1. **THE PROPOSAL AND THE SITE**

This is a full application to develop this cleared vacant site for four detached houses facing Parkfield Road and a two and half storey block of flats at the rear.

The site is located in a pleasant largely Edwardian/inter war residential suburb, just to the south west of Tarring Village. It is flanked to the west by Parkfield Court, a late 1950s cul de sac of two storey flats, faced in brick with
pitched roofs. Excepting the entrance blocks, these face inwards to a small communal green. Their shallow rear gardens and a small block of garages at the very southern end abut the site. To the south (rear) are the larger rear gardens of the Edwardian houses in Ethelwulf Road and to the east are a series of detached inter war houses in arts and crafts tudor-ethan style. No. 15 is the closest and is designed in period style with a bathroom window on its facing flank and its upper and lower floor windows on the nearest side being obscure glazed. It benefits from a deep rear garden which, in common with the even deeper rear garden of No. 11 which wraps around behind, is screened along the application site boundary by mature trees. Opposite, (north) are a group of inter war pitched roof houses and St Andrews Gardens, a 1960s three storey block of flats set in its own landscaped grounds.

The site itself is generally flat and rectangular in shape and 0.39 hectares in size. It formerly housed Hurst Grange, a large, distinguished Edwardian villa set back from the site frontage, and an adjacent smaller detached inter war house at No. 17 facing the street. Hurst Grange was converted to a rest home for the elderly in the 1960s and extended substantially at the rear in the form of two storey buildings, and, to a lesser extent, at the side. All the buildings were demolished in 2005. The site is now cleared and hoarded, excepting the large number of mature trees saved, principally adjoining its northern, southern and eastern boundaries. The street frontage trees are protected by Tree Preservation Orders.

The current proposal was preceded by extensive pre-application discussions and some minor revisions have been made since submission in response to officer requests. An outline redevelopment application by a different developer which was withdrawn in 2006 due to office concerns over design, neighbour amenity and access (WB/05/0422/OUT refers).

The current proposal is to build 4 x four bedroom two storey detached houses facing Parkfield Road, arranged in a staggered fashion to follow the building line and curve of the road. They are grouped in two pairs around a new central access road which serves the block of flats to the rear (south). They have deep front gardens (10-15 metres depth), with open parking for two cars apiece which are served by individual drives or off the central new access road. Their rear gardens are a similar depth to those at the front and laid to lawn with a shed each. The houses read as a set piece, designed as a family of inter-war villas, with hipped roofs with sprocket rafters, bays, chimneys, canopy porches, period doors and windows. The outer pair feature a gable above the bay faced to bookend the set piece. Roofs are plain tiled and the walls a formal pattern of render, brick and decorative hung tiling in period style. The outer flanks of the outer pair are windowless at first floor level and the inner flanks of the two pairs arranged so that upper floor windows face blank elevations. Conservatories are attached at the rear. The outer pair are some 2.5 metres (wall to wall) from the adjoining properties in Parkfield Court (and at No. 15 Parkfield Road.)

The new vehicle access is slightly to the east of the existing access and has a bellmouth and a carriageway surfaced in paving, 4.1 metres wide (and adjacent foot ways). It narrows to a shared access of some 3 metres by the
new houses. At this point, it is flanked by a pair of “gateway” decorative tall piers and short section of wall, before widening again in the approach to the block of flats and this section is surfaced in red tarmac.

The block of flats is two and a half storeys tall (9.6 metres to the ridge), with the top floor in the roof, providing 10 x two bedroom flats of a generous size. The block is centred on the site and is large (34 metres wide and 21 metres deep) set around 5 metres from the flanking boundaries in Parkfield Court and Nos. 15 and 17 Parkfield Road and 12 metres from the rear boundary with Ethelwulf Road properties. The block is built in Edwardian style, as an institutional building and is symmetrical in appearance. It is centred on a large projecting gable incorporating a pair of two storey bays. The scale drops at the wings to two storeys. It incorporates characteristic Edwardian period features such as bracketed bays/oriels, flat roof dormers, monopitched porches, decorative hanging tiles and brickwork, timbered and render panel in central gable, chimneys and cupolas and period windows and doors. The rear contains balconies at first floor level and also inset in the roof. There are also windows/dormers on the upper floors in the flanks. The roof is a combination of hips and gables with large concealed flat roof elements in the centre and wings, where ten roof lights are found. The block is faced in plain tiles on the roof; and hanging tiles and brickwork on the walls. Access is via two front communal entrances and the development is also served by two lifts.

The block faces a tarmac courtyard, across a formal soft landscaped forecourt and to the rear and sides are more informal soft landscaped communal gardens which retain the existing mature boundary landscaping and trees, supplemented by further screen planting at understorey level, mainly shrubs. The courtyard serves three groups of garages providing 11 parking spaces. The largest groups of six is broken by a smaller flat roofed bin store located in the middle section. This and the adjacent group of three face the block of flats and the smallest group of two face westwards. The garages are designed in complementary period style with hipped roofs and exposed rafters and faced in plain tiles and brickwork. A bicycle store for 20 cycles is sited on the west side of the courtyard which is of a similar design, except it is open on all sides and the roof is supported by columns.

The dwellings are to be designed to Level 3 of the Government’s Sustainable Homes Code and sustainable surface water drainage is proposed with foul drainage to the existing sewers.

The application is supported by a Planning and Design and Access Statement, Arboricultural Impact Assessment, Landscape Strategy, Tree Schedule, Site Waste Management Plan and Transport Assessment (including Stage 1 Safety Audit and Designer’s Response).

2. **APPLICANT’S DESIGN AND ACCESS STATEMENT**

The following is an extract from the applicant’s Design and Access Statement:-
Reasons for Granting Planning Permission

2.1 “This Planning, Design and Access Statement accompanies a full planning application for the redevelopment of the former Hurst Grange Care Home site located at 17 – 19 Parkfield Road, Tarring, Worthing, West Sussex. The 0.39 hectare site, which is broadly rectangular in shape, once contained a substantial care home building for 37 residents (with planning consent to provide additional accommodation). Following legislative changes however, the use became unviable and the care home closed in 2004 and has been demolished.

2.2 The vacant site has since been the subject of extensive pre-application consultations with the Borough Council’s Planning Officers and this has led to the submission of a mixed scheme for family housing and apartment accommodation. In total, the scheme will provide four detached (4 bedroom) houses along the road frontage with a central access driveway leading to a landscaped service and garage courtyard area serving an apartment building containing ten (2 bedroom) flats on the rear (southern) part of the site.

2.3 The pre-application discussions with the Borough Council’s Officers have resulted in a proposal for a high quality scheme that will be visually distinctive and generally enhance the character and appearance of the street scene. The majority of the boundary planting (and protected trees along the road frontage) will be retained and reinforced by new planting. Satisfactory access, parking and circulation space can be achieved and there will be no adverse impact upon the amenities of neighbouring occupiers.

2.4 The amount of development proposed would be the equivalent of 35 dwellings per hectare, which is approximately mid-way between the density targets for new housing development advocate in PPS3 (Housing) and the South East Plan Policy H5. The proposals will also make a valuable contribution in helping to meet house building targets set out in the recently approved South East Plan. All relevant development plan policies have been taken into account together with national planning policy advice.

2.5 Landscaping measures, sustainability, crime prevention, site waste management and drainage are all matters which have also been taken into account in preparing and submitting the planning application.

2.6 In the absence of any demonstrable harm or conflict with planning policies, the proposal is acceptable and should therefore, be granted full planning permission.”

3. CONSULTATIONS

The Council's Arboricultural Officer's comments are awaited.
The Executive Head of Health, Housing and Community Safety raises no objections subject to precautionary land contamination condition and conditions on construction hours and dust emissions.

The Environment Agency comments as follows:-

“Flood Risk
This proposal lies in Flood Zone 1 and falls within the scope of our Flood Risk Standing Advice. Please refer to our Standing Advice.

Your Local Planning Authority’s own Technical Services should be satisfied with the proposed method of surface water disposal.

Pollution Prevention
When carrying out construction and demolition activities, potential sources of pollution from site activities will need to be identified so that appropriate pollution prevention measures are taken to avoid any contamination of controlled waters. Controlled waters include lakes, rivers, coastal waters and groundwater.

It is necessary to prevent pollution of surface and/or groundwaters especially during site works. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways during and after the proposed works.

The risk of pollution at construction and demolition sites can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001.

Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.

Further detailed advice can be found at the Environment Agency’s pollution prevention website or by calling our National Customer Contact Centre (NCCC) at 08708 506 506.”

West Sussex County Council including the Highway Authority comments that

“This response comprises of the views of West Sussex County Council Local Development Division. Advice has been sought from various Local Development Officers in respects of the highways, archaeological, and infrastructure contribution requirements of this proposal have been considered and these views are incorporated within this response. This response has been prepared by the Officer named above.”
In summary, there would be no highway or archaeological objection subject to conditions. Contributions would be sought towards WSCC infrastructure due to the increased needs arising from this development.

The site was formerly occupied by a care home accommodating 43 residents. It is acknowledged that the former use would have generated a more intensive use than that now proposed and the application has been viewed on that basis, although it is acknowledged that the former use could not be restarted without requiring a further planning application as the care home has been demolished.

The site has a single existing access point onto Parkfield Road, which is to be closed with three accesses proposed to serve the development. The access arrangements have been the subject of a Stage One Safety Audit and Designers Response has been prepared to address the problems raised.

The site frontage is heavily constrained with there being a number of Tree Preservation Orders on existing trees that serve to restrict the location of the accesses and visibility. The presence of the trees will also influence the construction specification for the highway works. It is understood that the trees are to be retained as part of any scheme and hence cannot be removed. The accesses are proposed to meet the minimum requirements in terms of widths. The trees do also serve to restrict visibility and visibility as specified within Manual For Streets for the 30mph speed limit cannot be achieved. A speed survey has therefore been undertaken and the visibility splays based upon the recorded 85th percentile wet weather vehicle speeds. Wet weather speeds of 26.9mph westbound and 26.8mph eastbound speeds have been recorded, therefore requiring splays of 2.4metres by 37metres. The location of the trees does affect visibility in someway from all of the vehicular accesses, with splays from the individual accesses of 2m by 36 and 37metres proposed from the westerly access and splays of 2metres by 37metres and 32metres proposed at the easterly accesses. The reduction of the X distance from 2.4metres to 2metres and the in part reduced Y element of the visibility splays are acknowledged as a consequence of the presence of the trees. Due consideration is given to the low use of these two accesses and the fact that the trees do not significantly obstruct visibility and would not obscure a vehicle or pedestrian. Therefore, a 2metres X distance along with the slight reduction from the required 37metre Y distance is considered acceptable for these individual accesses given the need to retain the trees.

Visibility from the central access is also obstructed from a 2.4metre X distance allowing only a 33metre splay to the east. The Safety Audit has identified the matter of the full 37metres being achieved from a 2.4metre X distance. The Designers Response to this proposes a reduction in the X distance to 2.3metres that would allow the full 37metres to be achieved in both directions. Again it is acknowledged that the presence of the tree to the east does not obstruct visibility significantly and would not obscure an entire pedestrian or vehicle. The Safety Auditor has subsequently reviewed the Designers Response and suggested that the splay is checked once constructed as the presence of the hoardings surrounding the site making it unclear what splays could be achieved. A condition is therefore suggested requiring the splays on
the approved drawings to be provided prior to construction commencing and allowing further review as part of a Stage 2 Safety Audit. In the event that these splays are not achievable, the Developer would be required to further highway works to build out the kerbline to achieve the necessary visibility. It would be stressed though that there is no evidence to indicate any inaccuracies with the drawings or that the aforementioned splays could not be achieved. The additional highway works if required would also be very minor in nature and have very limited consequences.

The Safety Auditor has also raised the matter of the parked cars potentially obstructing visibility. It is suggested that this matter is reviewed as part of subsequent Stage 2 and 3 Safety Audits, requiring the Developer to undertake to make all best endeavours to implement a Traffic Regulation Order if required. There is no evidence at the present time indicating that parked cars would pose an issue to emerging vehicles.

There is one remaining matter regarding the narrowing of the access road in the site itself from 4.1 metres to 3 metres and whether a flush pedestrian kerb should be provided to allow a pedestrian to step out of the way of an oncoming vehicle. Whilst this matter will not affect the users of the public highway, it is suggested that the development would result in low traffic flows and pedestrian movements, thus any conflicting movements are likely to be very low with it perhaps expected that a pedestrian would give way to a vehicle in the event that a conflict arose.

The Designer has addressed the remainder of the Safety Auditor’s problems, and as appropriate these have been accepted by the Safety Auditor.

In regards of parking, two spaces are proposed per dwelling fronting Parkfield Road with a single parking space per flat. The proposed parking provision is within the WSCC Parking Standards. There is the matter of garages being proposed for the flats, which under present standards are counted as parking spaces although there is the possibility that the garages will not be used for parking. However, in the absence of any other places to park within the site other perhaps than the disabled and visitor parking spaces, it is likely that the garages will be used for parking given the lack of convenient alternate options. It would still be recommended that car ports are used instead however. A separate cycle store accommodating 20 cycles is also proposed in addition to the garages.

Works are required within the public highway to close the existing access and open the three new access points. As a further Stage 2 Safety Audit is required, it is suggested that the nature of these works are discussed with Local Development division to agree the nature by which they are to be implemented, although it is suggested in the first instance that these form part of a s278 Agreement. Consideration does also need to be given the specification of the works due to the presence of the accesses within the root protection areas.

In conclusion, there would be no highway objection to this proposal.
Advice has also been sought from the WSCC Principal Archaeologist and the following advice would be offered. Air photographs and the applicants’ plans show the extensive footprint of the former Edwardian house, Hurst Grange, and the care home that developed in its grounds. These have been demolished and the 2007 air photo confirms that the site has been cleared. The foundations and services constructed for these former buildings is likely to have disturbed any underlying archaeology.

The proposed development occupies much of the footprint of the former house and care home but extends further south and north into previously undisturbed areas of garden.

The West Sussex HER indicates that Roman pottery and other material has been found in several locations in West Tarring over a hundred metres to the north and south of the application site but the potential of the Parkfield Road area has not yet been established.

Taking into account the extent of previous development disturbance, I recommend that either a watching brief or limited trial trenching exercise should be carried out on the southern portion of the proposed development (units 1-10), which lies to the south of the former footprint, with a contingency to sample the footprints of units 13 and 14, if appropriate, based on the results of the watching brief/ sample trenching in the southern area.

A condition based on PPG16 par 30 or Circular 11/95, Appendix A, condition 55 would be recommended.

Contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development. These are summarised below:

<table>
<thead>
<tr>
<th>Summary of Contributions</th>
<th>Monies Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 type</td>
<td></td>
</tr>
<tr>
<td>Education - First</td>
<td>£11,342</td>
</tr>
<tr>
<td>Education - Middle</td>
<td>£12,779</td>
</tr>
<tr>
<td>Education - Secondary</td>
<td>£17,090</td>
</tr>
<tr>
<td>Education - 6th Form</td>
<td>No contributions required</td>
</tr>
<tr>
<td>Libraries</td>
<td>No contributions required</td>
</tr>
<tr>
<td>Waste</td>
<td>No contributions required</td>
</tr>
<tr>
<td>Fire &amp; Rescue</td>
<td>£309</td>
</tr>
<tr>
<td>No. of Hydrants</td>
<td>No hydrants required</td>
</tr>
<tr>
<td>TAD</td>
<td>No contributions required</td>
</tr>
<tr>
<td>Total Contribution</td>
<td>£41,520</td>
</tr>
</tbody>
</table>

Consideration has also been given to the former use supported by way of the Transport Statement in respects of TAD. Whilst the site is presently unoccupied, the formerly permitted use would have resulted in a significantly
more intensive use than that proposed. Consequently, based on the TAD guidance a nil TAD requirement would be generated.

CONDITIONS

WC5B
WC6A
WC6F
WC6I
WC6L

Visibility
The development hereby approved shall not be commenced until visibility splays in accordance with the approved planning drawings have been provided at the accesses onto Parkfield Road. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
Reason – In the interests of road safety.

INFORMATIVE
Highway Works
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

Stage 2 Safety Audit
The applicant is advised that a Stage 2 Safety Audit will be required as part of any detailed design submitted to the Highway Authority.”

Southern Water’s comments are awaited.

The Strategic Planning and Regeneration Manager comments as follows:-

“The main policy issues that are relevant to this application are:-

H 18: Loss of amenity.
BE 1: Good standards of design and materials.
LR 8: Residential units of 10 or more dwellings
TR 9: On site parking provision.

Government guidance in Planning Policy Statement 3 does stipulate that using land efficiently is a key consideration in planning for housing. The density of the new application would 35 dwellings per hectare. The emerging policies in the LDF have also indicated that the appropriate level of density should be informed by a number of criteria such as:

- The assessment of the character of an area
- The need to use land efficiently
- The location and level of public transport accessibility
The importance of promoting high quality buildings & environment

Policy BE1 is applicable for this proposal. It is important that the design, scale and layout of the development is in keeping with the surrounding area. This was an issue in previous applications and needs to be addressed in the current scheme.

The views of the highways authorities should still be sought again on this proposal, given the still significant number of units and the provision of allocated parking bays. There may still be some issues with access that need to be addressed.

In housing policy terms there would be a welcome addition to the housing stock in a category of housing that is much needed in Worthing – family houses.

Subject to the above comments there are no policy constraints on this proposal.

A development contribution is required towards outdoor recreation facilities of £26,113.

The Sussex Police Crime Prevention Design Advisor notes that site is in a medium risk crime area and commends much of the design and layout of the development but requests that the fencing to the houses 11-14 is more robust and the rear gates are lockable; defensible space be provided to the block of flats by provision of suitable fencing and gates; planting adjacent to the block’s windows and doors; and additional lighting generally and to the cycle storage block. Doors, gates, stores and windows should be designed to meet appropriate standards.

The Waste Strategy Manager raises no objection.

4. REPRESENTATIONS

At the time of writing nine letters of representations have been received from Nos. 12, 15, 18, 22, 24, and 38 Parkfield Road and Nos. 1, 2, and 18A Parkfield Court, raising the following points:-

i) Parkfield Road is already a "rat run" to an already high number of vehicles travelling from Durrington through to West Worthing crossing or north to St. Laurence and Rectory Road. The road narrows at this point and with the intended number of dwellings proposed the increase in cars would have a detrimental effect on an already (during rush hour) congested road. I presume that the development plans already allow for 2-3 cars per dwelling within the building area or is it intended that the excess from car parking would spill out onto an already congested roadside?

ii) The establishment of a apartment style building would be totally out of character with a quiet suburban road.
iii) Happy with the proposal but the trees should be preserved.

iv) House number 14 adjacent to 1 and 2 Parkfield Court flats is too close and will overlook windows in their lounge and block out light, as main window of lounge faces north. The development will also cause lots of noise and some form of mitigation is required such as a higher wall and trees and shrubs. The minimal wall dividing the properties was adequate when Hurst Grange was there but is now too small and will not provide adequate security or privacy. The parking is also very close.

v) The plans outlined in the proposals look very good; a lot of thought has gone into ensuring that the new-build is in keeping with the surrounding properties.

vi) Our concern is that of parking. The south side of Parkfield Road (particularly on the bend out side Hurst Grange) is free from parking, you will notice this from both the current pictures and the pictures from years ago in your "Access & Design Proposal. When Hurst Grange Nursing Home was operational none of the tenants drove or kept cars, the proposal now will bring many new cars to the area. We are concerned that the increased road parking required will force people to park on the south side of the road. When cars are parked on both sides access to our drive becomes dangerous. An ideal solution could be double yellow lines along the length of Hurst Grange and quite possibly to Parkfield Court?

vii) Whilst the architectural drawings submitted depict a visually pleasing development, the additional strain that would be placed onto already unacceptable traffic conditions in this road mean that I do not believe it to be viable.

viii) Consideration needs to be given to both (1) double yellow lines along the south side of Parkfield Road (either side of, and in between the drop kerb access points to the site), and (2) some form of traffic calming measure (speed humps). The entry and exit to and from existing properties opposite the site on the north side will become more dangerous with the additional cars that will be parked, due to further restricted visibility to the oncoming vehicles that use this road as a 'rat run' - speeding drivers at all times of the day, on what will become a blind bend.

ix) Concern over the scale of development generating 36 vehicles and there is not enough scope in Parkfield Road where parking is at premium.

x) The building line is assumed in the plans but the original line is available and units 11 and 12 are forward of this and block light to front of No. 15 Parkfield Road.

xi) Have the developers considered building an underground car park to reduce noise and increase the size of the small gardens of the new houses.

xii) Concerns over impact of the development on parking and traffic in Parkfield Road which is parked on both sides at the eastern end and cars speed along and parking often extends across driveways. Parking for 2-3 cars is required.

5. **RELEVANT PLANNING HISTORY**

Hurst Grange was built in the early part of the twentieth century and after a spell as a hotel became a nursing home in 1962. It was extended and altered
subsequently through various permissions and demolished in 2006. Outline planning permission for the redevelopment of the buildings to extend the old people’s home granted in 1999 and 2002 and part of the site adjacent to No. 34 Ethelwulf Road was sold off and developed for a house in 2000. An application for the residential redevelopment of the site for 20 flats in a single block was withdrawn in June 2005.

6. **PLANNING ASSESSMENT**

The main issues for consideration are:-

i) The principle of residential redevelopment.

ii) The impact on the amenities of future and neighbouring occupiers.

iii) Quality of the design and impact on the character and appearance of the area.

iv) Impact on access and parking.

v) Other environmental matters.

vi) Adequacy of the development contributions.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies BE1, H18, RES7, RES12 and South East Plan Policies BE1, BE6, SP3, CC1, CC2, CC3, CC4, H1, H3, H4, H5, T2, T4, NRM1, NRM4, NRM11; SCT1, and SCT5. Government Policy is also relevant in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, PPG13: Transport, PPS25 Development, Flood Risk Development: PPG16 and Archaeology and Planning. The Strategic Housing Market Assessment (SHMA), Strategic Housing Land Availability Assessment and emerging Core Strategy are also pertinent.

**The principle of residential redevelopment**

The site is a brownfield site, with a long established history of residential use which is sustainably located and in a residential suburb within the urban area. Its suitability for residential development was accepted in principle in the recent Strategic Housing Land Availability Assessment (SHLAA) where a yield of 15 flats was considered possible. The development would return to positive use this sizeable and cleared and empty site and makes more efficient and effective use of the land than the previous use, achieving a density of 36 dwellings per hectare. This is more intensive than the SHLAA forecast, though just short of Regional target over the plan period set out in the South East Plan. However, it is appropriate to the site, given its location and the dwelling mix and is compliant with PPS3 and the emerging Core Strategy and SHMA which specifically encourage the provision of family houses in such suburban locations. It will contribute toward regional housing targets.

The scheme just undershoots the national minimum threshold for provision of affordable housing of 15 dwellings set out in Planning Policy Statement 3: Housing. This is disappointing as it had not been demonstrated that a modest
change in dwelling mix would not unacceptably yield 15 dwellings on the site but the applicant considers the scheme is already at its optimal density and form and issues of viability and practicality of management need also to be considered.

The impact on the amenities of future and neighbouring occupiers

The scheme avoids any significant harm to the amenity of neighbouring occupiers. It follows the building line and achieves a reasonable separation distance with the adjacent properties, with scale and orientation sensitively arranged. In addition, it is buffered by substantial retained and proposed supplementary boundary screening in the form of attractive trees and shrubs and fences, which may be secured by conditions. The intensification of use overall is modest and the new access remote from any flanking neighbour. The relationships between the neighbour dwellings and the buildings previously occupying the site and previous planning permissions for extensions are also relevant considerations.

The concerns of the flanking neighbours are recognised but Nos. 1 and 2 Parkfield Court’s east facing windows are side windows and secondary to the main north facing front window, whilst No. 15 Parkfield Road’s front windows closest to the development are all obscure glazed and their facing side window serves a non habitable room. Outlook and natural light would therefore be preserved. The requested downscaling and re-siting of the garages G01 and G02 to improve the outlook of the adjacent flats in Parkfield Court is welcomed but the relocation of the bin store closer to these flats is misconceived and unacceptable in terms of potential for noise and smell disturbance. This may be relocated by condition. Reconsideration of the siting of the cycle store further way from the flats in Parkfield Court is also desirable and may also be secured by condition. Safeguards requested by the Executive Head of Health, Housing and Community Safety to prevent nuisance during construction may be secured by condition, as will appropriate safeguards on new upper floor windows and obscure glazing of sensitive windows and measures to address the crime and security issues railed. Reconsideration of the scheme has been requested in both instances and the Committee will be updated at the Meeting.

The development is of a high quality and future occupiers would benefit from generously sized units, which are well stacked and conveniently accessed and served by ample private and communal amenity space.

Quality of the design and impact on the character and appearance of the area

The proposed scheme is of a very high quality which responds positively and sensitively to the character of the area and would integrate seamlessly into the urban fabric. Recent design refinements have helped lift the scheme quality still further. The houses address the inter war character of the street and the block of flats reproduces a grand Edwardian villa in a fitting memory of the former Hurst Grange which will grace the site. It arts and crafts style adds interest and grandeur to the streetscene through the vista formed by the new access and gateway features. The development benefits from a clear
concept and displays genuine sense of place and its verdant character is retained. The flat roof elements in the block will not be visible from the street.

Suitable conditions to control architectural details, permitted development rights, facing materials, flues and metre boxes etc and aerials are required, in any event.

**Impact on access and parking**

The site is sustainably located, close to Tarring village, shops in South Street and reasonable public transport. The scheme has been informed by a Road Safety Stage 1 Audit and the Highway Authority is satisfied with the proposal, subject to suitable conditions to secure the form of access and sightlines shown; stopping up of the existing accesses; provision for further highways works if required at the Stage 2 and 3 Safety Audits should parked cars obstruct visibility at the access; provide parking before first occupation; surface water drainage; and to provide areas on-site for parking construction vehicles and storing plant/materials.

The 18 parking spaces provided are satisfactory in this location, especially as on street parking is largely unrestricted and most dwellings in the area enjoy on site parking. However, it is appropriate to impose a condition to prevent the garages from use other than parking of vehicles as a precautionary measure. Pedestrian access to the block of flats is convenient and safe. Cycle facilities are also acceptable. The additional traffic generated is modest in overall terms and appears not, in itself, to justify traffic management measures, not least in view of the intensity of the previous use. Unfortunately, the Highway Authority has concluded that no development contributions for transport are required so the scheme itself will not generate any funding for such measures anyway.

**Other environmental matters**

The commitment to sustainable design is welcomed as are the sustainable drainage measures. It should be noted that South East Plan policy NRM11 also requires that renewable energy measures are incorporated in such large scheme to provide for at least 10% of energy demands. These may be secured by conditions, as may necessary precautionary measures to safeguard any archaeological heritage and prevent land contamination. Waste materials from construction/demolition are governed by separate legislation. The important trees have been retained and may be protected by suitable conditions.

**Adequacy of the development contributions**

West Sussex County Council has requested a sum of £11,342 towards upgrading first schools; £12,779 towards upgrading Middle Schools; £17,090 towards upgrading secondary schools and £309 towards upgrading fire and rescue services to accommodate the additional pressure on facilities caused by the proposal. Similarly the Council has requested a development
contribution towards outdoor recreation facilities of £26,113. The Highway Authority has been requested to review the contribution required towards upgrading transport facilities and Members will be updated. The applicant has agreed to this and a unilateral undertaking to secure the sum is awaited.

7. CONCLUSION

This brownfield, sustainably located site has a history of residential use and the current proposal will return it to positive use, making efficient use of the site and contributing to the regional housing targets and towards meeting the demand for family housing. By and large, the scheme is sensitively configured to avoid harm to neighbour amenity and will provide and good standard of environment for future occupiers. The design is of a high standard and will harmonise well with the streetscene and enjoys a genuine sense of place. Access and parking are satisfactory, subject to certain safeguards, and the scheme is generally environment-friendly, again subject to certain safeguards. The applicant has agreed to required development contributions to mitigate the scheme’s impact. As such, and subject to receipt of the required unilateral undertaking and recommended conditions and satisfactory design refinements, the proposal should be supported.

8. RECOMMENDATION

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1A Standard full condition 5 YEARS.
2. C12B Windows to be obscure glazed.
3. Agree architectural details.
4. Agree facing materials samples.
5. C12F Provide combined aerial facilities.
6. C12L Provide refuse/bin stores for flats.
7. C13K Investigation of potential contamination.
8. C5B Provide parking before occupation and garages restricted to parking of vehicles.
9. C5K Provide secure cycle parking for flats.
10. C6D Provide to access and sightlines/visibility.
14. C7E Provide scheme for dust suppression.
15. C7G Limitation on hours of construction.
16. C8A Agree/provide landscaping scheme and protection for trees.
17. Stop up accesses.
19. Sustainable design Level 3 Code for Sustainable Homes and renewable energy generation.
20. Provision for further highways works if required at the Stage 2 and 3 Safety Audits should parked cars obstructing visibility at the access
21. Remove permitted development rights for extension and outbuildings.
22. Archaeology safeguards.
23. No new windows in upper floor of flanks in front houses.
24. Crime and security measures

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

9. BACKGROUND PAPERS

Observations of the Council’s Arboricultural Officer
Observations of the County Archaeologist
Observations of the Environment Agency
Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Highway Authority
Observations of the Strategic Planning and Regeneration Manager
Observations of the Sussex Police Crime Prevention Design Advisor
Letters of Representation from Members of the Public

9th March 2010
2. THE PROPOSAL AND THE SITE

This is a proposal to add a large mezzanine floor to the former MFI retail warehouse in conjunction with its re-opening by the retailer, The Range.

The site is located at Pages Corner in a mainly residential suburb in East Worthing, just off Ham Road and close to East Worthing railway station. It comprises Unit 1, the larger of the two retail units built in the mid 1980s as an out of centre retail warehouse development (WB/0958/83 refers). Unit 1 was formerly occupied by MFI but has been vacant for some 18 months since their
insolvency. The adjacent Unit 2 continues to be occupied by Carpet Right. The planning permission precludes sales of convenience goods (defined as everyday essential items, including food, drinks, newspapers/magazines and confectionery in PPS4: Planning for Sustainable Economic Growth).

The parent building is rectangular in shape, faced in brick on the lower floor and metal panelling above and on the roof, with a shallow pitched roof and is the equivalent of two storeys in height. It is located on the north east corner of Ham Road and Pages Lane roundabout with accesses to the 130 space car park off both roads and servicing on the northern side. The car park is shared between both units, though some 30 or more spaces adjacent to the community centre have been used by the centre for overspill parking at weekends/evenings for large events in the past under an informal agreement with the then occupiers/owners. Customer entrances to both retail units are on the southern side, off Pages Lane. The site is bounded by shallow lengths of soft landscaping on three sides, though these are looking somewhat tired in places.

Unit 1 has a current gross internal floorspace of 2,552 square metres which includes a small mezzanine floor of 182 square metres.

The site is adjoined to the north by a small two storey housing estate (Oakleigh Court) and the rear gardens of the adjacent terraced housing of facing Ham Road. Immediately to the east is East Worthing Community Centre and to the south, also served by Pages Lane are a group of modern two storey residential terraces. Opposite the site (west), across the roundabout are school playing fields and a terrace of housing.

Pages Lane narrows to single lane at its eastern end beyond the community centre. The southern side of this road, opposite the retail warehouses is the subject of double yellow lines but elsewhere, parking is generally unrestricted.

The proposal is for an extended mezzanine floor to provide an additional 1,616 square metres of gross internal floorspace, including a small ancillary café of 160 square metres. The Range have acquired a lease on the site and are currently refurbishing the building, including finishing key parts of the exterior cladding exterior in the store blue livery. Whilst large and well established, the store does not yet have a presence in the south east, the nearest premises being in Bournemouth. Its offer is essentially bulky goods, described as follows in the supporting retail assessment:

- **Furniture and Textiles including floor mats.**
- **Camping and bulky leisure goods.** These include tents and associated products (but not outdoor clothing) and garden play equipment and toys (swings, pools, slides).
- **Household goods.** These comprise both bulky elements such as plastic storage, rotary lines, dustbins, ironing boards, cooking utensils, tableware, pots & pans, and ceramics.
- **Hobbies and Office supplies.** These goods include some bulky and non-bulky items. Hobbies chiefly consist of Art and Craft items and Kits (needlecraft, quilling, decoupage, pencils, drawing equipment).
Pet Products. These are pet products (bedding, food, aquatics and accessories) and not actual pets themselves.

No other external physical works are proposed in this application, though a parallel application to install necessary new plant by the northern side of the building has been submitted (WB/10/0037/FULL refers) but will be determined separately on its own merits. A further application to display new signage is also expected shortly. Another application to allow the store to trade on Sundays (currently prohibited under the governing planning permission WB/0958/83) is also required as the current application does not expressly incorporate this trading extension, although proposed trading hours set out in the application form are 8am to 8pm on all days.

Following negotiations, the applicants have agreed to the following restrictions on the proposal:

[1] “The mezzanine floor hereby approved extending to 1,616 square metres gross shall be used for the sale of DIY maintenance and improvement products for the home or garden including seasonal items, furniture and carpets including upholstery, soft furnishings and vinyl floor covering, camping and bulky leisure goods, electrical items, household goods, hobbies and office supplies, and other non-bulky goods and for ancillary goods which are part of the usual product mix of retailers of the foregoing and for no other purpose within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended.”

[2] The total sales area of the mezzanine floor shall not exceed 1,428 square metres.

[3] As part of the sales area a cafe not extending to more than 160 square metres (gross) shall be provided and this shall not operate independently of the retail use of the premises.”

and subsequently:-

(4) “The mezzanine floor hereby approved (extending to 1,616 square metres gross) shall be removed in the event that the Applicant, CDS (Superstores International) Ltd trading as “The Range”, cease to occupy the store. The mezzanine floor shall be removed within four months from the date of the company’s closure of the store.”

(5) “The use of the mezzanine floor hereby approved shall only be used by the Applicant, CDS (Superstores International) Ltd trading as “The Range”. In the event that the Applicant ceases to occupy the store, the mezzanine floor shall be removed within four months from the date of the company’s closure of the store.”

The applicant has also agreed to pay any required development contributions towards upgrading local transport facilities, though no unilateral undertaking has been received yet.

The application is supported by a Design and Access Statement, Transport Assessment, Retail Assessment and supplementary statements.
3. **APPLICANT’S SUPPORTING DOCUMENTATION (EXTRACTS)**

“The scheme provides an opportunity for enabling substantial private sector investment in occupation of a vacant retail warehouse serving not only residents of Worthing but also its substantial catchment. Enabling the scheme to proceed would assist in meeting national and local objectives which are aimed at:-

- Improving the choice of shopping facilities.
- Encouraging competition.
- Improving the quality of services in the town making it a better place for people to reside in and visit.
- Creating employment.
- Reducing social exclusion.

2. The scheme would enable the Council to fulfil a wide range of objectives identified by the Government as part of its sustainable communities programme. We consider this to be a highly significant material consideration. We can find no conflict with development plan and national retail policies given the nature of the scheme and the lack of suitable alternative sites. The proposed mezzanine would be restricted to the sale of bulky goods.

3. Our view on this point is strengthened by the fact that my analysis of the Government’s objectives and also its objectives for the planning system demonstrates that the planning system should be there to serve the wider objectives. Therefore, if the planning system served only to defeat the creation of sustainable communities it will not have provided a good service to the public who will be directly affected by the absence of the sort of shopping facilities proposed by The Range within Unit 1 The fact that it is to be entirely financed by the private sector is to be welcomed since the public will bear none of the costs but reap all of the benefits. The company estimates that its total outlay in terms of refitting and improving the building will be £1.5m. Up to 120 employment opportunities will be created.

4. There appears to be a general acceptance of the need to improve and extend shopping facilities serving the town. This must include allowing The Range to achieve representation within Worthing, the company having looked for a site for almost 2 years. In order to do this the company requires a unit of at least 4,000 square metres gross. The company will not however operate two or more stores in the town and the disaggregation of the mezzanine from the store as a whole would be impractical, unviable and unrealistic. National guidance in PPS4 does not support the arbitrary sub-division of retail proposals particularly where a single large store is proposed.

5. The Applicant is willing to accept appropriate conditions limiting the range of goods sold from the mezzanine. Additional conditions relating to sustainable design, noise mitigation and a GTP are also acceptable.
A condition relating to landscaping could be imposed if the Council believes this to be necessary. However it would involve land outside the control of the Applicant. The Applicant is prepared to sign a unilateral obligation regards an appropriate contribution towards improving the accessibility of the site in accords with the Council’s SPG. On the basis of the above we therefore believe that the planning officer will be able to make a favourable recommendation to the Planning Committee.”

3. CONSULTATIONS

The Highway Authority comments that:-

9th February 2010

“The site has a permitted A1 non food retail use, thus traffic generated from this existing use should not and has not been considered. The installation of the 1,616 square metres mezzanine would increase the floor area and thus potentially traffic generation. The use of the mezzanine is to be limited to the sale of bulky goods. Consequently, additional traffic generation therefore may not be significant and would not be proportionate to the traffic generation that could arise from the permitted non food retail use. It would be beneficial if some indication of additional traffic generation could be provided although it is acknowledged that any capacity issues are likely to arise given the permitted site use.

A maximum car parking provision of 1 space per 20 square metres may be provided. The site accommodates at present 154 defined parking spaces. The car parking area is also shared with the existing use within unit 2. The existing parking provision is within the WSCC Parking Standards. Consideration should also be given to the proposed use of the mezzanine for bulky goods, and that parking demand as a direct consequence of the increased area would not be expected to be directly proportioned to the floor area of mezzanine.

In principle, there would be no significant concerns raised. Further information would be sought regarding likely additional vehicle movements.

TAD is not secured against A1 type developments; our current formulaic approach allows only for consideration of B1 and C3. If a contribution were to be sought from this proposal it would need to be linked to a specific scheme that would benefit and improve the accessibility of the store by sustainable means. I’m not aware of any such schemes for which a contribution could be sought in the local area. A Travel Plan and cycle parking should be secured via condition.”

Postscript: 23rd February 2010

“The (supplementary) Note (submitted by the applicant) does consider additional traffic generation arising from mezzanine floor area. The
information is considered to be robust and it is evident that the additional floor area would result in a minimal increase in movements in comparison with the existing permitted use. No material capacity impact is anticipated to result to the local highway network. The use of the mezzanine should be restricted by way of a bulky goods condition. I would suggest a Travel Plan is implemented for the store prior to opening and is secured by way of a planning condition. Peter, I would confirm that there would be no highway objection to this proposal. I would recommend the following wording relating to the Travel Plan

Travel Plan: The use, hereby approved, shall not be commenced until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. REASON – To encourage and promote sustainable transport amongst staff and visitors to the nursery in accordance with PPG13.

The Executive Head of Health, Housing and Community Safety raises no objections subject to controls on trading hours of 9am to 5pm on Sundays/Bank Holidays/Public Holidays and a precautionary land contamination condition.

The Environment Agency raises no objections.

The Strategic Planning and Regeneration Manager comments that:

“BE 1: Good standards of design and materials.
TR 9: Parking

In terms of national planning policy there have been some material changes in that PPS6 has been replaced by PPS4. The main relevance of this application is that the previous needs test from PPS6 has been omitted from PPS4. However, the need for the sequential test remains.

PPS4 does stipulate that under normal circumstances an impact assessment would be needed on developments of over 2,500 m2 but it is appropriate to consider proposals below this figure if a relatively large development is considered to have a potentially large and hence, disproportionate effect on the surrounding centre. However, in this case I believe that it is not relevant for the applicant to deliver a detailed impact assessment. The site was previously operating as an MFI site and therefore is not a new development in terms of an addition to the current retail floor-space. Also, this site is not within a designated retail area the nearest local shopping parade area does not sell bulky goods.

PPS4 also states in Policy EC14.4 that:

“An assessment addressing the impacts in policy EC16.is required for planning applications for retail and leisure developments over 2,500 square metres gross floor-space” (Policy EC16 relates to the impact assessment for
planning applications for main town centre uses that are not in a centre). This development therefore is under the 2,500 m² threshold.

it may be appropriate to consider impact assessments below the above figure if a relatively large development is considered to have a potentially large and hence, disproportionate effect on the surrounding centre. Again, I feel that this is not the case for this application. However the applicants have undertaken analysis on the impact of the proposal with respect to Policy EC16 from PPS4 and overall the impacts are deemed by them to be negligible. The mezzanine extension is targeted to realise a turnover of £0.5 million per annum, which equates to 0.2% of the predicted turnover of total comparison goods in Worthing town centre by 2013.

The sequential test is a material consideration for this application. A pre-application meeting was arranged with the applicant – The Range, and they were requested to forward a detailed submission of their sequential analysis of alternative town centre sites. The applicant’s were asked to consider the viability of two alternative sites for their business within the town centre – the vacant Argos site in Chapel Road and Allied Carpet site in Buckingham Road.

A sequential test should take into consideration the availability, viability and suitability of alternative sites. There is no question concerning the availability of the Argos and Allied Carpet sites so the main analysis revolves around the viability and suitability of the sites for the applicant’s needs. The analysis provided by the applicant stipulates that the two sites are too small for their trading requirements. The minimum trading area for the Range’s product line (60,000 products) is 3,000 square metres. The combined net sales floor-space for both the two sequential sites combined is only in the region of 700m². There is also no real potential to extend either of the two stores to increase sales floor capacity.

There is a commensurate issue with the economic viability of using the two sequential sites. The Ranges’ net operating margin is in the region of 5%. This is significantly lower than other comparison goods stores – M&S is 14% and Debenhams is 13.9% Sales density is also lower than other stores £2.273 foe the Range compared to £5,000 for town centre stores.

If the applicant’s analysis is to be taken as accurate then there are no sequentially suitable sites to the MFI site.

Given that PPS4 is very much guided towards the promotion of sustainable economic development, i.e. it advises that:

“Local Authorities should adopt a positive and constructive approach towards planning applications for economic development and in particular schemes which secure sustainable economic growth should be treated favourably”

Given therefore that the site was previously trading in bulky goods and there are no significant impacts on town centre comparison goods turnover there do not appear to be any major policy restrictions on this proposal.”
The Sussex Police Crime Prevention Design Adviser raises no objections subject to doors, locks and windows to conform to relevant standards.

4. RELEVANT PLANNING HISTORY

The application site had a long history of commercial use prior to the granting of permission for the current retail warehouse development in 1984. The development has been the subject of various minor alterations, principally to signage since but an application to remove 8 of the original planning permission to allow Sunday trading was refused in 1985, though it appears that MFI did regularly trade on this day for many years.

5. REPRESENTATIONS

At the time of writing no representations have been received.

7. PLANNING ASSESSMENT

The main issues raised by this proposal are:-

- The acceptability of new retail provision against the tests set out in PPS4: Planning for Sustainable Economic Growth, including impact on existing centres and regeneration impacts.
- Impact on the amenities of neighbouring occupiers
- Access and parking
- Design and other environmental matters.
- Adequacy of development contributions

As such, the application should be principally assessed against saved Worthing Local Plan Policies RES7, BE1, TR9 and H18 and South East Plan Policies SP3; SP4; CC2; CC3; CC4; CC6; CC7; RE3; T2; T4; T5, TC1; NRM4; NRM10 and NRM11. Government Policy in Planning Policy Statement 1: Delivering Sustainable Development: PPS4: Planning for Sustainable Economic Growth and PPG13: Transport is also particularly relevant as are The Worthing Masterplan; Emerging Core Strategy and the Coastal District Retail Study (CDRS)

The acceptability of new retail provision against the tests set out in PPS4: Planning for Sustainable Economic Growth, including impact on existing centres and regeneration impacts

There are no Saved Worthing Local Plan policies or South East Plan policies directly relevant to this proposal and so the proposal falls to be considered primarily against the Government’s new PPS4: Planning for Sustainable Economic Growth (and accompanying Good Practice Guide).

Government policy on retailing continues to focus such uses in town centres and other centres, as appropriate, to deliver more sustainable patterns of
development; reduce the need to travel, especially by car and respond to climate change; promote the vitality and viability of town and other centres as important places for communities with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities; and to foster competition between retailers and enhanced consumer choice.

In addition to the over–arching Policy EC10 which encourages a positive and constructive approach towards planning applications for economic development (including retail/restaurant/take away uses such as proposed), the new PPS provides for the acceptability of retail proposals to be assessed under Policies EC14; EC15; EC16; and EC17, covering supporting evidence; the sequential test; retail impacts; and weighing up considerations. The relevant parts are reproduced below and the application considered against each. It is important to note that quantitative need is no longer a test under the new PPS for determining applications.

PPS4: Tests

Supporting Evidence:  EC14.3 A sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres.

EC14.5 In advance of development plans being revised to reflect this PPS, an assessment of impacts in policy EC16.1 is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.

EC14.7 Assessments of impacts should focus in particular on the first 5 years after the implementation of a proposal and the level of detail and type of evidence and analysis required in impact assessments should be proportionate to the scale and nature of the proposal and its likely impact. Any assumptions should be transparent and clearly justified, realistic and internally consistent.

EC14.6 An impact assessment dealing with the impacts set out in policy EC16.1

Sequential Test:  EC15.1 In considering sequential assessments required under policy EC14.3, local planning authorities should:

a) ensure that sites are assessed for their availability, suitability and viability.

b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered.

c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is
given to edge of centre locations which are well connected to the centre by means of easy pedestrian access.

d) ensure that in considering sites in or on the edge of existing centres, developers d. and operators have demonstrated flexibility in terms of:-

i) scale: reducing the floorspace of their development;

ii) format: more innovative site layouts and store configurations such as multi-ii. storey developments with smaller footprints;

iii) car parking provision; reduced or reconfigured car parking areas; and.

iv) the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals

EC15.2 In considering whether flexibility has been demonstrated under policy EC15.1.d above, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significantly reduced range of products. However, evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted.

Retail Impact: EC16.1 Planning applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up to date development plan should be assessed against the following impacts on centres:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer

c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan

d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/tturnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy

e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres

f) any locally important impacts on centres under policy EC3.1.
EC17.1 Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:

a) the applicant has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or

b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

EC17.2 Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:

a) the positive and negative impacts of the proposal in terms of policies EC10.2 a. and 16.1 and any other material considerations; and

b) the likely cumulative effect of recent permissions, developments under construction and completed developments.

EC17.3 Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as a town centre or retail strategy), will also be relevant.

A retail assessment has been supplied, initially under the former PPS6: Planning for Town Centres but supplemented to try and address the new PPS4 tests. This includes a needs, sequential test and impacts assessments. The adequacy of these is discussed below, as relevant.

Whilst such out of centre retail expansion is generally discouraged, the sequential test assessment is satisfactory and it is accepted that there are no more suitable sites within or on the edge the town centre or other appropriate centres within its catchment area which meet the tests set out in PPS4 of availability, suitability and viability. These town centre sites are (i) British Gas Site, High Street; (ii) Stagecoach Site, Marine Parade; and (iii) Union Place car park and Police Station. In addition, the study looked at the Teville Gate and Morrison sites, Newland Street, outside of the town centre but dismissed these on similar grounds. The table below, abstracted from the Retail Assessment summarises this:
<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Suitability</th>
<th>Viability</th>
<th>Availability</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Grafton site</td>
<td>In</td>
<td>No</td>
<td>Unknow</td>
<td>No</td>
<td>The site is prioritised for use by the Council for small shop units linked to the redevelopment/enhancement of Lido. It is too small and is not available</td>
</tr>
<tr>
<td>2. Marine Parade</td>
<td>Edge</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>The land is in beneficial use and despite its identified potential for redevelopment the land has not come forward. Small scale retailing linked to a new cultural quarter is the preferred strategy.</td>
</tr>
<tr>
<td>3. Union Place</td>
<td>In</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>This area containing the Guildbourne indoor shopping area with offices and car parking does present the best opportunity for delivering high quality, modern retail floorspace. However it is a very large site and will require a comprehensive approach to its redevelopment including a mix of uses. It is not currently available and is unlikely to become available within the foreseeable future. In addition it will need to attract high street, national comparison goods retailers to</td>
</tr>
</tbody>
</table>
prove viable. It would not be suitable for the sale of bulky comparison goods.

<table>
<thead>
<tr>
<th>4. Teville Gate</th>
<th>Edge</th>
<th>No</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is prioritised for residential and leisure development. The existing uses also constrain the ability to deliver a viable scheme which involves a single large bulky goods store.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Newland Street</th>
<th>Edge</th>
<th>No</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is occupied by a food superstore which is likely to be expanded. The Council's draft vision does not envisage the provision of comparison goods floorspace on the land.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. British Gas</th>
<th>Edge</th>
<th>No</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A residential led is likely to be the only viable redevelopment option.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Officers also requested that the vacant premises at Argos, in Chapel Road and Allied Carpets in Buckingham Road be investigated as possible supplementary sites which might be used to accommodate the proposed additional floorspace as an alternative to the mezzanine. This was considered in detail by the applicants in a supplementary statement against the above PPS4 test and allied guidance on such disaggregation but it was concluded that this was not feasible for the reasons set out below in the following abstract:-

We therefore believe that attempting to sub-divide parts of The Range onto one or more sequentially superior sites would involve an arbitrary and unviable sub-division which criterion d. of Policy EC15.1 seeks to avoid. Therefore even in the event that the two premises were considered to be suitable, they would result in an unviable operation due to the higher costs associated with operating from High Street locations, the much lower sales densities achieved by the company relative to town centre retailers, the narrow net margins and proven experience that in respect of Plymouth and Bristol, trading from outlets which are too small has failed to reflect the business model of The Range.
This analysis is accepted and the difficulties of large format bulky goods retailers finding suitable viable accommodation in town centres are recognized in PPS4 and accompanying good practice guide and has been accepted recently by the Committee in approving expansions of the Downlands Retail Park, including by mezzanines.

Turning to the impact of the proposal on the existing centres, the submitted studies indicate no significant impact on trading would occur as explained in the following section abstracted from the retail assessment:-

Based on the Coastal District Retail Study (CDRS) Worthing Town Centre is predicted to achieve a comparison goods turnover of £315.1m in 2013 rising to £390m by 2017. This assumes that no additional comparison goods floorspace is built over this period. The district and neighbourhood centres are predicted to generate turnovers of around £49m in 2013 and £61.6m in 2017. Assuming all the net additional turnover was derived from the town and district centres, (which is highly unlikely), this would equate to an impact of under 0.15% in 2013 and approximately 0.11% in 2017. All centres would continue to trade well in excess of their turnover levels estimated to have been £238.2m in 2005. Thus all retailers on average over the period to 2013 based on constant market share are predicted to experience a 53% uplift in turnover if no additional floorspace is built. It is inconceivable that this impact would have any material impact on the underlying vitality of the centres and would have no impact on the Council’s aspirations for bringing forward the redevelopment of Union Street South.

This analysis is also accepted as this is an established retail warehouse, bulky goods location, the impacts will be very diffuse and will be set against growing and unmet expenditure in the catchment area (Worthing District - zone 6 of the CDRS). Above all, the additional safeguards under negotiation will minimize the actual competition with the town centre. These comprise the four conditions set out in the first section of this report. The first of these is restricting the goods sold in the new mezzanine to bulky goods only. However, some refinement of this condition is still required as in its current form it appears to allow a significant amount of non-bulky goods items. The second condition is limiting the total sales area of the mezzanine to 1,428 square metres and the cafe to 160 square metres (gross) and lending it ancillary status. The third condition requires the removal of the mezzanine floor when “The Range” vacates the store, and the final condition makes use of the mezzanine personal to “The Range”.

A further benefit of the scheme is that it helps prevents the store being occupied by a retailer whose offer competes much more keenly with the town centre, such as a clothes retailer. No application would be required for such a use due to the permissive nature of the extant planning permission, and, moreover, the store could be expanded by up to 200 square metres floorspace under permitted development rules. Clear evidence of the commitment by The Range to the store is illustrated by the current refurbishment works as the first phase of the £1.5 million expenditure proposed to implement the proposal and the long year lease taken.
That said, the addition of a further restriction on the existing floorspace to also limit it to bulky goods has been raised with the applicants to provide further comfort on potential future competition impacts with the town centre by The Range or other future occupier such as a clothes retailer. The applicants have indicated their willingness to accept such a condition but, in practice, the express approval of the freeholders is also necessary. It is noted that this has been recently offered by the freeholders as a quid pro quo for permission to extend the Downlands Retail Park which they also owned (though later withdrawn in the subsequent successful planning permission). Officers have raised this with the freeholders and a response is awaited. The Committee will be updated.

This aside, if further significant growth in out-of-centre retail space continues, at some point, the aspirations for the town centre may be compromised by the cumulative impact and the situation will need to be closely monitored.

In terms of consumer choice, clearly the introduction of a new bulky goods retailer would offer greater choice for residents of the town.

Retail qualifies as economic development in PPS4, and the economic and regeneration benefits for the local area and the town as a whole could be significant from the jobs and boost to the local economy. In particular, the store would provide the equivalent of 120 full time jobs and the applicants indicate their preference to recruit locally. The store would certainly give a lift to the existing Carpet Right business, next door and raise the image of the area, which has suffered since the vacation of the premises by MFI some 18 months ago.

Impact on the amenities of neighbouring occupiers

This is an established retail warehouse location, where there is no significant history of complaint in recent times over the impact of the existing stores. The expansion proposed is significant (63% increase in gross internal floorspace) but the transport Assessment indicates that, due to the nature of the goods sold, the increase in traffic generated would be just 16% (101 vehicles trips per day on top of the 638 vehicle trips expected from the existing store). Given that no external works are involved, this modest level of intensification is unlikely to give rise to significant harm due to the separation distance to nearest residential properties, access arrangements and screening provided. The trading hours sought are later by one hour (8am instead of 9pm) but this and the 8pm finish proposed are reasonable in modern times in this established location. However, Sunday and Public Holiday trading is currently prohibited on a Sunday, and, whilst some trading would be reasonable, the hours suggested are unacceptable. This will need to be the subject of a separate application, in any event. Deliveries may be restricted by condition to the approved trading hours to prevent disturbance at unsocial hours. Details of the ventilation/extraction system for the café may secured by condition. Construction hours may also be secured by condition. As a precautionary measure, to prevent harmful contamination from any physical works allied to the proposal, a suitable condition is proposed.
Quality of design and impact on the character of the area

The proposed refurbishment is wholly internal and so no change to the appearance of the building is proposed, apart from the general facelift from the rebranding of the building (and proposed new signage which will be the subject of a separate application). Its reoccupation and refurbishment will breathe new life into the area. The applicants have agreed to a landscaping condition to revitalise some of the rather tired planting and could be a further benefit. South East Plan policy NRM11 requires development of this size to meet at least 10% of their energy demands from renewable sources. There appear to be scope for this and this may be secured by condition.

Access and parking

The site enjoys a reasonably sustainable location, sited in the urban area and close to its residential catchment area and is well connected to the main road network by the B2223. However, it is only served by one bus which runs at a one hour frequency, though East Worthing railway station is 300 metres away. The transport assessment indicated traffic generation would only be modest and the Highway Authority is satisfied that the network can safely and efficiently cope with extra demand and that car parking and servicing are adequate. However, a travel plan is justified to minimize car traffic generation and its impacts. As there is no existing cycle parking, new cycle parking is also required. These may be secured by conditions.

The retention of the existing voluntary arrangements to allow East Worthing Community Centre to use part of the site for overspill parking has been raised with applicants. They are willing to support this but the consent of the freeholders is also required. It appears this is acceptable to them but no formal agreement has been supplied, and, though it would be a community benefit, it would be difficult to insist upon this as part of any planning permission.

Adequacy of development contributions

Discussions with the Highway Authority and applicants are ongoing on any appropriate development contribution towards offsetting the impact on local transport facilities of the additional 1600 square metres mezzanine floor proposed. The Committee will be updated at the Meeting.

7. CONCLUSION

The site is an established retail warehouse in a reasonably sustainable location within the urban area. Whilst further expansion of out of centre retailing is generally discouraged, the proposal meets the tests set out in PPS4 and there are no realistic sequentially preferable sites available and impacts on the town centre would be minimal, especially with safeguards proposed. However, the situation will need to be monitored carefully in the
future if further expansion is proposed. The impact on the amenity of the local area would be acceptable given the absence of external works and modest traffic generation and reoccupation of this vacant building would boost the local economy and the image of the area. The scale of any development contributions to mitigate the transport impact of the scheme is still under discussion and will need to be secured by a unilateral undertaking. As such, the proposal should be supported, subject to a satisfactory legal agreement and conditions as recommended.

8. RECOMMENDATION

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1A Standard full condition 5 YEARS
2. The mezzanine floor hereby approved extending to 1,616 square metres. gross shall be used for the sale of bulky goods only from the product range of The Range (set out in the report) and for no other purpose within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended.
3. The total sales area of the mezzanine floor shall not exceed 1,428 square metres.
4. As part of the sales area a cafe not extending to more than 160 square metres (gross) shall be provided and this shall not operate independently of the retail use of the premises.
5. The mezzanine floor hereby approved (extending to 1,616 square metres gross) shall be removed in the event that the Applicant, CDS (Superstores International) Ltd trading as “The Range”, cease to occupy the store. The mezzanine floor shall be removed within four months from the date of the company’s closure of the store.
6. The use of the mezzanine floor hereby approved shall only be used by the Applicant, CDS (Superstores International) Ltd trading as “The Range”. In the event that the Applicant ceases to occupy the store, the mezzanine floor shall be removed within four months from the date of the company’s closure of the store.”
7. The use, hereby approved, shall not be commenced until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority
8. C13K Investigation of potential contamination
9. C7D Limit hours of loading/deliveries.
10. Agree and provide cycle parking
11. C7G Limitation on hours of construction.
12. C8A Agree/provide landscaping scheme.
13. Agree details of the ventilation/extraction system for the café and provide.
14. C7J Limitation on trading hours.
15. Requirement for sustainable design and renewable energy generation.

AND THAT IN THE EVENT OF THE LEGAL AGREEMENT NOT BEING SATISFACTORILY CONCLUDED WITHIN A REASONABLE PERIOD OF TIME, THAT THE APPLICATION BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO REFUSE THE APPLICATION ON THE BASIS OF FAILURE TO PROVIDE FOR THE REQUIRED RESTRICTIONS AND ACTIONS.

9. BACKGROUND PAPERS

Observations of the Highway Authority
Observations of the Environment Agency
Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Strategic Planning and Regeneration Manager
Observations of the Sussex Police Crime Prevention Design Adviser
Coastal District Retail Study (CDRS)

9th March 2010
4. THE PROPOSAL AND THE SITE

Planning permission is sought by Tesco Stores Limited for a new Durrington Community Centre building on a roughly triangular shaped piece of land (0.30 hectares) at the far eastern edge of the car park to the new District Shopping Centre and Tesco Superstore, which is currently under construction. The new building will replace the existing Community Centre building which would be demolished.
The site varies in width between 13 metres at its northern end, to 60 metres at its southern end, having a frontage some 100 metres long onto Romany Road to the east. The site was formerly part of the service yard and staff parking area for the existing Tesco supermarket (currently being demolished), largely comprising a tarmac hard-surface bounded by landscaped areas along Romany Road with a low brick wall sited behind the planting. At the southern end of the site there is an access road from Romany Road into the service yard. Opposite the site on the east side of Romany Road are 2-storey, modern estate houses within Shelby Road. The southern site boundary is bounded by a dense screen of tall conifer trees some 14 metres high, beyond which is a large warehouse building (Littlehampton Book Services).

The proposed new Community Centre building will provide a gross internal floor area of 700 square metres (some 300 square metres larger than the existing building to be demolished), comprising small and large activity halls, lounge, kitchen, three meeting rooms, office, storage and WCs (including disabled WC). The single public point of entry to the building, with lobby area, is located on the north side of the building accessed off an area of hard-surfacing comprising the intersection between pedestrian footpaths traversing the site east-west from Romany Road to the new Tesco store car park and extending northward to the existing bus stop on Romany Road. The building would be single-storey, having an irregular, wedge-shaped footprint with 2 inward-angled, larger volumes (comprising the activity halls) with mono-pitched roofs linked by a lower, shallow-pitched structure.

Paved external areas will be provided to the south and west of the building, with access from the activity halls and enclosed by 2.4 metre high wire mesh fencing. There is also an open patio area on the west side, accessible from the lounge (and kitchen) enclosed by a low wall. An existing semi-mature tree (a Field maple) would be retained within the grassed area to the north of the building, with new ‘defensive planting’ and landscaping proposed between the east side of the building and Romany Road.

The existing vehicle access from Romany Road will be removed and vehicle access to the site will be via the new Tesco store car park. Vehicle access onto the site will only be available for loading and unloading purposes at the rear (south) of the activity halls. There would be no parking provided within the application site area, the intention being for dual use of the adjacent new Tesco store car park. The submitted drawings show 4 disabled parking spaces within the bank of parking bays immediately adjoining the western site boundary.

Local stakeholders, including the Community Centre Association, have been involved as part of the Project Team, informing discussions on accommodation requirements for the new Community Centre, as well as aspects of the detailed design and layout of internal and external areas. Public exhibition of the proposals involving local residents and stakeholders took place between 7-18 December 2009, with displays at Durrington Community Centre, Tesco shopping centre and the Borough Council Offices. Attendees were asked to complete comment forms with comments taken on board by the Project Team and resolved with an appropriate design response.
5. **APPLICANT’S DESIGN AND ACCESS STATEMENT**

The salient points of the applicant’s Design and Access Statement are summarised below:-

“**Amount and Use**
The new Community Centre will replace the existing centre that will be demolished as part of the new Tesco shopping centre development. The new site for the Community Centre is located to the east of the new car park that fronts onto Romany Road.

**Layout**
Arrival is via automatic doors into the secure entrance lobby, which is directly supervised by the reception office. The heart of the building is characterised by the generous lobby, from which all areas of the centre can be easily accessed.

Adequate storage provision has been incorporated into the building design, with large stores directly accessible from both halls and a separate built-in storage area for two of the three meeting rooms. Built-in storage has also been provided to the reception office and lobby area. Additional storage has been included as a response to the public consultation exercise.

Central circulation spaces are lit by roof mounted sun pipes and rooflight, increasing levels of natural lighting within the building. Provision is made for natural ventilation of both halls via openable high level windows.

The disabled WC has a baby changing facility.

The small hall provides space for a wide range of activities that are undertaken by the centre’s users, and can also be sub-divided by a folding screen partition to ensure a wide range of flexibility of use.

Access can be made from each hall direct to an external patio area that can also be used for vehicle access for loading and unloading requirements. A separate patio area is accessed directly off from the lounge and is separated by a low level 600 mm high fence and swing gate. A combined refuse and recycling enclosure is located externally adjacent to the kitchen entrance.

**Scale**
The massing of the building is designed to reflect the use of the spaces within the building, with each of the two halls having a larger volume than the surrounding accommodation.

**Appearance**
The building uses a palette of buff facing brickwork together with a blue engineering brick for the lower section of building and coloured render finish to each of the activity halls. Both coloured rendered hall volumes include
feature glazing panels (sandblasted Reglit glazing sections) that are framed in a contrasting colour feature surround.

The zinc coloured roofs are low pitch to minimise the building height. An entrance canopy is also provided to the northern elevation with similar detail feature to the main roof. The entrance door surround and the columns supporting the entrance canopy utilise the same colours as used on the colour render facades of the activity halls. This is intended to add visual interest to the building to create a landmark to the surrounding community helping to promote the widespread use of this Community Centre.

Robust material specification will be adhered to throughout the material selection and anti-graffiti systems investigated.

Landscaping
Landscape proposals to enhance the site and ensure the building sits sympathetically with the existing environment have been prepared (by Lizard Landscape Design) and submitted with the planning application.

Sustainability
The following factors have been considered alongside a holistic design approach which has considered building orientation, built form and passive solar and ventilation design.

Water Efficiency: The domestic hot water requirement is very low and therefore local ‘point of use’ electric water heaters will be used. These only consume power when in use and will also be time switch controlled to ensure power consumption is minimised. Water efficient appliances reduce the amount of water consumes by 70% in comparison to standard fittings and appliances. Technologies that are considered important for incorporation into the proposed scheme are dual flush WCs and low flow rate specification taps, push-type taps overcome the problem of taps let running.

Sustainable Construction:
- Sustainable waste management, including reducing waste and waste disposal that promotes recovery, re-use and recycling.
- A Site Waste Management plan has been submitted with this application.
- Where practical the intention is to specify sustainable materials and systems including recycled and recyclable products, non-toxic materials and materials with lower embodied energy (energy used in production and transportation).
- All basic and finishing materials will be sourced responsibly (timber certified sources, Green Guide to Building specifications).
- Where possible priority will be given to the use of natural materials locally produced or at least UK produced.
- Energy efficient lighting and white goods.
- A central refuse and recycling facility.
On-site Renewable Energy: The proposal do not provide for on-site renewable energy due to the small size of the proposed scheme and the extensive use of passive and intelligent sustainable design solutions and material selection.

Reducing the Need to Travel: Secure cycle parking will be provided.

Surface Water: A sustainable drainage system is being considered for this scheme.

Landscaping and Planting: Paving treatments have been carefully considered to give a varied surface treatment whilst avoiding large areas of traditional tarmac surface treatments; existing tree locations have been taken into consideration with buildings sited so as not to damage existing trees; Root Protection Areas have been calculated in relation to the existing trees; a landscaping scheme will provide adequate levels of shelter, shading and drought resistance in response to climate change.

Crime Prevention
The following crime prevention measures have been considered within the detailed scheme design to achieve a development that meets the principles of ‘Secure by Design’:

- Lighting of the public realm will be to current British Standards;
- Movement routes within the development are overlooked by building entrances and occupied rooms, improving natural surveillance and creating a safe feel for all building users;
- The scope for utilising natural surveillance from active rooms and creating active edges has been utilised, providing overlooking to pedestrian movement routes;
- Defensible space has been created through the design of the site layout;
- All entrance doors will have laminate glass and will have locks to the relevant British Standard;
- All ground floor windows will have locks to the relevant British Standard;
- An access control system will be installed throughout the scheme;
- 2.4 metre high security fencing will be provided to the external areas.

Crime prevention measures have been carefully considered throughout the design process, and included reducing the risk of gaining access onto the roof. The building will have minimum eaves height of 3 metres and will feature an overhanging eaves design that will limit any potential for gaining unauthorised roof access. Entrance canopy support columns have been positioned away from the eaves to discourage climbing. The separate refuse and recycle enclosure is located behind the 2.4 metre high security fencing and positioned so that it does not aid climbing onto the roof.

Access
Secure cycle parking will be provided, prominently close to the building entrance.
Inclusive access to the site will be provided by means of flush thresholds at entry points to the site and to the main entrance to the building. The single storey of accommodation allows full access throughout. Fully accessible WC facilities are also provided. The proposed development will be dully DDA compliant.”

6. CONSULTATIONS

The comments of the Highway Authority are awaited.

The comments of the Environment Agency are awaited.

The comments of the Sussex Policy Crime Prevention Design Advisor are awaited.

The comments of the Council’s Estates Manager, the Arboricultural Officer, and the Strategic Planning and Regeneration Manager are awaited.

The Executive Head of Health, Housing and Community Safety initially raised concerns about the potential for noise nuisance affecting nearby residential occupiers, bearing in mind the position of openable windows on the Romany Road frontage, but on the basis of the information received is satisfied of the fairly low key activities proposed, and has raised no objection subject to control over hours of use (between 7 am and 11 pm), commenting that any issues arising from hiring our the small hall may be dealt with under the Licensing Act.

The Land Contamination Officer has made the following comments:-

“The geo-environmental Desk Study by Geotechnics Limited has identified a number of potential sources of contamination; however the main potential pollutant linkage identified involves hydrocarbons which may have migrated from adjacent sites, in particular the petrol filling station to the northwest of the site. I agree with the recommendations of the Desk Study for further investigation to establish the extent of any hydrocarbon contamination and to determine if any risk is posed from hydrocarbon vapour.

The report has also identified the likelihood that made ground will underlie the site, the potential for PCB’s from the facilities store (and also from the former substation) and metal contamination from the warehouse to the south.

Although the proposed use is commercial, there are potential pathways in the proposed landscaped area of the site for contaminants to reach future site users via ingestion and dermal contact. For this reason it would be prudent to undertake some further investigation of the surface soils to establish if a significant risk will be posed to future users of the site from contaminants including PCBs, metals and PAHs.

I would recommend the addition of the amended condition C13K in addition to the precautionary contamination condition.”
7. REPRESENTATIONS

At the time of writing the publicity period for this application has not expired. Any representations received will be reported at the Meeting.

5. PLANNING ASSESSMENT

The principle of the development

Outline planning permission was granted for the new West Durrington District Shopping Centre on land to the west of the existing supermarket and car park, incorporating a new Tesco superstore, shopper café, unit shops, community centre and associated parking and access arrangements in May 2008 (WB/05/0245/OUT refers). At the time it was assumed that the new Tesco development would not take place in advance of the West Durrington development which would have enabled a new Community Centre to be provided ‘off-site’, linked to the provision of new sports facilities involving pooled contributions from Tesco and the West Durrington Consortium as well as the County Council to provide a high quality community campus serving the wider community. However, in granting the subsequent Reserved Matters application, WB/09/0146/ARM, in September 2009, it was accepted that circumstances had changed as a reflection of wider economic conditions, and it was agreed to vary the original S106 Agreement to enable the applicant to design and build a new ‘on-site’ Community Centre, fifty percent bigger than the existing building, as soon as possible to avoid any significant overlap between the new District Centre being opened and the existing Community Centre remaining in its current position. Thus, although no details were agreed at that stage, the grant of the Reserved Matters application established the principle of a larger, replacement Community Centre to be built ‘on site’.

The relevant considerations are the design and appearance of the proposed new Community Centre building in this location, and its effect on the visual amenities of the area, the impact on the living conditions of nearby residents, as well as access and parking considerations. The application should be considered in relation to ‘saved’ Local Plan policies RES7, BE1, TR9 and SC1, and South East Plan policies SP3, CC1, CC2, CC4, CC6, CC7, T4, NRM10, NRM11, W2, BE1, S1, S5 and S6.

Design, appearance and the effects on the visual amenity of the locality

The overall siting, orientation and layout of the building has largely been determined by the shape and other characteristics of the site, whilst responding to opportunities for connections through the site, an improved interface with the eastern boundary onto Romany Road and creation of visual links to the surrounding area. The form has been influenced by functional requirement, with the activity halls necessitating larger building volumes, providing an opportunity to create a landmark within this area which is
characterised by undistinguished estate housing. The various elements to the building are articulated by their varying roof heights and through the use of different materials to break up the overall mass, with the activity halls having a coloured rendered finish with the lower, linking elements comprising buff coloured brickwork above a blue engineering brick plinth. The various roof elements would be zinc-covered.

In terms of detailed design, the larger activity hall elements incorporate feature glazing panels comprising ‘Reglit’ obscure-glazed sections framed in a contrasting-colour surround to help create visual interest. The remainder of the windows would comprise grey aluminium frames with double-glazed units. The public entrance on the north side of the building is defined by entrance doors having a matching framed surround under a canopy porch with the adjacent office window comprising ‘Reglit’ obscure-glazed sections to complement the feature windows on the other elevations. Another design detail comprises the exaggerated roof over-hang of the 2 larger mono-pitched roof elements, which over sail the eaves in the south-west and south-east corner of the building.

It is considered the interesting use of shape, a varied palette of good quality materials, including the proposed zinc-covered roof and aluminium windows together with detailing in the form of the pronounced feature glazing panels, would create a contemporary focal point in this area which lacks any strong identifiable character.

In terms of landscaping, the proposals allow for the retention of the existing mature Field maple on the grassed area to the north of the entrance, as well as the imposing row of tall conifers which define the southern boundary. The proposed 2.4 metre high mesh fencing (enclosing the external activity area and garden) would be set in from the edge of Romany Road by 2.6 metres with landscaping in-between to ‘soften’ the appearance of the fencing in public views. In streetscene terms, this would be improved by setting the fencing back to align with the eastern elevation of the building in order to minimise its prominence and visual impact.

Impact on the residential amenities of adjoining occupiers

The proposed building would be sited 4 metres from the eastern site boundary onto Romany Road. Opposite the site, on the east side of Romany Road is the junction with Shelby Road, with terraced houses in staggered rows on either side of Shelby Road, extending round to the north and south as it runs parallel to Romany Road. The houses nearest to the application site are 1 and 105 Shelby Road, on either side of the junction, which have blank gable walls onto Romany Road. The gable end wall of 105 Shelby Road would be sited approximately 23 metres from the nearest part of the proposed community centre building comprising the small activity hall and 3 no. meeting rooms. (Planning permission has recently been granted but not yet implemented (WB/09/0755/FULL refers) for a single-storey extension to the west side of No. 105 Shelby Road to provide a bedroom and assisted bathroom, but no window openings are shown within the west side elevation of the extension, which would have an outlook to the front (north) and rear (south).) The
staggered row of terraced houses to the south of this are sited perpendicular to No. 105 with walled, rear gardens facing onto Romany Road, together with a small communal parking area (accessed from Shelby Road). The 2-storey rear elevations of these houses (Nos. 97-100) are sited some 35 metres distant from the proposed community centre.

The windows serving the meeting rooms and small activity hall are openable (but not the 'Reglit' feature glazing panels) and together with the openable high-level windows in both halls give rise to the potential for noise emanating from these rooms to be disturbing for the occupiers of the nearest residential properties, particularly later in the evening when background noise levels have dropped. The submitted application forms stipulate the hours of opening of the Community Centre to be between 9 am and 11 pm. The Community Centre Association has confirmed that the large and small activity halls would generally be used for hobby and fitness activities (such as karate, Brownies, scrabble, Tai Chi). Activities which have the potential to pose noise issues include a monthly line dancing class and choir/singing practice. It is not envisaged that the halls would be hired out for private parties, only to organisations that have a good reputation with the Community Centre. The Head of Housing, Health and Community Safety, is satisfied on this basis that matters relating to noise can be satisfactorily dealt with by limiting hours of use (up to 11 pm), commenting that any issues arising from hiring out the small hall can be dealt with by making representations under the Licensing Act. In other respects it is not considered that the intensity of use associated with the proposed community centre would amount to a reason for refusal bearing in mind the degree of activity associated with the former use of this part of the site as a service yard.

The eaves of the eastern elevation of the small activity hall would have a maximum height of 5 metres, with the lower element comprising the meeting rooms having an eaves height of 3.2 metres. The tallest part of the large activity hall (having a maximum height of 6.7 metres), would be sited some 17 metres from the site boundary with Romany Road. Thus, it is considered the proposed building would have no significant impact on the amenities of the nearest residential properties in terms of loss of light or overbearing effect. The site itself (particularly the external areas on the south side) will be affected by the overshadowing effects of the retained tall conifer trees along the southern site boundary, although at least these provide a visual foil to the imposing scale of the warehouse beyond.

Access and parking

There are no parking spaces proposed within the red lined area of the application site. However, the applicant’s agent has confirmed in writing that 20 spaces (including 4 disabled bays) within the adjacent new Tesco superstore car park would be available for use by the Community Centre, and there are no plans to restrict parking within the new car park. These could be reserved by means of signage. (The Deed of Variation signed as part of the approved Reserved Matters application (WB/09/0146/ARM) requires a minimum of 12 spaces to be allocated within the car park in the vicinity of the Community Centre.) There is no specific parking requirement for community
centres within the Council’s adopted Car Parking Standards. However, the maximum requirement for a multi-purpose leisure and assembly use class (within Class D2) would be 31 spaces. The reserved amount of car parking would be within the maximum standard (although in reality the wider car park would be available for dual use by the Community Centre). The comments of the Highway Authority on the adequacy of parking to serve the Community Centre are awaited. In terms of highway safety, the access arrangements to the new Tesco superstore car park have already been approved in connection with WB/09/0146/ARM.

The site is accessible to public transport, with a new path linking the bus stop on the west side of Romany Road to the open meeting area in front of the public entrance to the building. The submitted drawings shows 10 cycle parking spaces conveniently located adjacent to the entrance.

6. CONCLUSION

In conclusion, the proposal for an enlarged, ‘on-site’ community centre building in this location would be highly accessible to the surrounding community with benefits for wider social inclusion, and would have a satisfactory appearance, providing a contemporary building solution of sufficient stature, robustness and visual interest to create a focal point that will improve the quality of the surrounding built environment. Subject to satisfactory safeguards being imposed in accordance with recommendations made by the Head of Housing, Health and Community Safety it is considered the proposed community centre would not give rise to unacceptable harm to the amenities of the occupiers of nearby residential properties.

7. RECOMMENDATION

THAT THE DECISION BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE EXPIRY OF THE CONSULTATION PERIOD WITH A VIEW TO PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1AREV - Standard time limit
2. C9B – Samples and colours of materials to be agreed before construction
3. C7J – Limitation on hours to between 7.00 am and 11.00 pm.
4. C11A - Agree/implement sound attenuation scheme
5. 20 parking bays (including 4 no, disabled bays) within the adjacent Tesco superstore car park to be made available for community centre use in accordance with details to be agreed.
6. Provide cycle parking before occupation
7. Agree details of external lighting
8. C13K Site investigation of contamination
9. Precautionary contamination
8.  **BACKGROUND PAPERS**

Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Land Contamination Officer

__________________________
9th March 2010

Mr Mark Folkes  
Mr Karl Hayes

Location:  80 Dominion Road

Proposal:  Alterations and conversion of existing detached dwelling house including first floor balcony on rear elevation to provide 4 x one bedroom flats at 80 Dominion Road and demolition of existing single storey opticians (80A Dominion Road) and construction of 3 storey building comprising replacement opticians on ground floor with 3 flats on first and second floors. (Re-submission of WB/09/0459/FULL).
5. **THE PROPOSAL AND THE SITE**

This is a full application to convert an existing detached house to four flats and redevelop a single storey opticians premises to provide new ground floor premises and three flats on the upper floors, with allied alterations.

The site is located in East Worthing in a residential suburb, on the north side of Dominion Road, a busy distributor road. The site is flanked on both sides (west and east) by two storey early post-war terraces characterised by hipped roofs and deep front gardens. Both terraces are separated from the site by vehicular accesses serving a group of garages. Several of the houses in the terraces also enjoy parking in their front gardens. Their common boundaries with the site are marked by substantial fences and hedge. To the rear (north) are the one and half storey tall industrial units of the Hazelwood Trading Estate, the boundary of which features a tall fence and a group of fine mature trees (in the site). Opposite (south) are groups of inter war two storey terraces.

The site itself is flat and rectangular and some 0.84 hectares in size. The existing house (No. 80) was built in 1912 in period (though plain) style with part hipped and part gabled roof; angled projecting bay with gable above (supported by brackets) and is faced in pebble dash render and decorative tile with slate roof. It is currently used as a house and provides 3 bedrooms. Open parking in the front garden for at least three cars is provided, alongside a detached, small garage to the side (west). It also benefits from a substantial rear garden, laid mainly to lawn. It sits on the same building line as its neighbours, including the current opticians and workshop at No. 80A to the west. A fine large pine tree stands in the front garden.

The opticians and allied laboratory/workshop dates back to 1977 when planning permission was first granted but the building had previously been used for industrial and storage uses. It comprises a deep single storey flat roofed building of utilitarian design with a shop at the front and workshops behind and features a large hard surfaced forecourt with open parking for some four cars. A couple of sheds are found in the largely overgrown and unused rear garden. Both Nos. 80 and 80A are served by their own separate accesses onto Dominion Road, No. 80A’s extending across the width of the frontage.

The current application follows withdrawal of an earlier proposal due to Officers concerns over design and has been preceded by extensive pre-application discussions (WB/09/0459/FULL refers) and some later minor revisions. It involves converting the house to 4 x one bedroom flats (two per floor), with only minor external alterations, apart from the addition of a first floor balcony at the rear to serve the upper floor flats. This would stand upon columns and is flanked by screens. The one upper floor west flank window is obscure glazed. Access is via a common front entrance.
The redeveloped optician’s building sits on the same building line, one metre off the western boundary; five metres from No. 80 and some 20 metres from the northern boundary. It has an inverted T shaped footprint and presents a handed version of the No. 80 in front elevation, with hipped and gabled roof and front gable and pitched roof with small inset flat area, behind. At just over eight metres, its ridge is the same height as No. 80 and it incorporates two small pitched roof dormers in the front roof, seven rooflights in the flank and rear roof and one window in the rear gable to serve the second floor in the roof. The flats are arranged as 2 x one bed flats on the first floor and 1 x two bed flat on the second floor. The optician occupies the entire ground floor, with shop at the front, laboratory, office and two examination rooms at the rear. Access to the flats is from a separate side entrance and customer/staff access to the opticians is via the double fronted shopfront. All flank windows, apart from rooflights, are obscure glazed. The building is designed in Edwardian style, with characteristic period features, including traditionally proportioned shopfront with fascia, stall risers, glazing bars, sash style windows, bargeboards, chimney, brackets and is rendered and tiled to match No. 80.

The forecourts of both properties would be re-landscaped to provide three parking spaces for the flats in No. 80 and four (including one disabled) for No. 80A. Cycle parking is provided in each, increased to a total of 8 spaces to meet the Highway Authority’s requirements. Independent vehicular access to each would remain, though slightly modified, and these have been altered to dropped crossing form rather than bellmouth in line with the Highway Authority’s comments. Landscaping is provided at the front and along their common boundary and west flank boundary, including retention of the existing tree. Refuse storage has been relocated in accordance with The Waste Planning Manager’s requirements to the front of the site in two separate enclosures. The rear gardens would remain.

The new building would be designed to meet Level 3 of the Government’s Sustainable Homes code/BREEAM standards as appropriate.

8. APPLICANT’S DESIGN AND ACCESS STATEMENT

The applicant has submitted the following Design and Access Statement:-

"INTRODUCTION"

1.0 This is a Design and Access Statement prepared to accompany a full planning submission for the conversion of an existing detached three bedroom house to create four 1-bedroom flats at 80 Dominion Road and for the demolition of an existing single storey opticians and replacement opticians with 3 flats above at 80A Dominion Road, Worthing. This statement is written after examining the local context and characteristics of the site and its surroundings in terms of the physical and social environment. In terms of the design, we have examined six areas, as follows: Use, Amount of Development,
DESIGN

2.0 Use: 80 Dominion Road: The site currently houses a detached, two-storey property with three bedrooms and a bathroom on the first floor and a lounge, kitchen, dining room, hall, sitting room and a toilet on the ground floor. 80A Dominion Road: There is a single storey opticians and a garage on the west side. There are also two existing sheds to the north of the property. The site is approximately 840 m². It is bounded by fencing on the north, and west side of the property. Currently, there are two pedestrian and vehicle access points on the south/front part of the boundary of the site directly off the street.

The proposal for 80 Dominion Road is to convert the existing three bedroom two storey house to four 1-bedroom flats. The existing ground floor will consist of the 2 no. 1 bedrooms flats with kitchen, dining, lounge, toilet and shower. The existing first floor will also consist of the 2 no. 1 bedroom flats with kitchen, dining, lounge, toilet and shower.

The proposal for 80A Dominion Road is to demolish the existing single storey opticians building and sheds and replace with a two storey building with loft. On the ground floor will be the replacement opticians, on the first floor is 2 no. 1 bedroom flats and the room in the loft will be a 2 bedroom flat.

3.0 Amount of Development: The total gross floor area of the existing property on 80 Dominion Road is approximately 61 m² on the ground floor and 61 m² on the second floor making a total of 122 m² over two floors. The proposed balcony at first floor will add another 5 sq. m². No other extensions and proposed to the existing building.

The total gross floor area to the proposed new build for 80A Dominion Road is approximately 97 m² on the ground floor. The first floor will add another 90 m² and the loft is 62 m², making a total of approximately 249 m² over two floors and the loft.

4.0 Layout: The proposal for 80 Dominion Road utilises the existing ground floor to provide two 1-bedroom flats and the existing first floor to provide another two 1-bedroom flats. To achieve this layout, the existing room and lounge at ground floor will be converted to a lounge/dining/kitchen area for Flat 1 and 2. The existing kitchen at ground floor will be converted to bedroom, toilet and shower for Flat 1. The existing dining at ground floor will be converted to a bedroom, toilet and shower for Flat 2. The existing bedroom 1, WC, toilet and bath at the first floor will be converted to a bedroom, toilet with shower, and lounge/dining/kitchen for Flat 3. The existing bedroom 2 and 3 at first floor will be converted to a bedroom, toilet and shower and kitchen/dining/kitchen for Flat 4. A balcony will be
added to Flat 3 and 4 in the bedroom at the rear of the building. The existing hallway at ground floor will serve as a communal entrance hall. This layout utilises the existing building with minimal changes to the existing building, appearance or structure. The new building at 80A will consist of a new opticians shop on the ground floor with 2 examination rooms, a laboratory, kitchen, office, disabled toilet and a showroom area. The first floor will consist of two 1-bedroom flats with toilet and bath, lounge and kitchen/dining. In addition, the loft will consist of a two bedroom flat with toilet and bath, lounge and kitchen/dining. A communal entrance hall to the first floor and loft will be provided on the east elevation.

5.0 Scale: The footprint of the current house on 80 Dominion Road remains as existing, with the main alteration being internal. The main roof height will not change. As noted, a balcony will be added on the rear elevation.

The scale of the new building at 80A Dominion Road has been designed to be in keeping with the neighbouring properties and the street scene. The front elevation is designed as a gable which reduces the bulk of the building when viewed along the street elevation. The footprint and the bulk of the building are similar in plan to other buildings along Dominion Road and the fenestration has been located in relation to the street scene.

Landscaping: The existing landscaping in the front of the property will be altered to achieve a new parking layout. At present, there are 2 spaces in front of the existing house on 80 Dominion Road. To provide parking for the four flats, part of the front garden will be converted to additional parking to accommodate another one vehicle making a total of 3 spaces. The parking layout for 80A Dominion Road will also be altered to create 4 parking spaces and one disabled space. In order to soften the elevation and street scene, planting has been provided. New parking bays will consist of brick paving and the driveway will be resurfaced with asphalt. By using different materials, pedestrian and cars are more clearly separated.

6.0 Appearance: The appearance of the 80 Dominion Road will remain the same. The existing elevations will be decorated.

The appearance of the proposed building on 80A Dominion Road is very much in character with others in Dominion Road. The materials, colours, and texture of the proposal will be in keeping with the adjacent dwellings, using render, pebbledash and tiling.

WASTE MINIMISATION PLAN

7.0 Demolition: Externally, the single storey garage/storage building will be demolished. Portions of wall will be removed at the rear of 80 Dominion
Road to create new opening for new doors and windows. Internally, there will be a need to demolish some internal partitions to create the new layout as well as the chimney breast where indicated on the plans. The existing single storey 80A Opticians will be demolished. The items that will require removal are listed below:-

- Brickwork/blockwork – removed and set aside for re-use for hardcore.
- Timber – removed and set aside in a dedicated area for recycling (local wood recycling project)

8.0 **New work**: To minimise waste, designated areas will be set up within the site for the segregated storage of material off-cuts for future re-use within the project. Sufficient space will be available to the rear of the property for a dedicated compound to be established during the course of the works. This will enable areas to be created for the setting aside of materials to be re-used and recycled. These materials will be stockpiled and removed in bulk, in order to reduce traffic movements to and from the site.

**ACCESS**

9.0 The existing vehicle and pedestrian access to the 80 Dominion Road property will be moved approximately 2 metres to the west from its current location. The existing vehicle and pedestrian access to the 80A Dominion Road will be moved approximately 6.8 metres to the east from its current location.

Access to the building for cars is via the new entrance. Separate parking and pedestrian walkways are proposed for 80 and 80A. Bicycles arrive and use the same entrance from Dominion Road and 8 bicycle spaces are provided between 80 and 80A.

Adequate space for easy bin collection from the street is provided in front middle part of the entrance.

**SUMMARY**

10.0 The design & layout of the alterations to 80 Dominion Road has been considered in relation to the existing site, and the surrounding buildings. The alterations are in keeping with the existing building and the scheme has been considered in relation to the neighbouring amenity.

The scale of the openings and materials used will match the existing and fit in well with the existing and the local vernacular.

The design and layout of the proposed scheme 80A Dominion Road has been considered in relation to the existing site, and the surrounding buildings. It is our clients intention to improve the
optician facilities currently available, and this scheme will also enhance the street scene by refurbishing the existing building at 80 Dominion Road.”

9. CONSULTATIONS

The Environment Agency’s comments that:–

I can confirm we have no objection in principle to the proposal as submitted but would, however, wish the following to be taken into consideration:

**Surface Water Drainage**

We note that surface water is to be disposed of to soakaway. Generally we would expect infiltration rates for soakaways to be based on permeability tests undertaken over the winter period and not those done during the drier months. The design should be based upon Building Research Establishment (BRE365) and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway and the highest recorded water table. I should also have provision to ensure there is capacity in the system to contain below lowest ground level the 1 in 100 year event plus 20% on stored volumes. Therefore the local geological and hydrogeological characteristics of the site will dictate whether soakaways will be applicable and an investigation would be required.

Your Council’s own Technical Services should be satisfied with the proposed method of surface water disposal.

**Demolition/Sustainability**

Due consideration should be given to the possibility of reusing and/or recycling materials produced as a consequence of demolition. All waste must be disposed of by an appropriately licenced carrier and taken to an appropriately licenced disposal site under the relevant Duty of Care Waste Regulations. Further information can be obtained from www.environment-agency.gov.uk.

**Pollution Prevention**

When carrying out construction and demolition activities, potential sources of pollution from site activities will need to be identified so that appropriate pollution prevention measures are taken to avoid any contamination of controlled waters. Controlled waters include lakes, rivers, coastal waters and groundwater.

It is necessary to prevent pollution of surface and/or groundwaters especially during site works. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether
direct or via soakaways. during and after the proposed works.

The risk of pollution at construction and demolition sites can be significantly reduced by providing secondary containment measures for storage tanks. Oil tanks must comply with the requirements of the Control of Pollution (England) (Oil Storage) Regulations 2001.

The **Executive Head of Health, Housing and Community Safety** raises no objections, subject to suitable conditions to control dust, construction hours, details of refuse storage, insulation of flats from traffic noise and, as a precautionary measure, land contamination.

The **Highway Authority** comments as follows:-

“West Sussex County Council (WSCC) was consulted previously on highway matters for this location under planning application no. WB/459/09 to which more information on parking and turning space was requested.

The proposal is for the conversion of a detached 3 bed dwelling to 4 no. bedsits with access onto Dominion Road via an altered access point. The proposal is also for the demolition of the neighbouring opticians and construction of a 3 storey replacement building including an optician’s, 2 no. 1 bed flats and 1 no. 2 bed flat, which will also be accessed from Dominion Road via a separate altered access.

From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Dominion Road. The most recently available verified accident records reveal there have been no personal injury accidents in the immediate vicinity of the proposed points of access.

The two proposed vehicular accesses would not prioritise pedestrian movement. The applicant should therefore alter the access configuration to provide two dropped crossings where pedestrians have priority as opposed to what appears to be two accesses with kerbed radii. The new planting along the frontage should not obscure pedestrian visibility, therefore pedestrian visibility splays of 2m by 2m either side of each access point onto Dominion Road should be secured by condition. These visibility splays should thereafter be kept free of all obstructions over a height of 0.6 metres above adjoining footway level.

The availability of turning space was unclear with the previous proposal. In the current proposal, the applicant has now provided the minimum of 6m turning space to allow cars to enter and exit the site in a forward gear.

The number of car parking spaces proposed is within the WSCC maximum standard. It could be argued that the parking provision is somewhat low with 3 spaces for the 4 bedsits and 4 spaces for the opticians and three flats. However, the property is situated in a sustainable location therefore there should be less reliance on the use of the private car.
The application form indicates that 7 cycle parking spaces have been proposed as a total for the development overall. However, this would not meet the WSCC minimum standard for 7 dwellings consisting of 8 bedrooms and an optician’s. A minimum of 4 cycle spaces should be provided for the 4 bedsits, 4 cycle spaces for the flats at No. 80A and at least 1 space for the optician’s. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA).

If the LPA are minded to approve this application, a condition securing pedestrian visibility splays of 2m by 2m at each access and cycle parking should be included.

A TAD contribution of £3,800 would be required to mitigate the impacts of the subject proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development.

The applicant is advised to contact the Area Engineer, West Sussex County Council, Clapham Common, Clapham, Worthing, BN13 3UR, (Tel no: 01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Southern Water’s comments are awaited.

The Strategic Planning and Regeneration Manager’s comments are awaited but previously raised no objections.

The Sussex Police Crime Prevention Design Advisor’s comments are awaited.

The Waste Strategy Manager comments that:-

“confirm that 2 x 1100 litre bins should be provided at the developer’s expense to service the 7 flats in the development. These would be located permanently in a dedicated bin store to be sited at the front edge of the development, adjacent to the pavement. The bin store should be at the same level as the roadway to prevent the need for drop down kerbs or steps and provide ease of access. Given that we have no fundamental objections I am sure this can be dealt with by planning condition.”

10. REPRESENTATIONS

At the time of writing two letters of representation has been received from Nos. 41 and 88 Dominion Road raising the following concerns:-

i) Main concern, is there enough parking for a possible seven cars on this site as well as customer parking for the opticians? As the parking on Dominion Road in front of this site is already over populated with homeowners trying to park before customers of the gym and opticians clog the road up.
Also does a 3 storey building fit into the surroundings of 2 storey dwellings?

Development is not suitable for the location.

The balcony on the back of the house will have a view of the surrounding properties.

The Proposed building of three flats with the optician’s underneath will lead to more cars and parking issues.

That part of Dominion Road is already congested and cars park across my driveway.

The lane beside the optician’s is often used to park and turn vehicles around and this lane is access to the back of properties and garages.

The building of such properties is too much in too small a space.

The buildings are not in keeping with the other properties in the road.

11. PLANNING ASSESSMENT

The main issues for consideration are:-

The principle of residential and commercial redevelopment and residential conversion.

The impact on the amenities of future and neighbouring occupiers.

Quality of the design and impact on the character and appearance of the area.

Impact on access and parking.

Other environmental matters.

Adequacy of the development contributions.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies BE1, H13, H16; H18; RES7, RES12 and South East Plan Policies BE1, SP3; CC1; CC2; CC3; CC4; H1; H4: T2; T4; NRM4; SCT1; SCT2; SCT3; and SCT5. Government Policy is also relevant in Planning Policy Statement 1: Delivering Sustainable Development; Planning Policy Statement 3: Housing; PPS4: Planning for Sustainable Economic Growth; PPG13: Transport; PPS25 Development and Flood Risk Development. The Strategic Housing Market Assessment and emerging Core Strategy are also pertinent.

The principle of residential and commercial redevelopment and residential conversion

The site is eminently suitable for mixed commercial/residential development due to its long history as such, its sustainable location and being a brownfield site and is also close to facilities, reasonable public transport and with good access to the road network.

In the current proposal, the business element is retained at No. 80A and the premises substantially upgraded and expanded from some 40 square metres gross internal floorspace to 92 square metres. As such, it would improve the town’s stock of commercial premises and help retain and grow the optician’s business and jobs with all the attendant economic benefits.
The development makes efficient use of an existing under used site by not only expanding the size of the commercial premises but by providing an additional three flats above the redeveloped opticians and converting the single house at No. 80 to four flats. This results in a net increase of six dwellings, contributing towards the South East Plan housing target.

That said, the proposal involves the loss of a reasonably sized family house and six of the dwellings proposed are one bed flats. This loss and proposed replacement dwelling mix is notably at odds with the town’s housing needs identified in the recent Strategic Housing Market Assessment and emerging Core Strategy policy (in the Local Development Framework). However, whilst they are material considerations, they have little weight at this stage and a refusal on these grounds could not be justified.

The impact on the amenities of future and neighbouring occupiers

The redevelopment at No. 80A (opticians/flats) is modest in scale, and, whilst deeper than its neighbour at No. 82, enjoys a good separation distance from this property and the residential neighbour to the east at No. 82, as well as the proposed converted house at No. 80. As the facing flank of No. 78 is blank and all the side windows of No. 80A are obscure glazed anyway, no overlooking would occur here. The house conversion at No. 80 does not alter the existing arrangement of windows and whilst the new rear balcony would be deeper than the neighbour to the east at No. 78, side views are prevented by the integral screens and the structure is over 16 metres away from this neighbour’s property.

The parking and access arrangements are not significantly different from the existing situation and although there would be some intensification of use, this would not be unacceptable, given the particular circumstances. However, whilst the proposed opticians use appears to be relatively “neighbour-friendly” and long established with no significant history of complaint, it does allow, and, historically, has incorporated, an allied industrial use. As such, it would be appropriate to limit the use of the premises to that proposed, as an unfettered use could allow a broad range of uses in the relevant B1/D1 classes, some of which may be unsuitable in this sensitive location. This is consistent with previous planning permissions on the site. It would also be appropriate to control the hours of opening to 8am to 8pm Monday to Friday, 8am to 6pm on Saturdays and 9am to 5pm on Sundays and Public Holidays. Construction impacts may be controlled by conditions as recommended by The Executive Head of Health, Housing and Community Safety.

Although, future residential occupiers would be exposed to potential noise and disturbance from the adjacent Hazelwood Trading Estate and traffic on Dominion Road, the existing land use pattern is long established and there is no recent history of problems and the flats, themselves, are well separated from the road and industrial units. However, as a precautionary measure, sound insulation to the rear of the flats is also recommended. The flats are well arranged and stacked and adequate in terms of size. The flats also have
access to adequate amenity space and the refuse storage arrangements are now satisfactory, following revisions.

Quality of the design and impact on the character and appearance of the area

The conversion of No. 80 is sympathetic and the quiet integrity of this detached villa will be retained. The redeveloped No. 80A is also very sensitively designed, following the urban grain and scale of the townscape and the period character of No. 80. It will integrate seamlessly into the streetscene and is a major improvement of the existing situation. Architectural details and communal aerials may be reserved by condition. The scheme’s treatment of the forecourts and boundaries retains the identity of the two properties and plot rhythms of the street, though details of the boundary frontage and landscaping are scant and should be reserved by condition. The retention of all the mature trees is welcomed.

Impact on access and parking

The site is sustainably located, close to East Worthing station, buses on Dominion Road and a small local parade of shops and many other facilities. Given the above, the cycle parking proposed, small size of the flats and current parking facilities on site and off and on street parking available to neighbouring properties, plus the increase in kerb side parking allowed by the modified access arrangement, the proposed car parking is adequate.

The modified accesses provide satisfactory visibility and have been revised to meet the Highway Authority’s requirements. This, and the detailed design including sightlines, may be secured by suitable conditions.

Pedestrian access to the buildings is convenient and efficient and cycle parking but details of the enclosures are scant and also need to be reserved by condition.

The proposed is supported by the Highway Authority subject to the above.

Other environmental matters

The commitment to sustainable design, construction and a sustainable drainage system is welcomed. These may be secured by suitable conditions. Waste materials from construction/demolition are governed by separate legislation.

Adequacy of the development contributions

The Highway Authority has requested a sum of £3,800 towards upgrading local transport facilities to accommodate the additional pressure on the network caused by the proposal. The applicant has agreed to this and a unilateral undertaking to secure the sum is awaited.
6. **CONCLUSION**

The proposed development of this sustainably located, and long established mixed use brownfield site is acceptable in principle and the proposal makes efficient use of the land resulting in a net increase in dwellings and enlarged and upgraded businesses premises. The development is well designed and will integrate well into the streetscene and lift the area. It has been carefully configured to avoid unacceptable harm to neighbouring occupiers and will provide an adequate quality of environment for future occupiers. Access and parking are satisfactory and a unilateral undertaking to secure the required development contribution is awaited. Subject to the unilateral undertaking and the imposition of suitable safeguarding conditions, the proposal should be supported.

7. **RECOMMENDATION**

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1A Standard full condition 5 YEARS
2. C10A Use limited only to that approved.
3. C11A Agree/implement sound insulation.
4. C12B Windows to be obscure glazed.
5. C12F Provide combined aerial facilities.
6. C12L Provide refuse/bin stores for flats
7. C13K Investigation of potential contamination
8. C5B Provide parking before occupation.
9. C5K Provide secure cycle parking for flats
10. C6D Visibility to be provided to access.
13. C6L Materials/plant area during construction
14. C7E Provide scheme for dust suppression.
15. C7G Limitation on hours of construction.
16. C7J Limitation on trading hours.
17. C8A Agree/provide landscaping scheme.
18. Agree/provide boundary treatment
19. Sustainable design Level 3 Code for Sustainable Homes/ BREEAM
20. Agree architectural details

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.
8. BACKGROUND PAPERS

Observations of the Council’s Borough Engineer
Observations of the Environment Agency
Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Highway Authority
Observations of Southern Water
Observations of the Strategic Planning and Regeneration Manager
Letters of Representation from Members of the Public

9th March 2010

Mr A Greenwood
Hire 2000 Limited

Location: Land north of Pumping Station Martlets Way

Proposal: Outline application for commercial development comprising class B1 units together with new access road.

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6. **THE PROPOSAL AND THE SITE**

This is a proposal to redevelop this vacant site for light industry/offices and construction of new short section of road and relocation of the access to the Southern Water Pumping Station site to the south.

The site is located at the eastern end of the Goring Business Park, just off Martlets Way. An expansive tract of cleared, vacant land formerly part of a sewage treatment works, stands to the north and extends eastwards to the adjacent cleared, former Gas works site. This is largely open but contains many trees. The bulk of this is allocated for B1 use (light industry/offices) in the saved Worthing Local Plan, with housing just to the east of Juno Close. In the emerging Core Strategy (Local Development Framework), the land is designated for B1 and/or housing but the precise mix and pattern is not fixed. The redevelopment of part of this site has been the subject of recent applications, with an access onto the proposed extended section of Martlets Way.

Immediately to the east are the back gardens of the houses in Juno Close, a modern, small housing estate, set on slightly higher ground. Abutting the site to the south is the new Southern Water Pumping Station, comprising a single storey pitched roof building set in its own hard and soft landscaped grounds with vehicular access through the application site to Martlets Way, out-letting on the east side of the application site. To the west of the site is a large garage court serving Montrose Close, a small residential estate just to the south and east.

The site itself is generally flat and is 0.12 hectares in size. It formerly housed the original pumping station in the north-west corner of the site, some one and half storeys tall. Though an attractive Edwardian style building, it was demolished very recently due to its semi derelict state and crime and order problems. The site is served by a short and narrow section of private, unadopted road off Martlets Way which is currently gated off and is bounded by a wire and post fence on its open frontages. It is unallocated in either the saved Worthing Local Plan or Emerging Core Strategy.

The current proposal follows withdrawal of an earlier similar application in March 2006 due to unresolved concerns over design, neighbour impact and access and relationship to the redevelopment of the adjacent sewage treatment works/ former Gas works site development site (WB/06/0148/FULL refers). There was also some subsequent pre-application discussion in late 2006.

The current application was originally submitted as an outline application with only landscaping as a Reserved Matter for subsequent determination. However, following negotiations, the applicant has amended the submission to add layout, scale and appearance to the Reserved Matters and so only access is for determination as part of this application. At the same time the applicant has amended the application to restrict the proposed use to B1 only and deleted the original reference to B8 use (storage and distribution).
The supporting illustrative plans show a part two and part one storey building centred on the site and facing the proposed extension to Martlets Way. It sits between 2 metres and 7 metres off the back gardens of the adjacent houses in Juno Close (Nos. 14 to 17) to the east, 3 metres back from the new road, 13 metres from the garage court to the west and 10 to 11 metres north of the pumping station site. The building has a gross internal floorspace of 422 square metres and comprises three units. It has hipped roofs and is faced in brickwork and plastic coated corrugated steel cladding, with similar roofing. No windows at first floor elevation are shown on the eastern elevation. The existing close boarded timber fence adjacent to the Juno Close properties is to be retained and unspecified boundary screen soft landscaping provided.

Turning to the formal proposals, open car parking for 15 spaces is shown on the eastern side of the site accessed from Martlets Way. Cycle parking for 10 bicycles is proposed at the rear and refuse storage adjacent to this, enclosed by a 1.8 metres tall screen fence. Parking/loading/unloading for lorries is indicated in a bay at the front of the site. The existing pumping station access is to be stopped up and relocated through the development’s car park access and a new turning head is indicated on the pumping station site, though this site does not form part of the application and is not shown as under the applicant’s control. Martlets Way is extended to the east end of the site in the form of a 7.5 metres wide carriageway and 1.5 metres wide footpath on the north side.

12. APPLICANT’S DESIGN AND ACCESS STATEMENT

The applicant has submitted the following Design and Access Statement:-

“1. NATIONAL PLANNING FRAMEWORK

1.01 PPS1 states:-

“Decisions have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise. Only policies in plans which can be implemented through the granting of planning permission can form the framework for decisions under Section 39 of the Planning and Compulsory Purchase Act 2004.”

1.02 Having regard to this advice, it is confirmed that the application site lies wholly within the defined built up area boundary for Worthing and adjoining a commercial development site identified within Policy B1 and Policy B2 of the Worthing Borough Local Plan 2003, as an employment site instrumental to the provision of local jobs and the economy of Worthing.

1.03 The commercial development of the application site therefore accords with development plan policy considerations and will provide a catalyst to facilitate the adjoining employment site being the West Worthing
Waste Water and British Gas site by means of the construction of the initial section of the access road to serve this development.

1.04 The criteria to Policy B2 relating to the Worthing Waste Water and British Gas site requires at Criterion 1 that the provision of vehicular access from Woods Way and/or Martlets Way to serve the whole site will be required.

1.05 The application proposal, following discussions with the Highway Authority, includes access provision to serve both the application site and the Worthing Waste Water and British Gas site and therefore the proposal accords with the criterion to Policy B2.

2. LOCAL DEVELOPMENT PLAN CONSIDERATIONS

2.01 The planning application site is not identified within the Worthing Borough Council as having a specific land use, but taking into account the adjoining development in Martlets Way and the potential commercial development to the north of the site it is considered that the development of the application site by B1/B8 units would be appropriate.

2.02 Policy BE1 of the Worthing Borough Local Plan sets out the criteria against which new development will be assessed and following various meeting with both offices of Worthing Borough Council and The Highway Authority the layout and form of development has been derived from the need to protect established residential amenity, especially those properties backing onto the site located within Juno Close.

2.03 The proposed buildings and their configuration, heights and massing have therefore had regard to issues relating to outlook and impact on amenity and it is considered that the proposed design, form and configuration of buildings will not unduly impact upon adjoining properties thereby according with the criteria attached to Policy BE1.

3. RESPONSE TO CONTEXT

3.01 To the north of the application site is the vacant former West Worthing Waste Water and British Gas site which comprises an employment allocation within the Worthing Borough Local Plan 2003.

3.02 The northern part of the application site is designed to accommodate a 7.3 metre wide access road and footway as an extension to Martlets Way to serve the proposed development.

3.03 To the east of the application site are the rear gardens of residential properties situated within Juno Close.
3.04 To the south of the site is the retained Southern Water Pumping House and access to this facility is through and via the planning application site. Immediately to the west of the site is a garage block serving properties located within Montrose Close.

3.05 To the north of the garage compound and to the northwest of the application site is Martlets Way, a private driveway serving a modern industrial estate through which access to the application site is gained.

3.06 It is therefore within this context that the planning application site needs to be assessed.

4. AMOUNT

4.01 The proposal relates to a single building subdivided into 3 commercial units, with unit 1 being single storey in nature with a floor area of 116.6 square metres. The unit accommodates a small office and wc facility.

4.02 Units 2 and 3 are two stories with office accommodation above a ground floor workshop area. The area of these units are 153 square metres.

5. LAYOUT

5.01 The siting of the workshop buildings, car parking and access have derived from certain constraints on the site and in particular to the need to provide access to the pumping station to the south of the site for Southern Water services to maintain the pump facility.

5.02 Siting has also been derived from the need to provide lorry loading and unloading to the north of the building using a slip road facility to the south of the main access road into the site.

5.03 Parking has been positioned to the western side of the site, away from properties situated within Juno Close and next to an existing garage compound.

5.04 The siting of the building itself therefore has regard to these constraints and the need to protect the amenities and outlook of the adjoining residential properties to the east.

5.05 Cycle parking and bin stores are located to the south of the site next to the proposed building.

6. SCALE

6.01 Unit 1 has a low ridge height of 5.2 metres and an eaves height of 3.15 metres and units 2 and 3 have a ridge height of 7.15 metres and an eaves height of 5.55 metres.
7. **LANDSCAPING**

7.01 Landscaping is proposed around the southern and eastern boundaries of the site to provide screening to the rear of properties located in Juno Close.

8. **APPEARANCE**

8.01 The architecture of the building is modern in nature but utilitarian in concept. Low profile roofs have been adopted to reduce the massing of the buildings and fenestration introduced into the first floor area which similarly helps to reduce massing and provides a certain articulation. Loading doors are located to the north of the building away from the residential properties in Juno Close and no first floor windows are proposed on the eastern elevation to prevent any overlooking or loss of privacy of these adjoining residential properties. The first floor element of the building is to be clad with vertical UPVC plastic coated cladding over ground floor facing brickwork.

9. **ACCESS**

9.01 Access is via an extension to Martlets Way by means of a 7.5 metre road and 1.5 metre footway to a specification agreed with The Highway Authority. The access road will facilitate and accommodate the proposed adjoining development to the north and will therefore hopefully act as a catalyst to the implementation of this important employment site.

9.02 The site itself is flat in nature and car parking has been provided at the required standard and there is also facilities for 10 no. covered cycle spaces. It is also confirmed that the building and accesses will be designed to accommodate the requirements of The Disability Act.”

13. **CONSULTATIONS**

The Environment Agency’s comments are awaited.

The Executive Head of Health, Housing and Community Safety raises no objections subject to the imposition of suitable conditions to prevent loading and unloading between 7pm and 7am in view of proximity of houses in Juno Close, restrictions on hours of construction and dust emissions and external lighting. In addition, the Land Contamination Officer advises as follows:-

“Intrusive investigations were undertaken at the former sewage treatment works in 1998, 1999 and a validation report was carried out in 2000 after the removal of the tidal tanks and filter beds and following some remediation on part of the site now occupied by the residential development of Juno Close.
The sampling undertaken was considered to be quite basic at the time of investigation and no sampling was undertaken within the area of the subject sites itself.

Although high levels of contamination were not identified during the previous investigations, the subject site itself has not been sampled. Judging from the previous reports it seems likely that there will be made ground beneath the subject site which may potentially contain elevated levels of PAH, nickel, copper and zinc. There may have been historic sewage sludge disposal on the site and potential contamination from any leaks or spills from the fuel tanks in the adjacent pumping station. However, as the proposal for the subject site largely consists of hard standing this will break the pathway for contaminants in the ground reaching receptors on the surface by dermal contact and ingestion pathways.

However, the planning application includes some trees and shrubs planted along the eastern and southern boundary to provide screening to rear gardens of existing houses. This soft landscaping will provide a potential pathway for contaminants to reach receptors on the surface. For this reason I would request that some investigation is carried out into ground conditions in this proposed area of soft landscaping.

I recommend the addition of condition C13K onto this planning application specific to proposed soft landscaped area of the planned development, and the following precautionary condition:-

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

Due to the elevated levels of Carbon Dioxide recorded during the previous investigations and its potential ingress to structures I would recommend the addition of the following condition:-

Prior to the commencement of development approved by this planning permission, a scheme detailing the design and specification of suitable gas protection measures to prevent gas ingress to structures should be submitted to and approved, in writing, by the local planning authority.”

The Highway Authority comments as follows:-
“This response comprises of the views of West Sussex County Council (WSCC) Local Development Division. Advice has been sought from various Local Development Officers in respects of the highways and infrastructure contribution requirements of this proposal have been considered and these views are incorporated within this response. This response has been prepared by the Officer named above.

This proposal has been the subject of a previous planning application submitted under WB/06/0148/FULL and a further pre application enquiry to WSCC. The application submitted reflects the advice given during the pre application discussions and the development in principle is acceptable. It is noted that the current application is seeking outline approval only, with all matters apart from landscaping being considered as part of the current outline application.

The site lies at the far eastern end of the Martlets Way industrial estate. It should be noted that the proposed extension of the access road connects to a private road. Therefore, whilst the proposed access road extension has been designed to an adoptable standard in terms of width, the extended access road could not be adopted without the intervening section of the existing industrial estate access being made up and adopted. The proposed access road has also been designed to take into account potential further development to the north, although no details are known in respects of this development.

In respects of traffic generation, the small scale of the units would result in relatively little additional traffic and no material traffic capacity issues would be identified from this proposal. The location of the site should also promote and encourage the use of sustainable transport, such as walking, cycling and the use of passenger transport.

15 car parking spaces are proposed. The WSCC Parking Standards would permit 1 space per 30sqm for B1 uses. Viewed against the standards, the provision of 15 spaces would exceed the standard albeit by a single parking space. 10 cycle parking spaces are proposed and details should be secured via condition.

The units are to be restricted to B1 use classes, therefore no HGV’s are anticipated to access the site on a frequent basis. The building has in any case been setback to provide in effect a lay-by across the site frontage to allow delivery vehicles to park on the frontage as required.

Based on the recommended thresholds within the DfT Good Practice Guidelines for Delivering Travel Plans through the Planning Process, a Travel Plan or Travel Plan Statement would not be required.

There would be no objection to this proposal.

Contributions (of £14,050) are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal in
terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development."

Comments of Southern Water are awaited.

The Strategic Planning and Regeneration Manager comments that:-

“This proposal would be in relatively close proximity to the residential units in Juno Close so the issue of overlooking could be important.

The construction of a new access road would need to be considered after detailed discussions with the County Council.

There do not appear to be any policy reasons why this proposal could not go ahead."

14. REPRESENTATIONS

At the time of writing, two letters of representations have been received from Flat 1 and Flat 5 Montrose Court raising the following concerns:-

i) Commercial units are not needed when there are vacant units on the estate already.

ii) It will increase traffic in Martletts Way, where there has been at least three accidents in the last few years, affecting our property. If the application proceeds there should be a speed restriction on Martletts Way.

iii) There have already been substantial issues with the Trading Estate, damage to our property by lorries, noise pollution in the early hours (caused by loading/unloading of lorries with security alarms) and the use of the estate by teenagers late at night.

iv) The fumes, speed and damage (to the surrounding roads) by the traffic generated by the estate is astonishing.

5. PLANNING ASSESSMENT

As the application is made in outline form with all matters reserved for subsequent determination, save access, the proposal primarily seeks to establish that the principle of business development and allied access works are acceptable. In order to do this it, nonetheless, needs to demonstrate that this form of development can be acceptably accommodated on the site and to this end the supporting (illustrative) plans have been submitted. Accordingly, the main issues raised by this proposal are:-

i) The principle of business development and relationship to adjacent development sites.

ii) The impact on the amenity of neighbouring residential occupiers.

iii) Quality of design and impact on the appearance and character of the area.
iv) Access and parking.
v) Other environmental issues.
vi) Adequacy of development contributions.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies BE1, TR9, RES7, RES12 and H18 and South East Plan Policies SP3; CC1; CC2; CC3; CC4; RE3; T2; T4; NRM1; NRM10; SCT1; SCT 2 and SCT3. Government Policy in Planning Policy Statement 1: Delivering Sustainable Development; PPS4: Planning for Sustainable Economic Growth; PPS24: Planning and Noise; PPG13; Transport and PPS23: Planning and Pollution are also relevant, as is the Local Development Framework emerging Core Strategy and evidence base.

The principle of business development and relationship to adjacent development sites

This is a former industrial site in an established industrial location and adjacent to a large tract of land earmarked for B1 business development and under active consideration for a similar allocation or suitable mix with housing in the emerging Core Strategy. It is within the urban area and enjoys reasonable access to facilities in Goring Road, if a little remote from good public transport. A B1 use is by definition compatible with a residential environment and could sit comfortably alongside the proposed business designations and, with suitable safeguards, the existing housing or any future proposed new housing allocations. Whilst a comprehensive treatment of the site as part of the wider designations is preferable, this should not prevent independent appropriate development of the site if suitably controlled and it is noted that the business development part of the adjacent site is anticipated in the design of the new road extension. The development would return a vacant site to positive use, providing much needed good quality small business units and demonstrating confidence in the area as well as boosting the local economy and jobs. As such, the principle of business development may be supported.

The impact on the amenity of neighbouring residential occupiers

It is recognised that efforts to minimise impact on the adjacent housing in Juno Close have been made by agreeing to restrict the use to B1, locating the parking, loading, access away from the houses and reducing the building to single storey adjacent to the houses with no upper floor windows in the east facing elevation. However, the building would still sit uncomfortably close to some of the rear gardens of Juno Close and the blank elevation presented and utilitarian design would present an unattractive and overbearing outlook. The siting, massing and design of the building needs to be reconfigured to make it more sensitive to the location and this may be addressed at the Reserved Matters stage. Noise and pollution generally may be addressed by suitable conditions (including external lighting) and deliveries and trading hours controlled to prevent working and deliveries at unsocial hours. Further restrictions on any future change of use to B8 (storage and distribution) under permitted development may similarly be controlled by condition, as can construction hours and related dust emissions. The dwellings in Montrose
Court are relatively remote and largely shielded by the existing garage court but additional screening here and adjacent to Juno Close would be justified and may be addressed by condition and at the Reserved Matters stage. The resulting intensification of use of Martlets Way would be marginal.

Quality of design and impact on the appearance and character of the area

The design of the building shown in the illustrative drawings is bland and utilitarian. A higher quality of design is justified here, not least due to the proximity of the housing, the gateway role of this development to set the tone for the development of the larger adjacent site and the previous presence on the site of highly distinctive and attractive pump house building. Planning Policy Statement 1: Delivering Sustainable Development and the new statutory duty to have regard to achieving a good design lend further weight to this objective. This is a matter which may be addressed at the Reserved Matters stage.

Access and parking

The site’s access to the main road network is somewhat tortuous through Martlets Way to Goring Way but no different to that proposed in the saved Worthing Local Plan allocations and experienced by many of the existing trading estate businesses. Facilities are reasonably close though in Goring Road. As such, it is a reasonably sustainable location.

Parking is in excess of maximum standards but only marginally and in this location it is acceptable. This and the proposed cycle parking may be secured by condition.

Loading arrangements are acceptable but it is unclear how the lorries would turn at the stub end of the extended Martlets Way. The obvious solution is use of the proposed replacement turning head for the existing pumping station to the south. However, this does not form part of the application site or appear to be under the control of the applicant and access rights to this facility are also unclear. In these circumstances, a condition to require details of a scheme to allow vehicles using the site to reverse satisfactorily is justified. Likewise, a condition to require the new access to the Pumping Station site to be provided prior to the stopping up of the existing access and this provided prior to first occupation of the site is necessary to ensure continuity of functional access. The proposed road is satisfactory in design terms and would facilitate the development of the large allocated site to the east but is not adoptable. A condition to require its provision before first occupation is justified. The Highway Authority supports the application and does not require a travel plan.

Other environmental issues

The site’s history of use, proximity of housing and proposed form of development indicates that there is the potential for land contamination. Accordingly, The Executive Head of Health, Housing and Community Safety
has recommended suitable conditions to control this matter and these are supported. The comments of the Environment Agency are awaited.

No indication of the incorporation of sustainable design techniques such as BREEAM standards or micro renewable energy generation is indicated which is disappointing and a suitable condition is sought.

**Adequacy of development contributions**

The applicant has indicated their willingness to pay the required development contribution of £14,050 towards upgrading local transport facilities to accommodate the additional pressure on the network caused by the development and a unilateral undertaking to secure the sum is awaited.

6. **CONCLUSION**

The site’s development for B1 business use is acceptable in principle in this sustainable, established industrial location and could complement existing and emerging designations for the adjacent land. The site is in a mixed land use area and some redesign is required to ensure a satisfactory relationship with nearby housing which may be addressed at Reserved Matters stage. Suitable safeguards to minimise impacts are also justified at the outline stage. The appearance of the building is utilitarian and an upgrade is justified which may also be addressed at Reserved Matters stage. Access and parking are generally satisfactory but controls over turning facilities for vehicles including lorries and access to the pumping station are required. Environmental safeguards may be secured by condition and a unilateral undertaking to secure the required development contribution is promised. In these circumstances, the proposal may be supported.

7. **RECOMMENDATION**

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1B Standard outline condition.
2. C10A Use limited only to that approved.
3. C11A Agree/implement sound insulation.
5. C13LRV Sustainable development.
6. C5B Provide parking before occupation.
7. C6B Turning areas to be agreed and provided.
8. C6C Agree/provide (un)loading facilities.
10. New access to the Pumping station site to be provided prior to the stopping up of the existing access and this stopping up provided prior to first occupation of the site.
11. C7D Limit hours of loading/deliveries.
12. Provide cycle parking.
13. Provide new access road before first occupation.
15. C7E Provide scheme for dust suppression.
16. C7J Limitation on trading hours.
17. C7I Restriction on external lighting.
18. No external plant without approval.

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

8. BACKGROUND PAPERS

Observations of the Environment Agency
Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Highway Authority
Observations of the Strategic Planning and Regeneration Manager
Observations of Southern Water
Letters of Representation from Members of the Public

9th March 2010
Location: 31 - 33 Oxford Road

Proposal: Conversion of first floor office into two self contained flats including new and replacement windows, installation of new entrance door to the flats (north elevation) and provision of bin and cycle store on ground floor.

7. **THE PROPOSAL AND THE SITE**

The site is the first floor of a two storey building on the west side of Oxford Road at its junction with Teville Place. Until December last year the first floor was occupied as offices by a teleflorists. This business has moved downstairs into an empty betting shop and opened a retail florist frontage leaving the first floor vacant.
Permission is sought to convert the first floor, approximately 97 square metres, into two no. 2 bedroom flats, including a revised entrance arrangement from the Teville Place frontage.

This area is defined by its mixed nature. Immediately to the rear of the site is an electrical wholesaler with the offices of a church above. To the north is Abbey House, an office building. The Grand Victorian pub is diagonally opposite with residential to the south and opposite in terraced housing.

15. APPLICANT’S DESIGN AND ACCESS STATEMENT

The applicant has submitted the following Design and Access Statement:-

Context
The application relates to an existing vacant betting shop on the ground floor and office space currently occupied on the first floor. The property is situated very close to Worthing Central Station.

Amount
It is proposed to convert the existing first floor office space into two self contained 2 bedroom units. The ground floor is to remain as retail/office space.

Layout
The layout is to be adapted to create a new stairwell to serve the new units on the first floor which will be accessed from an existing door opening on the North elevation.

Scale
The scale of the building will be unaffected from the street scene, while the internal layout has been designed to provide good quality units.

Landscaping
Not affected by proposals.

Appearance
The appearance of the building will remain unchanged. There is to be a new window opening added on the north elevation.

Use
The ground floor is to remain retail/office space and the first floor is for domestic use.

Access
At present there is no parking provision. It is proposed to promote more sustainable modes of transport. Each flat will be provided with secure bicycle storage facilities. The site is served by local bus stops on Railway Approach, as well as being within easy walking distance of Worthing Central Station.
3. **APPLICANT’S SUPPORTING STATEMENT**

The applicant has submitted the following Supporting Statement:-

‘I can confirm that the ground floor premises have been on the market since 2007 with a local Worthing Commercial agent “Stiles Harold Williams”. They were instructed by Metro Bet Ltd who was a tenant and held a 5 year lease. They had decided the area could not support business anymore. By June 2008 Metro Bet had not managed to shift the lease and stopped paying the rent then within weeks placed the company into Administration. I then contacted Mr Duncan Marsh of Stiles Harold Williams and asked them to continue to market the property but to also include the upper floors. My reason for this was that if we could not find a tenant for the ground floor we may be able to find one for the first floor. To date I have never stopped Duncan Marsh marketing the property but to date we only ever had 1 consideration, that was an inquirer to convert the ground floor back into a Wine bar. This was considered not viable both for planning and rental reasons as the offer was so low.

The area suffers from on street parking issues and is very run down, it has proven impossible to encourage any business to the area. I have even found that having opened a flower shop it is not possible to get a parking permit for my delivery van as the parking shop have stated they will not offer any business in the Oxford Road area any new permits as they are being reserved for residents. Trading in this area is hard. I now have to move my van around every few hours to avoid the traffic wardens.

I have made a huge financial investment into moving my business to the ground floor and feel that I have also made a big visual impact to the area. I now need to convert and modernise the upper floors in order that I may start to generate an income from the empty premises and complete the regeneration.’

4. **CONSULTATIONS**

The **Economic Development Manager** comments as follows:-

“Economic Development is unable to support this application for change of use from B1 to residential, on the first floor of Nos. 31-33 Oxford Road, on following basis:

- Nos. 31-33 Oxford Road falls within the Railway Approach area of Worthing and benefits from of a sustainable location.

- The recent Knight Frank, Employment Land Report (page 12), recommends protection of B1 employment floor space in the Railway Approach area.

- The premises has only been vacant since December 2009 and no active marketing evidence has been provided, to demonstrate that is floor space
is non longer viable for B1 employment use, or an alternative employment use.”

The **Strategic Planning and Regeneration Manager** comments as follows:-

“This site has seen a recent submission for a similar development and it was refused on the grounds of loss of good quality employment space.

Despite the use of the ground floor as a commercial use there is still the issue of the loss of reasonable office space.

The recent Knight Frank Employment Study assessed the current office stock and quality in Worthing and looked at the Station Approach area. The majority of the office quality is of ‘B’ standard – which is “Sound period or second-hand refurbished”

There is no evidence of any marketing of the sites as offices.

The **Economic Development section** has identified the site as having potential for continuing use as an office use.

The development of the site as residential units therefore should not be considered unless detailed evidence is forthcoming that the site has failed to attract new office tenants.”

The **Highway Authority** comments as follows:-

“Based on the information submitted I cannot confirm whether the parking proposed exceeds the West Sussex County Council (WSCC) Maximum Standard. It is therefore assumed that a nil car parking provision is proposed. This does accord with the WSCC maximum parking standards and no highway safety concerns would be raised to a nil car parking provision in this location. The Planning Authority may wish to consider the implications of this proposal upon on-street car parking.

Cycle parking is being included; the applicant would be reminded that this must be secure, covered and be capable of storing at least one cycle per bedroom of the converted building. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA). To accommodate cycle parking it would be recommended that any cycle storage should have minimum dimensions of 2 metres x 1 metre.

The applicant should ensure they have adequate bin storage as this change of use will generate more waste than the previous use.

Based on the information submitted, it is unlikely that the proposal would result in significant increase in daily vehicle movements or have an impact upon highway safety.”

The **Executive Head of Health, Housing and Community Safety** has no objection subject to the adequate provision of refuse storage.
5. REPRESENTATIONS

No letters of representation have been received.

6. RELEVANT PLANNING HISTORY

In October 2009 planning permission was refused to convert the first floor into two, No. 2 bedroom flats.

In November 2009 planning permission was granted for use of the vacant ground floor betting shop into a retail shop with offices.

In 1997 permission was refused to convert the first floor offices into a crèche for up to 24 children.

In 1993 permission was granted to convert the first floor offices into a 3 bedroom flat.

In 1988 the first floor retail space was given permission to convert to B1 offices.

7. PLANNING ASSESSMENT

The principal issue raised with this application is the potential loss of B1 office floorspace in an identified employment area. Other issues raised are the appropriateness of the site for residential use and its ability to provide the necessary supporting infrastructure, i.e. refuse and cycle storage. The application should be considered against saved Worthing Local Plan Policies RES7, RE12, TR9, BE1, H13 and H18 and South East Plan Policies SP3, CC1, CC4, CC6, H1, H4, RE3, RE6, BE1, NRM10, T4, TC2 and SCT3.

Loss of employment floorspace

South East Plan Policy RE3 resists the loss of accessible and well located industrial and commercial sites where there is a good prospect of employment use. Policy RE6 supports this view. This is reinforced by allied policies to promote the viability and function of Worthing town centre in policy TC2 and to strengthen the economic base of the Sussex coastal towns as set out in SCT3. PPS4: Planning for Sustainable Economic Growth also promotes sustainable economic development, particularly in town centres.

The Employment Land Review was published in October 2005 and it concluded that there is no excess supply of employment land over demand and that losses would need to be carefully considered. This points to a continuing need to protect commercial floorspace though the recession has dampened recent demand and many offices are empty at present.
Late last year the Knight Franklyn Economic Research Report (prepared for the Local Development Framework) was published. This has audited employment premises in the town centre and wider edge of centre areas and identified six areas where ‘the presumption should be against the loss of office space’. Elsewhere, a criteria based approach focused on quality of accommodation and marketing to establish commercial viability will be adopted to enable worst cases to be brought back into alternative beneficial uses.

Nos. 31-33 Oxford Road falls into one of the six identified areas for protection, Railway Approach. Until December last year it was occupied for office purposes. The occupier has since relocated to the ground floor and also opened a florist shop in the frontage. This has enlivened this previous dead frontage and approach to Worthing Station. It has also created B1 floorspace at ground floor and retained local jobs on site. This has clearly benefited the area. These local benefits and the employment relocation within the site are part of the applicant’s justification for the loss of first floor B1 floorspace.

The applicant has advised, in an email, that the ground floor of the site has been marketed by Stiles Harold Williams since 2007 when the previous betting office fell into difficulty. Following closure in 2008 the applicant contacted Stiles Harold Williams and asked them to continue marketing the site including the first floor. The applicant advises that only one expression of interest was shown and that this was for just the ground floor. No detail of this marketing has been supplied by the applicant or Stile Harold Williams and the site is not currently listed on the Stiles Harold Williams website. This is insufficient proof to support a claim that the site is unsuitable for further B1 use.

The site is in a very sustainable location and the floorspace itself is in reasonable condition with its own separate and self contained entrance. The first floor has only been vacant since December 2009. The applicant is advised to actively re-market this vacant and readily available floorspace now. In the event that no interest is expressed in it over the next 6 to 12 months a further application should be made accompanied by a detailed marketing report from the commercial agents to justify any change of use and loss of commercial floorspace.

Suitability of conversion to residential use in this town centre location

The premises are located in a mixed residential/commercial area on the periphery of the town centre. The premises are close to the Grand Victorian public house and club and also on the main axis from the town centre to the railway station. Residents would clearly face some noise intrusion from revelers leaving the pub and accessing the station late at night. However, there are family houses opposite the site and there is a fairly recent conversion of commercial premises to flats immediately to the south of the site. Occupiers of the two flats proposed would experience no greater intrusion.
In other respects, the accommodation arrangements are generally acceptable, with adequate room sizes. Sound insulation between the flats and the ground floor shop/offices is dealt with under Building Regulations. Access to bin stores and cycle storage is from Oxford Road and considered to be adequate.

The proposal helps meet a residual demand for town centre living by small households.

Access and Parking

The premises enjoy excellent accessibility by all modes of transport and are close to all facilities. Cycle parking is provided. In these circumstances, and given the presence of a Controlled Parking Zone and the nature of the proposed accommodation, the absence of any dedicated off-street parking for the flats is acceptable.

8. CONCLUSION

Insufficient evidence has been supplied to support the applicant's view that the first floor of this building is unsuitable or unlettable for office purposes. The application is not accompanied by a commercial study which details the length and manner of marketing of the premises. Whilst the applicant has invested in the property to the benefit of the area by reintroducing a retail use to the frontage and by relocating B1 floorspace and local jobs to the rear ground floor area adequate proof that the first floor is unviable for office use has not been supplied. As such a departure from policy cannot be supported in this case.

9. RECOMMENDATION

Refuse on the grounds that:-

The proposal represents the unacceptable and unjustified loss of good quality employment floorspace in a sustainable location which would set an undesirable precedent and is premature and prejudicial to the preparation of the Local Development Framework. This would be to the detriment of the local economy. As such it is contrary to Policy RE3 of the South East Plan.

10. BACKGROUND PAPERS

Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Highway Authority
Observations of the Strategic Planning and Regeneration Manager
Observations of the Head of Economic Development

9th March 2010
8. **THE PROPOSAL AND THE SITE**

The proposal relates to the row of beach huts on the foreshore along the promenade, at two points. The first is immediately west of where Heene Road meets West Parade; the second westward of the junction with Grand Avenue.
Planning permission is sought (under Regulation 3) to erect two new beach huts amongst many near to Heene Road, and a new row of five beach huts to the west of the existing beach huts west of Grand Avenue.

The Heene Road huts would be erected on concrete bases existing on site. No such bases exist on the land for the five huts near to Grand Avenue, but historically huts were situated in this position. The Heene Road huts would fall within the Marine Parade and Hinterland Conservation Area. Those at Grand Avenue fall outside any such designed area.

In both cases the huts will be positioned immediately behind the promenade wall, on stabilised public foreshore. Expansive views of the sea are available along the promenade and to residential properties along Marine Parade.

9. APPLICANT’S SUPPORTING INFORMATION

Leisure and Cultural Services have commented that there is a long wait for beach huts/chalets resulting in people waiting years to be offered a hut. There are currently 159 people on the waiting list.

Design and Access Statement

Amount
The proposal is to provide a block of two beach huts and a block of five beach huts with concrete hard standings to the front of each hut.

Layout
The proposed beach huts are to be situated on the foreshore in positions where beach huts were originally situated. The proposed beach huts have been designed to preserve and enhance the character and appearance of the foreshore whilst also providing beach huts which have been found to be most resistant to vandalism and the harsh environment in which they are situated.

Scale
The new huts will be the same dimensions as the other existing beach huts on the foreshore. The dimensions for a single hut is height 2.3 metres, width 1.85 metres, depth 2.45 metres with a 150mm deep concrete hard standing to the front of each hut which is 1.85 metres x 1.85 metres.

Landscaping
Not applicable.

Appearance
All the existing beach huts are timber framed with flat roofs and are similar in size and appearance. They are clad with a variety of external claddings, which have been used over the years, such as painted timber, grp, upvc and most recently, prefinished wood grain effect exterior chipboard cladding. Following discussions with Worthing Borough Council’s Planning
Department the new beach huts are proposed to be clad with the prefinished white wood grain effect exterior chipboard cladding (Werzalit Seletkta 155 Wood grain Colorpan). By constructing these new beach huts and also by carrying out complete external redecorations to the existing beach huts which is also planned by the Council, not only will this reinstate beach huts to their original positions but will greatly enhance the general appearance of the foreshore.

Use
The beach huts will be rented out for private use by the Council.

Access
Accessible directly from the beach/promenade.

10. REPRESENTATIONS

Eleven individual letters of objection have been received from the occupiers of Nos. 1, 2, 3, 4, 15, 22, 23, and 24 (The Lookout) Marine Point, West Parade, Nos. 2 and 30 West Parade, and apartment No. 1 Stock Court, West Parade, the content of which is summarised below:-

i)  No need of further huts. Eyesore.
ii) Sea view afforded to residents will be obliterated.
iii) Greatly enjoy views from our balcony and first floor. Beach view is totally lost if the huts are installed.
iv) Most of the day spent admiring view to which I pay a premium in my Council tax. I bought my flat to enjoy sea views – not to look into the back of garden sheds.
v) No toilet facilities or water supply at this point. Beach opposite Marine Gardens where these amenities exist more appropriate.
vi) In Conservation Area. Expect preserving sea view paramount.
vii) Would like it assured this is not a precedent for further huts and that there are no sites further along to the west that developers can claim ‘once had beach huts there’.
viii) Reduces property value by at least 10%.
ix) You allow people to build beyond the building line at 4 Heene Road; multi-occupation at Abbey House without any parking; vans and mobile home to park outside our house. You do not care about any of it.
x) Will destroy the view tourists and visitors have of sea.
xi) Long vehicles and trailer attached vehicles may have difficulty turning on the promenade.
xii) Detrimental effect upon general ambience and status of Worthing, whilst providing only very small amenity value out of proportion to that detriment.

An objection has also been received by Marine Point Residents’ Association, together with five standard letters of objection received from the occupiers of Nos. 4, 10, 12a, 17, and 20 Marine Point, the content of which is summarised below:-
i) Express strongest objection.

ii) Owners, some semi-invalid and unable to get out, bought flats to have sea views – not to look into back of beach huts.

iii) Will seriously interfere with enjoyment of the view, particularly for ground, first and second floor residents and for those in Annexe. Would expect preserving the sea view paramount in Council's Conservation Policy.

iv) Do not understand need for additional huts, apart of course from revenue generation.

v) You tried this before; in March 1991 the number of huts increased from 6 to 17 following years of confrontation, including engagement of solicitors, Local Government Ombudsman, and support from the local press until they were removed by "natural causes". An "Act of God" indeed.

A representation has also been received by Peter Bottomley, Member of Parliament, the content of which is summarised below:

i) Would be most grateful if you could consider Mr Davies (occupier of No. 1 Marine Point) letter when reviewing the planning application.

4. PLANNING ASSESSMENT

Introduction

The planning concerns with this development are the principle of additional beach huts along the promenade in these locations and its visual impact upon the character and appearance of the seafront and surrounding Conservation Area, together with the impact upon amenities of neighbouring properties.

As such, the development should be primarily assessment against saved Worthing Local Plan Policies RES7, CT3, BE1, H18, SC1 and South East Plan Policies SCT1, SCT2, SP3, SP4, CC1, CC2, CC4, CC6, CC8, CC9, NRM8, NRM10, BE1, BE6, TRS1, TSR5, TRS6, TSR7, S1, S5, and S6.

In addition, although the Grand Avenue huts will fall outside the study area and the Heene Terrace huts will be on the cusp of its border, the Worthing Seafront Strategy 2007 is a material consideration.

Principle of the development

These huts are to be built where huts have been previously sited. There is a recognised need to provide additional huts to accommodate demand. This is reflected in the Council waiting list for huts. Their presence would provide opportunity for informal, mostly passive seaside activities, in accordance with the principles of new development in the 'Western Gateway' set out in the Seafront Strategy.
The objective of this area is to provide a more tranquil and relaxed setting with a quieter seafront zone. Proposals for the Western Gateway are intended to protect and enhance the existing identity of this area. Such regeneration of the seafront forms an important part of the visions identified in the Worthing Town Centre and Seafront Masterplan (2006).

**Visual Impact and Conservation Area**

The design of the new beach huts are near identical to the existing ones and, as such, would reinforce the existing visual continuity along the promenade. The huts will be constructed of good quality external materials and finishes appropriate for their exposed location. Their maintenance would be controlled by the Borough Council.

The relevant Conservation Area Appraisal does not stipulate that the sea view along the promenade should be safeguarded in perpetuity. The design of the huts is reflective of their seaside location and complements the external finishes of other structures and buildings along the promenade. Long expansive public views along the promenade of the sea and foreshore will remain. Therefore, this new development would preserve the established character and appearance of the area.

**Neighbour impact**

Several occupiers of Marine Point have raised issue with the loss of their sea view. Given the height of the huts, at some 4 metres, those principally affected would be at ground floor (with accommodation set higher largely unaffected). Further, only the direct face-on view would be affected, longer more expansive outlooks presently available to occupiers, one of the most desirable aspects to living by the sea, would remain largely unaffected. Finally, it is important to distinguish between considerations of public interest which legitimately concern the planning system, and those of private interest which only concern individuals. The Courts have ruled that protection of a view is less of a matter of public interest.

The occupiers of the new beach huts may well create some additional noise and disturbance. But this would not be noticeably apparent when set against the activities and comings and goings presently experienced along the promenade during the summer months, when the huts are most likely to be occupied. Management of the beach huts will be controlled by the Borough Council.

5. **CONCLUSION**

The new beach huts, which are small scale development, would be consistent with the Council’s Seafront Strategy. The established character
and appearance of the surrounding area is to be preserved, and no unacceptable impact would arise onto neighbours.

6. **RECOMMENDATION**

   Planning permission be granted subject to the following condition:-

   1. C1AREV Revised Standard Full Condition
   2. Materials and finishes to be agreed.

7. **BACKGROUND PAPERS**

   Letters of Representations from Members of the Public

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9th March 2010