0363/11) to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase, Worthing, West Sussex. I refer the applicant to previous correspondence from this office – Your Ref: AWDM/0521/22 dated the 12th of April 2022 and Our Ref: LM/WOR/22/06A dated the 12th of April 2022 to which all comments contained therein remain extant. I note that this application has been resubmitted after being withdrawn in August 2022. I also note the following points as detailed on the accompanying supporting statement: The proposal seeks to remove the buffer zone known as ‘No Man’s Land’ to the rear of associated gardens along Overton Road, Tagalie Square and Quicksilver Street to allow the extension of the gardens for each property, that forms part of the application. Associated fencing to the rear boundaries of each property is proposed to differentiate the buffer land and neighbouring land. The fencing will form of close boarding fencing which separates the boundaries of each area. This fencing is already present on the development boundaries of the site and will be reused and located in the associated locations. In addition to the close boarding fencing, the acoustic 2 metre fencing to the southern strip of the site will remain in situ, but if moved, will be retained at a similar height and effectiveness.

I have no concerns from a crime prevention perspective - but would ask that any intended replacement close board fencing when re-establishing boundaries is subject to a height of 1.8 metres. The application of close board fencing to a height of 1.5-metres, topped with 300mm of trellis can be useful for circumstances where areas will be unobserved. This solution provides surveillance into an otherwise unobserved area and offers a security height of 1.8 metres.

Southern Water: No comment.

Adur & Worthing Councils:

The ***Environmental Health Officer*** has no adverse comment.

Representations

27 representations have been received in support of the application from residents of Quicksilver Street and Tagalie Square, making the following comments:-

- The original plans for this land as an environmental buffer were never put in place by the Developer. The Council has admitted that with the benefit of hindsight they should never have signed off the original planning application without the land being prepared properly. It was never managed subsequently by the managing agent RMG.
- The 64 residents involved with this project have invested more than £30,000 following a positive pre-planning meeting with the planning office at which it was advised that no problems were foreseen. The recent U-turn by the planning office is extremely disappointing and completely unacceptable. The cost of maintaining this land will create extra, unnecessary service charges for

all residents of Cissbury Chase, some 240 dwellings and probably around 500 voters at a time when we are all facing a cost of living crisis. We can save these extra costs by transferring the land to the residents who border the land.

- The independent ecology report proves this land has little or no significant environmental value. The environmental impact of approving this application will be minimal.
- I am in full support. Currently no use is being made of the land. Extending the gardens would benefit from better maintenance by the residents who will buy the land. The maintenance cost will fall to the residents buying the land leading to a reduction of maintenance cost for the whole estate.
- The cost of maintaining this land only creates extra service costs to all residents on Cissbury Chase which we could all do without with the current huge increases in living costs.
- The effort to maintain this land will continue to incur unnecessary service charges for Cissbury Chase if the land is not altered. It is infinitely more sensible to transfer the land to the residents who border it in order that it can be maintained with due care under the ownership of the respective properties.
- I would rather own and maintain this land myself instead of paying the high fees to the Council [sic] to do this on my behalf.
- Redeveloping this land would increase security as we have experienced unknown people walking down the rear of our property as they are able to gain access at one end and walk the length of one side of the estate. This was reported to police at the time and we have had to invest in security cameras.
- I register my support to this application which will be hugely beneficial to myself and all neighbours with maintaining what is currently neglected land.
- The proposal will benefit all residents bordering the land including those in Bolsover Road.
- The large mounds on the land have caused rainwater to continuously run onto our gardens making them extremely boggy and unusable. I raised this with Planning not long after moving in and was assured that the developer had put the necessary drainage in place. This does not appear to be the case.
- The weeds and overgrowth are not attended to, causing a problem and growing over fences and into our flower beds. But if removed it would cause a security problem, allowing people to move between the gardens undetected. By allowing residents to take on this space would help keep the areas tidy and add greater security to the houses.
- The land is currently a breeding ground for invasive weed species. It is a thriving home for rats and other vermin if the holes chewed in the fences are anything to go by.
- The reality is that the land has become a dumping ground for rubbish and Japanese knotweed.
- The environmental buffer on the south side of the development is infested with rats. I cannot feed the birds /hedgehogs in my garden without attracting dozens of rats which is a health hazard. This land needs to be adopted by residents and managed to avoid further rat infestation and risk to our health.
- We plan to plant fruit trees which would make the land ecologically valuable and easy to maintain.
- The original plan was to plant wildflowers as a buffer zone between the development and houses in Bolsover Road. Instead the developer used the land as a dumping ground and spoil tip for building debris and topsoil, planting

a few trees and shrubs as an afterthought and leaving the strip to become overgrown and unmanageable. The assigned management agent RMG never made any attempt to address the condition of the strip despite repeated requests from residents. The land is now an ungoverned mess of invasive weeds that have to be culled from both the gardens in Cissbury Chase and in Bolsover Road.

- I have never seen any wildlife in the south side strip in the last 5 years. If permission is granted the acquired land will be used for gardening and vegetation which would promote bees and other wildlife.
- There have been frequent overflights of police helicopters as people have sought to escape by jumping into the berm area to try to evade foot units in the area.
- It is disappointing that following initially positive assessment from the planning office that residents were encouraged to pursue the cost and administration of taking over this strip of ground to avoid the cost of sporadic maintenance and improve the aesthetics of the development only for a complete reversal of that decision once that money had been spent. It calls into question the procedure, notice and competence of the planning department which will no doubt be reflected by the residents at the next election.
- I have paid over £500 when a pre-planning meeting with the Council's planning office did not envisage any problems. The recent change of heart is completely inconsiderate and unacceptable.
- The extensive growth encroaches into my garden. I am unable to gain access to cut back the undergrowth which causes large brambles to grow in my garden and on which my grandchildren have hurt themselves.
- The application relates to three separate buffers. If one of these strips is deemed to serve some environmental purpose the application should not fail completely as each strip is different:

Southern Strip: There is already a strip of land alongside the railway track which provides ample area for nesting and passage of wildlife. The buffer strip on this side provides no further purpose. Instead it creates an area of land that is awkward to access and maintain, meaning a great expense is incurred for all the residents of Cissbury Chase for no benefit. The acoustic fence is not fit for purpose as it provides no diminishing of the sound of the trains that pass-by - I believe because it is too low. If the acoustic fence should stay the application can still succeed as keeping the fence could be stipulated as necessary.

East Strip: This borders the allotment gardens which provide ample habitat for wildlife. The strip adds nothing to this, only providing badly planned difficult to maintain scrub land which detract from the character of the residences on this side whilst incurring maintenance expenses for all residents.

Northern Strip: The land separates gardens from gardens in Bolsover Road. Instead of being an area for improving the environment it is a breeding ground for pests and rodents and a dumping ground for household waste. The planned planting was not carried out by the developer Barratts and instead it was used to dump earth and rubble from the original building project creating a bund which serves no useful purpose. Gardens backing onto gardens would be a very normal situation as seen in housing developments across the country.

Having a strip between gardens only creates useless difficult to maintain scrubland which brings no benefit to anyone.

5 representation in objection to the proposals have been received from the residents of Bolsover Road raising the following concerns:-

- I oppose the Cissbury Chase garden extension, my main reasoning/points are:
 1. Being mis-informed;
 2. Invasion of privacy;
 3. Security of our property;
 4. Effect on the wildlife;
 5. Water drainage;
 6. Velux roof windows
 7. Tree line used as a privacy and noise barrier.
- When Barretts proposed to build Cissbury Chase we were assured there would be an area to the South of our property between the new build and our boundary which would be raised and planted with trees; the raised area acting as a water barrier as the old playing field, as it was, was always water-logged. The trees were intended to act as a privacy and noise screen and encourage wildlife. The area in question has been raised and planted with new saplings which have become established young trees. We feel that due to the proposed removal of the natural tree line we were wrongfully informed as well as the effect it will have on wildlife, it will remove our privacy and the protection which it was intended for due to the houses in effect being 3-storeys fitted with Velux rooflights in the roofs which overlook our properties. The buffer zone has been a consolation to our loss of privacy and it doesn't seem good policy to reverse this decision.
- The proposed works will cause so much distress to the wildlife and established plants. Also there is the privacy issue. When purchased the people [in Cissbury Chase] accepted the size of their garden. I feel that the builders are only after money and not thinking about the environment. We have built our back garden to suit the fence and wouldn't appreciate the cost of rectifying it and our privacy being invaded. it would cause a lot of upset and resentment for pure greed.
- When we purchased our property this year we were told that the land in question was designated as a water runoff area. varying the conditions of the original planning permission may negate the effectiveness of the water run-off and pose the surrounding properties to flooding. I want to see this feature retained for its intended purpose.
- The trees and shrubs on the land provide essential privacy which would be removed if the Cissbury Chase gardens are extended. The trees and shrubs are attractive and provide a beautiful natural screen between us.
- The removal of trees and shrubs would increase surface water flood risk.
- The trees and shrubs planted as part of the original planning conditions should be protected from removal "the safeguard the ecology of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981, and to ensure that a habitat remains for them during and after construction" as set out in the original decision notice. The proposed mitigations are insufficient to achieve this, particularly given that most of the site prior to development was longstanding greenland important to local wildlife and

the provision of the planted buffer zone was conditional to the development being approved. The trees and shrubs planted in the buffer are believed to be native and provide habitat for local wildlife - we enjoy seeing the birds and other wildlife thriving in it.

- Efforts should be made to contact the body responsible for the upkeep of the buffer zone in order that it be properly maintained.
- The submitted photographs only show a very small section of the buffer zone, We believe the trees and shrubs planted are in accordance with Condition 9 (of AWDM/0363/11) and therefore in the interest of visual amenity and the environment and comply with Strategic Objective 1 of the Core Strategy to protect our natural environment and address climate change.
- I hope the 10 ft chain link fence stays for the many reasons stated; most specifically the beautiful greenery now attached to it in order to create more of a buffer between the properties.

Relevant Planning Policies and Guidance

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

Worthing Core Strategy (WBC 2011): Policies 13, 14, 15, 16,

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

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

Submission Draft Worthing Local Plan (as Modified): SP1, SP2, SP3, DM5, DM18, DM19, 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.

The key considerations here relate to the effects of incorporating the land in question into the adjacent private residential gardens on the character of the area, including green infrastructure and biodiversity, as well as the effect on the residential amenities of neighbouring occupiers in either case taking into consideration the effectiveness of the planned measures for managing and maintaining the landscape buffer strips.

Background

The premise of the landscape buffer strips formed part of the Landscape Strategy Plan for the housing estate layout approved under AWDM/0363/11, described in the relevant Committee report at the time as follows:-

Landscape Strategy Plan

Along the eastern boundary of the site, the existing boundary vegetation which provides a buffer between the site and the allotments to the east at present will be retained, and it is proposed to enhance the screening function of this buffer by planting a new native mixed hedgerow along this boundary. This mixed hedgerow will be composed of species such as hawthorn, blackthorn, holly, hazel, guelder rose and field maple – a list of suggested species is set out in the Legend on the Landscape Plan. The objective is to create a robust hedgerow which is at least 3 to 4 metres in height which has an informal or naturalistic appearance. Groups of specimen trees, again using locally indigenous species, will be planted within this hedgerow, to provide screening and amenity at a higher level. At the southern end of this boundary, this hedgerow will link with the shrub planting/belt of woodland mix planting proposed along the southern boundary of the site – this will add to the containment of the site.

A mixed native hedgerow will be planted along the northern boundary of the site. The existing scrub, self sown trees and sections of Leyland and Lawson Cypress hedgerow along this boundary are mainly on the northern side of the boundary, within the gardens of the residential properties, and therefore this new hedge will reinforce the screening/buffering function of this existing vegetation. The existing Lime trees (Group 6) will be retained, and to the south of the hedgerow, some woodland mix planting will be introduced, and this will comprise a mix of locally indigenous planting, both tree and understorey species (Oak, Ash, Field Maple, Wild Cherry, hawthorn, blackthorn, guelder rose, holly and hazel), plus groups of specimen trees up to 5 to 6 metres in height at the time of planting. This planting, and the other areas of planting proposed as part of the landscape scheme, will be the subject of a rigorous planting and aftercare regime so that it establishes successfully. Being composed of native species, which are well suited to local conditions, this planting will mature quickly to form an effective landscape feature along the northern edge of the site within 3 to 5 years.

A similar landscape treatment is proposed along the eastern section of the southern boundary of the site with the railway, with a native mixed hedgerow and woodland mix planting providing a 4 metre wide buffer between the boundary fence (which would be a 1.8 metre high close board timber acoustic fence) and the rear gardens of houses along Green Arcadia (Units 66 to 74 and 136 to 147) [Now 2-34 Quicksilver Street and 21-24 Tagalie Square.]. To the west of this, shrub planting is

proposed between the boundary fence and the proposed roadway (Green Arcadia), with groups of specimen trees introduced to provide “greenery” at an upper level.

Paragraph 8 of the Landscape Statement describes the objective of the northern planting buffer as: *“The retention and enhancement of the trees/boundary vegetation along the northern boundary of the site to reduce the effects of the development on the site on views from the adjacent residential properties.”*

Following the grant of permission and subsequent implementation complaints were received in 2017 that the landscape planting within the Northern strip (abutting one of the first parts of the estate to be completed and occupied) had not been carried out. It further transpired that a mound or ‘bund’, varying in height between 0.5 to 1 metre and made up of sub soil and builder’s rubble, had been formed within the buffer area, which was not included as part of the Landscape Strategy Plan, or the landscaping details agreed under Condition 9. The bund was inspected by the Council’s Engineer who recommended the bund be removed or the developer be required to install a soakaway drainage channel [French drain] along the southern side of the bund toe. It is understood this work was undertaken in July 2017.

An inspection of the northern buffer in July 2017 by the Developer’s Landscape Architect identified that all but one of the existing trees earmarked for retention at the western end of the buffer were dead or dying and required removal; and that the proposed new planting had not been carried out in accordance with the agreed specification and that which had been planted, had largely failed. Remedial works were recommended including improvement of the soil conditions along the bund, planting a double-staggered row of hedgerow plants; planting of specimen trees in deep tree pits using good quality soil and soil ameliorant; planting the missing woodland mix plants and maintenance of the planting for a further 4 years. Remedial planting was carried out in Winter 2017/2018 although not to the agreed specification, leading to a revised application for approval of landscaping (Condition 9) with an updated planting schedule reflecting the works undertaken.

The revised planting schedule was agreed following consultation with the Council’s Tree and Landscape Officer, although the condition was not finally discharged until 2019 following implementation of minor remedial works undertaken by the developer to some of the rear gardens in Quicksilver Street to address boggy ground conditions.

It is worth noting that the revised schedule highlighted the need to undertake regular maintenance of the area and application of weedkiller to help suppress weed growth.

Visual Amenity

The application submission describes the buffer strip as formed of “ill-kept and unmaintained land as a result of the failing of the original management company and completion of the development as permitted, This has created in effect a ‘no-mans land’ sandwiched between two land ownership boundaries.” Photographs accompanying the submission show landscaping within the buffers as sparse and leafless. However, a site visit undertaken in Summer 2022 identified vigorous vegetation growth up to 3-4 metres in height within each of the 3no landscape

buffers, including a mix of hedgerow trees, shrubs and brambles, although it was noted that the density of growth was variable in places. For the most part though, the planting has become established and represents the naturalistic hedgerow landscape feature that was envisaged by the original Landscape Strategy Plan.

The buffer strips are primarily seen from adjoining private land to the north, the allotment gardens to the east and the railway to the south, where that buffer adjoins the more established landscape corridor that runs alongside the railway line. Thus, although the landscape buffers 'soften' the edges of the estate, they make only a limited contribution to public views of the area.

The application submission suggests on the one hand that the proposal to incorporate the buffers into the adjacent residential garden will minimally change the appearance of the area, although it is noted within the covering letter that the proposal seeks to remove all existing vegetation, as 'desired by the residents'. In the event of the latter, it can reasonably be expected that the appearance of the land, once incorporated as private residential curtilage would very much change, no doubt typically encompassing the broad range of treatments associated with domestic gardens such as turfed or artificial lawn, patios, planting beds, ponds, sheds/greenhouses and other domestic paraphernalia. This apparent ambiguity within the application submission has been raised with the Applicant's Agent who has responded as follows:

"I am sure it was made clear that existing vegetation could be removed but many residents have said they would like to keep the trees at least. We would accept that if any of the plants or trees shown on the original planning application for the estate were still there then they would need to remain untouched or compensated by equivalent planting elsewhere (and the Estate Management Company would support such new planting, if necessary, at the cost of the householder concerned) . My understanding is, however, that very little of the original planting has survived, which is perhaps why the Ecological Appraisal does not address this issue?"

As outlined above, the Inspection carried out in July 2017 confirmed that all but one of the [pre] existing trees earmarked for retention within the Northern buffer were dead or dying and required removal. It's not known if the last pre-existing tree referred to remains in situ. It is not identified or highlighted within the application submission. The above response at least clarifies that there is no clear intent to retain the more recently planted hedgerow mix of trees and shrub planting, nor any willingness to accept any obligation to do so, notwithstanding the practical difficulties of enforcing such an obligation across numerous separate individual householders, as highlighted in the Ecology Advice obtained by the Council.

Residential amenity

The most affected neighbours are those in Bolsover Road.

One of the original stated objectives of the landscaped buffers, as set out above, was to provide a natural screen to reduce the effect of developing the new residential estate on views from the rear of the houses in Bolsover Road. The comments received from neighbours in Bolsover Road suggest the planting within the northern

buffer has sufficiently matured and fulfils this objective (despite the initial removal of the pre-existing trees along the common boundary originally earmarked for retention).

If approved, the removal of the existing buffer planting will inevitably open up views of the new houses from the rear windows and gardens of the houses in Bolsover Road. Whilst it is understandable that this could be interpreted by the occupiers as reneging on the original landscaping concept, with a minimum back-to-back separation distance of 25 metres it would be difficult to argue the existence of the landscape buffer is *essential* to maintain adequate privacy for the occupiers of these dwellings. Back-to-back gardens with a minimum separation distance of 25 metres or more would be consistent with surrounding patterns of development in this part of the town. However, the existing site boundary between the buffer and the rear gardens in Bolsover Road is formed of chain link fencing and either the reused, or new close-boarded fencing, would need to be installed on this boundary prior to first commencement of use of the enlarged gardens to safeguard the privacy of gardens in Bolsover Road. How this would be practically implemented has not been outlined as part of the application submission. It is therefore assumed that the repositioning or erection of new fencing would be carried out incrementally, on a case-by-case basis as and when individual householders choose or, for example, have the finances available, to carry out the work. This, again, raises questions about the practicalities of enforcing such work, where carried out on an individual basis, in the interests of safeguarding neighbour amenity. On raising this with the Applicant's Agent the following response has been received:

"Wherever possible, residents will pool resources and carry out works as single operations, but we cannot guarantee that, and if this is not possible, each individual householder will carry out their own works. The resident management company cannot get involved as it only involved some 64 households, and the majority of the estate households will not benefit from such works. For the majority of households, it is hoped that the existing 1.8m board fence can simply be moved to the rear of the new plots (against the chain link fence in the case of the North Strip)."

Not all residents with properties backing onto the buffer strips are involved in the proposed scheme, with some small residual components to be left in situ, for example, to the rear of 23 and 24 Tagalie Square. The submission states these residual areas would be left 'as is' *"if the management company can gain access to it"*. This arrangement seems somewhat tenuous and unsatisfactory for those residual parts which cannot be accessed, and which it must be assumed, would be left unmanaged.

Aside from the obvious benefit to the residents involved in the scheme with the transfer of land into their private ownership and assumed reduction in management fees, it is also worth pointing out that the gardens of some of the houses in Tagalie Square and Quicksilver Street backing onto the northern buffer are typically only 8-10 metres long (compared to those in Bolsover Road which are at least 15 metres, and in most cases some 20 metres long). If not well-maintained, it is inevitable that the vigorous and uncontrolled growth of the planted hedgerow vegetation will impact the amenities of properties in Tagalie Square and Quicksilver Street and affect the enjoyment of their small gardens.

There is no objection to the removal of the raised 'bund', which was not a deliberate design feature nor part of the original Landscape Strategy.

Turning now to the southern buffer, for the majority of its length the close-boarded acoustic fence has been erected within the middle of the buffer (i.e. not as described within the Landscape Strategy Plan above). The Council's Environmental Health Officer (EHO) has commented that because the majority of trains are electrified, the majority of noise comes from the contact of the train with the rails (i.e. at low level). To be effective, the noise barrier should be as close to the source of the noise as possible. The EHO comments that the barrier should be retained, but moving it slightly should not cause any issue.

The ongoing maintenance of the acoustic barrier will be necessary. The concern here is how to:

(i) ensure the integrity of the acoustic fence if permission to allow the transfer of the buffer land into the adjoining residential gardens were to be implemented incrementally (i.e. as and when the individual householders see fit to carry out the works), and,

(ii) the enforceability of measures to secure the retention of the acoustic fence if sited within numerous different private ownerships.

This matter has been raised with the Applicant's Agent who has commented as follows:

"Each household would be responsible for the acoustic fence on its border of the new plots. It is likely it will remain in situ for the vast majority (because of the steep slope behind it, bordering the railway) but, if it was moved, it would be understood that it needed to be as effective, so would need to be kept at the same height. The costs of any such move of the acoustic fence and also to ensure the neighbours acoustic fence remains as effective would need to be met by the householder concerned."

This again raises concerns about the practicality of ensuring the retention and effectiveness of the acoustic barrier when falling within 20no different private ownerships with different individual households each potentially having different plans for their own section of extended garden.

Ecology and biodiversity

The NPPF (paragraph 174) states that planning should contribute to and enhance the natural and local environment by minimising impacts on and securing 'net gains' for biodiversity.

Core Strategy Policy 13 states that all development should respect biodiversity and the natural environment recognising that as pressure for development grows it is important to protect and where possible enhance areas that are important and valued for their nature, flora, fauna and geological and biodiversity conservation. The

planning process should play a leading role not only in protecting designated high quality biodiversity areas but also providing the opportunity to enhance the quality of biodiversity in those areas where there is no statutory provision to do so (paragraph 8.6).

A key Council priority is to provide better spaces for wildlife. Policy DM18 of the modified SDWLP states that *all* development should ensure the protection, conservation and enhancement of biodiversity. If significant harm cannot be avoided then such harm should be adequately mitigated. Where it cannot adequately be mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused, This process is known as the mitigation hierarchy.

Policy DM19 of the modified SDWLP states that development should protect, conserve, enhance and deliver green infrastructure across Worthing. Opportunities should be taken to incorporate elements of green infrastructure onsite to create, protect, enhance and manage green infrastructure assets and/or networks to achieve environmental net gain. This should be based on up-to-date ecological evidence on, and information about, green infrastructure networks and assets to maximise multi-functional benefits.

It goes on to state that in all new development there should be no net loss of trees and any trees removed should where practical and appropriate be replaced on a 1:1 basis to support levels of canopy cover and contribute to biodiversity net gain. Where practical and appropriate additional tree planting is encouraged to improve the quality of the local environment and increase appropriate species canopy cover. Arrangements and funding for the management and maintenance of green infrastructure over the long term should be identified and implemented. Where appropriate, the Council will seek to secure this via planning obligations.

The application is supported by a Preliminary Ecological Appraisal (based on a site visit carried out in February 2022).

The evaluation of impact, opportunities and ecological enhancements concludes at 6.2 that: *“The proposals themselves are not considered to damage the habitat or species present directly and with the management maintain[ed] will still act as its current ecological function, Proposed compensatory enhancements are considered to compensate for any potential degradation of the existing habitat overtime providing additional feature for amphibians and reptiles.”*

This statement suggests it was not obvious to the author that the existing hedgerow mix vegetation is more likely than not to be removed by householders with the habitat that is currently present lost. This inconsistency concerning the proposed on-going management of the landscape buffer between the submitted Ecology Appraisal and covering letter is also highlighted in the Council’s review of the submitted Appraisal undertaken by Hankinson Duckett, along with numerous other discrepancies and omissions (e.g. presence/absence of birds/badgers) which have been identified, not least the incorrect identification of the habitats present within the landscape buffers, which it states raises *“significant concerns on reliance on the*

conclusions reached in the Preliminary Ecological Appraisal submitted in support of the application”.

The Council’s ecological advice also highlights the need to quantify the biodiversity loss/gain by means of a Biodiversity Impact Assessment calculation in order to demonstrate biodiversity net gain in accordance with the NPPF.

The Biodiversity Enhancement Strategy accompanying the application proposes a number of compensatory measures, but these are not considered likely by the Council’s ecological advisor to result in biodiversity ‘enhancement’.

Specifically, the provision of hedgehog holes in the new fencing is not considered to be an enhancement since suitable semi-natural habitat is expected to be lost and although removal of existing fencing and introduction of hedgehog holes could make gardens more accessible, domestic pets, such as dogs, would also have full access.

The Enhancement Strategy identifies two proposed reptile hibernaculum, 1no within the soft landscaped area to the north of the sub-station (opposite 47 Quicksilver Street), and the other within a retained part of the eastern landscape buffer, adjacent to the communal car park in the south-east corner of the site. However, the Council’s ecological advisor considers the provision of these hibernation opportunities would not in itself compensate for the loss of continuous semi-natural habitat around the site boundaries, reducing the extent of suitable land available to the local reptile population.

Similarly, it is pointed out that the recommended RAMs (Reasonable Avoidance Measures) for hedgehogs, reptiles and amphibians do not amount to ‘enhancement’ but are essential measures required to avoid killing and injuring animals during clearance to ensure compliance with conservation legislation.

Fundamentally, the Council’s ecological advisor concludes that the application as submitted fails to fully assess the ecological impacts of the proposed development or demonstrate compliance with CS policy 13, the NPPF and nature conservation legislation.

Conclusion

The current application raises the question of whether the creation of a naturalistic hedgerow landscape feature (as set out in the original Landscape Strategy Plan for the estate) confined within narrow ‘strips’ or corridors, was appropriate to a suburban residential context, and also whether the ongoing burden (through a management company) of effectively managing such a feature requiring regular maintenance was clearly recognised at the time the original permission. Nevertheless, despite initial ‘teething problems’ with the implementation of the planting, it is apparent that the hedgerow planting mix of vegetation has, for the most part ‘taken’, and a semi-natural habitat become established.

As highlighted above, the current application not only fails to adequately address the ecology and biodiversity impacts of the proposals, but also fails to satisfy concerns which have been highlighted about the implications of the incremental and/or

piecemeal extension of individual gardens by householders on safeguarding the amenities of neighbouring properties in Bolsover Road to the North, and ensuring the physical integrity and effectiveness of the existing acoustic barrier to the South. Nor do the proposals set out practical measures for managing the residual areas of the buffer strips either not immediately implemented as private gardens or included in the scheme at all.

It was always envisaged that these buffer landscaped areas would be managed by the Management Company and if this does not take place in the future there would be scope to consider taking action under the relevant provisions of the s106 agreement. As with all management agreements on new housing estates, this will mean that there is an ongoing cost to individual residents but this should have been made clear when individual properties were purchased.

Recommendation

REFUSE for the following reasons:-

1. The Council is not satisfied on the basis of the application submission that the proposed development would not be unacceptably harmful to biodiversity and the natural environment through the loss of existing semi-natural habitat and is therefore contrary to policy 13 of the Worthing Core Strategy, policies DM18 and DM19 of the modified version of the Submission Draft Worthing Local Plan and paragraph 174 of the NPPF.
2. The Council is not satisfied on the basis of the application submission that the potential for incremental and piecemeal implementation of the the proposals would not result in unacceptable harm to the privacy of neighbouring gardens in Bolsover Road, and to the amenities of residents in Quicksilver Street through the loss of the physical integrity and/or effectiveness of the acoustic barrier currently in situ within the Southern landscaping strip. The proposed development is therefore contrary to saved policies RES7 and H18 of the Worthing Local Plan, policies DM5 and DM22 of the modified version of the Submission Draft Worthing Local Plan and the relevant paragraphs of the NPPF.

22 February 2023

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.