



WORTHING BOROUGH COUNCIL

27 November 2017

Worthing Planning Committee

Date: 6 December 2017

Time: 6:30pm

Venue: Gordon Room, Stoke Abbott Road, Worthing

Committee Membership: Councillors Paul Yallop (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Paul Baker, Joshua High, Hazel Thorpe, Paul Westover and Steve Wills.

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail

heather.kingston@adur-worthing.gov.uk before noon on Tuesday 5 December 2017.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 1 November 2017, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

5. Planning Applications

To consider the reports by the Director for the Economy, attached as Item 5 -

5.1 Land to south/east/west of The Coach & Horses 5.2 Imperial China

5.3 Marina Guest House 5.4 Flat 1, 9 Heene Terrace

5.5 Kingsway Hotel, 117-119 Marine Parade

6. Public Question Time

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

7. Proposed Article 4(2) Direction for Marine Parade, Worthing

To consider the report by the Director for the Economy, attached as Item 7.

8. Exclusion of the Press and Public

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 3 of Schedule 12 A to the Act indicated against the item'

Part B - Not for publication - Exempt Information Reports

9. Appendix - Kingsway Hotel, Worthing

To consider the report by the Director for the Economy, attached as Item 9.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Richard Burraston Senior Lawyer 01903 221110 richard.burraston@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1882/16 Recommendation – APPROVE

**Site: Land to the South and East and West of The Coach And Horses,
Arundel Road**

Proposal: Outline application for up to 240 dwellings with associated vehicular, pedestrian and cycle routes; parking; service infrastructure and sustainable drainage features; and strategic landscaping including noise bund / attenuation to the A27; all vehicular access to be via the strategic development to the south (AMENDED DESCRIPTION).

2

Application Number: AWDM/0209/17 Recommendation – APPROVE

Site: Imperial China, Wordsworth Road, Worthing

Proposal: Proposed 1.6m rising to 1.8m high rendered wall and timber fence on east boundary and 1.8m high wrought iron railings and gates on the south boundary.

3

Application Number: AWDM/0751/17 Recommendation – APPROVE

Site: Marina Guest House, 191 Brighton Road, Worthing

Proposal: Retrospective application for change of use of the existing property (C1) to home for unaccompanied minors (sui generis)

4

Application Number: AWDM/1643/17

Recommendation – DELEGATE for approval subject to there being no further comments received by the expiry of the public consultation period on 12 December

Site: Flat 1, 9 Heene Terrace, Worthing

Proposal: Listed Building Consent for removal of unauthorised internal partition wall and cupboards and installation of bespoke freestanding cupboard with glazed partition above and oak-framed door between hall and bedroom.

5

Application Number: AWDM/0764/17

Recommendation – APPROVE

Site: Kingsway Hotel, 117 - 119 Marine Parade and 120 Marine Parade

Proposal: Redevelopment and partial conversion of The (former) Kingsway Hotel and No.120 Marine Parade including the retention of the main facades facing Marine Parade, the erection of a two, three and four storey development at the rear and roof extension to provide 1 no. one-bedroom apartment, 8 no. two-bedroom apartments, 4 no. three-bedroom apartments and 1 no. four-bedroom apartment and the demolition of the annexe at No. 1 Queens Road and erection of a two/three storey building to provide 1 no. two-bedroom dwellinghouse and 1 no. three-bedroom dwellinghouse. Nine parking spaces and cycle parking to the rear.

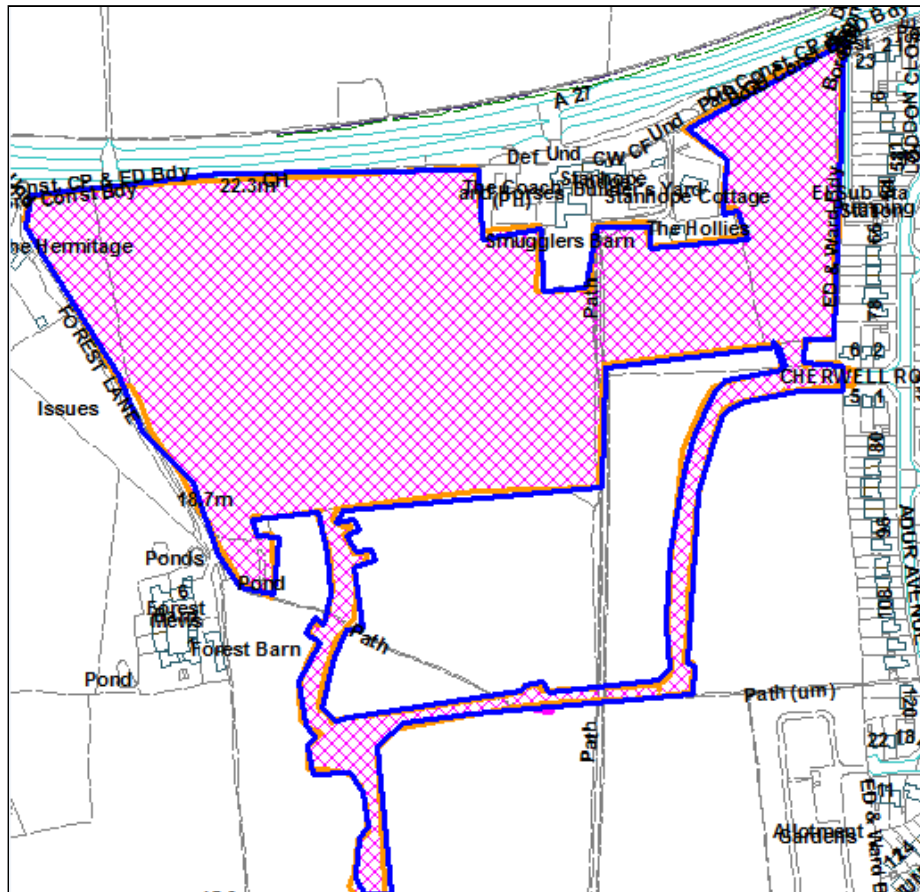
Application Number: AWDM/1882/16 Recommendation – Approve

Site: Land To The South And East And West Of The Coach And Horses, Arundel Road

Proposal: Outline application for up to 240 dwellings with associated vehicular, pedestrian and cycle routes; parking; service infrastructure and sustainable drainage features; and strategic landscaping including noise bund / attenuation to the A27; all vehicular access to be via the strategic development to the south (AMENDED DESCRIPTION).

Applicant: West Durrington Northern Ward: Northbrook
Sector Consortium

Case Officer: Jo Morin



Not to Scale

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Site and Surroundings

The site, referred to in the supporting documentation as the 'West Durrington Northern Sector' (WDNS) is about 4 miles north-west of Worthing town centre on the edge of the built-up area adjoining the A27 directly to the north. It comprises an irregular-shaped area of land (10.07 hectares) comprising four agricultural fields of various sizes currently used for grazing.

To the east the site adjoins the rear gardens of existing housing in Loddon Close and Adur Avenue. The boundary is defined by domestic garden fencing, shrubs and hedging interspersed by a number of mature trees. Trees within the site adjacent to this boundary and wrapping round along the northern boundary of this field (adjoining the public footpath following the alignment of the old Arundel Road) are subject to a Tree Preservation Order (dating from 1972).

Adjoining to the west is Forest Lane, a narrow unmade private road leading off Castle Goring Way and running south as far as Forest Barn and Forest Barn Mews, a small, modern complex of dwellings in a rustic, courtyard style. 'The Hermitage' lies to the west side of Forest Lane. The western site boundary with Forest Lane is defined by a native hedgerow. Adjoining the west side of Forest Lane is Castle Goring Conservation Area which includes 'The Hermitage' and the group of dwellings lying immediately to the west of it off Castle Goring Way, including Castle Goring and its grounds sited 300 metres west of the site. The latter is Listed Grade I and its walled garden is Listed Grade II. Within the group, Castle Goring Lodge (No.13), Goring Park House (No.14), 1 Castle Goring Mews and 12 Castle Goring Way are all Listed Grade II. Ancient woodland at Titnore Wood lies further west.

There is a pond in the south-west corner of the application site. It is shallow, set in a hollow and surrounded by oak, elm and hazel shrub.

The northern site boundary is defined by the A27 dual carriageway and by a cluster of dwellings around the Coach & Horse Public House which make an incursion into the north part of the application site. The Coach & Horses Public House and attached Stanhope Lodge are Listed Grade II. A public footpath (No: 3114-3) traverses the site north-south leading from this cluster of dwellings extending southwards as far as West Durrington District Centre (comprising the Tesco Extra store and a number of other smaller retail units).

To the south the site adjoins land forming part of 'West Durrington Southern Sector', where 700 new dwellings are currently under construction following the grant of outline consent in 2012 (WB/11/0275/OUT refers), and subsequent reserved matters applications permitted in 2015 (Parcels 1a, 1b and 1c) and 2016/17 (Parcels 2a, 2b, 2c, 3a, 3b and 3c).

The South Downs National Park adjoins to the north side of the A27 and to the east side of Forest Lane, including Castle Goring Conservation Area (but not Forest Barn and Forest Barn Mews). To the north of the A27 the dip slope to the South Downs is made up of agricultural fields. Holt Farmhouse and farm buildings lie 250 metres to the north and north-west of the site with Clapham woods beyond.

There is a fall in ground levels across the site from 30 metres Above Ordnance Datum (AOD) in the north-east corner to 18.5 metres AOD in the south-west corner.

Proposal

As initially submitted the proposal by the West Durrington Northern Sector Consortium was for: 'Outline application for up to 260 dwellings with associated vehicular, pedestrian and cycle routes, including noise bund/attenuation to the A27, with all vehicular access via the strategic development to the south.

The Consortium comprises Taylor Wimpey UK, Persimmon Homes Thames Valley and Heron Land Developments. The application is in outline with all matters reserved for future determination other than means of access. The Development Framework Plan submitted as part of the application shows two points of vehicular access via the development currently under construction to the south (WDSS). For illustrative purposes the Development Framework Plan also sets out the intended split between housing and green infrastructure areas across the site. As initially submitted the application proposed 260 dwellings on a site area of 7.12 ha at a net residential density of 36 dwellings per hectare (dph) plus 2.92 ha of green infrastructure including new parkland tree and hedgerow planting on the westernmost part of the site, SuDS (Sustainable Drainage Systems) features, a new 3 metre high landscaped noise bund along the northern boundary, a Local Equipped Area for Plan (LEAP) alongside the southern site boundary and a 'green corridor' accommodating the existing public footpath and a new recreational route for pedestrians and cyclists.

The Development Framework Plan indicates how a potential footbridge in the north-east corner of the site could provide linkage over the A27 connecting to the South Downs. However, this merely shows how such provision could be made in the future and does not form part of the current application submission.

The initial application submission was supported by a number of technical and environmental reports as follows:

- Planning Statement (October 2016) by DC Planning Ltd.
- Design and Access Statement by CSA Environmental;
- Transport Assessment (October 2016) and Appendices, by PFA Consulting;
- Residential Travel Plan (October 2016) and Appendices, by PFA Consulting;
- Flood Risk Assessment (October 2016) by PFA Consulting;
- Landscape and Visual Impact Assessment (October 2016) by CSA Environmental;
- Heritage Setting Assessment (October 2016) by CSA Environmental;
- Statement of Community Involvement by Bluebridge Communications;
- Preliminary Environmental and Geotechnical Assessment (January 2015) and Appendices, by Waterman Energy, Environment & Design Ltd.
- Geo-Environmental Assessment (July 2015) by Waterman Infrastructure and Environmental Ltd
- Archaeological Assessment (October 2016) by CSA Environmental;
- Air Quality Assessment (October 2016) and Appendices, by Waterman Infrastructure and Environment Ltd.

- Noise Assessment (October 2016) by Waterman Infrastructure and Environment Ltd.
- Tree Survey (Part 1) by Ian Keen Ltd
- Update Ecological Assessment (1 November 2016) and Appendices, by Tyler Grange;
- Amphibian Report (July 2010) by SJM Ecology. .

The Planning Statement sets out the Consortium's commitment to good quality design and "*creating another part of West Durrington neighbourhood where people will wish to reside and visit*". It explains the range of factors covered by the supporting documentation under the following sub-headings Design, Ecology, Transport and Highways, Heritage, Flood Risk and Drainage, Landscape and Visual, Trees, Ground Conditions, Noise, Air Quality and Archaeology.

Design

The influences for the layout as illustrated on the Development Framework Plan are identified as:

- Vehicular access points fixed by the street layout;
- The need to consider and respect the setting of the SDNP, the Castle Goring Conservation Area and listed buildings;
- The need to accommodate a noise bund along the northern site boundary;
- To maximize the retention of existing trees, hedgerows and landscape features;
- Areas of ecological value to be retain and/or mitigation provided;
- The need to respect the amenity of existing dwellings (on Adur Avenue and Loddon Close that back onto the site); and
- The existing public footpath that runs through the site.

Against this backdrop the development proposes to provide a new public open space on the westernmost part of the site allowing for new parkland and tree planting in order to preserve the perception of the Conservation Area as a separate entity from the proposed development and allowing an appropriate inter-face to be created with the SDNP. It is intended that the 3 metre high landscape bund located along the northern boundary with the A27 and introduction of SUDS features will also provide an important part of the new green landscape infrastructure helping to mitigate the loss of existing landscaping. The existing public footpath will be incorporated as part of a green corridor, in part upgraded to provide a 3 metre wide combined footpath/cycleway linking to that to being carried out within WDSS. The new LEAP is shown sited adjacent to the footpath with the intention that it would be within 400 metres walking distance of all the proposed new dwellings.

As initially submitted the Development Framework Plan seeks to show a defined hierarchy of streets and spaces in order to be clear for residents and visitors alike where the principal routes are and how to navigate around the development. The design proposals intend to provide for a layout where there will be different streets, spaces and routes that have a coherent 'sense of place' with character areas following the typologies following those established by the WDSS. It is anticipated that buildings will vary in height up to 2½ storeys with these taller buildings used to signify the importance of the Central Green, enclose important open spaces, terminate key vistas and punctuate the street scene to create a legible environment. It is proposed that buildings will be designed with a simple manner that

complements the local vernacular, conveying “*an impression of unity relieved by minor points of detail, materials and grouping, producing variety with a harmonious identity*”.

Ecology

The ecological assessment finds the site is dominated by improved grassland of negligible ecological importance, with features of most, mainly local, importance being the hedgerow and mature tree network, a small parcel of broadleaved woodland, scrub and a pond.

The site is not covered by, or adjacent to, any sites that are the subject of statutory or non-statutory protection and no such sites would be affected by the proposed development.

Detailed fauna surveys in 2010 (with updates for badgers and great crested newt in 2016) indicate:

- No active badger setts although potential for use of the site for foraging;
- No bat roosts and low levels of activity limited to the hedgerows and boundary features;
- No dormice;
- A medium population of great-crested newts (GCN) within offsite breeding ponds, the closest of which is 10 metres from the site;
- A common assemblage of invertebrates;
- A low population of slow worm and grass snake.

The most significant issue is identified as the potential adverse effects on GCN and development has been specifically designed to retain opportunities for these species and to compensate for any loss of existing habitat through creation of new habitat optimum to GCN. The ecological assessment describes a mitigation and enhancement strategy to ensure protection of habitats of importance through appropriate best practice and use of fencing and avoidance or minimisation of impacts to protected and priority species. This considers translocations, update surveys, trimming of works, enhancement and creation of high quality new habitats, provision of new nest/roost sites and appropriate management of habitats in the long term. Central to this will be the preparation of a Construction Environmental management Plan and a Landscape and Ecological Management Plan. The conclusion reached is that with the implementation of the mitigation and enhancement strategy suggested, the proposed development would adhere with relevant planning policy and legislation.

Highways and Transport

The submitted TA has been carried out within the scope previously agreed with WSCC and Highways England. It comprehensively analyses the transport impacts of the proposed development and provides details of proposed measures to improve public transport, walking and cycling with the objective of reducing the number and impacts of motorized journeys.

Vehicular access to the development site will be taken through WDSS and through the site will embody a 5.5 metre wide loop road. Tasman Way will remain as a bus link and Cherwell Road will remain as a pedestrian/cycle/emergency vehicle access. There will be no access to the site direct from the A27 trunk road. Analysis

of traffic capacity on local roads demonstrates there will be space capacity on Fulbeck Avenue, Titnore Way and Yeoman Road when considering existing traffic committed traffic (including WDSS) and the proposed WDNS traffic. The TA examines the impact of traffic generated on 16 junctions (as agreed through the scoping process) and after analysis it is proposed to undertake or fund junction improvements as follows:-

- Goring Crossways;
- Titnore Lane/Titnore Way (via new signals)
- Littlehampton Road/Yeoman Way/Palatine Road
- Littlehampton Road/Durrington Lane/The boulevard
- The Boulevard/Shafesbury Avenue/The Strand/Bolsover Road Roundabout.

The proposed development would give rise to increased travel demand by all main modes of transport. Thus in addition to the above junction improvements, and to satisfactorily accommodate this demand, the following additional range of measures has been identified:-

- Creation of safe, direct and attractive routes as part of the Masterplan for both pedestrians and cyclists with good linkages to the existing networks;
- Potential contribution toward improvements to the walking/cycling network between the site and existing key trip attractors as identified in a 'Pedestrian and Cycle Audit' .;
- Potential funding improved evening bus services, and improvements to bus stops in the vicinity of the site;
- A Travel Plan – prepared as a guide to managing travel to and from WDNS.

In accordance with WSCC policy a headline target of a 15% reduction in vehicle trips over the 12 hour period 07.00 - 19.00 is proposed. A range of measures to meet this target is proposed including provision of a travel voucher for each household, potential walking/cycling contributions, potential bus service contributions, potential car club contributions and a travel information pack. It is anticipated a TP coordinator would manage the plan, organize the measures and promote sustainable travel information and key events to residents. In the long-term this would be transferred to a steering group.

The TA concludes that opportunities for sustainable transport modes have been taken up, safe and suitable access can be achieved, and improvements can be undertaken within the transport network with the effect that the residual impact of the development will not be significant and satisfactorily meets the tests of the NPPF.

Heritage

A Heritage Setting Assessment has been prepared to comply with the requirements of paragraphs 128 and 132 of the NPPF. It explains the effect of the proposed development on the settings of the Castle Goring Conservation Area, the Grade I Listed Castle Goring, the Grade II Listed Walled Garden and the Grade II Listed Coach and Horse Public House.

The report notes that the site forms part of the rural setting of the conservation area and could contribute to the wider significance of the Conservation Area and the Walled Garden. However, it concludes that none of the key attributes of the Conservation Area, Castle Goring or Walled Garden will be affected by the

proposed development since the Conservation Area and important buildings within it, is well contained in that there is a clear boundary formed by Forest Lane between the historic estate and the fields to the east. The wooded nature of the landscape in and around the estate cottages gives the Conservation Area a sense of enclosure and separation from these fields. It is stated that the integrity of the conservation area will be maintained since the proposed development will include tree planting within the field along its western boundary and this will form an additional screen and green buffer between the proposed houses and the Conservation Area and Walled Garden.

The change to the rural setting to the south of the Coach and Horses Public House is not considered to be significant as the setting of this building is orientated to the roadside.

In conclusion, the report finds that there will be a change to the rural setting of the Conservation and Walled Garden although this change will not affect the key attributes or integrity of these designations and the proposed development will therefore result in “less than substantial harm” to the significance of these designated heritage assets. The NPPF (paragraph 134) states that in such cases, the “harm should be weighed against the public benefits of the proposal”.

Landscape

The Landscape and Visual Impact Assessment identifies the potential effects of the proposed development on the landscape as a resource and as visual amenity, having particular regard to the proximity of the site to the Castle Goring Conservation Area and the South Downs National Park.

The submitted assessment considers the findings of the Landscape and Ecology Study of Greenfield Sites in Worthing Borough (November 2015) undertaken by Hankinson Duckett Associates on behalf of the Borough Council to inform the emerging Worthing Local Plan. It agrees with the general conclusion of that study that the western part of the WDNS is the most sensitive part of the site but concludes that the setting of the National Park and Conservation area can be achieved by retaining a smaller area of land free from development than is identified in the Council’s Landscape and Ecology Study. The submitted assessment considers the site as being well-related to the existing urban area and forming a *“logical extension to the West Durrington development. In views from the wider area, including the SDNP, it would be seen within a suburban context and largely screened by the proposed bund and planting along the northern boundary”*. In addition, it is underlined that the indicative layout shown on the Development Framework Plan retains the majority of existing landscape features as well as making provision for significant areas of new planting.

The Landscape and Visual Impact Assessment concludes that the development will not result in significant visual effects or have a material impact on the character of the landscape.

Flood Risk and Drainage

The key conclusions of the Flood Risk Assessment (FRA) are that:

- The existing site falls wholly within Flood Zone 1;

- With flood risk from all sources having been reviewed for the pre and post development conditions, the proposed development would provide an improvement to existing conditions;
- Existing flood events to the north of the site are reported to be surface water flooding attributed to a partially blocked 600mm diameter culvert beneath the A27, no other flooding mechanism affects the site;
- A sustainable drainage strategy involving the implementation of SUDS is proposed for managing the disposal of surface water runoff from the proposed development on the site;
- Discharge of surface water runoff from the site is to the ordinary watercourse located to the west of the development with discharge to the watercourse to be suitable limited for all storm events.

The proposed drainage strategy is intended to ensure that surface water arising from the developed site would be managed in a sustainable manner to mimic the surface water flows arising from the site prior to development, whilst reducing the flood risk to the site itself and elsewhere, taking climate change into account. Proposed drainage measures would ensure that there would be little or no residual risk of property flooding occurring during events well in excess of the minimum acceptable standard of protection for new property. No flooding of property should occur as a result of a one in 100 year storm event including an appropriate allowance for climate change.

For extreme events it is considered that the proposed development would intercept any uncontrolled overland flow and direct it into the proposed drainage system. The proposed drainage measures would therefore ensure the proposed development would have adequate flood protection for extreme events over the lifetime of the development.

In terms of foul drainage, the development will discharge to the WDSS infrastructure which has been sized accordingly and the necessary usage agreements put in place.

The FRA concludes that the development would be appropriately safe for its lifetime taking account the vulnerability of its users; the development would not increase flood risk elsewhere; and it would reduce the flood risk overall.

Trees

The submitted Tree Survey provides a baseline survey and assessment of existing trees on the site. It is noted that the moderate-high quality trees present a range of benefits to the wider landscape and that key arboricultural features and high value trees will need to be respected in a constraints-led approach to the siting of development at the more detailed stage.

Noise

The Noise Report assesses the existing noise levels affecting the site, which are used to determine the suitability of the site for residential development. The noise climate is dominated by relatively constant road traffic noise along the A27. Given the high noise levels across the site, acoustic attenuation measures are needed to reduce the exposure of future residential occupants to the effects of high noise levels. The proposition of an earth bund is put forward.

With the incorporation of a 3 metre high earth bund analysis indicates that the majority of the site (over 93%) would be exposed to daytime ambient noise levels of less than 55 dBLAeq,T (1.5 metres above ground level) at which noise is unlikely to be a determining factor. This being identified as the noise level recommended by the World Health Organisation (WHO) to protect the majority of people in outdoor living areas from being seriously annoyed by noise. However, the most northern area of the WDNS located closest to the A27 (within 35 metres) would be theoretically exposed to noise levels in excess of 55dB LAeq,16hr (up to 64dBLAeq,T) at which people are likely to be seriously annoyed. It is stated that through careful layout design, for example, by positioning buildings so that primary outside recreational spaces are screened by the buildings themselves couples with optimized boundary treatment design, it is reasonable to expect that an acceptable outdoor living environment could be provided across the whole of the site.

In order to achieve appropriate internal noise levels within the residential rooms spaces in the most noise exposed properties fronting the A27 it would be necessary to provide high performance acoustic glazing along with mechanical ventilation. However, it is anticipated for the majority of the site (93+%), for facades that are screened, distant and/or orientated away from the A27, standard double-glazing and passive ventilation (i.e. trickle vents) will be acceptable. It is proposed a complete assessment would be undertaken at the detailed design phase. The report concludes that a good level of residential amenity can be provided to all future residents and that impacts associated with the operation of the WDNS can be controlled to an acceptable level.

Air Quality

The Air Quality Assessment provides a review of the existing air quality at and surrounding the site and assesses the potential impact of the development on local air quality. It considers pollution impacts from construction activities and changes to road traffic movements following completion. It also considers future air quality conditions for WDNS residents and visitors.

It is noted that an Air Quality Management Area (AQMA) has been declared at the A27 near Grove Lodge roundabout in relation to exceedances of the annual mean nitrogen dioxide (NO₂) in relation to national Air Quality Strategy objectives.

The Report concludes:

- The main likely effects on local air quality during demolition and construction relates to dust and is likely to be experienced by those living within 200 metres of the site boundary. A range of measures to minimise or prevent dust would implemented and as a result of mitigation measures it is considered the effects from nuisance dust emissions would be 'insignificant';
- Emissions from construction vehicles and plant would be small in comparison to the emissions from the large volume of vehicles travelling on roads in the surrounding area and would not significantly affect air quality.
- An assessment of the impact of the traffic associated with the development has been undertaken using the Design Manual for Roads and Bridges to predict the impact of the development on air quality at sensitive receptors around the WDNS, as well as determining air quality concentrations on the site. The effects are predicted to be 'insignificant' at all existing sensitive

receptors considered in the assessment and 'insignificant' for pertinent particulate matter concentrations.

It is considered the impact of introducing residential use to the site is not significant.

Archaeology

The submitted Archaeological Assessment summarized relevant planning guidance; recorded heritage assets within and close to the site; and previous archaeological investigations within and close to the site. The latter were undertaken between 1997 and 2009 and included the excavation of trial trenches on the site itself in 1998 wherein no significant archaeology was identified. It is suggested these archaeological investigations demonstrate that the archaeological potential of the site is low. It is stated that this was recognized in a consultation response from WSCC to an Environmental Statement produced in 2011.

The report concludes that no further archaeological investigation is required.

Ground Conditions

A comprehensive Geo-Environmental Assessment has been prepared and the pollutant linkages identified during a Preliminary Environmental Risk Assessment have been re-evaluated and reclassified in relation to additional information obtained. The results of the reassessment are such that in every case, after mitigation, the risk is classed as low. The study assesses the risk in relation to human health for on and off-site residents/users and construction workers, on and off-site structures, and the controlled waters of both shallow groundwater and the principal aquifer.

The main conclusions of the Environmental and Geo-technical Assessment are:-

- There are no inherent problems with prospective foundations although their depth will need to be reviewed at a later design stage. There may be need for some piling.
- Soft ground meant that a significant part of the western area of the site was not accessible for the excavation /drilling of exploratory holes. Due to the wet conditions in winter months it is considered that ground conditions may be less favourable in the western part of the site and may require suitable improvement in the form of drainage design and/or capping layers.
- Although areas of depressions/subsidence were observed on site, the report notes that no conclusive evidence of dissolution features were identified within the areas targeted by the drilling and excavation works. However, firm conclusion on the entire site cannot be made owing to the uncertainties of such features and supplementary site investigation work will need to be undertaken to confirm the absence/presence of solution features within the building footprints once the development layout has been fixed and foundation loads have been calculated, especially in the western part of the site.
- Foundation excavations should be undertaken in the presence of a suitably qualified geotechnical engineer.
- The site is within a Radon Affected Area and full radon measures are required to be embodied within the homes.
- Several very minor elevated concentrations of arsenic within the shallow soil indicate that the use of polyethylene pipes within specific areas may not be

suitable and requirements regarding water supply pipes will need to be agreed with the utility company.

- The shallow soils are not deemed to pose a phytotoxic risk to plant like via root uptake and any topsoil can potentially be re-used.

Following discussions with Council Officers the application has been amended to reduce the amount of development and most specifically the built land take on the western part of the site in response to concerns about the effect of the development on the surrounding nationally important landscape and the setting of nearby heritage assets. The amended description now reads:

“Outline application for up to **240 dwellings** with associated vehicular, pedestrian and cycle routes; parking; service infrastructure and sustainable drainage features; and strategic landscaping including noise bund/attenuation to A27; all vehicle access to be via the strategic development to the south”.

Consultations

Highways England recommends that the following conditions should be attached to any planning permission that may be granted:-

1. No works to develop the noise barrier (comprising fence and bund) shall commence until a Key Stage 2 Preliminary Assessment including Preliminary Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges volume 4, section 1, part 2 HD22/08 has been submitted to and approved in writing by the LPA in consultation with Highways England.
2. No works to develop the noise barrier (comprising fence and bund) shall commence until Key State 3 Geotechnical Design and Construction Certification which is undertaken in line with the requirements of the Design manual for Roads and Bridges volume 4, section 1, part 2 HD22/08 has been submitted to and approved in writing by the LPA in consultation with Highways England.
3. The noise barrier (comprising fence and bund) shall be constructed in accordance with the Geotechnical Design Report approved within Key State 3 unless otherwise approved in writing by the LPA in consultation with highways England. Once constructed the bund shall thereafter be maintained in good order in perpetuity.
4. No works to the noise barrier (comprising fence and bund) shall commence on site until a Construction Management Plan to include details of numbers and routing of construction vehicles and provision to control and manage construction traffic and measures to prevent dust and debris from being blown or otherwise deposited onto the A27 has been submitted to and approved in writing by the LPA in consultation with Highways England. The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the LPA in consultation with Highways England.
5. No surface water shall be permitted to run off from the development hereby permitted onto the highway or in to any drainage system connected to the highway.
6. No works to the noise attenuation fencing shall commence until a design in accordance with the guidance in Design manual for Roads and Bridges volume 10, section 5, part 1 HA 65/94 has been submitted to and approved in writing by the LPA in consultation with highways England. The construction of the attenuation fencing shall be carried out in accordance with the approved design.

7. No part of the development hereby permitted shall be provided with access (either temporarily or permanently) from or to the A27.

The following further comments have been received in response to re-consultation on the amended proposals:-

“This does not change our previous response with regard to this application.

We note that the noise bund shown in drawing CSA/2566117 Rev G would potentially conflict with the footbridge location, and thus the applicant is proposing to locate the bund so as not to inhibit it. In our response, we recommended that conditions [as set out above] be placed on any planning permission for the proposed development, some of which are in relation to the noise bund, and therefore, as the potential footbridge could have implications on the noise bund, please keep Highways England informed of any further footbridge developments/amendments to the bund.”

West Sussex County Council:

The **Highway Authority** initially raised an objection based on a review of the Transport Assessment (TA) by PFA Consulting (Issue 5 dated 31.10.2016). Following the submission of further information within a Revised Transport Assessment Addendum by PFA Consulting (July 2017) and a review of additional information contained in PFA Consulting’s document ‘Response to West Sussex County Council consultation response dated 16 August 2017’ (ref: W478-FN16 Response to WSCC October 2017) the objection has been withdrawn and comments made as follows:-

Introduction

This is the fourth WSCC highways and transport (CHA) response to the planning application and should also be read alongside previous WSCC Highways reports dated 17 February, 19 June and 16 August 2017.

Summary position of WSCC as Highway Authority (CHA)

Technical highway matters have now been resolved, subject to some minor changes at the detailed design stage for the Titnore Lane/Titnore Way traffic signals as proposed. Subject to appropriate conditions being attached to any permission granted and a suitable S106 to secure infrastructure, including references to CIL, WSCC as Highway Authority does not raise an objection to this proposal.

The proposal

It is proposed that Vehicular access to WDNS will be taken from Fulbeck Avenue, through the West Durrington urban extension (WDSS) which gained Outline Planning Permission for 700 dwellings and other associated facilities on 27 April 2012 under ref WB/11/0275/OUT. A loop road is proposed through the WDNS site with two points of connection to WDSS. Tasman Way will remain as a bus link and Cherwell Road as a pedestrian/cycle/emergency access. Access has not been proposed from the A27(T), other than by ‘default’ connection via an existing network of formal Public Rights of Way (PRoW).

As documented previously, the applicant states that the proposed development would give rise to an increase in travel demand by all main modes of travel. To accommodate this additional demand a range of measures, the development offers the following which WSCC, as Highway Authority, recommend be secured by S106 and/or CIL contributions as deemed appropriate:

- Creation of safe, direct and attractive routes as part of the masterplan for both pedestrians and cyclists, with good linkages to the existing networks;
- Contribution towards improvements to the walking/cycling network between the site and existing key trip attractors, as identified in the Pedestrian and Cycle Audit;
- Funding improved evening bus services, and improvements to bus stops in the vicinity of the site;
- Contribution towards the A259 Route Study identified improvements to Goring Crossways (Junction 3);
- Capacity improvements to Junctions 2, 4, 5 and 14b; and
- A Travel Plan has been prepared as a guide to managing travel to-and-from the proposed development.

From a CHA point of view, it is considered that the implementation of the above measures would mitigate the impact of the development.

During the construction phase of the proposed development, the applicant proposes to manage transport impacts through a construction management plan including a routing regime for access to the construction site. This would inform drivers of construction related vehicles to use the most appropriate traffic routes. This should be secured by planning condition.

Titnore Lane/Titnore Way junction

Assessment years (transport modelling) - Previous comments made by the CHA included reference to future years modelling for specific road junctions – one of which was Titnore Lane/Titnore Way. In its report of 17th February 2017, the CHA asked for this junction to be considered using 2026 flows + development. In response to this, the applicant has stated that the junction is not on a road forming part of the Strategic Road Network for West Sussex and, furthermore, it was previously agreed that the future year of 2021+ development was appropriate to be considered. Having reviewed this again, the CHA accepts the applicant's position about this based on the definition of the road in the WSCC Transport Plan.

Junction design: Because of the traffic impact brought about by the development, the applicant still proposes changing Titnore Lane/Titnore Way from an uncontrolled 'simple' priority junction to a signalised arrangement. Following the CHA's previous comments expressing concern about certain elements of the previous design, the applicant has now re-designed it to now include a right hand turning/stacking lane (RHT) to assist turning movements into Titnore Way from Titnore Lane. Furthermore, the applicant has addressed the other concerns made by the CHA about visibility requirements for southbound motorists approaching the traffic signals and associated traffic queues waiting at the signals stop line.

Reviewing the latest plans as listed in the Departure from Standard (DfS) report that should be read-alongside this report, WSCC highways findings are now that the

proposals are largely acceptable. However, these would be subject to some minor changes to stop line and position of signal heads on the Titnore Way 'arm' of the junction and final road surfacing details being agreed. Further details of these are documented in the accompanying DfS. All works shall be constructed and ready for use before first occupation of the development. This and all other works to be implemented in accordance with appropriate terms in a S106 Agreement.

Goring Crossways junction improvement – financial contribution

WSCC as Highway Authority considers that a contribution towards this junction would be sought using CIL when the appropriate sum is worked-out based on approved formulae.

Provision to A27(T) for leisure opportunities

The developer proposes upgrades to some formal PRoW within the scheme and comments about these were made in the previous WSCC CHA response. Basically, existing Public Footpaths are shown widened to 3.0m to allow for cycling in addition to walking and possibly bringing them up to bridleway status. The paths themselves generally run north-south through the development, linking West Durrington with the A27. As these might lead to additional activity on the paths themselves which in turn, could have an impact on the A27, Highways England should be consulted for their comments. Please also see comments made below under heading 'Other PRoW improvements and connections'.

Other PRoW improvements and connections

Paragraphs 5.18 and 5.19 explain that the layout of WDNS has retained land provision for a potential future footbridge over the A27(T). However, no such bridge forms part of the application for outline planning permission on this occasion. Furthermore, the TA is explicit that no funding for any such crossing would be justified or forthcoming from the WDNS scheme. The location of the retained land for the bridge is shown on drawing number CSA/2566/128. This should be secured by planning condition or in an accompanying S106 Agreement.

WSCC would welcome the introduction of a bridge crossing over the A27 as part of the West Durrington development. Comments made in the previous WSCC report of 17th February 2017 give commentary about the two suggested locations and recommendations for who they should cater for. It would open up the existing urbanisation to the east of the site and also the proposed new development represented in the illustrative Masterplan to the rights of way to the north and ultimately the National Park. The matter has previously been raised with Highways England too and their current position about crossing the A27 (bridge or otherwise) and contributions thereto should be sought by the LPA.

WSCC as Highway Authority considers that a contribution towards this junction would be sought using CIL when the appropriate sum is worked-out based on approved formulae.

Proposed eastern vehicular access and configuration thereof at point it joins West Durrington Southern Sector (WDSS)

In addition to the previous WSCC Highway Authority comments about the need to re-configure this junction, the Stage 1 Road Safety Audit also makes it a recommendation that the junction be altered too. The re-configuration of junction priorities should be secured using an appropriate planning condition.

Accessibility to local facilities and bus services and associated infrastructure

The Highway Authority recommendation is for a contribution to provide 5 years-worth of improvements. As far as possible, WSCC would still wish to see some flexibility built-into the wording of any S106 as bus services and associated requirements can change from the time any are secured to when they are often needed. All monies secured would be toward service improvements (frequencies, extended running times etc.).

1. To enhance the evening service 5 to run until 23.00 - Annual Cost of £37k (5 years - 185k).
2. To enhance the Sunday service 5 from hourly to half-hourly - Annual Cost of £28k (5 years - 140k).

Total: 325k

With regards infrastructure (so stops, poles, real-time passenger information etc.), the Highway Authority would be looking for good quality shelters with realtime passenger information as close to the site as possible. From visiting the surrounding area, it appears that two stops should be upgraded. If this is the case then WSCC would be looking for improvements to all of them totalling 40k (20k each). To be secured by S106 Agreement.

Contribution to other accessibility improvements – walking and cycling

WSCC as Highway Authority considers that a contribution towards this junction would be sought using CIL when the appropriate sum is worked-out based on approved formulae.

Other highways matters

Internal road layout – This will be finalised at the reserved matters/discharge of condition stage. For avoidance of doubt, WSCC as Highway Authority require a continuous loop road through the development to provide access via tow points and to satisfy the requirements of the Fire and Rescue Service.

Parking (car, motorcycle and bicycle) – Like the internal access road above, this will be assessed in detail at the reserved matters/discharge of condition stage.

Schemes that WSCC would seek CIL funding for following REM approvals.

1. Goring Crossways (A259 Strategic Highway Improvement Scheme)
2. Walking and cycling improvements (including A27 crossing)

Recommendation

WSCC as Highway does not raise an objection to the proposal on this occasion subject to a suitable range of contributions and associated infrastructure being secured by S106 Agreement and CIL and conditions being attached to any planning permission granted relating to access details, internal access road layouts, vehicle

parking and turning, cycle and motorcycle, Travel Plan, surfacing of PRow, securing a location for future bridge landing point, and a construction management plan.

The **County Archaeologist** recommends that further archaeological investigation should be undertaken before commencement of any development. This should be targeted on those parts of the development where ground disturbance through foundations, services, roads or landscaping works are likely to destroy or damage any underlying archaeological features. The purpose being to establish whether any evidence survives of the Chichester to Brighton Roman road and whether further features survive of the pre-historic landscape (such as were demonstrated to have existed to the south of the application site.) This investigation might typically involve further trial trenching (at a higher percentage sample than undertaken the 1990s fieldwork) with a specific array to test for the east-west Roman road. The following comments are made in detail:-

“Summary Recommendation

Further archaeological investigation should be undertaken after the determination of the application subject to a planning condition providing for fieldwork to take place before the commencement of construction (see below). Although the application site has seen limited archaeological investigation by trial trenching in the late 1990s there is potential for the course of the Chichester to Brighton Roman road to cross the Site and for dispersed prehistoric features, not identified by the 1990s fieldwork, to have survived hitherto undetected. This investigation could take the form of further, more intensive, trial trenching and targeted open area excavation; the detail to be subject to a written scheme as specified by the planning condition and agreed by Worthing Borough Council.

Comment

Over the last twenty years there have been desk based and field investigations to test the archaeological potential of the application Site and its environs to the south. The written reports produced on the results are held in the archive of the West Sussex Historic Environment Record (HER) and the West Sussex Record Office (WSRO).

Taking these in chronological order, the relevant reports comprise; in July 1996, a desk based assessment was carried out for Beazer Homes Southern, Bryant Homes and Heron Land Developments covering a broad area including the Castle Goring conservation area and Titnore Lane. In October 1997 a report on a Field-walking Survey of land which included the Site and fields to the south was prepared by Cotswold Archaeology as part of landscape study by Countryside Planning and Management (CPM). The ‘field-walking’ or walkover survey was a rapid exercise to identify any artefacts in the ploughsoil. It covered five fields (including the Site) comprising some 28 hectares in three days and the field covering the area of the application Site was surveyed on the afternoon of the first day. In June 1998 a report was prepared by Archaeology South East on the results of archaeological trial trenching of an area then comprising the ‘Castle Park’ proposals which covered the present Site, fields to the south and south-west and land south of Castle Goring. There were some 41 trenches of either 30 or 40 metres length by 2m width but this was a very small sample of the area of land involved and the trench layout was sparse with large gaps between. In September

1998, a supplementary trial trench survey (6 trenches) was carried out by Archaeology South East to investigate an area for a proposed business park.

The results of the 1997 field-walking produced Mesolithic and Neolithic flint artefacts, including a handful of Neolithic cores from the area of the present application Site, but not in sufficient quantity to suggest a concentrated area of Mesolithic hunter-gatherer activity or Neolithic farming or land clearance in any specific location. The results of the 1998 trial trenching for the area covering the present application Site (some seven trenches) were largely negative apart from one modern feature. Nevertheless, the trenches in fields to the south of the application site indicated prehistoric activity which was tentatively interpreted as evidence for Mesolithic hearths. The author of the report on the September 1998 work concluded that the features discovered in May 1998, limited to the central area (i.e. in fields to the south of the present application) suggested localised prehistoric activity perhaps a Mesolithic hunting camp. Nevertheless, he went on to say that “given the size and hence distances between the trenches, it is possible that other localised archaeological features have survived undetected, however the combined results of the field-walking and the two evaluations do suggest that there was no large scale/ permanent prehistoric, Roman or Medieval occupation of the site.” On the basis of the evidence so far this was a reasonable conclusion to draw but the small size of the trench sample of that time (compared with a trenching sample which would be, as a rule, 5% of the land-take today) leaves open to question whether the sample size of the 1998 surveys may have missed more widely spaced or dispersed features.

In 2004 Archaeology South East were commissioned by CPM to carry out a further stage of trial trenching evaluation to test for the alignment of Roman roads – the east – west precursor to the A27 and a possible north - south aligned road. In the end although there was no confirmation of the roads the additional investigation found more evidence of prehistoric activity – a cremation burial – in the southern part of the CPM study area (some 550 metres to the south of the application Site boundary). Between October and December 2005, two areas of land to the south of the application Site were archaeologically investigated to target the foci of prehistoric activity which were suggested by the trial trenching operations of 1998 and 2004. The fieldwork this time was carried out by AC Archaeology on behalf of Waterman CPM for the West Durrington Consortium of housing developers. Instead of trial trenches of 2 metres (maximum) width the technique employed was to open up two areas totalling 2.5 hectares using the ‘strip, map and sample’ method. Although there had been some truncation by ploughing, this area excavation approach revealed two zones of Middle Bronze Age activity; a small cremation cemetery and traces of a field system consisting of two parallel ditches some 35 metres apart (one of which contained Bronze Age pottery). Also, a number of sherds of un-abraded 6th century Anglo-Saxon pottery were recovered from topsoil but no associated deposits or features were found; a tantalising prospect as early medieval/ post Roman settlement evidence is so rare.

The significance of this work carried out in autumn 2005 is that it demonstrates that the underlying archaeology could be undetected by trenching if the trial trenches were set too far apart. The figures 1 & 2 in the AC Archaeology report representing the plan of archaeological features in excavation areas 1 and 2 respectively show how dispersed they were. Nonetheless, the report authors concluded that this

location, as well as being farmed and probably on the edge of settlement (from the pottery evidence) was likely to have been marked as a site of religious significance. They postulated that, in its day, the site of the Bronze Age cremations could well have been marked an earthwork round barrow.

The October 2016 CSA desk based assessment (DBA) submitted with the application in discussing the impact of the present application in terms of 'archaeological potential' (page two) concludes that "...a limited trial trench evaluation was carried out within the site in 1998, and apart from two possible prehistoric features found in a further trench just to the south in 2004, no significant archaeology was identified." Further on, the DBA states "It is therefore concluded that the archaeological potential of the Site is low and that no further archaeological investigation is required."

While, on present evidence, the potential of the application site appears low it is misleading to dismiss the archaeology found to the south in 2004 and fully investigated in 2005 as "possible prehistoric features". The AC Archaeology report of December 2006 confirms that the cremation cemetery was Carbon ¹⁴ dated to the Middle Bronze Age and the pottery report discusses nearly two kilos of material from the Middle Bronze Age to early Romano-British period of which by far the largest proportion of material was Middle Bronze Age. Clearly, there is evidence of prehistoric farming and ritual use of the landscape for cremation burial close by to the south of the application Site and the possibility that further, albeit dispersed, archaeological features could extend into the Site should not be discounted.

The DBA does not discuss the potential for the course of the Chichester to Brighton Roman road crossing the application Site. The three trial trenches excavated by Archaeology South East in 2004 aimed to test for Roman roads, but although unsuccessful in that found more prehistoric evidence to guide the fieldwork of AC Archaeology in 2005. Until recently, the evidence for a Roman road predating the route of the A 27 was tenuous. However, the recent Lidar survey promoted by the South Downs National Park – 'The Secrets of the High Woods' proved that this road did indeed exist and was still recognisable as an earthwork in woodland to the west of Arundel. The Lidar surveying also revealed the route of a long-suspected about Roman road between Chichester and what is now Brighton.

Conclusions

I consider that the method of archaeological trial trench investigation and other evaluation in the 1990s was undertaken at a low level of sampling which would not meet the criteria for evaluation today. I also take the view that the dispersed nature of the prehistoric features demonstrated to be present below ground by the fieldwork of 2005, casts doubt upon the reliability of the results of the 1998 fieldwork. The negative results, as an author of the later 1998 report indicated, may simply reflect the fact that the widely spaced trenches (and the sample size) failed to detect features in the intervening gaps whereas large, open area excavation and 'strip, map and sample' techniques had shown that features were present. The DBA has not discussed the potential for the Roman road and has considered the overall archaeological potential to be low based on the evidence of the trial trenching of

1998 and 2004. The DBA does not, however, discuss the area excavations of 2005.

Nevertheless, the CSA Environmental Design and Access Statement of October 2016 accompanying the application observes: "A desk based assessment is being submitted as part of this planning submission. The document concludes that the archaeological potential of the application site is low. However it is recommended that consultation ought to be carried out with Worthing Borough Council to determine a suitable mitigation and avoidance strategy."

I suggest that a planning condition along the following lines should be attached to the permission:

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority."

The **County Ecologist** comments as follows:-

"There is no ecological objection to this outline application subject to a condition being imposed to secure the submission of relevant Environmental Management Plans to manage the ecological objectives as presented within the submission documents."

WSCC as **Lead Local Flood Authority** provides the following detailed comments relating to surface water drainage and flood risk:-

Flood Risk Summary

Modelled surface water flood risk: Moderate risk. Mapping shows that the majority of the proposed site is at low risk from surface water flooding although land on the western side of the development is shown to be at higher risk. This risk is based on modelled data only and should not be taken as meaning the site will or will not definitely flood in these events. The surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility: Moderate risk based on current mapping.

There are no records of historic flooding either nearby or within the confines of the site but the main road. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the Lead Local Flood Authority (LLFA).

OS mapping shows there is an ordinary watercourse running north to south along the western edge of the proposed development area. Local or field boundary ditches may exist and if present should be maintained and highlighted on future plans. An Ordinary Watercourse Consent may be needed for works within, under, over or up to an ordinary watercourse.

Future Development – SUDS

The FRA/Drainage Strategy included with this outline application confirms that swales and an attenuation pond with a restricted outfall to the watercourse would be used to control the run off from the development to pre-development Greenfield run-off rates. If infiltration is proved not to be feasible this method, in principle, would meet the requirements of the NPPF, PPG and associated guidance documents.

According to the EA's Surface Water mapping, properties on the western side of this proposed development are shown to be located within an area of high flood risk from surface water therefore mitigation is required to ensure these dwellings are not at flood risk.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The following condition is recommended:-

1. Development shall not commence until full details of the maintenance and management of the SUDs system, is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

WSCC Fire & Rescue comments as follows:-

"I have reviewed the plans and have no objections to the development. Access would need to be compliant with building regulations part B5 and in general provide suitable access for a fire appliance particularly where area may be subject to on street parking. All parts of every property would need to be accessible within 45mtrs of the operating position of the fire appliance. Further discussion would need to be addressed in the final approved plan as some of the closed sections may be beyond the regulations unless these are being mitigated by the installation of domestic sprinklers.

Areas where an emergency only access point were proposed should continue to be accommodated in any new changes unless these points are adopted as permanent vehicle access roads

Provision of hydrants attached to main suitable for firefighting may be subject to a condition.”

Adur and Worthing Councils:

The **Council’s Engineer** initially commented:

“The site lies in flood zone 1 and according to Environment Agency (EA) predictions will suffer significant surface water flooding associated with the existing ditch which flows north to south through the site.

Assuming like all the previous phases of this development The Strategic West Durrington Consortium Management Company will maintain all assets then I will pass only advisory comments, which should be addressed in due course:-

- 1. Make sure that the base survey is correct, and ties in with levels to the south, serious level differences affect the downstream sections of the development which affects the surface and foul water drainage from the phase 1 site.*
- 2. The proposed earth screening bund must not affect the ordinary water course ditch which drains from Holt Farm in the north, under the A27.*
- 3. Whilst not on the development site it would be a useful preventative if the developers improved the upstream culvert access point (north of the A27). This site was flooded in June 2012 when the 600mm diameter culvert became blocked and flood waters flowed across the A27. The culvert is the responsibility of the Highway Authority.*
- 4. Ensure that the swales and retention basin are designed to the revised EA rainfall requirements, the Flood Risk Assessment (FRA) correctly sets this to include a 40% increase for climate change, (was previously 30%). The FRA states at para 6.16 that the impermeable area is assumed to be 65%. This needs to be confirmed and the drainage designs all rechecked in due course.*
- 5. Apply for ordinary water course discharge consent.*
- 6. Ensure all works down-stream affecting the water course are complete before directing flow from the new builds to the SUDS system.*
- 7. Ensure sufficient room is left around the SUDS features for proper maintenance to be undertaken*
- 8. Provide a maintenance schedule for all the SUDS features – not just the swales and pond. See FRA para 6.45, 6.66, and 6.67.*
- 9. Referring to the FRA, it is queried where exactly the flood zone 2 flooding on the site as discussed at para 5.19, (page14 of 29) is, as the plan provided at figure 5 (page11 of 29), shows no flooding, also stated such at FRA para 6.56.*
- 10. With site percolation test results recorded on page 9 Para 5.3 of the BSL Factual Geotechnical Report of 1.9E-04 the possibility of utilising soakaways should be reconsidered, at least for part of the site.*

Detailed drainage strategy layouts will need to be submitted once all other details and housing layouts are confirmed.”

Following re-consultation on the amended proposals, the following ADDITIONAL comments are provided:-

1. *There appears to be a possible anomaly between the content of Para 6.13 and table 6.1 of the July FRA that requires clarification.*
2. *The Council will not accept a pumped discharge, similar to that now proposed for WDSS, from the balancing pond*
3. *The FRA states at para 6.17 that the impermeable area is assumed to be 65%. This needs to be confirmed and the drainage designs all rechecked in due course. It is noted that this impermeable area has remained constant despite a reduction in the number of houses (-20)*
4. *The attenuation basin and swale are unlikely to be adopted by the local authority, likewise the open ditch that runs through the site will most probably not be maintained by the Council.”*

The **Environmental Health Officer** comments as follows:-

“The Noise Assessment submitted with this report (Document Reference: WIB15153-100-R-1.2.4 dated October 2016) measures the existing noise levels affecting the site and assesses the suitability of the site for residential development and appropriate mitigation measures for those areas that might be subject to higher levels of noise. The proposed layout has not been finalised and the specific details of the type, number and configuration of building services plant are not known at the time the report was written. It is advised within the report that a further assessment will be necessary during the detailed design phase and used to identify the detailed zoning of window types and acoustic performance specifications. This further assessment should be forwarded for comment when available.

I would expect the detailed design phase to show consideration to the space layout design of the properties. With primary external amenity areas kept away from the boundaries of the A27 which have been modeled to show noise levels greater guideline levels; and consideration should be given to internal room layout design, keeping the more noise sensitive buildings and room types orientated away and/or at a distance from the A27.

I would advise addition of the following condition which will encompass a lot of my concerns and the recommendations given in the preliminary report:-

1. *The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014 and WHO, 1999. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwellings is occupied. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from excessive noise (with reference to BS 8233:2014 and WHO,1999).*

I note the initial Noise Assessment recommends passive/trickle ventilation on facades where a partially opened window would result in exceedances of internal noise levels. Please note, where windows are required to be kept closed to achieve

the internal noise objectives, mechanical ventilation shall be provided in habitable rooms to ensure that thermal comfort can be controlled.

However, there are a few specific points that I would like clarified:

- *The 90th percentile LAFmax night time values has been used to help calculate the glazing requirements. Were the number of incidents likely to exceed 45dB LAFmax during the night time established?*
- *Table 9 gives the night time LAFmax level of 81dB at the ground floor on the north facade of the first row of house. If the glazing specified in this table is used (giving 32 dB Rw+Ctr) then the internal LAFmax will exceed 45dB. Is it assumed that there will be no bedrooms on the ground floor of this facade?*

Details of the fixed mechanical plant and building services are not currently known. However, Table 8, section 6.3 of the Noise Assessment sets suitable limits which all plant should adhere to. The Noise Assessment advises that these levels will be reduced if there is determined to be tonal or intermittent content emitting from the plant. I would advise the following condition concerning external plant:-

2. A scheme for attenuating all external fixed plant which shall have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of -10dB shall be submitted to and approved in writing by the LPA. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of the scheme being approved in writing by the Local Planning Authority.

As existing residential dwellings are positioned in relative close proximity, to protect amenity I would recommend conditions relating to hours of construction and a dust-protection scheme. It is also recommended that details of the proposed lighting scheme are submitted for approval by the LPA prior to installation. It is recommended that contractors register the site under the 'Considerate Constructor's Scheme'."

The following comments are specifically made with regard to air quality:-

- *"The air quality assessment concludes there is 'insignificant' impact on air quality. In reaching this conclusion no account has been taken of cumulative impacts, i.e. looking at other developments and taking account of the resultant impacts on air quality as a whole. This means the air quality impact is likely to have been underestimated.*
- *The emissions mitigation calculation (Appendix B to the AQ Impact Assessment) produces a damage cost of £62,262.94 yet no reference is made to this figure anywhere else within the planning application. The purpose of this calculation is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage. I note in Paragraph 7.5 of the assessment the promise of a Travel Plan, however Paragraph 7.7 goes on to say no mitigation measures are proposed. This needs clarifying. Reference should be made to the Worthing Air Quality Action Plan.*
- *Moving to the Travel Plan, I acknowledge and commend the employment of a co-ordinator for 5 years. I also acknowledge and commend the promotion of cycling*

and walking. Paragraph 7.13 refers to a Car Club and I recommend that discussions are held with the Public Health & Regulation Team regarding this as a Car Club for Worthing is part of the Council's Air Quality Action Plan. Of particular note is the absence of reference to low emission vehicles such as electric vehicles (EV's). The Council is currently putting together an EV strategy, looking at the number, type and location of EV charge points/infrastructure. A development such as this can make a significant contribution to this strategy and also have a major influence on public behaviour. For example by providing 3 or 7kW home charge points in garages/drives and also on-street charging bays, residents can be helped to switch to low emission vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit I therefore strongly urge the developers to consider the provision of EV charge points within the development as part of their mitigation/travel plan. This would also show a commitment to improving air quality in Worthing."

The Contaminated Land Officer recommends the full contamination condition.

The **Strategy and Development Manager** welcomes the applicant's commitment to provide an onsite affordable housing contribution of 30% (78 units). However, in the absence of a breakdown of tenure, type and size comments as follows:-

"The housing register and the recent Objectively Assessed Need (OAN) 2015 study demonstrate the ongoing requirement for rented accommodation. The Housing Strategy requires a tenure split of 60/40 in favour of rented which in this case would equate to 47 rented units and 31 intermediate. We would anticipate the intermediate units to consist of shared ownership tenure.

We would anticipate that the affordable housing percentage would mirror the unit sizes being provided on site and thus include a proportional share of all unit sizes. However, the main requirement for rented accommodation is for 1, 2 and 3 bed units though due to benefit cap restrictions we would anticipate a higher percentage of the shared ownership to be made up of 3 bed units. We would assume the 2 bed units to be houses where appropriate.

In the absence of a housing mix within the application we would anticipate an indicative mix as follows: Rented: 15 no. x 1-bed (3 person); 25 no. x 2-bed (4 person); 7 no. x 3- bed (5-6 person) and Shared Ownership: 9 no. x 1-bed; 10 no. x 2-bed; 12 no. x 3-bed."

The **Waste Strategy Manager** advises that on the basis the properties are standard houses they can receive a standard service using 140 litre or 240 litre bins. Detailed proposals should be supported by tracking diagrams for the Council's refuse vehicle which are 10.1 metres long.

The **Tree and Landscape Officer** comments:-

"I have taken a look at the trees of group G32 that appear to form part of a boundary line to the fields south of The Hollies and east of Stanhope Cottage. The submitted tree report suggests the trees are of poor form but in good health. Although as individual trees they may not be category B, as a group they have more

amenity value and would contribute positively to the character of the proposed development, and therefore should be retained.

To the north-east corner of the development there are a number of TPO trees which are part of Worthing Rural District Council TPO No.5 of 1972, which is now managed by Worthing Borough Council as the Local Planning Authority. This TPO includes two very large Holm Oak trees on the north boundary, marked as 126 and 125. The landscaping proposal shows the forming an earth bund to the south of these trees - any such works will need to be clear of the trees Root Protection Area.

This will also need to be taken into account with the trees along the eastern boundary.”

The initial comments of the **South Downs National Park Authority** are as follows:-

i) Historic Building/Conservation

Castle Goring itself is a Grade I listed building and sits with a designed landscape to the south. The house is within the Conservation Area, with the landscaped area now also included from May 2016, as an extension of the Conservation Area boundary following the review of the Conservation Area, under the last Conservation Area Appraisal.

For all of its life to date, the house, landscape and other associated buildings (some of which are separately listed in their own right) have sat in a rural setting surrounded by farm land and ancient woodland and this is both the historic and existing setting of the heritage assets. The NPPF defines the setting as *the surroundings in which a heritage asset is experienced*. This ‘experience’ may be predominantly a visual one but not exclusively so.

Although Worthing has expanded hugely since Castle Goring was built, its edge is still sufficiently far removed to leave that rural setting largely intact. Having looked at the potential impact of the second phase of West Durrington, it is clear that the creation of a housing estate close to the various heritage assets would adversely affect that rural setting and leave Castle Goring as the outer edge of the town. Forest Lane gives access to Forest Barn Mews and forms a boundary to the eastern edge of the historic landscape. The unmade nature of this road and the open fields on both side produce a strong sense of ‘rurality’ that would be significantly undermined by the creation of a suburban residential area to the east of the lane.

Further along the path network, a path running North-South returns to the Coach and Horses. This too retains a strong rural feeling and provides views westward to the historic landscape, including the listed walled garden, and the backdrop of ancient woodland beyond. The housing development would fatally compromise these views

ii) Landscape

The site is located adjacent to the SDNP boundary on its northern and western sides. The South Downs Integrated Landscape character assessment identifies the location as being within the Wooded Estate Downland character type- and

specifically landscape character area B4 Angmering and Clapham Wooded Estate Downland.

The key characteristics of this landscape type are noted below:

- Comprises a chalk dip slope, exhibiting a strong and distinctive topography of rolling hills and an outlying chalk ridge at Highdown Hill, separated by a narrow clay vale;
- Slightly acidic heavy soils support large expanses of ancient woodland, much of which may have originated before the medieval period. The extensive woodland cover creates a distinctive dark horizon in views from the A27;
- Woodland. Including ornamental plantations associated with landscape parks at Michelgrove and Angmering together with game coverts, is inter-locked with straight-sided, open arable fields linked by hedgerows – much of this land has been rationalised since WW2.
- The clay vale between the chalk dip slope and the outlying chalk ridge at Highdown Hill was probably assarted from the late Saxon period onwards, producing the irregular patchwork of early enclosures still visible around Ecclesdon Farm (east of Angmering).
- Bronze Age and Iron Age earthworks at Highdown Hill provide a strong sense of historic continuity.
- A low density of dispersed settlement characterised by scattered farmsteads – most of 18th-19th Century origin with some of medieval origin representing shrunken hamlets. Chalk flint is the dominant

Views are considered in terms of those from the SDNP and also views from locations towards the SDNP where the site forms part of those views:-

Public Bridleway leading off West Hill – within the SDNP

This track leads away from Salvington Hill up into the downs; linking with the Monarchs Way and the South Downs Way National Trail to the north. It is therefore an important connection to the SDNP and the high number of users of this track would be considered to have the highest sensitivity to changes in the views as a result of this. The proposed extension to the permitted development would extend visible development between Castle Goring, Forest Farm and the edge of Worthing to the east in a manner which would be significantly more intrusive in the middle ground of views than the existing agreed limit of development. The site is visible as a wide fieldscape in views from the PROW on the north side of the A27. The proposed bund and associated planting may screen the immediate frontages but due to the elevation of these views it is unlikely that this would be effective in screening the depth of development or the east/west extent where rooftops and built form beyond would be highly visible. These views are sequential and are experienced for a significant length of the PROW on the climb from Salvington, west of the A27. This route is also clearly visible from the site. The impact on these views is considered to be significant unless appropriate mitigation measures can be developed.

Views from PROW on the west boundary of the proposed site on the SDNP Boundary

Views towards the east along the western edge of the proposed development site are in part obscured by an intervening hedge line although this is in poor health (Dutch Elm Disease) and should not be considered to offer reliable long term

mitigation. It is likely that due to the proximity of the proposals that impacts from domestic activity, vehicular movements and the presence of built form would affect the character of this area and remove the buffer function that this land currently provides to the approved scheme to the south of the proposed site. The proximity of the proposals to the PROW and the significant change in character that would result from the proposals in this location would be harmful to this length of the SDNP boundary and appropriate mitigation measures in terms of significant type and depth of landscape buffer, planting, design and layout to restrict vehicular movement in this section of the scheme would be required. The landscape buffer should be of a sufficient and significant depth and type that would provide a discernible open landscape transitional buffer from the built environment up to the National Park. It is possible that measures to reduce these impacts could also reduce impacts on views from the PROW should the scheme layout be modified to a suitable degree which should be established through an iterative Landscape and Visual Impact Assessment process.

Views from PROW to the South of the proposed site (within WDSS)

The path to the south of the site would be affected by the existing permissive development so any impacts would be considered in this context to some extent although clearly there are views out to the SDNP to the north from this route where gaps in the hedgerow vegetation and built form would allow. It is likely that these views would be obscured by further built form and the possible bund along the A27.

Views from the north/south PROW within the proposed development site

This footpath/track appears to be of some age being lined with mature/over mature hedgerows on both sides and has a noticeable rural character. The northern section of the PROW which runs through the proposed site currently has extensive views over the site to the west towards the SDNP and Castle Goring parkland to the west. The backdrop of ancient woodland in these views is particularly notable as a characteristic feature of the landscape area of the SDNP rising up Highdown Hill to the south. These views would almost certainly be largely obscured by built form in the proposals without being specifically designed into the scheme.

Views to the east of this PROW (south of the PH) are significantly affected by urbanising elements including rear garden boundaries, horse paddocks and visible sheds, garages and other built form.

A27 bund

The proposals include a noise bund along the A27 along the length of the site. This will be perceived as an unnatural feature alongside the A27, on the SDNP boundary and would require careful design, layout and planting to reduce impacts to an acceptable level. The layout proposals show the bund flanked by a line of housing where rooftops would be visible as a consistent line in close proximity to the A27. It is suggested that modification of the design and layout of the footprint of the bund and adjacent built form is undertaken to achieve a more natural and sensitive layout – this would be likely to assist with mitigation of views from the PROW.

Woodland

The character descriptions for this area highlight the importance of woodland as a key feature. It may be appropriate for mitigation proposals to include woodland creation as part of the site proposals.

Dark Skies

Internal and external lighting required in connection with this proposal (including infrastructure lighting) would have the potential to have significant effects on the dark skies of the National Park. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). Therefore all development should include a full appraisal of both any internal and external lighting to consider what impact such may have on the dark skies of the National Park and if appropriate if/how it can be satisfactorily mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for rural zones.

Policy 3 of the SDNP Partnership Management Plan outlines that the tranquility and dark night skies should be protected and enhanced. As CPRE Night Blight evidence has shown, the gradual addition of developments on existing urban boundaries has caused a reduction in sky quality.

The impacts on the SDNP Dark Skies status should be carefully considered in the planning process.

Footbridge

The possible installation of an appropriately designed footbridge (perhaps a green footbridge) over the A27 to link into the PROW network in the SDNP to the north would be supported, in landscape terms the eastern site would be preferred due to its better proximity to the existing settlement and also due to the potential for visual and character impacts on Castle Goring conservation area.

Inspectors Report (2009) into the PSDNP

The Inspector's comments at paragraph 6.6 to 6.13 of the Report following the Inquiry into the designation of the SDNP, and the considerations therein about this area, are pertinent to the development of adjoining land and Castle Goring.

iii) Design

Comments are limited to design considerations relating directly to impacts on the SDNP and do not provide detailed review of the design integrity of the overall masterplan.

Western Boundary

These comments are linked to the identified landscape concerns regarding the health and quality of the existing planting along this boundary with the National Park and its ability to provide long term screening of the application site, maintain the character of the boundary of the National Park and the route along it. The SDNPA would expect to see a robust landscape strategy which supported a long term approach to maintaining and enhancing the quality of this key feature.

In addition the detailed design of the built form on this boundary should minimise its impact on the character (visual, audible, lighting impact etc.) through the following;

- Ensuring a suitable set back from the boundary and the existing and enhanced planting in order to reduce visual and audible intrusion on the PROW and the NP boundary

- Ensure that units front towards the boundary in order to ensure that back gardens and associated noise and visual intrusion do not project towards the boundary
- Car access and general vehicular speeds in this area should be reduced as far as possible, ideally by ensuring that there is not continuous vehicular access along this boundary. This will reduce visual and audible intrusion on the PROW
- There should be continuous pedestrian and cycle access along the boundary within the site in order to retain the quiet character of the existing PROW by not adding excessive additional users to the route
- There should be no provision of exterior private outdoor space above ground floor level on this boundary (e.g. projecting balconies or roof terraces – limited provision of Juliet balconies would be acceptable)

Eastern PROW (within the site)

Views across the site to the west will be lost as a consequence of the proposed development, and whilst this predominant change on this long standing PROW cannot be mitigated, the detailed design of the interior of the site should facilitate glimpsed views from this PROW of the parkland and ancient woodland beyond. This visual connection would also add general value to the streetscape within the development.

A27 Bund

As set out above under 'Landscape, the SDNPA would reiterate the artificial nature of the bund and the need for innovative proposals to ensure that it has a more natural appearance. Additionally particular thought should be given to ensuring that there is not a negative impact on the amenity of the proposed units, particularly at ground floor level.

Access and other comments

The addition of footbridges is good, although they don't connect to the PROW network. The SDNPA understand that it may be possible to realign the existing footpath on the northern western side of the A27 to align with the footpath from the south. It is also presumed that thought has been given to connecting the eastern bridge to the PROW network by creating a new permissive path or dedicated PROW. In fact it would be better to upgrade the existing south of the A27 to a bridleway and then upgrade the existing northern side footpath to a bridleway and thus link into the Downs and Monarch's Way and thence to SDW etc. There's also a track going through Munery's Copse to the east and up into Clapham Wood that could be used to link into the existing bridleway.

In essence, there are some obvious ways to enhance the access network that should be explored to enable people to get from the coast through to the Downs.

iv) Conclusion

As submitted the SDNPA have identified concerns about this proposal and areas where and how the proposed development can be improved and amended in relation to the impact of the development on the setting of the South Downs National Park.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs

Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park.

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Adur and Worthing Councils, as relevant authorities, to the Duty of Regard, as set out in Government guidance.

The SDNPA commented in September 2017 on the revised Development Framework Plan (July 2017) as follows:-

“The SDNPA welcomes the slight amendments to the scheme to move the development further away from the western boundary, and the simplification of (and amendments to) the proposed character areas (including the addition of CA4 – Conservation Area Edge). Whilst the proposed amendments seek to address some of our previous comments, the majority of the concerns raised, including having a landscape buffer that is of a sufficient and significant type and depth, views from PROWs, details of the A27 bund, impact to Dark Skies and footbridge, still remain.”

Subsequent further comments have been received (November 2017). Firstly, attention is drawn to the fact that the boundary of the Castle Goring Conservation Area is shown incorrectly on the HDA [Hankinson Duckett Associates] plan. It is stated that in the light of this, the HDA plans and assessment should be updated and reviewed, so as to provide the LPA with an accurate and reconsidered position.

It is stated that the earlier comments of the SDNPA still remain. In light of the corrected conservation area, and having considered the latest HDA assessment, further comments are set out as follows:

“The suggested site boundary is arbitrary and doesn’t follow any meaningful feature in the landscape. The result is to create a harsh edge to a new development (which will already look very obvious from within the National Park, but also may not read well with the existing settlement). The proposal needs to use the grain of the landscape i.e. its patterns to help ‘fit’ the development here. This arbitrary boundary will adversely affect the setting of the conservation area, and that of the historic farmstead at Forest Barn – set within the Parkland of the Estate, whilst it is located just outside of the National Park it is a Parkland farmstead, strongly associated with Castle Goring. By simplifying the issue down to just views of open fields means that many of the issues have not been considered – i.e. the landscape character impacts of the proposal. This is because it fails to take a contextual approach to defining the site boundary.

The landscape buffers to both the north and west are a crucial element to ensure not only appropriate screening from the development, but to also ensure a satisfactory landscaped transition from built environment to the National Park. Such a natural transition is crucial in landscape and visual impact terms and will enable a gradual change up to the open countryside and special qualities of a designated National Park side, and up to the revised Castle Goring conservation area. In terms of the size/distance for such buffers, whilst the SDNPA would not wish to be prescriptive, we would suggest that the buffers should be significantly deeper than

proposed in the latest HDA appraisal. However, in order for landscape buffers not to have a negative effect, they first need to be in the right place, and at the least be responding to local landscape character. This is the best way to ensure the setting of the National Park is respected; currently the SDNPA's view it that it doesn't achieve this, as it is.

The site has significant ecological constraints, notably reptiles and amphibians (protected species) – this will be key in determining the developable area as mitigation areas should always be provided onsite.

As the HDA appraisal will need to be revised, given the revised Castle Goring conservation area and bearing in mind the further comments of the SDNPA above, we presume that you will again consult the SDNPA with regard to any further amendments to the scheme; we are happy to engage with you further on the above matters.”

The **Environment Agency** has no objection in principle subject to the following conditions:-

1. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. The scheme should include:

- Details of the pollution prevention measures to be incorporated into the system;
- The inspection, maintenance and monitoring procedures and arrangements;
- An investigation into the location of solution features which may act as pathways for pollutants to reach groundwater rapidly;
- The scheme shall be implemented as approved.

Reason: This site lies within a source protection zone 1 and the Southern Water groundwater abstraction (a public water supply) at Stanhope lodge is 20m from the eastern boundary of the site. Solution features are known to be present in this area, which if present, increases the risk of pollutants entering groundwater rapidly without attenuation. Drinking water supplies are therefore at risk from any pollutants which enter the ground. The applicant needs to demonstrate that groundwater will be protected and to ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater quality.

2. If, during development, contamination 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the NPPF.

Advice to the applicant/developer on model procedures and good practice is recommended.

Southern Water: Has provided a plan showing water mains in the vicinity and indicate that due to changes in legislation that came into effect in October 2011 it is possible that a sewer now deemed to be public may cross the site. Should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and the potential means of access before any future works commence on site.

The results of an initial desk-top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. A condition is recommended as follows:-

1. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

An informative is suggested advising that the applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development.

The planning application form makes reference to Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in the inundation of the foul sewerage system.

The application details indicate that the proposed means of surface water drainage for the site is via a watercourse, The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. The following condition should be attached to the consent:

2. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Non-compliance with Sewers for Adoption standards will preclude future adoption of

the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter the public sewers.

Following initial investigations Southern Water can provide a water supply to the site. An informative is recommended advising the applicant that Southern Water requires a formal application for connection and on-site mains to be made by the applicant/developer.

Southern Water has subsequently further commented (October 2017) that the proposed development would lie within a Source Protection Zone 1 around one of Southern Water's public water supply abstraction sources as defined under the EA Groundwater Protection Policy. This is critically important public water supply abstraction serving the East Worthing Area. The application details indicate that piling works may be used on the site to mitigate potential differential settlements. In order to protect the public underground asset from contamination Southern Water requests the following condition is attached to any permission:

"Prior to the commencement of development the developer must advise the local planning authority in consultation with Southern Water of the measures which will be undertaken to protect the public groundwater resource should any piling work be considered."

Historic England: Do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

Natural England: Natural England's comments are provided under the following sub-headings:-

Statutory Nature Conservation Sites

The proposal is unlikely to affect any statutorily protected sites.

Protected Landscapes

The proposed development is for a site close to a nationally designated landscape, namely the South Downs National Park. Natural England advises that the LPA uses national and local policies together with local landscape expertise and information to determine the proposal.

The decision should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the landscape and scenic beauty of National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy landscape policies as set out within the development plan should be applied.

A local Landscape Character Assessment can be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The application should be assess carefully as to whether the proposed development would have a significant impact on or harm the statutory purposes of the National Park. Relevant to this is the duty on public bodies to have regard for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)).

Protected Species

The LPA should apply the Standing Advice published by Natural England to this application on protected species.

Local Sites

If the proposal site is on or adjacent to a local site e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site or Local Nature Reserve, the LPA should ensure it has sufficient information to fully understand the impact of the proposal prior to determination.

Biodiversity Enhancements

This application may provide opportunities to incorporate features in the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant if it is minded to grant permission in accordance with paragraph 118 of the NPPF. Attention is also drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) with regard to the requirement for every public authority in exercising its functions to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community for example through green space provision and access to and contact with nature. Landscape characterization and townscape assessment and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location to the character and functions of the landscape and avoids any unacceptable impacts.

Sussex Police: The ***Designing-Out-Crime Officer*** comments as follows:-

“The NPPF demonstrates the Government’s commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behavior in Worthing District being above average when compared with the rest of Sussex, it will be important to consider all appropriate crime prevention measures when viewing the proposals. The design and layout of the development appears to have outward facing dwellings with back gardens this should result in a good active frontage with the streets and public areas being overlooked, Secured by Design (SBD) discourages the need for vulnerable rear garden pathways. Parking in the main should be provided with either in-curtilage garage or car-barn, or front of house overlooked parking bays. Rear parking courts are not recommended by SBD. This arrangement should leave the street layout free and unobstructed.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is a direct and visual connection between the room and the street or the car parking area. Such visual

connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable-ended windows can assist in providing observation overall an otherwise unobserved area.

As the first line of defence perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or rear garden access pathway, 1.5 metre high close-boarded fencing topped with 300mm trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable. Such gates must be located on or as near as the front of the building as possible.

Areas of play should be situated in an environment that is stimulating and safe for children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog-free environment.

Lighting throughout the development will be a big consideration and where implemented is to conform to the recommendations of BS:5489:2013.

Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this may be forthcoming from the [Sussex Police] Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of the Crime & Disorder Act."

UK Power Networks: No objection.

Southern Gas Network: No objection in principle, commenting:-

"The mains record indicates a low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. [The Developer] should, where required confirm the position using hand dug trial holes. A colour copy of the plans and the gas safety advice [forwarded with the consultation response and published on the Council's Public Access system] should be passed to the senior person on site in order to prevent damage to any plant and potential direct or consequential costs to your organisation [the Developer].

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your [the Developer’s] responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas plant. Damage to pipes can be extremely dangerous for contractors and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation [the Developer]. Please ensure Southern Gas Network can gain access to gas pipelines throughout.”

Representations

Representations were received from the occupiers of The Hermitage, Stanhope Cottage, The Hollies and Smugglers Barn in relation to the initial submission raising the following objections/concerns:

- Currently the view from the front of the house is of the small field used for grazing sheep and lambs, and the South Downs National Park across the A27. Concerned that the proposed ‘green area’ could be overly ‘manicured’ resulting in loss of the natural setting to the conservation area, loss of wildlife habitat, noise disturbance from users, light pollution, litter and dog pollution and use as a ‘cut through’ by residents for access to Forest Lane and Castle Goring Way. Forest Lane is just wide enough for vehicles with no room for a footpath; it is hazardous for pedestrians after dark. Increased use will lead to ongoing maintenance and need for increased property security for existing residents.
- Houses in the north-west part of the site will overlook existing properties leading to a loss of privacy for existing residents in Forest Lane, and light pollution from street lighting and houses.
- Noise will be intrusive during the construction phase.
- Concerned that construction vehicles and workers using Forest Lane will cause damage and inconvenience – this has already happened. As Forest Lane is private the costs for maintenance fall on existing residents of Castle Goring. There should be no site traffic using Forest Lane.
- Carbon footprint and traffic congestion on nearby roads (including Durrington Hill and Ivydore Avenue). As new residents will have to travel on existing busy roads to get to the A27, travel distances and journey times will be longer and the carbon footprint greater.
- There is the potential for residents of the new estate to use Castle Goring Way as a parking area, allowing direct access to the A27 and avoiding circuitous routes through the estate and surrounding roads, potentially blocking access for post vans, refuse trucks and deliveries and causing inconvenience for existing residents. New residents should be prohibited from parking in Forest Lane or Castle Goring Way.
- The integrity of the Lane would be improved by stopping up access to Forest Lane from Castle Goring Mews with the latter accessed from the new estate under construction (WDSS) instead.
- There should be no traffic from the new development to the A27 via Forest Lane.
- New properties to the west side of the site should be single-storey only.

- Any seating or lighting in the proposed 'green area' should be screened by new planting and paths carefully sited so that the exit points onto Forest Lane do not result in unneighbourly overlooking into gardens etc.
- The proposed noise reducing screening along the A27 should be extended to the entrance to Castle Goring.
- The application is flawed as there are errors on some of the submission documents, for example, the maps forming part of the archaeological assessment are incorrect, also the TA appendices state there have been no accidents on the A27 between the Worthing boundary and A280 junction whereas in fact there have been several, some serious, in the period shown. u(forming part of the TA). It should not be for the layperson to check for accuracy the submitted documentation. The application submission must form a reliable basis for decision-making or risk being 'called in' by the Government.
- The rural setting of this group of houses (around the Coach & Horses PH) will be destroyed forever once this 'green gap' is built over.
- Building of the bund is likely to be the first task undertaken and involve significant amount of material being sourced and positioned with heavy vehicle movements (probably up to 1,000 lorry/skip loads) over many weeks likely to cause severe disruption, noise and dirt carrying on only a few metres from existing properties and gardens.
- The completed development when occupied will increase levels of noise and disturbance (from children playing outside, music, barbeques, cars coming and going etc.) compared to the existing peace and quiet.
- Concerned that the number of properties to be sited in this small part of the site will overlook into existing garden. This seems clear even without details of size, height or orientation. Planting tall trees would create a visual barrier but lead to loss of light.
- The bund itself could be a source of disturbance, potentially used as a children's playground, and an ideal viewing platform.
- The development will have a detrimental effect on the rural way of life that has been enjoyed for many years. Windows and doors in the south elevation of The Hollies are sited only 1 metre from the site boundary. Currently look onto fields and not overlooked at all. The proposals will undermine all of this.
- There should be no building allowed facing or close to The Hollies, any adjoining development should only be single-storey and any facing windows should be obscured glass and non-opening.
- The 3m landscape 'buffer' would result in loss of light. A brick wall up to 3m high should be planted on the development side of the buffer instead.
- The layout of new development should follow the low density pattern of existing development, consisting of individual properties in large plots.
- Measures should be put in place to minimize the effects of disturbance, dust, debris etc. during construction.
- The existing trees in the field [Nos: 130, 131 and 132] could remain and made into a feature, protecting a little of the habitat used by birds.
- Upgrading the existing north-south footpath to a 3m wide cycleway would likely give rise to problems with youths abusing the path with their motorbikes and endangering pedestrians, dog-walkers etc. The path links into a private lane accessing existing dwellings and increased use by pedestrians could cause conflicts with this existing vehicle access.

- The private land must not be used for construction traffic, or parking.
- The point of the footbridge is queried as it doesn't lead anywhere on the north side.
- Smugglers Barn currently has a semi-rural feel surrounded by tranquil farmland, views are of fields and trees and at night a dark, star-filled sky. The proposed development will ruin this and totally change the character of the area from a handful of old and genuinely characterful properties to another dull housing estate identical to others up and down the country. How would you feel to have invested in an older barn conversion in a rural setting only to be faced by the prospect of 260 dwellings on your doorstep?
- The hamlet is quiet and tranquil with the noise of the A27 dull and muted. Time in the garden is quiet and enjoyable. A crowded housing estate will lead to increased general ambient noise with car noise, voices, music and children playing being just a few of the disturbances that residents here currently live without and will be disrupted entirely. Enjoyment of the outdoor space and the atmosphere and freedom it provides will be lost meaning that the lifestyle of residents will have to change.
- The risk of flooding appears to have been under-estimated. It is already an issue, for example, Titnore Lane and neighbouring fields flood after heavy rainfall. Predictions suggest this will increase. The additional of roof, roads and other hard-surfaces will cause further drainage issues.
- Properties in the hamlet do not have mains drainage but served by a cesspit and greywater waste that needs emptying every 6-8 weeks. The smell is pungent smell which will not be pleasant for the new neighbours. The area is within a Zone 1 Groundwater Source Protection Area and a leak in the cesspit could cause a health and safety issue. Consideration should be given to putting the existing houses onto main drainage.
- The privacy of existing residents will be lost with new properties overlooking and every action having to be carefully considered – will it be safe to let children play out in the garden, will the garden be secure if garden equipment is left out etc. A 3 metre landscape 'buffer' is not enough to satisfy existing residents – something more substantial to isolate the new properties from existing housing is needed to reduce the significant impact such a large project will have.

The following further comments have been received from the residents of The Hollies and Stanhope Cottage:-

- Whilst the amendment has offered a token reduction in the overall housing density, it appears to have squashed those remaining into a smaller space. The area would still be vastly over-developed if proceeded with.
- We have consistently objected to the northern element as it will have such a detrimental effect on a way of life enjoyed over many years. The amended plans do not give any consideration to this point and all of the objections made in respect of the initial submission are reiterated.
- The errors identified within the original submission have not been corrected; this is a duty that must fall to the appropriate officers and professionals in order to provide a reliable basis for decision-making otherwise it is a gross failure on the part of the Council.

- If the 3 metre high bund were to become unstable it could encroach onto neighbouring property; it is suggested that the design of the bund is revised to achieve a more natural and sensitive layout but no details of what the new design might look like has been provided.
- It is not clear how the flood risk concerns of the Council's own Engineer have been addressed by the proposed revisions;
- The latest version states "Development is to respect the setting of the Coach & Horse PH and neighbouring buildings by providing generous separation distances, sensitive boundary landscaping and a fragmented edge to the development." yet the Masterplan still shows new dwellings in close proximity to existing houses making a mockery of "generous separation distances".
- The application was completely unacceptable on its first submission and nothing has been done by the Council or the Developer to address any of the issues raised by neighbours.

The Worthing Society comments that the application includes insufficient detail to make any meaningful comment. Further comment will be made when the detailed application is submitted to terms of expectations for the design of the proposed houses; the close proximity to heritage assets including Castle Goring and Coach & Horses PH (both Listed); site access and community facilities.

Relevant Planning Policies and Guidance

National Planning Policy
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG)

Worthing Core Strategy (2011):
Policy 1 West Durrington
Policy 7: Meeting Housing Need
Policy 8: Getting the Right Mix of Homes
Policy 10: Affordable Housing
Policy 12: New Infrastructure
Policy 13: The Natural Environment and Landscape Character
Policy 14: Green Infrastructure
Policy 15: Flood Risk and Sustainable Water Management
Policy 16: Built Environment and Design
Policy 17: Sustainable Construction
Policy 18: Sustainable Energy
Policy 19: Sustainable Travel

Saved Local Plan policies (WBC 2003):
H18: Residential Amenity
RES7: Control of Polluting Development
RES9: Contaminated Land
TR9: Parking Requirements for Development

Worthing Housing Study GL Hearn June 2015
Landscape and Ecology Study of Greenfield Sites in Worthing (Hankinson Duckett Associates, November 2015)

Landscape and Ecology Study of Greenfield Sites in Worthing Addendum (Hankinson Duckett Associates, March 2017)
Landscape Statement on Revised Development Framework and LVIA (Hankinson Duckett, October 2017)

Relevant Local Supplementary Documents and other Guidance:

Space Standards SPD (WBC 2012)

Guide to Residential Development SPD (WBC 2013)

Developer Contributions SPD (2015)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

Emerging Local Plan

As the Core Strategy pre-dates the NPPF, NPPG, and the Localism Act (& the withdrawal of the South East Plan), the Council has embarked on a review of the Core Strategy and is preparing a new Local Plan. This is particularly important as the latest assessment of the towns objectively assessed housing need illustrates that a housing delivery of 636 dwellings per year would be required to meet predicted housing need whereas the Core Strategy sought to deliver 200 per year (average housing delivery over the last ten years is approximately 279 dwellings per year). The initial consultation on the emerging plan, undertaken in Summer 2016 highlighted this issue. It made clear the need to plan positively to meet identified needs whilst at the same time balancing this against the potential impact of future development and the need to protect the environment. The overarching aim of the new plan will therefore be the need to strike the right balance between the benefits of development and the need to protect the character and setting of Worthing which are greatly valued. Although the Council will work positively to deliver growth there is no expectation that all needs will be met within, what is, a very constrained area. Limited land availability and sensitive areas of countryside around the borough means that there is little room for expansion. Therefore, it will be imperative that the Council continues to work with neighbouring authorities and partners under the Duty to Co-operate to ascertain whether there is any ability for other areas to deliver some of the town's needs. Furthermore, it will also be important that the development potential of sites that do come forward in the Borough are maximised to help meet development needs whilst also ensuring that they are of high quality design and that they respect the character of the surrounding area.

Is expected that the Draft Local Plan which will be published for consultation in early 2018.

Relevant Legislation

The Council, in determining the planning application has the following main statutory duties to perform:-

- To have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the

application, and other material considerations. (Section 70(2) Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To pay special attention to the desirability of preserving or enhancing the character or appearance of the Castle Goring Conservation Area (Section 72(1) Planning, Listed Buildings and Conservation Areas Act 1990);
- In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990). In this case the duty is to have special regard to the desirability of preserving the settings of listed buildings.

In respect of sustainable development the NPPF states at paragraph 14 that: "*At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means: approving development proposals that accord with the development plan without delay...*" There are policies in the overall planning policy framework (national and local planning policies) which support the proposal and others which do not. It is necessary to assess all the policies in the whole and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it.

The proposal was submitted for Screening under the terms of the Environmental Impact Assessment Regulations and was determined by the Council (23 March 2015) that the proposed development was not an EIA development and the application would not need to be supported by an Environmental Statement.

Planning Assessment

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012. Paragraph 3 confirms that the document forms part of the overall framework of national planning policy, and is a material consideration in decisions on planning applications.

Paragraph 11 states 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.'

Paragraph 12 confirms the status of the NPPF by stating 'this National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'

Paragraph 14 confirms that, at the heart of the guidance is a presumption in favour of sustainable development. For decision-taking, this shall mean:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 7 defines sustainable development. This includes sufficient land of the right type is available in the right places at the right time, providing the supply of housing required, high quality built environments, accessible local services and protecting and enhancing the natural and historic environment.

Paragraph 17 defines 12 core planning principles. Those that relate to the current proposals include;

- Being plan-led empowering local people to shape their surroundings;
- Be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Securing a high quality design and a good standard of residential amenity for existing and future residents;
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Take account of the different roles and character of different areas; recognizing the intrinsic character and beauty of the countryside;
- Contribute to conserving and enhancing the natural environment and reducing pollution; allocations of land for development should prefer land of lesser environmental value where consistent with other policies in the Framework;
- Actively manage growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In respect of housing, Paragraph 47 confirms that a 5 year supply of housing land supply against requirements should be identified. It also states that either a 5% or 20% 'additional buffer' should be added but provides no specific explanation as to circumstances where these should be applied. It defines what can be described as 'developable' and 'deliverable' sites.

Paragraph 48 confirms that an allowance for windfall developments can be made if evidence justifies.

Section 7 of the guidance relates to good design and the built environment. It states that decisions should aim to ensure that developments will add to the overall quality of the area and respond to local character and history and reflect local identity (Paragraph 58).

Paragraph 64 guides decision makers that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Section 11 relates to conserving and enhancing the natural environment and states that the planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes; minimizing impacts on biodiversity and contribute to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures; and preventing prevent new development from being put at unacceptable risk from, or adversely affected by unacceptable levels of (amongst other things) noise pollution or land instability.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 128 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. It states that the level of details should be proportionate to the assets importance and should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 129 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservations and any aspect of the proposal.

When considering the impact of a proposed development on the significance of designated heritage assets, Paragraph 132, states that "great weight should be given to the asset's conservation. The more important the asset the greater the weight should be". It guides us that a heritage asset's significance can be harmed or lost through development within its setting, and any harm or loss should require clear and convincing justification.

Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Paragraph 134 should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation.

The NPPF confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (Paragraph 215).

Planning Practice Guidance

It is considered that a number of sections in the Planning Practice Guidance are of relevance to the application site. These include:

- Conserving and enhancing the historic environment
- Community Infrastructure Levy
- Design
- Housing and economic development needs assessments
- Housing and economic land availability assessment
- Local Plans
- Natural Environment
- Noise
- Open Space, local rights of way and local green space
- Planning obligations
- Travel Plans and Transport Assessments
- Use of Planning Conditions

Worthing Core Strategy 2011

The Core Strategy identifies seven strategic objectives which are the key outcomes to be delivered over the plan. Included in the Core Strategy's strategic objectives are to:

- Protect the natural Environment and Address Climate Change;
- Meet Worthing's Housing Needs
- Reduce Social and Economic Disparities and Improve Quality of Life For All, and
- Deliver High Quality Distinctive Places

CS Policy 1 allocates land at West Durrington for up to 700 new dwellings (together with leisure, social and community facilities). This strategic allocation is now largely under construction following the grant of Outline planning permission in 2012 and the subsequent submission of Reserved Matters applications in 2014 and 2016. However, the supporting text (Paragraph 6.10) highlights the current application site area as a potential future development area (PFDA) with a capacity to accommodate a further 375 new dwellings. It states "The release of the PFDA will be assessed in the context of the overall housing delivery within the Borough. Should there be a sustained shortfall in the delivery of housing sites on brownfield land, the PFDA will be reviewed, together with alternative housing options or sites". CS Policy 8 seeks to ensure that the right mix of homes to address the needs of the community.

CS Policy 10 states that on all sites of 15 or more dwellings 30% affordable on-site units will be sought.

CS Policy 13 sets out the development strategy as being one where new development needs will be met within the existing built up area boundary and with the exception of the West Durrington Strategic allocation, will be delivered on previously developed sites. CS Policy 14 seeks to improve and enhance areas of green infrastructure to maintain their quality and accessibility for residents and visitors.

CS Policy 15 seeks to address flood risk and sustainable water management.

CS Policy 16 sets out the Council's approach to design and sets out a clear expectation that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical, and environmental characteristics of the area. It also requires that the settlement structure, landscape features, and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing

existing assets. It further requires developments to be designed in a manner which maximises connectivity and actual and perceived safety.

CS Policy 17 promotes sustainable construction.

CS Policy 18 encourages new developments to incorporate renewable energy generation technologies in their design.

CS Policy 19 seeks to ensure a travelling environment that is safe, accessible and sustainable for residents and visitors by supporting improvements to public transport, improving walking and cycling networks and seeking developer contributions which mitigate the effect of new development on the road network.

Saved Policies of the Worthing Local Plan 2003

The following saved policies are considered relevant to the determination of the application:-

Policy RES9 seeks to ensure that proposals on sites that are known or suspected to be contaminated are supported by appropriate investigations and remedial measures.

Policy RES12 requires new development to be accompanied by necessary services and Policy infrastructure.

Policy H18 seeks to ensure that the proposed development does not result in an unacceptable reduction in amenity for local residents.

Policy TR9 requires on-site parking provision to be made in accordance with the relevant parking standard pertaining at the time of the application.

Space Standards SPD seeks to ensure floor area and storage space in new residential development is sufficient to secure a satisfactory standard of accommodation for residents.

Supplementary Planning Documents

A Guide to Residential Development SPD outlines the key elements for ensuring that the right mix and type of homes are delivered in the right place to meet local need in terms of housing mix, density, sustainable construction and design.

Developer Contributions SDP clarifies the relationship between Planning Obligations and CIL.

The principle issues in considering this application are:

- A) Principle of development
- B) The need to boost significantly the supply of housing
- C) The effect on landscape and ecology
- D) The impact of the proposal on heritage assets and historic environment
- E) Securing high quality design and local distinctiveness
- F) The effects on the amenities of existing and residents
- G) Highways and Transport and impact on public highways
- H) Other issues

A) Principle of Development

Policy Background

As set out above, the current Development Plan for Worthing is the Core Strategy which was adopted in 2011 as the key document in Worthing's Local Development Framework. Following the publication of the NPPF in 2012 consideration was given to the Council's policies and their level of consistency with national policy. To help in this process the Council undertook a conformity assessment which demonstrated that, in many respects, the Core Strategy conforms closely to the key aims of the NPPF. However, changes to how the Council now needs to consider housing in light of local evidence are particularly significant and these have influenced the work being undertaken to progress a new Local Plan. Until such time that a new Local Plan is adopted, the Core Strategy will continue to inform the determination of planning applications. However, it is accepted that where the local policy position is out-of-date the NPPF and Planning Practice Guidance will take precedence. This is particularly relevant to this application and housing land supply considerations.

The Core Strategy sought to deliver a number of Areas of Change which would help to deliver regeneration objectives. If delivered as expected, these sites, alongside the strategic development at West Durrington, were shown to meet the housing delivery targets set at the time of adoption at 200 dwellings per year. The development at West Durrington was allocated for 700 dwellings. In earlier iterations of the draft Core Strategy the allocation formed part of a larger site which had the potential to deliver 1,000+ homes. However, as the Core Strategy progressed through its final stages it was apparent that development of the full 1,000 dwelling greenfield development might result in an 'over-delivery' of housing against the target set out in the then prevailing Regional Planning Policy comprising the South East Plan (since revoked). It was argued that a wider allocation could have a negative impact on the delivery of brownfield sites and wider regeneration objectives.

For this reason, the extent of the development at West Durrington was reduced from 1,000 to 700 dwellings. A large proportion of the land removed from the earlier draft allocation now forms the WDNS application. In the Core Strategy this land is referred to as the Potential Future Development Area (PFDA). The Core Strategy (Paragraph 9.10-9.11) states:

"Any future Site Allocations DPD would review all housing opportunities within the borough. The West Durrington Potential Future Development Area (PFDA) would be considered as part of this review. The PFDA (illustrated on the Proposals Map) is a 'reserve' greenfield site that lies within the existing Built Up Area Boundary and formed part of a wider allocation within the Worthing Local Plan 2003. It has a capacity to accommodate a further 375 dwellings to the north of the West Durrington strategic allocation.

The release of the PFDA will be assessed in the context of the overall housing delivery in the borough."

It is clear that there has been a long-term acceptance that the land that now forms part of the WDNS application has some potential for housing development. The Core Strategy identified the area as a 'reserve' site which had the potential to

expand the existing West Durrington development. However, a decision to bring forward the land for development would need to be informed by overall housing delivery against need and the prevailing national planning policy context.

Housing Need and the Emerging Local Plan

At the heart of the NPPF is a presumption in favour of sustainable development. This will be reflected in the Worthing Local Plan which is currently being progressed to provide the development strategy for the Borough to 2033. The Council must positively seek to meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

The Worthing Housing Study published in June 2015 provides the assessment of the objectively assessed housing needs (OAN) in the Borough. Using demographic projections and population forecasting the study concluded that the full OAN for housing in Worthing in the Plan period up to 2033 is 12,720 dwellings which equates to 636 dwellings per annum. If it were possible to deliver in full, this would represent more than a 20% increase in the number of dwellings in the Borough within a 20 year period.

Taking account of delivery shortfall against the base-date of the Worthing Housing Study the figure of housing need is now 685 dwellings per annum. Furthermore, it should be noted that the Government is currently consulting on a new standardised way of measuring OAN. Although this approach is some way off being adopted it is of relevance that when using the new methodology the figure of housing need for Worthing rises to 865 dwellings per annum.

This level of housing need is far in excess of the level of provision planned for in the Worthing Core Strategy (200 dwellings per year) or the average annual rate of delivery (279 dwellings per annum over the last ten years). The historic delivery rates largely reflect the geography of the Borough. Worthing is a tightly constrained compact town and there is little scope to grow beyond the current boundary to the east or west without merging with the urban areas of Ferring and Lancing and without damaging the Borough's character and environment. Furthermore, when considering options within the existing built up area there are very few vacant sites or opportunity areas that could deliver significant levels of growth.

When measured against the Objectively Assessed Needs figure, Worthing cannot demonstrate a five-year supply of available land for development. The latest housing land supply position (as set out in the Council's Annual Monitoring Report) demonstrates a 2.4-year supply of deliverable sites and therefore a chronic lack of housing sites to meet both affordable housing and private sector housing needs.

Provision for housing needs in the emerging Local Plan can be less than the OAN but this is only possible if the Council is able to provide evidence to show how the adverse effects would significantly outweigh the benefits.

In an effort to increase delivery the emerging spatial strategy will seek to achieve a balance between planning positively to meet the town's development needs (particularly for jobs, homes and community facilities) with the continuing need to

protect and enhance the borough's high quality environments and open spaces within and around the town. The overarching objective of the emerging Local Plan will be to provide a clear direction that will maximise appropriate development on brownfield land while adding sustainable greenfield urban extensions adjacent to the existing urban area. Ultimately, this approach will help to steer new development to the right locations whilst helping to protect those areas of greatest value and/or sensitivity.

To help deliver this Spatial Strategy and meet development needs the Local Plan will include policies that will encourage the appropriate development of brownfield sites. This will include site allocations and Areas of Change. However, as brownfield sites alone will not be sufficient to meet development needs, all potential opportunities around the Borough (including the WDNS land) have been assessed within a Landscape Study (2015) and were then included as potential development opportunities within the Issues and Options consultation document (2016).

The evidence collected to date provides a good initial understanding of which sites the Council may need to protect from development and which might be suitable to help contribute towards meeting, at least, part of the Council's future housing need.

For the reasons set out above, and informed by the Council's evidence base, it is abundantly clear that, despite taking a positive approach to development, the likely delivery rate for housing will fall significantly below the Objectively Assessed Need. This is demonstrated through an initial assessment undertaken by the Council that has demonstrated that a realistic housing capacity figure for the Borough from 2016 to 2033 could be approximately 4,700 dwellings. This equates to approximately 280 dwellings per annum which is a delivery rate 40% higher than previously planned for within the Worthing Core Strategy. Despite this, the level of expected delivery provides approximately only 46% of the overall housing need and this would result in a shortfall in housing delivery over the Plan period of 6,900 dwellings.

Against the backdrop of significant and growing housing need (particularly affordable housing) the Council must, where possible, continue to take positive steps to bring forward sustainable opportunities to deliver new development. Whilst the progression of the Local Plan provides the main mechanism through which sites will be allocated the Council must also consider ways in which housing delivery can be increased in advance of plan adoption.

Consideration of Edge of Town sites within the Built Up Area

Two of the edge of town opportunities assessed as part of the Local Plan Review (Fulbeck Avenue and Land North of West Durrington), are already located within the existing Built Up Area (BUA). The Core Strategy establishes a general presumption against development on land outside the BUA. In addition, in many respects, both have been previously tested as part of the wider strategic development at West Durrington. As explained in more detail elsewhere in this report, the landscape study concluded that parts of these sites had medium and high potential to deliver new development.

The Council's Issues and Options consultation document, titled 'Your Town—Your Future' was published in Summer 2016. The purpose of the consultation was to

invite comments from all interested parties on the challenges that had been identified and the options that could help to address them. Comments received have helped to ensure that the Plan has set off in the right direction and that it will cover the things it needs to cover.

With reference to the two opportunities located within the BUA, the following question was asked within the Issues and Options consultation document: 'In light of significant housing needs should the Council take a positive approach and look to bring forward these sites in advance of the adoption of the new Local Plan?' Most of the respondents that replied to this question either replied favourably or raised no objection to this suggestion.

In response to existing evidence and the general support for this approach expressed during the consultation, it is felt that the Council should take a positive view on these two sites coming forward for development in advance of the adoption of the new Local Plan. Supported by the existing evidence and the location of the sites within the built up area, it is not felt that this approach would set an undesirable precedent. Furthermore, the Council is confident that the scheme is deliverable – it can be accessed from the strategic site to the south (WDSS) which is currently being developed and an infrastructure package to help support the wider area.

To provide an update on the emerging Local Plan and to reflect this position outlined above a report was prepared in Spring 2017 which was considered by the Council's Joint Overview & Scrutiny Committee, Planning Committee and ultimately the Joint Strategic Committee (April 2017) where the following recommendation was approved:

“a) Agree the principle of supporting development coming forward on the two edge of town sites (Fulbeck Avenue and Land North of West Durrington) that lie within the existing built up area in advance of the Local Plan (subject to a robust consideration of all issues relevant to the determination of any similar planning application).”

Therefore, the Council has, in principle, agreed broad support the development of these two sites in advance of the adoption of the new Local Plan. This approach is in line with the NPPF which states that local planning authorities should approach decision making in a positive way to foster the delivery of sustainable development (paragraph 186). It also reflects the general presumption in favour of sustainable development and the aim of delivering economic growth.

However, in agreeing this approach it has been made clear that any scheme submitted will still require robust consideration of all issues relevant to the determination of any similar planning application.

Housing Mix and Density

No details of the overall housing mix have been provided as part of the Outline application, although it is anticipated that the layout structure indicated on the Illustrative Masterplan would facilitate a broad range of dwelling types, including some flats. Core Strategy Policy 8 requires new development to predominantly

consist of family housing (defined in the Council's SPD as consisting of 3(+)-bedroom houses) having been informed by the Strategic Housing Market Assessment (2009 and Up-dated in 2012) in order to redress an imbalance in the town's housing stock and deliver a significant proportion of new family housing. Since then the Worthing Housing Study (2015) has identified a need for all types of market housing and recommends that the provision should be more explicitly focused on delivering smaller family housing for younger households, including 2-bedroom units.

As originally submitted the proposal would have resulted in an average net residential density of 36 dwellings per hectare (dph), but as a consequence of the amendment to set the western edge of the built development area further back (eastwards), the quantum of residential land has been slightly reduced to 6.37 ha resulting in a slight increase in average net density to 38 dph. It is anticipated that there will be some areas of the site that exceed the average net density and this is considered acceptable with lower densities adjacent to the sensitive western edge nearest the Castle Goring Conservation Area and western boundary with the SDNP.

Affordable Housing

The provision of affordable housing is an important objective for the Council to meet housing need. Core Strategy Policy 10 seeks 30% affordable housing on all site of 15 or more dwellings.

The Affordable Housing Statement (July 2017) states that subject to final clarification of the amalgam of CIL payments and S106 Obligations, up to 72 dwellings will be affordable housing in accordance with the adopted policy.

Of these, it states that 70% of affordable housing will be affordable rented housing and 30% will be shared ownership based on the following housing mix agreed with the Council s Strategy and Development Manager.

House Type	Affordable Rent	Affordable Shared Ownership	Total
1-bed	22	0	22 (30%)
2.bed	18	18	36 (50%)
3-bed	10	4	14 (20%)
Total	50	22	72 (100%)

The affordable housing mix reflects the need for one and 2-bedroom affordable homes identified in the Worthing Housing Study (2015).

The submitted Statement confirms that the affordable rent levels will not exceed Local Housing Allowance or 80% of open market rent. The shared ownership dwellings will be sold between 25-75% of open market value and with a rent on the unsold equity not exceeding 2.75%.

The Statement confirms that the affordable housing will not be distinguishable from the market housing in terms of appearance and will be integrated in clusters not exceeding 20 dwellings of mixed tenure or 15 of single tenure.

The proposed development would clearly make a welcome contribution toward addressing the acute need for affordable housing in the town.

Landscape Character and Visual Impact

Landscape Character Areas and Designations

The site falls in the 'South Coast Plain' (Area 126) of the distinct National Character Areas devised by Natural England and within the SC12 Angmering Upper Coastal Plain Local Character Area (LCA) within the South Coast Plain Regional Character Area (RCA) identified by the Landscape Character Assessment undertaken on behalf of WSCC in 2003. The key characteristics of this area are described in the assessment as: "*.....an undulating landscape which encompasses the distinctive landscape of Highdown Hill. It comprises predominantly farmland of small to medium-sized pastures and arable fields enclosed by frequent woodland blocks and a strong network of field hedgerows containing hedgerow trees. There is also a wealth of historic landscape features including historic parklands, Ancient Woodland and earthworks.*"

The application site does not fall within the SDNP and is not assessed in the South Downs Integrated Landscape Character Assessment (SDILCA). However, the latter is relevant in describing the neighbouring area of the National Park. The site lies adjacent to 'B4: Angmering and Clapham Wooded Estate Downland' within the Wooded Estate Downland Landscape Type. The key characteristics of the area are described (amongst other things) as:-

- A chalk dip slope exhibiting a strong and distinctive topography of rolling hills, and an outlying chalk ridge at Highdown Hill, separated by a narrow clay vale;
- Slightly acidic heavy soils supporting large expanses of ancient woodland which creates a distinctive dark horizon in views from the A27.
- A low density of dispersed settlement characterized by scattered farmsteads – with some of medieval origin representing shrunken hamlets. Chalk flint is the dominant building material often edged with red brick.

Specific characteristics unique to the Angmering and Clapham Wooded Estate Downland which are relevant to the WDNS include:-

- A range of woodland types, with the most frequent tree species including oak, birch, elm, beech and field maple;
- Castle Goring and its surrounding landscape on the east edge of the character area. Mature trees, improved grassland pasture and a walled garden are surrounded by woodland to the west and south and provide a setting to the house.
- Some prehistoric and later earthworks, including Bronze Age and Iron Age earthworks at Highdown Hill.

Compliance with Policy and Landscape Guidance

The Landscape and Visual Impact Assessment (LVIA) submitted in support of the application states that the proposals satisfy policies that require new development

to respect the natural environment and will contribute to the protection and enhancement of the area. It states the proposal site lies within the existing built up area boundary is well-related visually to the existing urban area, forming a logical extension to the phase 1 development at West Durrington (WDSS). The majority of existing landscape feature can be retained and the proposals shown on the Development Framework Plan demonstrate how development could be integrated with the wider settlement with measures to mitigate impacts on valued landscaping and heritage assets including opportunities for new planting and provision of green infrastructure as part of the SUDS strategy.

To form part of the evidence base for the emerging Local Plan the Council commissioned consultants Hankinson Duckett Associates to undertake a Landscape and Ecology Study (the 'Landscape Study') of the potential development sites located around the edge of the town. This included the application site (WDNS), referred to in the Landscape Study as land North of West Durrington.

The study, published in 2015, assessed the overall sensitivity and value of each site. By combining the sensitivity and value ratings derived from the assessment the study then determined the suitability for development for each opportunity. Given the different characteristics of land within individual sites some of the areas assessed were split into separate zones. This was the case for land North of West Durrington which was split into three zones (A, B & C).

The study concluded that Zone C (the eastern parcel of the site) was relatively unconstrained with high suitability for development from a landscape, visual and ecology perspective. The central area (Zone B) was shown to having Medium/High landscape, visual and ecology suitability for development. Therefore, the findings of the landscape study indicated that two of the land areas assessed could accommodate new development without significant detrimental effects on the character of the landscape as a whole provided development was sensitive to its surroundings (in particular the setting of the South Downs National Park).

The western portion, Zone A, was shown to be the most sensitive part of the site, primarily due to the close proximity to, and visibility from, the National Park and the Castle Goring Conservation Area. As a consequence, the study concluded that this part of the site had low suitability for development due to the potential detrimental effect on the character of the landscape and the setting to the South Downs National Park.

Although the 2015 study provided robust evidence against which the suitability of edge of town sites could be assessed it was felt that a more detailed review of the areas identified in the 2015 study as having 'low' suitability for development should be undertaken. Largely this decision was made in response to the very high levels of housing need and the need to test all opportunity sites 'positively'. The fine grain analysis of the 'low suitability areas' (including Zone A of land North of West Durrington) also allowed for comments made by landowners on the original study to be taken into account. This included an assessment of the Development Framework Plan initially submitted as part of the current application by the Developer Consortium. The Development Framework Plan indicated dwellings close to the western boundary, approximately 30 metres from the edge of the South Downs National Park, and within close proximity to the Castle Goring Conservation

Area. It also included 1.6 ha of public open space within the western edge of the site.

Following the more detailed analysis the Council's consultants published their 'Review of Low Suitability Sites' in March 2017. This Review resulted in some changes being made to the overall 'suitability for development' conclusions for two of the sites that were reassessed. This was not the case for Zone A at land North of West Durrington where the conclusion remained unchanged - i.e. that this was the most sensitive portion of the site and that it had low suitability for development. To reflect this position the Council's consultants made the following comments on the Development Framework Plan as initially submitted:-

"3.19 The draft proposal for the site prepared by developers/site promoters has limited regard to its location adjacent to the Castle Goring Conservation Area to the west, and the National Park to the west and north.

3.20 Most notably, the proposals include insufficient stand-off to the Conservation Area and National Park, with housing located close to the western edge of the site. The proposals include a small area of tree planting within the north-west corner of the site which is insufficient to retain a continuum of rural open space west of the site, as part of the setting to the conservation area and National Park. To maintain the rural setting to the Conservation Area and National Park, a greater area of open space should be retained [as set out in section 3.17].

3.21 The proposed 'bund' along the northern edge of the site, adjacent to the A259 dual carriageway and the edge of the National Park is likely to appear incongruous within the local rural landscape, including when viewed from within the National Park to the north. An alternative approach which would help assimilate development into the landscape, could incorporate a combination of elements including more varied ground modelling, planting, and setting back buildings further from the site boundary to allow more open space between the site boundary and nearest building."

To reflect this position, the Council's consultants recommended an arrangement of open space and alternative edge to housing that would help to maintain an undeveloped setting to the National Park and the Conservation Area and that would help to retain a continuation of countryside between parts of the National Park to the north and west.

The application was subsequently amended in July 2017 in response to these significant concerns raised by the Council (and also in response to the formal comments of the SDNPA).

The revised Development Framework Plan proposes:

- 20 fewer dwellings with the extent of housing is now set back further from the western site boundary (60 metres to where it joins the National Park and 100 metres from the Conservation Area) and the area of open space within the western edge of the site increased to 2.3 ha.
- Changes to the design of the proposed 'bund' to achieve a more 'natural and sensitive layout'.

- A balancing pond in the south-west corner of the site as a permanently 'wet' landscape feature.

The amendment to the Development Framework Plan was accompanied by an Up-dated Landscape and Visual Impact Assessment (July 2017) which concurred with the general conclusion that the Zone A comprises the most sensitive part of the site on the basis that it adjoins the SDNP and Conservation Area to the west, the SDNP lies a short distance to the north beyond the A27 and there are some opportunities to view Zone A from within the SDNP. But it argues such views are limited and virtually always seen against the backdrop of existing development in Worthing and the emerging development in West Durrington. Consequently the Consortium considers the sensitivities are not so great as to preclude development on all of Zone A and that the objectives of protecting the setting of the National Park (and Conservation Area) can be achieved by retaining a smaller area of land free from development than that identified in the HDA Study.

The Council has since asked its consultants to assess and comment on the revisions. The subsequent 'Landscape Statement on the Revised Development Framework' (October 2017) has made the following conclusions:-

3.1 The 2017 revised Development Framework Plan is an improvement over the 2016 plan, with a revised edge to the housing which allows for increased open space and planting along the sensitive western edge of the site, which is adjacent to the National Park and Castle Goring Conservation Area. Although not as extensive as recommended by HDA's Landscape and Ecology Study of Greenfield Sites in Worthing Borough, the revised proposals of open space, planting and ground modelling are likely to provide an adequate buffer to the National Park and Castle Goring Conservation Area. This is providing that the positioning of proposed planting within the open space is given careful consideration at the detail design stage, and is combined with strengthened vegetation along the western boundary, in order to create a continuous visual screen between the settlement edge and the sensitive landscapes to the west.

3.2 The 2017 LVIA is generally a fair account of the likely landscape and visual impacts of the revised Development Framework proposals, and accords with HDA's assessment that the western part of the site is the most sensitive area. However, the importance of maintaining adequate open space and separation between the settlement edge and sensitive landscapes to the west, to both the immediate and wider setting, should not be underestimated."

The detailed landscape assessment of land North of West Durrington undertaken by the Council's consultants indicated that housing development in the eastern and central portions of the site would provide a logical urban extension that would have little detrimental impact on the wider landscape. It identified the western portion of the site as the most sensitive area where the capacity for development is lower. Although this sensitivity was acknowledged to an extent by the initial Outline application submission by the Consortium, significant concerns were subsequently raised and as a consequence it was felt that development as proposed would be likely to have a negative and unacceptable impact on the setting of the National Park (and Castle Goring Conservation Area) in landscape terms.

The application was subsequently amended to address these concerns supported by an updated Landscape and Visual Impact Assessment. The amended scheme is clearly a marked improvement over the initial submission in that it provides a more natural and sensitive layout. It now allows for increased open space and planting and a more sympathetic edge to the building line. Nevertheless, the extent of the landscape buffer between the National Park, the Conservation Area and the proposed housing is still not as extensive as level of open space recommended in the Landscape Study (and update) prepared by the Council's consultants.

The conclusions of the Landscape Study and supplementary work undertaken by Council's consultant represent a material consideration of substantial weight in determining the appropriate amount of development that can be accommodated on the WDNS site, and the most suitable layout. The determination of the application must be informed by all material considerations, including the very significant housing needs in the Borough and the relatively few sites in and around the town available to meet that need. Therefore, where development opportunities do exist it is vital that the potential of the land is maximized, at the same time ensuring that it is of high quality and that it takes into account the character of the surrounding area.

To this end a new Illustrative Landscape Strategy (November 2017) has been submitted (to be read in conjunction with the previously LVIA Report July 2017) which shows the 'softer', curved outline of the amended bund planted with Woodland (with understorey) and similar woodland 'blocks' formed in north-western site corner (currently the triangular-shaped field) with the existing field boundary hedgerow assessed and where necessary replanted and/or reinforced to provide a robust boundary feature. To the south and east of this, smaller woodland groups are proposed within amenity grassland and interspersed with parkland trees and sub-divided by a network of informal footpaths, providing the immediate inter-face with the built development.

Whilst the comments of the SDNPA are noted concerning the 'arbitrary' nature of the built development edge; on balance it is the Council's view that the layout as amended has taken landscape evidence into account and that the extent of the open space, form of landscaping in more 'solid' woodland blocks and varied ground modelling to the bund as now proposed will provide an adequate layout that delivers a more discernible degree of visual separation and screening between the development and the National Park and Castle Goring Conservation Area. To reinforce and support this separation and provide a 'soft' development edge it will be vital that the positioning of planting and species used is very carefully considered at the detailed design stage.

It is therefore considered that, from a landscape perspective, and subject to suitable safeguards, the scheme as proposed would not result in unacceptable harm to the character of the landscape or the setting of the South Downs National Park. The housing need is a relevant material planning consideration and helps to balance the objection of the National Park and justify development as now proposed.

Impact on Designated Heritage Assets

As set above, the development proposal will be sited in close proximity to a number of Listed Buildings and a Conservation Area.

It would occupy the existing fields to the south, east and west of the Coach and Horses Public House and Stanhope Lodge/Stanhope store, both Grade II Listed Buildings on the Arundel Road.

The Castle Goring Conservation Area is situated along the Arundel Road, to the west of the proposed development site, having been designated around the Grade I Castle Goring country residence together with the associated cottages and converted agricultural estate buildings, a number of which are listed. The Conservation Area was expanded (May 2016) to include land to the south comprising the woodland fringe to the estate and to the west as far as Forest Lane. It was also extended northward to the edge of the existing A27 dual carriageway.

Both these 'pockets' of existing development access directly onto remnants of the original Arundel Road and are set back slightly from the line of the replacement road, the current A27 dual carriageway. The proposed development site has historically formed part of an agricultural landscape, farmed as part of the Castle Goring estate. In order to mitigate the noise levels from the A27 a planted 3m high bund is proposed along the northern site boundary which will also act to some degree as potential screening of the development from the carriageway.

Several recent court cases have clarified the approach which a local planning authority should take when it considers the effect of heritage issues in determining applications for planning permission. They cover the effect of the statutory presumptions in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy guidance in paragraphs 132 and 134 of the NPPF.

Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 contains similar requirements with respect to buildings or land in a conservation area. In this context 'preserving' means doing no harm.

NPPF policies, together with the guidance on their implementation in the Planning Policy Guidance, provide the framework for the consideration of change affecting the setting of undesignated and designated heritage assets as part of the decision-taking process (NPPF, Paragraphs 131-135 and 137).

Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..."

The policy guidance in paragraph 134 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. It is not obvious at first glance that paragraph 134 should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).

Paragraph 129 of the NPPF additionally highlights the need to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

The glossary annexed to the NPPF defines the “setting of a heritage asset” as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or a negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”* Further guidance is to be found in Historic England’s publication “The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning: 3)”. July 2015. Although this does not constitute a statement of government policy, it is intended to provide information on good practice in implementing historic environmental policy in the NPPF and PPG.

The submitted “Heritage Setting Assessment” prepared by CSA Environmental considers that the setting of local designated heritage assets are unaffected in most cases by the proposed development if they are screened by existing trees. Whilst the contribution of setting to the significance of a heritage asset is often expressed by reference to views, these are not essential or determinative. However, it is important to understand that the setting of a heritage asset is a much wider concept than mere visibility.

There are historic social and economic connections between Castle Goring estate and the adjacent farm land where the proposed residential development is situated.

Development affecting the setting of a heritage asset can be broadly categorised as having the potential to harm or enhance the significance of the asset through the scale, prominence, proximity or placement of development, or through detailed design. The applicants have redesigned the layout of the western sector of their scheme, in order to increase the ‘buffer’ space between the western edge of the development and the Conservation Area. Additional tree planting has also been planned for this area.

As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of historic assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting.

Thus, taking into account this broader consideration of what constitutes the setting of a heritage asset, it should be acknowledged that proposed development of fields which have historically been linked to the Castle Goring estate will have an impact on the Conservation Area, but as a result of the mitigation provided by the revised position of the built development edge, the revised Conservation Edge Character Area (CA4) and the introduction of additional planting consisting of more solid woodland 'blocks' which are a characteristic feature of the local landscape character typology, it is considered the resulting harm would be "less than substantial".

The Grade II Listed Coach and Horses public house and Stanhope Lodge are located adjacent to the northern site boundary. Both are orientated historically, and at present, toward the roadside of the A27. The Heritage Assessment report concludes that as the latter is largely screened from the proposed development site by buildings to the rear of the Coach and Horses public house, its setting will not be affected. Moreover, it concludes that notwithstanding that the proposed development would result in an urban expansion in to the rural surroundings to the south of the Coach and Horse public house, the overall effect is considered negligible on the basis the key attributes of the listed building will be unaffected and its predominantly roadside setting will be unchanged. It is considered this conclusion somewhat underplays the historic significance of the isolated setting of the Coach and Horse public house within a small rural enclave separated from the built up area. However, there will be mitigation in the form of woodland planted buffers (including the landscaped bund) to the south and west sides of the listed building curtilage, adjoining the new car park and 2-storey accommodation building within the grounds of the latter (approved under AWDM/0803/16 and AWDM//0805/16).

Paragraph 134 of the NPPF goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The comments of the SDNPA are noted, but it is worth pointing out that the Forest Barn complex lies outside of the Conservation Area and has been enclosed on its southern and south-eastern sides by the development taking place in relatively close proximity as part of WDSS. The original farmstead buildings were substantially altered, albeit in a sensitive 'rustic' style, by the works to form Forest Barn Mews.

Design Layout Principles

The submitted Development Framework Plan identifies the application site boundary (the 'red lined area'), the proposed means of access serving the development and the extent of the proposed land uses including the amount of built development and open space. The submitted Illustrative Masterplan is based on the Development Framework Plan and shows in more detail the general design principles intended to guide the structure of the built development. [It should be pointed out, however, that the detailed layout of the development is a Reserved Matter.]

The illustrative Masterplan indicates the proposed pattern of streets and routes, the urban grain and the location, arrangement and design of the principal development blocks. The proposed development has been structured around the creation of a hierarchy of streets and spaces intended to make it clear for residents and visitors alike to know where the principal routes are and how to navigate their way around the development. It is intended that each street, space and route within the hierarchy will have an identifiable character type. The foundation for the structure is based on the creation of a new street that runs between the two fixed vehicular access points from the WDSS. As initially submitted, the Illustrative Masterplan showed the new street forming a continuation of the Secondary Street typology (Character Area 1) established as part of the WDSS, leading northwards from the western access point to a central green where it would then turn eastwards to cross the existing public footpath and connect with the eastern vehicular access point. It is intended that the central green would form an important focal point within the layout acting as a 'pivot point' for the secondary street where it turns eastward and would form its own character area typology (Character Area 2). The western and northern edges of the development will be defined by a Character Area 3 designed to respect the setting of the Conservation Area and National Park. Here the design strategy will be achieved by:

- Creating an outward-facing development edge to create an attractive aspect overlooking the open space;
- The housing will not exceed 2½ storeys in height;
- The car parking discreetly located so that it will not dominate the streetscene;
- The facades of the buildings and roofscapes designed to provide variety and interest with varied pitches, use of dormer windows and staggered building lines;
- Building materials to include flint, red brick and plain tiles.

Character Area 4 (Green Edge) would be made up of small-scale lanes or private drives with housing orientated to overlook the green corridor that borders the WDSS and the widened section of the existing public footpath running through the site in order to provide passive surveillance and an attractive aspect. The remaining intervening pockets would comprise Character Area 5 consisting of Neighbourhood Housing having a higher level of variation and interest forming a transition between the higher density areas of the secondary street and the lower densities around the Estate and SDNP Edge.

Officers considered that the initial Illustrative Masterplan and explanatory dialogue with the accompanying Design and Access Statement provided insufficient reassurance that design quality demanded by the sensitive location of this site adjacent to the Conservation Area and the National Park, would be followed through to the detailed application stage. It was considered that there needed to be a far clearer design philosophy for different character areas clearly distinct from each other, and based on a well-defined strategy for creating a strong sense of place that responds to the specific constraints and opportunities offered by the distinguishing characteristics of the application site rather than relying on a diluted typologies translated from the development taking place on the Southern Sector.

In conjunction with the revisions to the built development edges shown on the revised Development Framework Plan (July 2017) and Illustrative Masterplan (July 2017), a revised approach was taken to the Character Areas as shown on the

revised Character Area Principles Plan and described in an Addendum to the Design and Access Statement. These are based on six key defining character areas based on a street hierarchy, the site's relationship to the SDNP and the Castle Goring Conservation Area and the cluster of buildings based around the Listed Coach & Horse Public House to provide six key defining character areas: CA1 (Gateway); CA2 (Main Avenue); CA3 (National Park Edge); CA4 (Conservation Area Edge); CA5 (Public Footpath/Coach & Horses boundary) and CA6 (Village Square).

However, officers expressed concern that some of the 'defining' key characteristics of the Character Areas described in the Design and Access Addendum were not always clearly reflected on the Illustrative Masterplan and that the broad areas of overlap between the Character Areas could allow for a 'broad-brush' interpretation at Detailed Design stage resulting in the dilution of the key 'defining' characteristics and culminating in a lack of strong identity and recognizable differences between the respective character areas.

Following on from this, further amendment to the Development Framework Plan (Nov 2017) and Illustrative Masterplan (Nov 2017) has been received with the main changes described in a further Addendum to the Design and Access Statement (Part 2) including:-

- Retention of the majority of the existing hedgerow and trees which define the existing field boundary to the south-east part of the site as a landscape feature, with new tree planting to mitigate the loss of sub-standard specimens unsuitable for retention;
- Modification of the footprint of the proposed noise bund to the north-east part of the site, to accommodate the retention of 2 no. existing large preserved trees along the northern boundary (onto the old Arundel Road);
- Removal of the overlap between character areas and a reduction in the scale of some character areas;
- The Main Avenue (Character Area 2) tree-lined on both sides;
- Stronger use of hipped roofs in Character Area 3;
- The illustrative Masterplan has been amended to strengthen the principle of a proposed 3 metre wide landscape buffer within rear gardens of new dwellings that would abut existing dwellings;
- A more defined 'farmstead' character immediately to the east of the existing public footpath (Character Area 5).

Additional artistic illustrations have been provided to demonstrate how important characteristics which are considered key to certain Character Areas might be interpreted at the Detailed Design stage.

These further amendments are welcomed, and the illustrations show how the inclusion of small-scale design features such as 'gablets', projecting bay windows, expressed chimney breasts, decorative bargeboards and porches combined with the use of different materials can be used to create visual interest and differentiation between character areas. However, there remain some doubt as to whether the design principles espoused by the Character Areas and highlighted by the accompanying illustrations demonstrate a genuine commitment to high quality design involving the inclusion of bespoke buildings where necessary at key locations to help create a strong and coherent sense of place based on local

distinctiveness, as warranted by the particular landscape sensitivity of this site and its relationship to nearby heritage assets.

Impact on Residential Amenity

Living Conditions of Future Residents

The most significant factor affecting standards of residential amenity for future occupiers is road traffic noise from the A27. The applicant's consultant has carried out an assessment involving noise surveys to establish the existing noise environment. Results reveal daytime traffic noise to be in the 60's and low 70's dB LAeq within 100 metres of the northern site boundary and thus identifies noise as a severe constraint to the suitability of the site for development without mitigation in some form. However, with the incorporation of a 3 metre high earth bund, modelling results indicate that the majority of the site (93.5%) would be exposed to daytime ambient noise levels less than 55 dB LAeq T, at which level noise is deemed unlikely to be a determining factor in planning terms. [This is the noise level which the World Health Organisation (WHO) recommends is not exceeded in order to protect the majority of people in *outdoor* living areas from being seriously annoyed by noise.]

However, even with the noise bund in place, the most northern part of the site (within 35 metres of the A27) would be exposed to noise levels in excess of 55 dB LAeq T at which people are likely to be 'seriously annoyed'. To achieve appropriate internal noise levels within room spaces on the most noise exposed properties fronting the A27 modelling indicates that it would be necessary to incorporate high performance double glazing, with some first-floor windows also requiring mechanical ventilation. Moreover, an acceptable external living environment could be provided through careful layout design whereby primary recreational spaces are orientated away from the noisiest parts closest to the A27 (i.e. screened by the new buildings themselves) which could provide 15-20 dB of additional attenuation, together with the use of optimum boundary treatments.

The noise assessment concludes that noise does not represent an insurmountable obstacle to the development with the majority of the site predicted to have daytime and nighttime noise levels of less than 50dB LAeq, 16 hr and 45 dB LAeq, 8 hr with the bund in place, allowing for standard thermal double-glazing and natural ventilation through openable windows. Additional mitigation measures will be required for those parts of the site closest to the A27, the precise components of which will need to be detailed at the Reserved Matters stage and take into account the positioning of buildings, orientation of facades, internal space and rooms layout to ensure a satisfactory level of amenity is provided.

The Council's Environmental Health Officer has not raised any objection in principle to the conclusion of the submitted noise assessment, whilst acknowledging that more detailed assessment of the necessary acoustic mitigation measures will be required once the detailed design has been finalized taking account of the siting and orientation of buildings and outside amenity spaces, together with internal space and room layouts and façade designs.

Effect on Existing Residents

The existing residents most affected by the proposed development are those to the east in Adur Avenue and Loddon Close; to the west in Castle Goring Way and Forest Lane (including Forest Barn Mews); to the north within the cluster of dwellings around the Coach and Horses Public House: and the new residents to the south within the adjoining Southern Sector (WDSS).

The western site boundary with properties in Adur Avenue and Loddon Close comprises rear garden fencing and shrubs interspersed with some mature trees adjoining the boundary within the site. The dwellings primarily consist of a mix of chalet houses and bungalows with a relatively open rear aspect over the existing fields which make up the application area (other than where views are interrupted by the canopies of the above-mentioned existing mature trees). Rear Garden depths vary but are typically between a minimum of 14 metres, up to 25 metres long. The rear outlook from these properties will be considerably altered and to mitigate this impact a 3 metre wide landscape buffer is proposed to the rear of these existing dwellings as shown on the Illustrative Masterplan, together with the retention of the existing trees. This will help soften the visual impact of the new housing and is similar to the scenario being carried out immediately to the south (WDSS), where a 3 metre wide planted soft landscape buffer is included within the rear gardens of the dwellings backing onto existing housing in Adur Avenue.

Within the cluster of dwellings around the Coach and Horse Public House, the most affected dwellings comprise The Hollies, Stanhope Cottage and Smuggler's Barn.

The Hollies consists of a bungalow with rooms in the roof served by dormer windows in the north, east and west roof slopes. It occupies a rectangular shaped plot (some 65 metres long and between 17 to 19 metres wide) adjoining the northern boundary of the application site, located to the north and east of the public footpath that bi-sects the site. Together with Stanhope Cottage and Smugglers Barn, it has vehicular access from the A27 to the north via a narrow, private, unmade lane leading off the (now redundant) section of the former Arundel Road. The main aspect of the bungalow is east-west and there is a swimming pool positioned close to the rear of the building in the eastern rear garden. The boundary with the application site is defined in part by hedging and rustic-style post and rail fencing. There is a window and door in the southern elevation of the dwelling plus 2 smaller secondary windows. The south elevation of the dwelling sits close to the common site boundary which in this part is defined by the post and rail fencing creating a deliberately open feel and facilitating views over the existing field to the south. The rear (eastern) boundary of the rear garden is marked by hedging and there is a mature tree close to the north-east corner of the dwelling plot. The Illustrative Masterplan shows a 3 metre wide landscaped buffer along this common boundary with The Hollies to help mitigate the visual impact of the proposed development. Undoubtedly the proposed development will result in a significant change to the outlook from this dwelling, in terms of both internal and external spaces, resulting in a distinctly more built-up feeling. The resulting sense of enclosure will be alleviated to an extent by the proposed 3 metre wide landscape buffer, but the occupiers have expressed concern that this will in itself block light from the windows in the southern elevation. The landscape buffer would indeed result in a notable change to the current aspect to the south of The Hollies, but would help minimize the impact of its more urban setting. The boundary treatment would need to be taller and denser than the existing post and rail fencing in order to

protect the privacy of the occupiers. The precise planting mix of the landscape buffer will be dealt with at the detailed design stage, for example, to create a traditional hedgerow boundary. Bearing in mind the more generous aspect to the main front (west) and rear (east) of The Hollies; although the proposed development will result in a significant change to the environment of this dwelling, it is considered the effect on the living conditions of the occupiers will be satisfactorily mitigated by the creation of the proposed 3 metre wide landscape buffer, providing a physical and visual barrier. Although the residential layout is a Reserved Matter, the Illustrative Masterplan indicates how the nearest of the proposed dwellings could be sited 'side on' to this sensitive boundary, where any windows openings are likely to be secondary in character and/or obscurely glazed. Moreover, there is also scope for those nearby proposed dwellings falling within Character Area 5 (Public Footpath/Coach and Horses boundary) to be either wholly or partially 1 or 1½ storeys in height which in design terms would fit in with the rural 'farmstead' character envisaged for this part of the development site, and would also help mitigate the enclosing effect of the new development on the amenities of The Hollies.

To the north of The Hollies lies Stanhope Cottage, also a bungalow with rooms in the roof served by roof lights. It is located within the centre of its plot, facing roughly south, with a rear outlook to the north. It adjoins the application site on its east side and north-east rear boundary. The former is defined by dense hedging which appears to provide screening to a swimming pool located in the front garden of the property. The north east boundary is defined by domestic garden fencing. The proposed Development Framework Plan shows the shaped 3 metre high noise bund sited to the north-east of this dwelling, adjoining the north-east site boundary. The occupier has expressed concern that anyone standing on the bund could overlook into the garden which is currently private owing its siting adjoining an agricultural field. The Illustrative Landscape Strategy (Nov 2017) shows the bund planted with 'Woodland with understorey' which would help deter public access. The siting of the 'potential future footbridge' is shown on the Illustrative Masterplan some 50 metres from the north-east boundary with Stanhope Cottage. It does not form part of the current Outline Application. However, the potential impact on the privacy of existing residents would need to be carefully assessed as part of any forthcoming application given its elevated position. The Illustrative Masterplan shows new tree planting adjoining the eastern side boundary of Stanhope Cottage to supplement the screening effect of the existing hedging.

Smuggler's Barn lies to the south of the Coach and Horses Public House and is made up of converted farm buildings which have been altered and enlarged. The main aspect of the dwelling is south-facing over a large, landscaped garden which projects southwards adjoining fields which form part of the application site. The public footpath adjoins the east side of the garden. The private garden is enclosed by hedging and shrub planting within its curtilage. There are a number of more mature trees along its eastern boundary with the footpath. The Illustrative Masterplan shows new landscaping adjoining the southern boundary of Smuggler's Barn and a wider landscaped strip on the west side consisting of Woodland (with understorey planting). Although the precise siting and layout of buildings would be dealt with at the Reserved Matters stage, the Illustrative Masterplan shows how dwellings could be positioned with their rear gardens backing onto this sensitive boundary in order to maximize physical separation distances. Even with generous

indicative separation distances shown on the Illustrative Masterplan, the rural setting of this existing garden will be significantly altered. However, it is considered the most intrusive aspects of the proposed development can be satisfactorily mitigated by careful consideration given to the scale and siting of the new dwellings at the detailed design stage together with the introduction of the landscape buffers adjoining existing residential boundaries.

The occupiers of Smuggler's Barn have expressed concern about increased ambient background noise and associated disturbance arising from the introduction of new development, compared to the existing 'tranquil' environment of the dwelling. However, the assessment of existing baseline conditions in the Noise Assessment prepared by Waterman shows that the entire site is affected by road traffic noise with daytime noise levels greater than 55dBL_{aeq,16hr} (exceeding the World Health Organization guideline value to protect the majority of people in outdoor living environments from being seriously annoyed by noise). The introduction of development would not lead to any worsening of the existing noise environment and if anything will likely result in some improvement in terms of noise from road traffic heard from within the garden as a result of the formation of the proposed noise attenuation bund.

The nearest dwelling to the western site boundary is The Hermitage, located at the northern end of Forest Lane. The proposed 3 metre high bund would not extend to the northwest corner and it is considered the effect of the proposed development on the amenities of this dwelling would be limited. The amended Development Framework Plan shows the nearest built residential edge (comprising the development edge within Character Area 4), sited in excess of 100 metres distant. Also, the revised Illustrative Landscape Strategy shows the introduction of more substantial woodland blocks within the north-western extremity of the site (covering an area consistent with the existing wedge-shaped field) which would largely screen views of the new buildings from this dwelling. The resident has expressed concern that the proposed recreational footpaths with links onto Forest Lane would increase pedestrian traffic on the private lane. However, Forest Lane is a Public Right of Way that will link to the footpath/cycleway network being carried out as part of WDSS and it is considered the latest proposals will further enhance connectivity between the town and the SDNP as well as improving accessibility for existing residents in and around Castle Goring.

The submitted Noise Assessment models additional noise impacts to those of Phase 1 on the surrounding road network (including Fulbeck Avenue, Titnore Way etc.) with the resulting difference in noise levels below + 1dB considered to be insignificant.

Construction traffic will access the development site from the south via roads in WDSS where residential properties have been completed and are now occupied. Careful consideration will need to be given to measures to protect new residents from dust, dirt and noise as part of a Construction Management Strategy secured as a condition of planning permission.

Drainage Strategy

The site is located in Flood Zone 1 where in terms of flood risk vulnerability and flood zone compatibility, all uses of land including residential use are appropriate.

The submitted Flood Risk Assessment (FRA) identifies that flood risk from all sources has been reviewed for pre and post development conditions and concludes that the proposals will provide an improvement to existing conditions including flood risk.

The principles of SuDS (Sustainable Drainage Systems) have been followed in the design of the proposed surface water strategy with the use of flow balancing methods, comprising swales and a balancing pond with controlled discharge to attenuate surface water run-off, mimicking surface water flows arising from the existing undeveloped site while reducing flood risk to the site and elsewhere, taking climate change into account. The amendment to the Development Plan Framework (July 2017) now proposes a permanently 'wet' attenuation or balancing pond for aesthetic landscape reasons.

By limiting the development rate of run-off for storm events, The FRA states the proposed development would reduce flood risk overall when compared to the existing greenfield rates. For extreme events, the proposed development would intercept any uncontrolled overland flow and direct it into the proposed drainage system. It is concluded that the proposed drainage system would have adequate flood protection for extreme events over the lifetime of the development.

It is proposed that foul drainage will discharge into the WDSS system.

No objection in principle has been raised by the Environment Agency, subject to the imposition of 2 specific conditions, of WSCC as the Lead Local Flood Authority. The Council's Engineer has made a number of detailed comments on the FRA but acknowledges these are 'advisory' on the assumption that the drainage assets will be managed by a private management company (as at WDSS).

Ecology

The site is dominated by improved grassland (used for sheep and horse grazing) which is of negligible ecological importance. The most significant features of 'local importance are the hedgerow and mature tree network, an existing pond (in the south-west corner of the site), and a small area of broadleaved woodland (toward the east of the southern site boundary).

Fauna surveys carried out in 2010 (and up-dated in 2016 for badgers and Great Crested Newts) identify the most significant issue for the development of the site as potential adverse effects on Great Crested Newts (GCN). Surveys have previously identified GCN in the small pond in the south-west site corner but were not found to be present in the 2016 up-date survey. However, a GCN population of 'district importance' exists in nearby off-site ponds to the north of Forest Barn Mews and further west on the edge of Titnore Woods, used for breeding.

GCN and their resting places are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). They are also a Species of Principle Importance (SoPI).

National Planning Policy within the NPPF requires Local Planning Authorities to take measures to protect species or habitats of principal importance from the adverse effects of development, where appropriate using planning conditions or obligations. However, Local Planning Authorities should refuse permission where harm to these species or their habitat would result, unless the need for, and benefits of the development clearly outweigh the harm.

GCN can use terrestrial habitat up to 500m away from their ponds although research indicates that most are found within 250m. The most valuable habitat (and therefore the most sensitive to negative impact) is habitat within 50m of breeding ponds – ‘immediate terrestrial habitat’. Habitat within 50-250m is ‘intermediate habitat’ whilst that between 250-500m is considered ‘distant’. In this case, the submitted Ecology Report identifies that of the total WDNS site, approximately 1.9% is ‘immediate terrestrial habitat’, 51.4% is ‘intermediate’ and 40.2% is ‘distant’. The remaining proportion of site area is more than 500m away from any known breeding pond. No ‘immediate terrestrial habitat’ will be lost as a result of the proposed development, however approximately half of that present on the WDNS site will be ‘damaged’ as a result of works to create the SUDS feature in the south-west site corner. However, this would only be a temporary disturbance with the resulting created habitat (following amendment to comprise a permanently ‘wet’ pond feature) providing a good habitat for GCN once the development is operational. This would result in an enhancement of the quality of ‘immediate terrestrial habitat’ within the WDNS site. The proposals would result in some loss of terrestrial habitat of ‘high value’ to GCN within that part of the WDNS comprising ‘intermediate habitat’ mainly consisting of the loss of limited sections of hedgerow required for site access (from WDSS) and footpaths. The remaining ‘intermediate’ habitat is of ‘low value’ to GCN (comprising improved grassland). Of this 65.5% would be lost to development, with the remaining 34.5% retained or subject to temporary damage or disturbance to allow provision of swales and new native hedgerow, trees, scrub and grassland planting. It is suggested this will provide a much high quality ‘intermediate’ terrestrial habitat for GCN than that existing. It is also proposed, that whilst it would comprise ‘distant terrestrial habitat’, the provision of native tree planting along the earth bund formed along the northern site boundary would also provide good quality habitat for GCN.

The submitted Report concludes that the predicted impact to the GCN population would be at ‘medium’ level on the basis that no breeding ponds would be directly affected, with temporary damage occurring to ‘immediate’ habitat and partial destruction of ‘intermediate habitat’. In planning policy terms this would potentially result in a significant adverse impact to the GCN population of district importance.

The species protection provisions of the Habitats Directive contain 3 ‘derogation tests’ which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which could ham an EPS (European Protected Species). The 3 tests are that:

- The activity to be license must be for imperative reasons of overriding public interest or for public health or safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

Case Law [*R (on the application of Simon Woolly) v Cheshire East Borough Council, 2009*] has established that notwithstanding the licensing regime, the Local Planning Authority must also address its mind to these 3 tests when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

In this case, it is considered the comprehensive strategy described in the submitted Ecology Report provides sufficient comfort that the favourable conservation status of the GCN would be maintained by the development proposals having being designed to retain opportunities for GCN and compensate for the loss of their habitat through the creation of new habitat of optimal value.

Moreover, it can reasonably be argued that housing needs of the town when assessed against objectively assessed need and a housing supply of only 2.4 years constitutes a reason of overriding public interest, with the lack of satisfactory alternatives evidenced by the very few vacant sites or opportunity areas that could deliver significant housing numbers, such that the 3 'derogation' tests are considered to be met.

With regard to the ecology of the site as a whole, the Report concludes that the development has been designed to retain features of highest ecological importance. However, it is acknowledged there is potential for some adverse impact during both construction and operational phases – for example, encroachment by machinery and storage of materials and dust polluting retained habitats, and impacts on both retained and newly created habitats from new residents through trampling, litter etc. The submitted Report describes a mitigation and enhancement strategy to ensure protection of habitats through best practice and use of fencing to minimize impacted to protected and priority species – including translocations, update surveys, timing of works, enhancement and creation of new high quality habitats, provision of new nest/roost sites and appropriate management of habitats in the long term. A Construction Environmental Management Plan (CEMP) and species specific mitigation strategies and Landscape Ecological Management Plan (LEMP) can be secured as a condition of planning permission.

Natural England and the County Ecologist have not raised any objection to this approach subject to the recommended planning conditions being imposed.

Highways and Transport

It is proposed that vehicular access to WDNS will be from Fulbeck Avenue through WDSS in two locations to form a 5.5 metre wide access road loop (other than a narrowing where the new road crosses the north-south PRow). [Planning Committee resolved in 2016 to grant consent for the relevant highway infrastructure within WDSS as part of the Reserved Matters application AWDM//0636/16 although permission has not yet been formally issued as further clarity was sought regarding the potential school access.] Tasman Way will remain as a bus link and Cherwell Road as a pedestrian/cycle/emergency access. There will be no direct access from the A27(T).

Capacity on local roads/junctions

The initially submitted TA identifies there is spare capacity on the local road network (including Fulbeck Avenue, Yeoman Road and Titnore Way) to accommodate the additional vehicular traffic generated by the development.

An assessment of local road junctions identified that the existing simple priority junction at Titnore Way/Titnore Lane would not operation within capacity with resultant queues forming on Titnore Way and Titnore Lane for right-turning traffic. It is therefore proposed to improve the capacity of the junction by means of signalling it. Following discussions with WSCC the design of the signalised junction layout has been amended to include a dedicated right-turn lane for traffic turning into Titnore Way as set out in the Transport Assessment Addendum report (TAA). This is considered to be a significant safety improvement on the existing situation, where all right-turning vehicles into Titnore Way turn in gaps across the opposing traffic lane, and will offer a safety improvement for vehicles turning out of Titnore Way.

The need for possible improvements to the Titnore Lane/Titnore Way junction has formed the subject of some discussion over the years in relation to the West Durrington Strategic Allocation and as part of the Outline permission for 700 houses on WDSS the developer was at that time able to demonstrate that a right turn facility was not required in capacity or safety terms. The sensitivity here relates to the potential loss of ancient woodland on the west side of the Titnore Lane carriageway (now included within the SDNP). The design of the junction layout within the TAA shows the majority of land-take to form the right turn lane would be from the existing highway verge on the east side of the existing carriageway. However, there would be some minor land-take within the highway verge on the west side of Titnore Lane with the road alignment pushed out slightly (maximum 1 metre width) on this side directly opposite Titnore Way, together with an alteration to the radii of the entrance to the unmade track on the west side and re-positioning of the 5-bar gate required for safety reasons.

Modelling indicates that other minor alterations will be required to:

- improve capacity on the Littlehampton Road/Yeoman Road roundabout junction;
- improve safety and operation of the Littlehampton Road/Durrington Lane roundabout junction;
- Improve capacity at The Boulevard/Shafesbury Road/The Strand/Bolsover Road roundabout junction.

Following protracted discussions between WSCC and the Consortium's highway consultants, the highway authority is now largely satisfied with the proposed junction improvements (subject to an agreed 'Departure from Standard' and very minor adjustments to the detailed design of the Titnore Way/Titnore lane signalised junction as part of the S278).

WSCC are already committed to improving the Littlehampton Road/Titnore Lane roundabout junction ('Goring Crossways') by signalisation. As originally submitted, the TA proposed a financial contribution toward these improvements based on the number of dwellings. The Highway Authority has subsequently indicated that this can be secured through CIL (calculated at the Reserved Matters stage).

Mitigation Measures

The submitted TA identifies the proposed development would give rise to an increase in travel demand by *all* main modes of travel. In order to reduce the travel demands and impacts of the proposed development and to ensure that in travel terms it is sustainable, a number of mitigation measures are proposed.

In the first instance, it In order to reduce the travel demands and impacts of the proposed development and to ensure that in travel terms it is sustainable, a number of mitigation measures are proposed.

In the first instance, it is proposal that the As shown on the submitted Illustrative Masterplan, the existing north-south PRoW will link to the dedicated footway/cycleway through WDSS and southward, as well as connecting routes through WDSS to Forest Lane to the west and Cherwell Road to the east.

A pedestrian/cycle audit has identified the scope for potential improvements to routes along Fulbeck Avenue to Goring rail station and along Tasman Way to Durrington High School. Although the TA makes it clear that none of these improvements is required for WDNS to provide direct and safe access to existing connections/network, it sets out a willingness to mitigate the travel impacts of the development in the form a financial contribution toward off-site pedestrian and cyclist improvements. However, there is no commitment to providing a footway/cycle route along Titnore Lane on the basis that this route has only a small chance of being delivered since it relies on the involvement of other third party landowners with no room for provision within public highway land, or land within control of the applicant. WSCC considers the appropriate means of securing contributions toward off-site pedestrian and cycle infrastructure to be via CIL.

Other measures proposed include a financial contribution to improve the existing bus route No.5 (i.e. improvements to frequencies) and associated bus stops. This approach is agreeable in principle to WSCC as an alternative to extending bus services further into the site on the basis that most of the proposed WDNS residents will be located within 400 metres of a bus service (either the No.5 route with bus stops on Adur Avenue or the new bus stop for the 'Pulse' service in WDSS). In consultation with Stagecoach, WSCC is specifically seeking an enhancement to the No.5 evening service to run until 23.00hrs and to enhance the No.5 Sunday service from hourly to half-hourly at a total cost of £325,000 representing 5-years-worth of improvements. The amount of contribution is disputed by the applicant and will be the subject of on-going discussion as part of the S106.

WSCC was initially seeking improvement to 4 bus stops along Adur Avenue but has subsequently accepted the applicant's argument that the two stops in the vicinity of Cherwell Road are most obviously those that will be used by future residents of WDNS and therefore it is only reasonable to seek a financial contribution toward improving these 2 existing stops. This has now been accepted by WSCC with improvements expected to include provision of good quality shelters with real-time passenger information. This contribution will also be secured as part of the S106.

Other Highway Matters

It is anticipated that parking provision in the new development will be provided in accordance with the relevant adopted standards at the time of any forthcoming reserved matters application.

The TA makes clear that although the Illustrative Plan reserves land for a potential landing for a footbridge crossing (on the north-eastern noise attenuation bund), this is merely to show that WDNS would not prejudice any future implementation of a footbridge over the A27. A bridge forms no part of the current outline application.

The TA assesses the impact of construction traffic on the highway network and estimates a worst case scenario of on average 22 two-way HGV movements per day. Whilst acknowledging the impacts are short-term compared to the operational phase of the development, it is proposed to manage these through the implementation of construction management plan agreed with the local and strategic highway authorities to protect the environment, amenity and safety of local residents, businesses and general public in the vicinity of the site, and covering such matters as vehicle routeing, controls over hours of working, and good construction site practices.

The highway objection initially raised by WSCC has been withdrawn, subject to the recommended conditions and terms of the S106.

Air Quality

The Council's Environmental Health Officer (EHO) initially expressed concern that the submitted Air Quality Assessment (Waterman, October 2016) under-estimated the cumulative impacts of the proposed development on air quality. However, the Consortium's Planning Consultant has responded that the traffic flows provided by the project transport consultant include flows for committed developments in the vicinity of the site. Therefore the air quality assessment takes account of the increase in pollutant concentrations as a result of the cumulative developments in the 'without' and 'with' development scenarios. The 'insignificant' impacts identified represent the change as a result of the proposed development. This being the recommended methodology for completing an air quality assessment as detailed in the IAQM and EPUK (2017) Land-Use Planning & Development Control: Planning For Air Quality Guidance. The impacts have therefore not been underestimated

Following discussions with the EHO it is suggested that the £62,263 financial contribution derived from the emissions mitigation calculation could contribute toward the provision of Electric Vehicle (EV) charge points within the development (a combination of 3 or 7kW home charge points in garages/drives and on-street charging bays) which would act an incentive for new residents to switch to low emission vehicles. However, a contribution toward a Car Club in Worthing which is an objective of the Worthing Air Action Plan (2015) would be a matter covered by CIL and not S106. These provisions to the value of the calculated sum will need to be secured through the S106.

Conclusion

The application site comprises 'greenfield' land, but is within the designated Built Up Area Boundary of Worthing. Whilst not included within the strategic allocation for

West Durrington in Policy 1 of the adopted Core Strategy, it is nevertheless referred to in the supporting text as a Potential Future Development Area (PDFA). This acknowledges that the release of the PDFA land would need to be reviewed in the context of prevailing national planning policy should there be a sustained shortfall in the delivery of housing sites on brownfield land.

Current national planning policy within the NPPF identifies a clear presumption in favour of sustainable development and gives strong impetus given to boosting housing supply, requiring local planning authorities to have at least a 5 year housing land supply of deliverable sites assessed in relation to housing requirements. Measured in relation to Objectively Assessed Need (OAN) the Council can only demonstrate a supply of 2.4 years. The release of this site would clearly make a significant contribution toward meeting housing need in the Borough.

The HDA (2015) landscape study of greenfield sites commissioned by the Council in connection with the emerging Local Plan identifies the central and eastern parts of the site ('Zones B and C') as suitable for development from a landscape and visual impact perspective, but concluded that development of the western-most 'wedge' (Zone A) would be likely to have a negative and unacceptable impact on the setting of the National Park and Castle Goring Conservation Area. The outline application has subsequently been amended in response to this to re-position the built-development boundary further eastwards allowing increased open space and planting and creation of a more sympathetic, 'softer' edge to the western part of the site, as well as a reduction in the overall amount of development to 240 dwellings. The South Downs National Park Authority acknowledges this amendment as an improvement in landscape terms, but remains concerned that the mitigations provided by the increased separation distance of built development from the most sensitive northern and western boundaries and additional landscaping proposed will be not be sufficient to protect the setting of the National Park and Castle Goring Conservation Area from harm.

In terms of the impact of the proposals on the historic environment, it is considered that a wider recognition should be given to the role of the existing site in contributing to the rural setting of the historically important Castle Goring estate and Coach and Horses public house/Stanhope Lodge than the rather narrow interpretation set out in the submitted CSA Report. Nevertheless, with the mitigation resulting from the amended proposals it is considered the harm to designated heritage assets would be 'less than substantial' in the context of the NPPF (paragraph 134).

The development would potentially have an adverse impact on an existing population of great crested newts (GCN) of 'district importance, but it is considered this is satisfactorily addressed by the proposed mitigation strategy encompassing a design which seeks to retain opportunities for GCN and compensate for the loss of their habitat through the creation of new habitat of optimal value.

Committee members will remember in determining the recent Reserved Matters applications for WDSS the difficulties encountered in securing the high quality design envisaged by the Design Code accompanying the Outline planning permission largely owing to the broad-brush interpretation given to determining characteristics of the many different 'Character Areas' contained therein, combined with a reliance on standardised house types by the Developer partners, which

officers considered resulted in a dilution of recognisable and distinctive character compared to the high aspirations of the Outline Masterplan. A different approach has been adopted here where the various constraints of the site can be seen to offer clearer opportunities in terms of creating six different character areas corresponding with the most important 'nodes' and routes and the most sensitive inter-faces, each having a well-defined identity. The key characteristics of each area are annotated on a 'Character Area Principles' plan, with some key views illustrated by a series of artist's impressions. Although some of these impressions are a little disappointing and appear to again indicate a reliance on standard house types, it is considered that, for the most part, there is sufficient robustness in the 'Character Area Principles' plan to secure the Consortiums commitment to high quality design subject to an amendment to the Public Footpath and Coach and Horses public house Character Area (CA5) to specifically include bespoke-designed buildings of a traditional rural farmstead character.

There is no highways objection to the access strategy with the proposed development access from Fulbeck Avenue via two connecting streets within WDSS. There is sufficient capacity on the local highway network subject to a number of junction improvements most notably involving the signalisation of the Titnore Lane/Titnore Way junction. A number of mitigation measures are proposed in order to reduce the travel demands and impacts of the proposed development and to ensure that in travel terms it is sustainable.

In conclusion, Officers consider the potentially harmful impacts of the proposed development on: (i) the setting of nearby designated heritage assets, (ii) surrounding landscape and the setting of the National Park and (iii) a protected species (GCN), are outweighed in this case by the clear and considerable public benefit that would result from an appropriately sensitive development of this site to provide up to 240 new dwellings when assessed against the imperative need for housing to serve the town and the chronic lack of alternative large sites that could deliver significant housing numbers on the same scale as this site.

Negotiations are continuing between the Council, WSCC and the applicant regarding what can legitimately be included as S106 contributions and what would be included as part of the overall CIL payment. Clearly any essential infrastructure requirements to bring forward the development and affordable housing requirements will be covered by S106 but other infrastructure issues of a more general nature including some of the off site contributions to cyclepaths, car clubs etc would be covered by CIL. Members will be updated at the meeting on current negotiations.

Recommendation

That Outline planning permission is granted subject to the prior completion of a S106 agreement (Heads of Terms yet to be agreed) and the following conditions:

Subject to Conditions:-

1. Prior to the commencement of the development hereby approved, a Phasing Plan identifying all phases of development (the Development Parcels) shall be submitted to and approved in writing by the Local Planning Authority. All works

within an approved Development Parcel shall be carried out and completed in accordance with the Phasing Plan unless otherwise agreed with the Local Planning Authority.

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") within each Development Parcel shall be submitted to and approved in writing by the local planning authority before any development takes place in a Development Parcel and this shall be carried out as approved.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

4. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

5. The development hereby approved shall be carried out in accordance with the following approved plans:

- Red Line Application Plan W478/20
- 'Site Access from Southern Sector' W478/21 Rev A.

6. The development shall comprise no more than 240 dwellings and the details to be submitted in accordance with condition no. 2 above shall be broadly in accordance with the following:

- Development Framework Plan, CSA/2566/134RevD
- Illustrative Masterplan, CSA/2566/146RevE
- Character Area Principles, CSA/2566/149RevG
- Illustrative Landscape Strategy, CSA/2566/110RevD
- Addendum to Design and Access Statement (Part 2 Nov 2017)

Notwithstanding the annotation shown on the Character Area Principles, CSA/2566/149 Rev G, the 'Key Characteristics' of Character Area 5 (Public Footpath Link/Coach and Horse Boundary) shall include some bespoke-designed buildings of traditional rural form, style, detailing and external finishes in key junctions and inter-faces.

7. No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs (including windows and doors) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

8. Development shall not commence until full details of the proposed surface water drainage scheme, including maintenance and management, and demonstrating no surface water shall run-off from the development onto the A27 Trunk Road, or into any drainage system connected to the A27 Trunk Road, have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the agreed details and the system shall be maintained in accordance with details of the scheme in perpetuity.

9. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. The scheme should include:

- Details of the pollution prevention measures to be incorporated into the system;
- The inspection, maintenance and monitoring procedures and arrangements; and
- An investigation into the location of solution features which may act as pathways for pollutants to reach groundwater rapidly.

The scheme shall be implemented as approved.

10. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No dwelling shall be occupied unless and until works for the disposal of sewage have been fully implemented in accordance with the approved details and timetable.

11. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

12. Prior to the commencement of development the developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public groundwater resource should any piling work be considered in connection with the development. Thereafter the development shall only be carried out in accordance with such measures as have been agreed in writing by the local planning authority in consultation with Southern Water.

13. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

(1) a site investigation scheme, based on the Recommendations contained within Section 6.0 of the submitted Preliminary Environmental and Geotechnical Assessment by Water (Ref: EED15153-100-R-1-1-2-GH Dated January 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

14. No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development.

15. No development including site works of any description shall take place within any development parcel or other area unless and until all the existing trees, bushes and hedgerow to be retained on the relevant development parcel or other area have been protected by fencing in accordance with details which shall be approved in writing by the local planning authority. The fence as agreed shall be erected around each tree (or group of vegetation) at the edge of the root protection area (or such distance as may be agreed in writing by the local planning authority). Within the area so fenced, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left un-severed.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings within that Development Parcel or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17. A minimum width of 3 metres of landscaping shall be provided along the boundaries as specifically marked on the Illustrative Masterplan,

CSA/2566/146RevE Details of this landscaping shall form part of, and be in accordance with, the requirements of Conditions 12 and 13.

18. No development shall commence until there has been submitted to and approved in writing by the local planning authority a Development Parcel scheme for the noise barrier. The scheme shall include indications of all existing trees and hedgerows on and abutting the land, identify those to be retained, and set out measures for their protection throughout the course of development. The scheme shall include proposed landscaping of the bund and this landscaping shall form part of, and be in accordance with, the requirements of Conditions 12 and 13 other than that a specific scheme for the timing of the completion of the barrier relative to housing completions and occupations shall be submitted to and approved in writing by the local planning authority. The scheme will show a proposed landing area within the site for a possible future bridge to cross the A27. Once approved, the land shall thereafter be reserved for that purpose. The noise barrier shall be permanently retained.

19. No works to develop the noise barrier (comprising fence & bund) shall commence until a Key State 2 Preliminary Assessment including Preliminary Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, Part 2 HD22/08 has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England,

20. No works to develop the noise barrier (comprising fence and bund) shall commence until Key Stage 3 Geotechnical Design and Construction Certification undertaken in line with Design Manual for Roads and Bridges volume 4, section 1, part 2 HD 22/08 has been submitted to and approved in writing by the Local Plan Authority in consultation with Highways England. The noise barrier (comprising fence and bund) shall be constructed in accordance with such approval and shall thereafter be maintained in good order in perpetuity.

21. No works to any noise attenuation fencing that may form part of the noise barrier shall commence until a design in accordance with the guidance in the Design Manual for Roads and Bridges volume 10, section 5, parts 1 HA 66/94 and 66/95 has been submitted to and approved in writing by the Local Plan Authority in consultation with Highways England. Any attenuation fencing shall be constructed in accordance with such approval and retained thereafter.

22. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England and the West Sussex County Council. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details of the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- provisions to control and manage construction traffic;
- the method of access and routing of vehicles during construction;
- measures to prevent dust and debris from being blown or deposited onto the A27 during the construction period;

- suppression of dust and dirt for surrounding residential properties during construction period;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- A S58 Agreement is daily HGV traffic exceeds 20 movements per day.

23. No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.00 and 13.00 on Saturdays and not at any time on Sundays or Public Holidays.

24. No development shall take place until a Mitigation and Enhancement Strategy as indicated within the Update Ecological Assessment dated 1 November 2016 has been submitted to and approved in writing by the Local Planning Authority and this strategy shall in particular include:

- A Construction Environmental Management Plan (CEMP), to set out measures to protect retained features and habitats of importance including through appropriate fencing and site best practice to avoid pollution from run-off;
- The design of a detailed mitigation strategy for Great Crested Newts;
- A mitigation strategy to avoid impacts to badgers, bats, nesting birds, invertebrates and reptiles, to include a lighting design specification and new nest site/habitat creation;
- Appropriate landscape design to deliver ecological enhancements; and
- A Landscape and Ecological Management Plan to maximise the biodiversity potential of retained and new habitats to include a programme of monitoring and measures for the appropriate management of habitats in the long-term.

The development shall only be carried out in accordance with measures set out in the Mitigation and Enhancement Strategy as has been agreed.

25. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the developer and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

26. The development hereby approved shall not be first occupied until the spine/main/loop road serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

27. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced

and drained in accordance with the phasing, plans and details as approved by the Local Planning Authority.

28. No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for all Public Rights of Way within it have been submitted to and approved in writing by the Local Planning Authority in consultation with WSCC as the Highway Authority. Thereafter the development shall be carried out in accordance with the agreed details and specifications.

29. The existing public rights of way across the site shall remain undisturbed unless they have legally stopped up or diverted. The alignment of any public rights of way shall be protected by being clearly demarcated and fenced in accordance with details to be submitted to and agreed in writing throughout the course of the construction phases.

30. No part of the development shall be first occupied until such time as plans have been provided generally in accordance with drawing number CSA/2566/128 showing a proposed landing area within the site for a possible future foot/cycle bridge to cross the A27. Once approved, the land shall thereafter be retained for that purpose.

31. No part of the development hereby permitted shall be provided with vehicular access (either temporarily or permanently) from or to the A27 Trunk Road.

32. No street lighting shall be erected or installed without the prior approval in writing by the Local Planning Authority of a street lighting scheme. Thereafter the street lighting shall be provided in accordance with the approved scheme.

33. No dwelling shall be first occupied until the car parking for that dwelling has been provided in accordance with plans and details to be submitted to and approved by the local planning authority. The approved spaces shall thereafter be retained at all times for their designated purpose.

34. No dwelling shall be first occupied until secure cycle parking spaces for that dwelling have been provided in accordance with plans and details to be submitted to and approved by the local planning authority. The approved spaces shall thereafter be retained at all times for their designated purpose.

35. No dwelling shall be first occupied until the approved Residential Travel Plan is implemented as specified within the approved Travel Plan document (October 2016). The Travel Plan shall thereafter be monitored and revised as specified within the approved document.

36. No part of the development shall be first occupied until provision has been made within the site in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with WSCC as Highway Authority to prevent surface water draining onto the public highway.

37. No dwelling within a Development Parcel shall be first occupied until refuse storage / recycling provision for that dwelling have been provided in accordance

with plans and details to be submitted to and approved by the local planning authority. The refuse storage / recycling provision shall thereafter be retained at all times for their designated purposes.

38. The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014 and WHO, 1999. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwellings is occupied. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from excessive noise (with reference to BS 8233:2014 and WHO,1999).

39. No development shall commenced unless and until a scheme for attenuating all external fixed plant has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of -10dB. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of first occupation of the development and the results submitted in writing to the Local Planning Authority.

40. No dwelling shall be occupied until details of all boundary walls and/or screen fences have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until such walls and/or fences as may be agreed have been erected and shall thereafter be retained.

6th December 2017

Application Number: AWDM/0209/17

Recommendation – APPROVE

Site: Imperial China, Wordsworth Road, Worthing, BN11 3NH

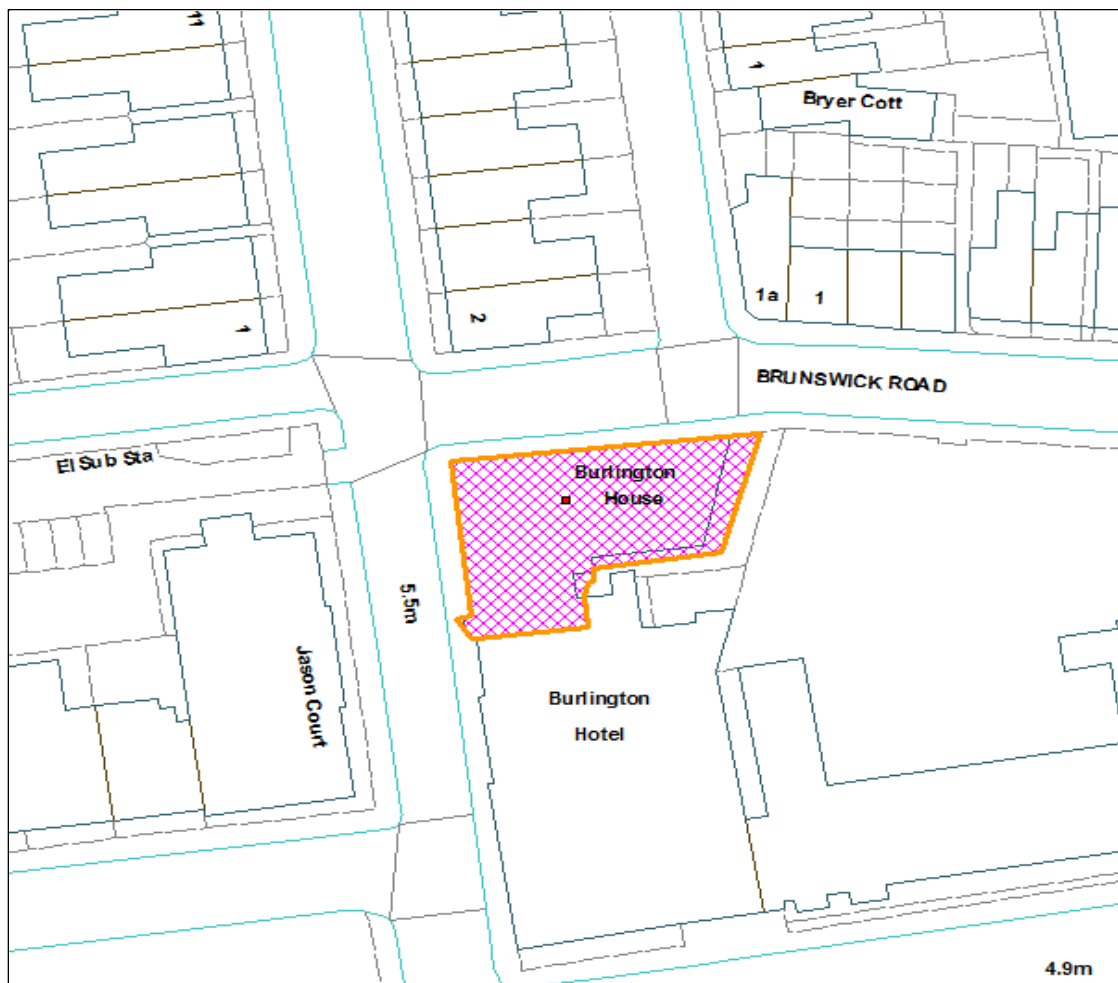
Proposal: Proposed 1.6m rising to 1.8m high rendered wall and timber fence on east boundary and 1.8m high wrought iron railings and gates on the south boundary.

Applicant: John Ip

Ward: Heene

Case: Eve Hearsey

Officer:



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Proposal, Site and Surroundings

The application seeks planning permission to erect a boundary by way of part rendered wall and part wrought iron railings to the side of the Imperial China Restaurant, and its neighbour Burlington Hotel.

The wall section will measure approx. 12.1 metres in length with the first 6.1metres (closest to Brunswick Road) being 1.6metres high and the second section being 1.8metres high. The length of the railings will be at an angle from the wall and be approx. 10.6 metres in length and 1.8metres high. The end section of the railings will see a small 90° turn to the building with a 300mm length of railings

There will be a timber gate at the entrance to the enclosure; a railing gate within the rear part of the rendered wall; and a further railing gate within the wrought iron railing section.

The site is the 2 storey Imperial China Restaurant situated on the corner of Wordsworth Road and Brunswick Road and directly abuts the Burlington Hotel to the south. Both are Listed Buildings and are located within the Marine Parade and Hinterland Conservation Area. The boundary will be sited within the shared yard area of the Imperial China restaurant and the Burlington Hotel, off Brunswick Road.

The locality comprises predominantly two and three storey residential properties

Consultations

Conservation Area Advisory Committee:

Agreed – Improved scheme from the previous timber fence. Wall screens unsightly debris from the restaurant and the proposed vertical metal spear top railings are less obtrusive. *(CAAC had objected to the scheme as originally submitted)*

Representations

Objection from owners of neighbouring Burlington Hotel:

- As building owners of the neighbouring property being the Burlington hotel we object on the principal grounds that the application proposed is within our curtilage and would constitute unlawful development
- The southern elevation in particular is a fire escape route that has already undergone narrowing by way of the fire escape installed as part of a recent development above the restaurant
- May be a boundary issue and would welcome a site visit to establish the boundary using a detailed land registry drawing
- Sections of the land fall within our ownership and the proposal would constitute unlawful trespass
- The rear entrance portico of the Burlington Hotel is considered of architectural historic merit by English Heritage

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
Worthing Local Plan (WBC 2003) (saved policies): BE1

Relevant Legislation

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

The Committee should consider the application in accordance with Sections 16 and 66 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Planning Assessment

The NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Visual amenity

The Imperial China restaurant and the contiguous Burlington Hotel are Grade II Listed and are within the Marine Parade and Hinterland Conservation Area.

The land to which this application relates is off Brunswick Road which runs east to west and is parallel with the main A259 road Marine Parade. New development in the form of flats at 'Beach Residences' have relatively recently been undertaken to the east of the application site.

The yard area of the property is a concreted back area relating to both the Burlington Hotel and the Imperial China Restaurant. It currently houses skips; an old portacabin structure; materials; cooking oil; buckets containing cigarette butts etc. In principle, it is considered that if the area were to be screened in some form it would contribute to the visual amenities of the area.

However, although this application does seek to install some boundary treatment, it will result in a separation of yard land, namely the Imperial China Restaurant, and the other being the land relating to the Burlington Hotel.

During the course of the application, it would appear that the land ownership is in dispute (having regard to the objection from the Burlington Hotel). The applicant has

signed a certificate 'A' stating he has ownership of land within the red edge on the site plan of the application although this is disputed by the Hotel. Ultimately, this is a civil, not planning, matter.

The application has been amended from its original submission, and now puts forward a rendered wall to a height of approx. 1.6metres for some 6.1metres then rising to approx. 1.8metres for some 6metres. The wall will run parallel to the side of the building at a distance of approx. 1metres at its outside edge.

The boundary will then turn in order to maintain its run next to the building, but at a wider distance of approx. 1.5metres. This new stretch will be cast iron railings to a height of approx. 1.8metres and its run will be some 10.6 metres.

There will be a timber gate at the site entrance at Brunswick Road, and 2no. cast iron railing gates within the boundary, one within the rendered wall section and the second within the cast iron railing section.

The rendered wall will be painted in the same colour as the walls of Imperial China restaurant, and the railings will be painted black. A condition on any approval will maintain this situation.

The wall and the railings are considered to be in keeping with the character and appearance of the Listed Building and will not result in harm to the character of the Conservation Area.

Residential Amenity

Opposite the site and along the road from the site, are residential properties, who currently have to experience the continuing untidy nature of the site. This application will screen some of the items that are currently next to the restaurant, including their bins, which will be of a visual benefit to the residential amenities of the area.

Recommendation

APPROVE for the reason:-

Subject to Conditions:-

1. Approved plans
2. Standard 3 year time limit
3. The rendered wall shall be painted in the same colour as the existing building, and shall be maintained in that link in perpetuity
4. The railings shall be painted black and shall remain in that colour unless or until permission is gained from the LPA on an application in that behalf

6th December 2017

Application Number: AWDM/0751/17 Recommendation – APPROVE

Site: Marina Guest House, 191 Brighton Road, Worthing

Proposal: Retrospective application for change of use of the existing property (C1) to home for unaccompanied minors (sui generis)

Applicant: Amanda Sandyman
Case: Gary Peck
Officer:

Ward: Selden



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Proposal, Site and Surroundings

This application seeks retrospective permission for a change of use of the existing Victorian style property, containing 8 bedrooms, to a home for unaccompanied

minors. Each resident has their own bedroom and share communal facilities. The site is staffed at all times by support workers to assist with independence and language skills. It is understood that the minimum age of the occupants is 16.

The application site sits within a terraced row of buildings in mixed uses, primarily residential or tourist related, on the northern side of Brighton Road, between Navarino Road and Windsor Road.

Relevant Planning History

The approved planning use of the building is as guest house. There have been no recent planning applications of relevance but in May of this year, prior to the current occupation, of the building, an enforcement investigation commenced following a complaint that the building was not being used as a guest house. The building was subsequently purchased by the current occupier who commenced the use which is the subject of this planning application.

Consultations

West Sussex County Council Highways: no objection

Environmental Health (contamination): no comments

Environmental Health (Private Sector Housing):

An application form for the property to be licensed as an HMO has been submitted.

The room located on the first floor, 3rd from the back (these rooms are not numbered) appears small and may be within the 6.5sq.m useable floor area that is set out in the Housing Act 1985 as the minimum room size. A room smaller than 6.5sq.m is not considered suitable for use for a person 10 years of age or older. For information, a room of 6.5sq.m is only considered acceptable where there is a separate living area in the property.

The provision of washing facilities and WCs shown is adequate for the proposed number of occupants.

The provision of cooking facilities is not shown in the plans, nor is it mentioned in the Planning Statement. The statement advises that residents will be supported in cooking, and I take this to mean that meals will be prepared separately by residents with support of staff as necessary. The provision of cooking facilities needs to accommodate the number of occupants. The guideline requirements are set out in the Sussex Standards for Houses in Multiple Occupation document that can be found on the Council's website here: <https://www.adur-worthing.gov.uk/housing/conditions-and-empty-properties/hmo/#what-are-the-requirements> Any deviation from this may result in an increased risk to health from food borne illness or injuries sustained whilst cooking.

I acknowledge that the following matter is not one that can be put forward as a Planning constraint, nor is it enforced by Building Regulations, however I request that this be sent on to the applicant for their information as it may be a matter

enforced by the Private Sector Housing team (Environmental Health). This will be picked up in any licence inspection made by this team.

No mention is made of the heating provision within the building.

Heating must be fixed and must be effective, efficient and economical and must be suitable and sufficient for the property. It should be possible to heat each habitable room to 19°C when the outside temperature is -1°C. Heating must be fully controllable for the occupants. Assuming that the tenants will be liable for the cost of heating, for an existing building this will only be achievable by installing either:

- Gas-fired central heating with radiators to each of the bedrooms, living rooms, hallways and bathrooms; or
- High Heat Retention Storage Heaters (HHRSH) in each of the bedrooms, living rooms and hallways with a 2kW wall mounted heater in the bathrooms on a tariff that utilises an off-peak supply. There would need to be a dual rate compatible meter in place in each flat; or
- Modern slim line combi-storage heaters in each of the bedrooms, living rooms and hallways with a 2kW wall mounted heater in the bathrooms on a tariff that utilises an off-peak supply. There would need to be a dual rate compatible meter in place in each flat.

NB. The provision of heating to the communal areas will reduce the heating output required within the individual rooms.

I trust that the above information is clear, however please do not hesitate to contact me should you wish to discuss this matter further. The Private Sector Housing team will be inspecting the property in due course in connection with the licence application. I would therefore request that you keep me informed of any relevant planning decisions.

Agent response:

I note your comments regarding not all of the remarks from the Environmental Health team being planning matters but thought it would be useful nonetheless to answer as many queries as I can which I would be grateful if you could pass onto them to assist with the HMO application

In terms of the bedroom referred the occupier of this room has access to the communal living area on the ground floor.

1. Kitchen Facilities – these can be seen on site.
2. Heating Facilities – the property has central heating.

No further comments from Environmental Health

Head of Place & Investment

I am not supportive of the loss of visitor accommodation where there has been no attempt to sell the business as a going concern and/or evidence provided to demonstrate that the premises are no longer viable. Whilst I appreciate that the business is no longer in operation and it may prove problematic to secure such

evidence retrospectively, there is the risk that without challenge this sets a precedent which may cause problems in the future.

Agent response:

Having reviewed the comments and also investigated the previous use of the building further we have a number of comments to add. Firstly, the objection of the Head of Place & Investment does not seem to be on a statistical basis in regards to the demand for visitor accommodation in the area. Having spoken to the Place & Investment team on the phone we understand they do not hold information about occupancy rates of visitor accommodation which would enable them to establish current demand for visitor accommodation in the area. In terms of the issue of precedence as you are no doubt aware each planning application has to be considered on its own merits and we would suggest that the specific nature of the use proposed in this instance will mean that the same justifications are unlikely to be able to be applied on other applications.

From a planning policy perspective we note that the policy that seeks to protect visitor accommodation is from a pre-NPPF plan. Consideration therefore has to be given as to how much weight to give this policy in the overall planning balance. In this light we would draw your attention to paragraph 50 of the NPPF which requires LPA's to deliver a wide choice of high quality homes. In this regard we consider that the use of this property for C3(b) purposes will contribute to this aim. Overall we consider that the benefits of providing the proposed service for the individuals in question should be given significant weight in the planning balance.

As highlighted within our submissions it is our understanding the property was last use for long-term lettings and so was not contributing to the general mix of visitor accommodation. Having spoken to the estate agents who dealt with the sale they have confirmed that prior to being put on the market a number of rooms in the property were leased on long-term lettings to construction workers who were working on sites in the area. Furthermore they confirmed that the business was not operating at full capacity prior to being put on the market. I am currently trying to get this in writing from the estate agents for you. Alternatively I can give you the contact details for the estate agents if you wish to talk to them directly.

Finally, we would reiterate the fact that the service being provided by P A Ark enable WSCC to fulfil their statutory duties which we also consider should be a significant consideration in this application.

I have managed to ascertain the following information from the estate agent:

- At the time of the property being put on the market the property had low occupancy with only 2 rooms being let out on a regular basis. Furthermore the rooms were not being let out to tourists.
- The property was on the market in excess of 3 months before being put under offer, furthermore it was advertised for use as a guesthouse as well as suitable for other uses.

Representations:

None received

Relevant Planning Policies:

Worthing Core Strategy (WBC 2011): 5, 7, 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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

Planning Assessment

The main issues in the determination of the application are whether the loss of visitor accommodation is acceptable having regard to the current use of the building.

Policy 5 of the Core Strategy states:

The existing stock of visitor accommodation will be safeguarded unless:

It is demonstrated that the loss of some bed spaces is the only way of improving the standard of the existing accommodation

Having undertaken an assessment of viability it is accepted that the current use is non-viable. If this is the case, alternative tourist / leisure / visitor uses would need to be considered before a non-tourism related use would be accepted

Alternative uses will be considered on the basis of whether they enhance the role of the visitor / tourist economy and vitality of the seafront and town centre area

Further guidance is contained within the Sustainable Economy Supplementary Planning Document:

The two key tests for determining applications involving the potential loss of visitor accommodation are (1) Proof of marketing for sale and (2) Evidence of non-viability.

3.12 Applicants will need to demonstrate that there have been realistic attempts to sell the business over a reasonable period of time:

The business should normally have been marketed for sale as a going concern for a minimum period of 2 years in a strong market and 3 years in a downturned market. In exceptional circumstances a shorter marketing period may be acceptable if justification for this can be given and then accepted by the Council.

Details of the agents used will be required. Reputable local or specialist hotel property and or/business sales agents will need to be used.

Evidence will be needed that a variety of marketing mediums have been used such as brochures, advertisements in relevant publications, and web-sites etc.

Marketing at a realistic asking price taking account of current trading performance and condition. This could be determined through monitoring of local hotel and guesthouse sales and /or through an independent valuation /independent advice from specialist hotel and guesthouse property agents. There may be circumstances where it is necessary for the Council to commission such a valuation and require the costs to be met by the applicants.

In addition, evidence will be required indicating records of response, interest shown and offers received with reason as to why potential purchasers did not pursue the sale or why offers were rejected. The Council reserve the right to contact any person listed on the record of response should the need arise.

From the information contained in the preceding sections, it can be seen that the loss of the visitor accommodation is contrary to policy unless there is sufficient justification in respect of marketing and viability. In this instance, the limited information submitted would not be sufficient to comply with the policy.

However, it does appear that the premises had not been used as a guest house for a period of time prior to the current purchase and occupation of the property and an enforcement investigation had commenced earlier this year to ascertain the then use of the premises which ceased in any case when the property was purchased by the applicant.

It is also noted that the provision of the home is at the request of West Sussex County Council (a supporting letter was submitted with the application) and a similar premises is already in operation at Chesterfield Road, close to Durrington station. The County Council stated that the provision of the home is important to meet the statutory obligations to house unaccompanied minors and that such premises are suitably equipped.

The County Council also state that they have been 'very satisfied' by the service provided by the applicant with the property being well maintained and any concerns quickly addressed. It is further stated that the County Council would '*be very concerned if there was any decision in respect of the property that would mean that the children and young people had to move from the current provision, where they are well settled*'.

In light of the background of the premises where the tourist use had seemingly ceased some time ago, your officers feel that there is justification for the current use to continue with a condition restricting the use of the building as precisely set out in the supporting statement only. As a sui generis use, further changes of use could not occur without planning permission in any case.

The use does perform a valuable community service and therefore would not, in itself, set a precedent for the loss of other hotels and guest houses in and adjacent to the town centre. The lack of any representations demonstrate that the use has been well managed without causing any nuisance to neighbouring properties.

On balance, therefore, it is recommended that the application be permitted

Recommendation

To GRANT permission

Subject to Conditions:-

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a home for unaccompanied minors as set out in the Supporting Statement dated May 2017 and for no other purpose unless otherwise agreed by way of an application to the Local Planning Authority.

6th December 2017

Application Number: AWDM/1643/17

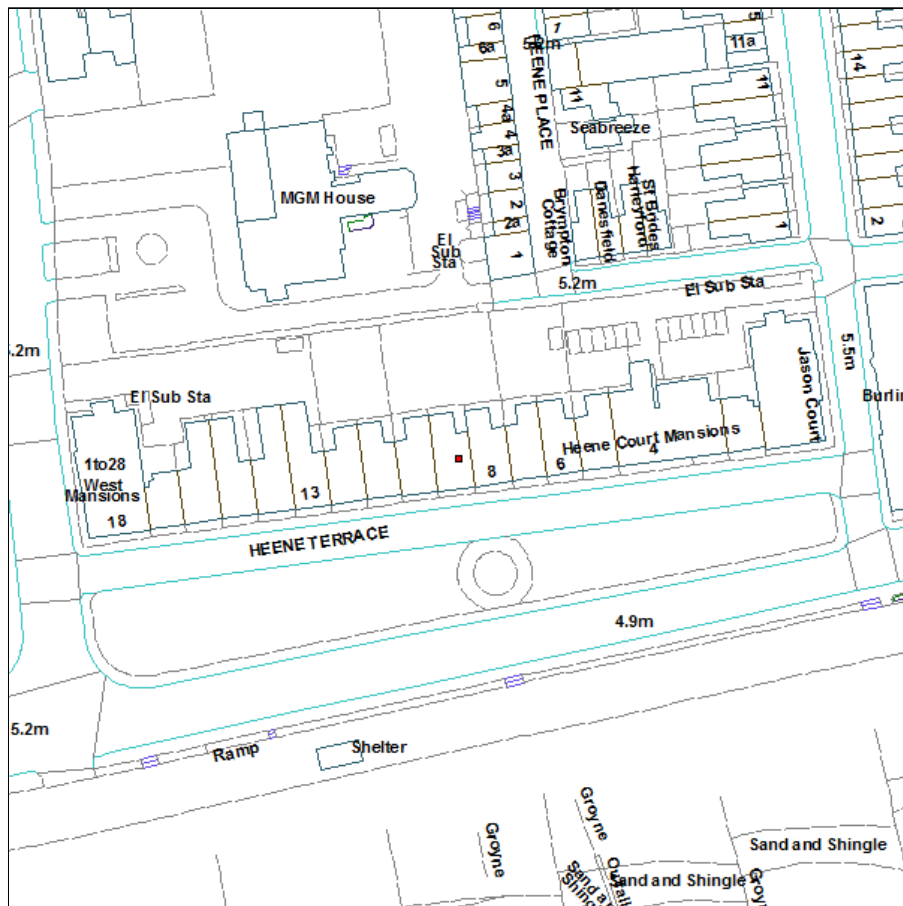
Recommendation – DELEGATE
for approval subject to there
being no further comments
received by the expiry of the
public consultation period on
12 December

Site: Flat 1, 9 Heene Terrace, Worthing

Proposal: Listed Building Consent for removal of unauthorised internal
partition wall and cupboards and installation of bespoke
freestanding cupboard with glazed partition above and
oak-framed door between hall and bedroom.

Applicant: Mr Alex Bailey
Case: Gary Peck
Officer:

Ward: Heene



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Proposal, Site and Surroundings

This application seeks listed building consent for the removal of an unauthorised internal partition wall and cupboards installed by a previous owner of the property and the installation of a bespoke freestanding cupboard with glazed partition above and oak-framed door between hall and bedroom.

The application site comprises a first floor flat, located centrally within the Grade II listed Heene Terrace. The terrace is clearly visible from the seafront and is set back from Marine Parade with a grassed area in between.

Relevant Planning History

In 2016, it was brought to the attention of the Council that a stud wall had been constructed within the property without listed building consent.

A listed building consent application for retention of installation of internal stud wall with cupboards, boiler flue to rear (north) elevation and relocation of kitchen (retrospective) was withdrawn in 2016 (AWDM/0687/16).

An amended listed building consent application (AWDM/1251/16) for internal alterations including partition wall with glazed section above in rear bedroom following removal of unauthorised works, and retention of relocation of kitchen to living room to provide second bedroom in original kitchen and installation of boiler flue to rear (north) elevation (part retrospective and part remedial and re-submission of AWDM/0687/16) was subsequently approved.

Both of the above applications were submitted by the previous owner. The current applicant purchased the flat in the knowledge that the works needed to be carried out, but having reviewed the 2016 consent, considered that a further revised scheme would be preferable.

Consultations

The **Conservation Architect** raises no objection.

Any further comments will be reported at the meeting

Representations

None received at the time of writing, any comments received prior to the Committee will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policy 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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

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

Planning Assessment

The main issue in the determination of the application is the effect of the proposal upon the Grade II listed building.

The previous owner of the property sought to alter the accommodation by providing a direct link to the bathroom and turn the present kitchen into a further bedroom. The works were carried out, without listed building consent, by means of a back to back cupboard housing storage and washing machine.

An application to retain this arrangement (AWDM/0687/16) was withdrawn after feedback from your officers indicated a likely refusal. Discussions with the previous property owner led to a revised application (AWDM/1251/16) being submitted that sought to retain the arrangement for the front room but remove the back-to-back cupboards in the rear room in favour of a stud partition with glazed upper part which would allow the original plan form of the building to be more apparent. This application was granted listed building consent, albeit it was an 'on balance' recommendation for approval.

The new owner and current applicant proceeded with the purchase of the flat in the knowledge that the works granted listed building consent needed to be carried out. (The previous permission required the works to be carried out within 6 months of the date of the decision and therefore the works should have been carried out by April of this year).

The new owner, since living in the flat, indicated that the additional storage would still be required but wished to seek an alternative solution. In light of the 'on balance' recommendation granted previously, your officers considered that a revised application may lead to a more favourable solution than was previously the case.

A meeting was subsequently held with the Conservation Architect which led to the following solution as set out in the Supporting Statement submitted with the application:

It was agreed that a more 'freestanding pod' insertion could be considered acceptable (a similar approach was used for some of the sub-division of the Mayfair Hotel recently).

This could be a contemporary structure and would provide glazing above to allow a sight line from the hall into the corniced ceiling, showing the full extent of the historic plan form. It was agreed that this could be larger than standard door height to both work with the high ceilings and allow storage over, but not the full height cupboards as presently built.

This has been developed as an oak veneered unit (Figs 9 + 10 overleaf), cleanly detailed and with a shadow gap to the flooring. It would house the washing machine and general storage accessed from the hall side and a wardrobe with storage over to the bedroom. A frame less glass partition separates the room off above the unit. The door would be replaced by an oak framed item, opening to the hall side to free internal space within the room.

The unit has been sized at 2.2m overall, slightly lower than the opening from the front room into the hall but taller than a standard door to provide better proportions within the generous ceiling heights to the property.

The Conservation Architect has indicated that the submitted application accurately reflects the previous discussions and leads to a solution that will preserve the integrity of the listed building more effectively than the previous approval. It is therefore considered that listed building consent should be granted with a requirement that the works are completed within 6 months of the date of the permission.

Recommendation

To GRANT listed building consent

Subject to Conditions:-

1. Approved Plans
2. The works hereby granted Listed Building Consent shall be carried out in strict conformity with the details shown on the approved plans and in the application documentation [or contained in any approved amending documents] within 6 months of the date of this consent and shall be retained thereafter.

Reason: *To preserve the special character of the building*

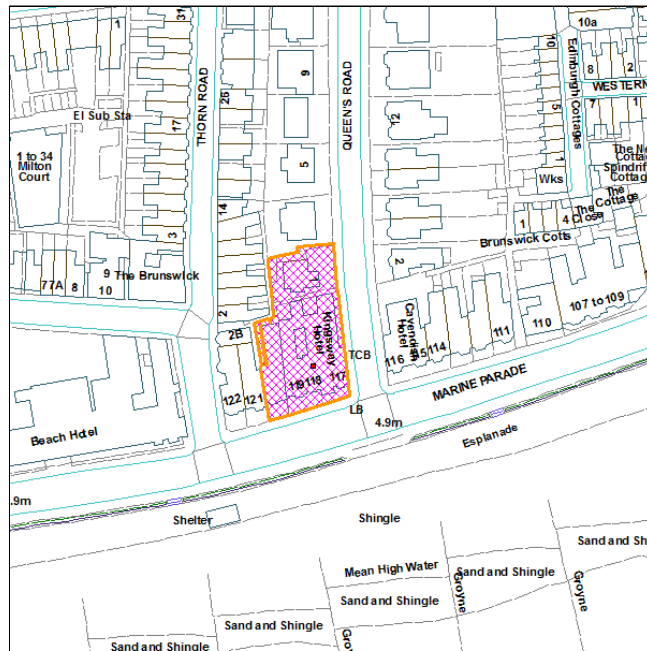
8th December 2017

Application Number: AWDM/0764/17 Recommendation – APPROVE

Site: Kingsway Hotel, 117 - 119 Marine Parade, 120 Marine Parade & 1 Queens Road, Worthing

Proposal: Redevelopment and partial conversion of The (former) Kingsway Hotel and No.120 Marine Parade including the retention of the main facades facing Marine Parade, the erection of a two, three and four storey development at the rear and roof extension to provide 1 no. one-bedroom apartment, 8 no. two-bedroom apartments, 4 no. three-bedroom apartments and 1 no. four-bedroom apartment and the demolition of the annexe at No. 1 Queens Road and erection of a two/three storey building to provide 1 no. two-bedroom dwellinghouse and 1 no. three-bedroom dwellinghouse. Nine parking spaces and cycle parking to the rear.

Applicant: 120 Marine Parade Limited Ward: Heene
Case Officer: Gary Peck



Not to Scale

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Current Situation

This application was deferred at the September meeting of the Committee for further information to be submitted regarding the viability of the scheme, with particular regard to the provision of affordable housing. A copy of the previous report is appended.

Shortly after the previous meeting, the applicant's agent submitted a Confidential Viability Assessment which indicated a developer profit of just over 16%. It was also stated that 'in recognition of the requests made at Planning Committee, there is also an offer of an additional £50,000 contribution towards affordable housing provision in Worthing which would further reduce the developer profit to just below 15.5%.

The submitted information was assessed independently by Gleeds Cost Management Ltd.

The independent assessment concluded that even with the Vacant Building Credit applied, and with adjustments made for Gleeds own calculations on the information submitted by the agent, the level of profit would be lower than expected for a development of this type and would be between 14.3 and 15.6%. If the full affordable housing contribution was paid then the expected profit level would fall below 10% which *would 'be significantly lower than a developer would expect for a project of this type'*.

Indeed, if all of Gleeds' adjustments were made to the submitted information, then the profit level would fall still further *'and could make the project unviable'*

Planning Assessment

Members expressed concern at the previous meeting regarding the application of Vacant Building Credit (VBC), which is a concern shared by your Officers, and further work is now being carried out by the Planning Policy team. A briefing paper was being prepared for the Local Plan Working Group at the time of writing this report and a further report will be presented to Planning Committee early in the New Year considering whether the Council should accept the application of Vacant Building Credit prior to the Executive Member considering the matter.

It is important to emphasise that the application of VBC or otherwise by the Council is not affected by the determination of this application since it would always be open for an applicant to demonstrate a viability case should the application of VBC potentially render a development unviable. In this case, it appears that the application of VBC would indeed render the development unviable with the Gleeds report suggesting, if anything, that the figures suggested by the applicant over-estimate the profitability of the development. To that end, the offer of a further £50,000 towards affordable housing by the applicant is welcomed and accordingly it is considered that the application can be recommended for approval.

A copy of the applicant's viability report and assessment by the Council's Consultants, Gleeds, is attached to the Agenda as a Confidential item.

Recommendation

To GRANT permission subject to the conditions outlined in the previous report (appended) and subject to a legal agreement securing an affordable housing contribution of £71,831.80

APPENDIX A – REPORT TO COMMITTEE SEPTEMBER 2017

Application Number: AWDM/0764/17

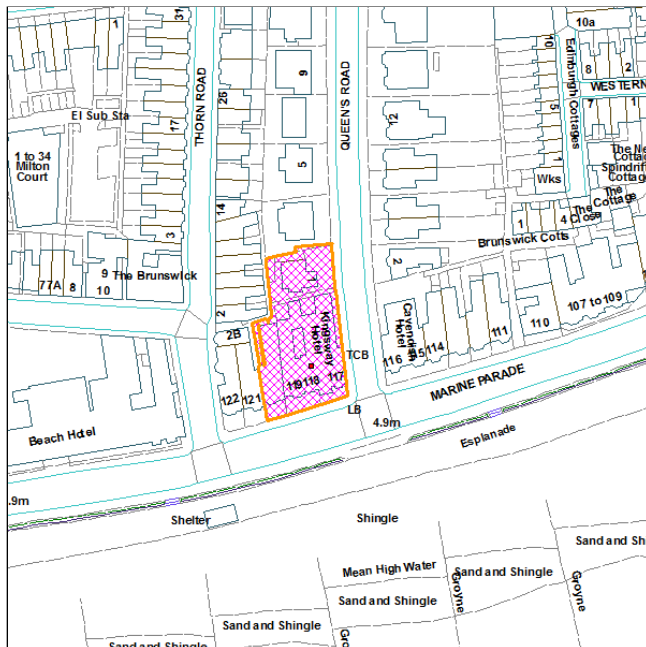
**Recommendation – APPROVE
subject to the completion of a
legal agreement**

**Site: Kingsway Hotel, 117 - 119 Marine Parade, 120 Marine Parade
& 1 Queens Road, Worthing**

**Proposal: Redevelopment and partial conversion of The (former)
Kingsway Hotel and No.120 Marine Parade including the
retention of the main facades facing Marine Parade, the
erection of a two, three and four storey development at the
rear and roof extension to provide 1 no. one-bedroom
apartment, 8 no. two-bedroom apartments, 4 no.
three-bedroom apartments and 1 no. four-bedroom
apartment and the demolition of the annexe at No. 1 Queens
Road and erection of a two/three storey building to provide 1
no. two-bedroom dwellinghouse and 1 no. three-bedroom
dwellinghouse. Nine parking spaces and cycle parking to the
rear.**

**Applicant: 120 Marine Parade Limited
Case Gary Peck
Officer:**

Ward: Heene



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Proposal

This application seeks consolidation and amendment to previous separate planning permissions at adjoining sites.

The application site consists of the now closed Kingsway Hotel and its associated building to the rear 1 Queens Road, as well as the building immediately adjoining the former hotel to the west, 120 Marine Parade.

Previously in 2015, permission was granted at 120 Marine Parade for the *Conversion of existing terraced house to 5no. two-bedroom apartments with extensions to roof and rear extension at third floor level to north elevation*. The approval attracted a Community Infrastructure Levy Payment of £10,600.

In 2016, planning permission was granted at Kingsway Hotel for the *Change of use of Hotel (C1) to 11 x 2 bedroom apartments and 1 x 1 bedroom apartment and 2 x 3 bedroom flats (1 Queens Road)*. At the time of the application, the hotel was still operational, but it has now subsequently closed. The permission was subject to an off site affordable housing contribution of £235,824

Both of the above permissions remain unimplemented and the current applicant considers that an improved development could be achieved by conjoining the sites into a single development.

The proposed development now seeks to deliver 16 new dwellings, 14 of which would be within the former 120 Marine Parade and Kingsway Hotel (1x1 bed, 8x2 bed, 4x3 bed and 1x4 bed) and 2 houses at 1 Queens Road (1x2 bed and 1x3 bed). 9 car parking spaces are proposed.

The main alteration from the previous approvals in respect of the Marine Parade frontage is that the previously permitted roof space accommodation over 120 Marine Parade will now be extended to include the former Hotel roofspace as well. The roof space would be recessed away from the frontage with glazed openings and rendered walls.

As before, the poor quality extensions at the rear of the properties will be demolished and replaced with a modern extension. In scale terms, this follows largely the previous separate permissions but will now be a single extension stepping up from two to four storeys from west to east.

The Queens Road element of the proposal does alter from the previous permissions as the existing annex will be demolished and a modern design residential development introduced in its place. The development would be stepped from 3 to 2 storeys from its northern to southern ends with amenity space being provided by inset balcony and roof terrace. A new vehicular access will be provided to the south of the dwellings.

In respect of the Community Infrastructure Levy/Affordable Housing requirements, Section 6.7 of the Planning Statement states the following:

The Vacant Building Credit is applicable as set out within the NPPG (paragraph 21...) and subsequently the existing floorspace of a vacant building should be credited against the floorspace of the new development and any affordable housing contribution should only be assessed against the increase in floor space.

The Gross Internal Area (GIA) of the existing buildings is 1,832.5 sq m. The proposed GIA is 1,929 sq m. This represents an increase of GIA of 96.5 sq m and equates to a ratio of 95%.

The affordable housing contribution in the absence of the Vacant Building Credit equates to 30% of 16 units which can be calculated as a financial contribution. Following the methodology set out within the Worthing Borough Council Developer Contributions SPD, an affordable housing contribution of £436,636 would be applicable. Applying the Vacant Building Credit discount of 95% the affordable housing contribution is reduced to a value of £21,831.80.

The Community Infrastructure Levy (CIL) is only charged on the increase on floor space as set out in the Worthing Borough Council Community Infrastructure Levy Charging Schedule. Subsequently, an 96.5 increase in floor space would be chargeable at a rate of £100 per sq m resulting in a contribution of £9,650.

Site and Surroundings

The former Kingsway Hotel comprises three adjoining Victorian properties of traditional appearance with an entrance lobby and hotel facilities such as the bar and restaurant at ground floor level. There were no letting rooms on the ground floor and these are contained on the upper 3 floors. There is also a separate building to the rear (1 Queens Road) and together the main building and dwelling provided 36 hotel rooms.

120 Marine Parade is another Victorian property immediately to the west. There is a garden area to the rear and access to Thorn Road which is to the west

The application site sits at the corner of Marine Parade and Queens Road almost half a mile west of the Pier. The uses closest to the application site are primarily residential. To the north west are properties in Thorn Road which sit in close proximity to both 1 Queens Road and the existing rear extensions of the Hotel. Across Queens Road to the east is the former Cavendish Hotel which is currently undergoing change of use to residential use following planning approval.

The main hotel is located within the Conservation Area but the annex to the rear is outside as the boundary runs along the rear boundary of the hotel.

Relevant Planning History

Kingsway Hotel

AWDM/1583/15: Change of use of Hotel (C1) to 11 x 2 bedroom apartments and 1 x 1 bedroom apartment and 2 x 3 bedroom flats (1 Queens Road) including demolition of existing flat roof extension and rebuild original Victorian rear extension

and replacement of various windows with 10 parking spaces and associated landscaping.

There was no payment due under the Community Infrastructure Levy as a result of this permission since there was a reduction in floorspace. An off site affordable housing payment of £235,824 was required but as the consent has not yet been implemented, no payment has been made.

120 Marine Parade

AWDM/1404/15: Conversion of existing terraced house to 5no. two-bedroom apartments with extensions to roof and rear extension at third floor level to north elevation.

This development created an additional 106 square meters of floorspace and therefore a payment of £10,600 was payable under the Community Infrastructure Levy. There was no requirement for an affordable housing contribution. The consent has not been implemented.

Consultations

West Sussex County Council Highways:

The proposal to re-develop the Kingsway Hotel and turn it into 16 dwellings with car park and cycle storage has been considered by WSCC as the Local Highway Authority. No objection is raised and recommended conditions are attached.

The Kingsway Hotel is located on the corner of Marine Parade and Queens Road in Worthing Town Centre. Both roads have a 30mph speed limit. The hotel is currently vacant and the re-development of the site into 16 dwellings will require a new access to be created from Queens Road.

Plan (A-P-001-1615-02) submitted with the application shows the access location and gives an indication of the width of the access at 5m. This would need a minor works licence to complete and we advise this is progressed as soon as possible via the implementation team. The applicant will need to provide a dimension plan including the width and the pedestrian visibility splays of 2m x 2m.

Achievable visibility splays from the new access should be drawn onto a plan set back at least 2m from the edge of the carriageway to the nearside kerb. This is to ensure the access is built in accordance with current guidance for crossovers. It should also be demonstrated a car would be able to turn around in the car park and enter and exit in forward gear.

The hotel is vacant and has been for some time. The increase in activity will create additional movements to this street but considering the movements associated with a hotel, on balance it is most likely to be a less intensive development overall.

9 car parking spaces are provided and this is within the maximum standard recommended for this number of dwellings. The spaces created should be no smaller than 2.4m x 4.8m to be useable. A cycle storage area for 14 bicycle is also

provided in accordance with NPPF (National Planning Policy Framework) guidance for sustainable developments. The location within the town centre is perfect for this and for access to bus and train travel.

It is assumed the refuse vehicle will carry out its collections from Queens Road and would not need to enter the car park. If this is intended; a swept path diagram must be provided to ensure this can be accommodated.

Prior to and during the construction/renovation period a construction management plan should be in place and confirmed by the LPA prior to any building works commencing. This is to ensure all highway safety measures have been considered.

In summary the application provides a sustainable housing development with no significant highway safety or capacity issues.

West Sussex Lead Local Flood Authority

The following is the detailed comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, advice and conditions.

Current surface water flood risk based on uFMfSW:	Low risk
<p>Comments:</p> <p>Current uFMfSW mapping shows the site to be at low risk from surface water flooding although adjacent carriageway, Queen’s Road, is shown to be at high risk of surface water flooding.</p> <p>Any existing surface water flow paths across the site must be maintained.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.</p>	

Modelled groundwater flood hazard classification:	Moderate risk
<p>Comments:</p> <p>The proposed development site is shown to be at moderate risk from ground water flooding.</p>	

<p>Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	
Records of any ordinary/culverted watercourses within or in close vicinity to the site:	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>No development should take place within 5m of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.</p>	

Records of any historic surface water flooding within the site or within close vicinity to the site:	No
<p>Comments:</p> <p>We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Future development - Sustainable Drainage Systems (SuDs)

The application form indicates the use of a Sustainable drainage system/Soakway/Main Sewer for the disposal of surface water from the site. The FRA references use of a green roof and permeable block paving.

It is not clear how the surface water is currently drained from the site and exactly how it will be drained in the future and whether or not Defra's Non Statutory Technical Standards for Sustainable Drainage Systems will be met.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning

with infiltration whenever possible e.g. soakaways, permeable paving or infiltration trenches. Infiltration techniques should be fully explored for the whole site.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the Greenfield run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Environmental Health:

As the works are being carried out in close proximity to neighbouring properties I would recommend:

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

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

Demolition and construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

I have concerns about noise transmission between some properties. The vertical stacking of dissimilar room types within the main block (117 - 120 Marine Parade) may result in noise disturbance, with some kitchen/lounges and bathrooms stacked above/below bedrooms. In addition, the 2nd and 3rd floor plans seem to indicate stairs directly above a bedroom within Flat 10. This type of poor vertical stacking could lead to loss of amenity and noise complaints. If possible, I would recommend reconfiguring the layout to avoid these concerns. If reconfiguration is not possible I would recommend the addition of the following conditions:

As there is potential for noise disturbance between dwellings sound insulation should be provided and sound insulation testing should be carried out between all

dissimilar room groups to confirm compliance with Approved Document E specifications before occupation.

Construction work shall not commence until a scheme for protecting the bedroom of Flat 10 from noise from the stairwell above has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for this ceiling. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

The plans appear to show a central lift, however a plant room does not appear to be shown on the plans. Could the applicant confirm the location of the plant room?

The plans indicate the lift does not serve the 4th floor, however the noise transmission from the lift shaft could negatively affect the amenity of lounge/diner of flats 12 and 14. I would advise the following condition:

Construction work shall not commence until a scheme for protecting the 4th floor habitable rooms from noise from the lift shaft and associated plant has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw+Ctr dB) for walls between the lift shaft and associated plant and residential units 12 and 14. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

In respect of air quality:

As this is a major development the applicant will need to follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), which is signposted on our website

(<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/>). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality. This includes an emissions mitigation assessment (see flowchart below).

I can confirm that the section relating to air quality impact assessments will not apply to this development. However we will still require an emissions mitigation assessment (section 2 of the Sussex Guidance). The purpose of an emissions mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment, even if an air quality impact assessment has concluded the national air quality objectives will not be breached. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated.

Further comment: developer should provide the necessary evidence to substantiate claims that the scheme will generate fewer journeys. Consideration should be given to the provision of EV charging points.

Technical Services

The site lies in flood zone 3, roads to the east and west are subject to predicted surface water flooding, and there is evidence of historic immediately to the east of the site, possibly affecting the eastern boundary wall.

This above is acknowledged in the FRA.

Looking at the FRA finished floors are set at an appropriate level, disposal of the foul waste is via existing pipework for which approval needs to be obtained from SWS, the surface water discharge from the development should be reduced because of the proposals for green roof and permeable surfacing to parking areas.

In fact my only concern would be the permeable paving for the parking areas. Whilst I am sure that there will be no issues from groundwater rising too close to the parking subbase, can you condition approval to require the applicant to undertake an infiltration test to ensure the area will effectively drain.

Southern Water

No objection subject to a condition and informative

Representations

1 letter has been received expressing concern regarding the timescale for the development and that it is not understood how close the extension will be to neighbouring properties and whether it will cause overlooking and loss of privacy and light.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 5, 6, 10 & 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

The main issues in the determination of the application are i) having regard to the planning history as a material consideration, the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties and ii) whether the proposed level of affordable housing payment is appropriate having regard to government guidance.

In principle, this application effectively consists of the conjoining of two adjacent sites which have previously been granted planning permission. The conversion of 120 Marine Parade was considered as acceptable previously and there is no reason for a different conclusion to apply in this instance.

Members will be aware that the previous application to the change the use of the Kingsway Hotel to residential use was considered in some detail with particular regard to the viability of maintaining the hotel use since the loss of the hotel was contrary to Core Strategy policy 5 without evidence to demonstrate that the use was no longer viable. The change of use was, on balance, considered acceptable and shortly after the permission was granted, the hotel closed. It is not, therefore, considered possible to revisit the loss of the hotel as although a separate application, the previous permission and the subsequent closure of the hotel can be considered significant material considerations. Accordingly, the application is considered acceptable in principle.

There are some clear differences between the current application and the previous permissions. Together, the previous permissions would have provided 19 units whereas the current proposal would provide 16 units including 2 houses at the Queens Road part of the site. It is not considered that there is any objection to the alteration to the number of units provided other aspects of the application are acceptable.

On the Marine Parade frontage, below roof level, the proposal is much as the same as has been previously permitted and will provide some obvious visual benefits. The removal of the hotel signage, which detracts from the appearance of the building, the removal of its porch and the replacement of some of the windows which may have been installed without planning permission will all greatly enhance the building when viewed from the seafront and are to be very much welcomed.

There will be an alteration at roof level. The previous permission at 120 Marine Parade included roof space accommodation consisting of a flat roofed recessed element not untypically found on new buildings along the seafront. This would now be extended across to the former hotel part of the site. The roof extension is proposed to be recessed from the Marine Parade frontage as per the earlier permission but as the former hotel is on a corner, it is noted that, importantly, it will also be recessed away from the Queens Road frontage and accordingly is considered acceptable.

The planning statement at para 4.3.7 states: *'To the rear of the Marine Parade element, the scheme seeks to partially demolish the poor quality existing structures and replacement with a high quality modern extension. To some degree this follows the massing of the previous permissions particularly to the rear of the Kingsway.* The above statement is correct, although it now appears that whereas previously the hotel permission was to renovate and extend existing internal floors. The 2017 application only proposes retaining the facades, allowing for a comprehensive new development. As such, this structural change will not ultimately result in a significant difference to the external appearance of the development but clearly may affect the construction process itself, hence the additional conditions required by the Environmental Health section in respect of dust, for example.

The earlier permission at 120 Marine Parade in terms of the rear element allowed a 4 storey extension set back at the upper level behind a parapet wall. This partly took its reference from another previously unimplemented permission and effectively tidied up that part of the building. At that point, it would have contrasted favourably with the somewhat disparate rear elevation of the hotel building which like the rear of many buildings that face the seafront could not be described as visually appealing at its rear.

The subsequently permitted extension to the rear of the hotel proposed a modern solution which your officers felt would be striking addition and improvement to the rear of the building. It would have contrasted with the permitted extension at 120 Marine Parade but not to an extent that was considered unacceptable. However, the current proposal would result in a unified modern design across both the former hotel building and 120 and is considered to represent a further improvement, especially as the height of the building will be lowered at the western end, compared to the previous approval, hence reducing its impact upon the neighbouring properties beyond. The extension will project half a metre deeper than the previous approval but having regard to the reduction in height at the western end, it is not considered that such an increase would adversely affect the neighbouring properties.

In respect of the building known as the Queens Road annexe (when the main building was in use as a hotel) this was previously proposed to be converted into 2 flats. The existing building is not unattractive, but is not listed nor within the Conservation Area (the boundary being immediately to the south) and its contribution to the street scene is limited – while the character of Queens Road is generally more consistent on the eastern side of the road, on the western side of the road, it is more mixed and not consistent enough to consider that a removal of the building is unacceptable.

The proposed building would reflect the more modern style of the new extensions to the rear of the former hotel and 120 and therefore while not relating as such to the rest of the properties in Queens Road, would relate to the other extensions that form part of the overall proposal. The proposed building would not extend as deeply into the site as the existing, which would benefit neighbouring residents although this is partly offset by the provision of parking to the rear of the building instead. On balance, and although the provision of parking to the rear of properties does not appear commonplace in the road, the existing building is less than 6 metres from

the nearest properties in Thorn Road which would increase to in excess of 10 metres as a result of the proposal and is considered acceptable.

On design and amenity terms, therefore, the proposal is considered acceptable.

Affordable Housing Contribution

As stated earlier in the report, the previous permission for the change of use of Kingsway Hotel to residential use was subject to an off site affordable housing contribution of £235,824. This is at present one of the more substantial affordable housing contributions agreed in the Borough.

As a result of the hotel subsequently becoming vacant following the grant of the previous permission, the applicant has stated:

The Vacant Building Credit is applicable as set out within the NPPG...and subsequently the existing floorspace of a vacant building should be credited against the floorspace of the new development and any affordable housing contribution should only be assessed against the increase in floor space.

The Gross Internal Area (GIA) of the existing buildings is 1,832.5 sq m. The proposed GIA is 1,929 sq m. This represents an increase of GIA of 96.5 sq m and equates to a ratio of 95%.

The affordable housing contribution in the absence of the Vacant Building Credit equates to 30% of 16 units which can be calculated as a financial contribution. Following the methodology set out within the Worthing Borough Council Developer Contributions SPD, an affordable housing contribution of £436,636 would be applicable. Applying the Vacant Building Credit discount of 95% the affordable housing contribution is reduced to a value of £21,831.80.

As can be seen from the above, not only would the development itself ordinarily attract a far higher affordable housing contribution than was previously the case (because of the conjoining of the two previously separate proposals) but the amount now payable with the Vacant Building Credit is not only substantially below that figure but also below that under the previous permission.

This was clearly a matter of great concern to your officers and it is a situation about which there is little obvious precedent because of the particular circumstances of the development. Your officers therefore sought external legal advice from counsel which is included in full at Appendix A of the report.

It is, of course, widely accepted that there is a need to build more housing units and, as members will be aware, this need is no less acute in Worthing especially given the constraints of the town by nature of its proximity to the Downs and the sea. Equally, of course, the need for affordable housing is also a significant issue for the town. The government originally justified the Vacant Building Credit in its Ministerial Statement:

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they

will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much needed boost to small and medium-sized developers...

Following a High Court decision, which quashed the Ministerial Statement, and then an appeal which reinstated it, guidance is now set out in the Planning Practice Guidance. This states that 'the existing floorspace of a vacant building should be credited against the floorspace of the new development'. Guidance goes on to say that 'the vacant building credit applies where the building has not been abandoned'. It concludes by stating that:

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.”

The above demonstrates the difficulty of considering the position on an application such as this. The Kingsway Hotel is vacant, has not been abandoned and to that extent it could be argued that it is quite clear the development proposal should benefit from the Vacant Building Credit. Equally, though, it could also be argued that the vacancy of the Kingsway Hotel is as a result of the previous permission and as a matter of fact that the building is covered by an extant permission. It is more questionable whether the extant permission is for 'substantially the same development'. The previous permission only related to the former Kingsway Hotel itself whereas the current proposal includes 120 Marine Parade as well. The number of units has changed as a result of the combined proposal. Equally, though, as explained above, the main changes in the development (aside from the roof extension to the former hotel) mainly relate to 120 Marine Parade and 1 Queens Road.

All of the above demonstrates the uncertainty of government guidance. As the Counsel's opinion states the terms used by the government 'are not defined' and 'there will inevitably [be] some uncertainty and risk for the councils in trying to apply the VBC'.

Your officers particularly sought guidance on the application of the two bullet points above. Counsel stated 'it should be noted that they are not expressed as freestanding exceptions which each independently lead to the VBC not being applied...the rationale appears to be that, where a building benefits from an extant planning permission for substantially the same development, a VBC is unlikely to be needed to ensure the brownfield site is brought back into use'.

The last point is salient in that no viability evidence was produced during the consideration of the previous application at the former hotel to state the developer

was unable to meet the required affordable housing contribution and indeed a legal agreement was subsequently completed securing the payment if the development was implemented. To that extent, therefore, it seems highly unlikely that the full credit of 95% is required to enable this site to be brought back into use even if, and again no evidence has been produced to substantiate this, the full amount required under the Core Strategy policy cannot be met.

Counsel's opinion goes on to state that some authorities have already recognized that while the government's intention is to bring forward vacant buildings which would not otherwise have come forward for redevelopment. A 2017 Supplementary Planning Document produced by the Mayor of London for example states '*...in London such sites already come forward for development. Furthermore their affordable housing requirements are already subject to viability testing and thus are not preventing sites coming forward. The Mayor's view is therefore in most circumstances it will not be appropriate to apply the vacant building credit*'

Counsel's opinion continues:

If a local planning authority proposes, through an amendment to its development plan, to reduce the application of the VBC, powerful evidence of the local circumstances justifying the departure from national policy would be needed to ensure any such document survived examination. Such evidence may include:

- a. Evidence of the extent of the shortage of affordable housing in the district, and so the need to maximise delivery;*
- b. Evidence of the adverse impact of applying the VBC on affordable housing delivery. For example, what percentage of affordable housing development is anticipated to be delivered by brownfield sites, and so jeopardised by the VBC;*
- c. Evidence showing that brownfield sites can be successfully brought back into use across the district without the need for the VBC.*

The more robust the evidence, the better. This same evidence will also be of use in any case where, on the particular facts, the Council prefers its development plan policy (CS Policy 10) over the WMS.

It would appear, therefore, that were the Council to consider the non application of the Vacant Building Credit it is far more likely that the position would be supported if the current policy position were updated. Irrespective of the outcome of this particular application, it is a position that members may wish to consider in the future given the clear difficulties in interpreting government guidance.

It is a matter of fact that the application of the VBC means that the application consequently fails to meet the requirements of Core Strategy policy 10 in respect of the provision of affordable housing but in itself the VBC is a material consideration that can warrant the grant of planning permission in such circumstances. In light of the counsel's opinion it appears unlikely at the present time that the Council has sufficient evidence to avoid the application of VBC albeit the lack of clarity in government guidance means that such a conclusion is on balance.

A key issue is whether the site has been made vacant for the sole purpose of redevelopment.

A footnote to paragraph 63 of counsel's advice states:

Although this is a matter for the Council, there appears to be some force in the applicant's argument that the Council has already accepted viability evidence that the hotel use was no longer viable and the hotel was loss-making

Again, your officers have carefully considered this point. The Hotel was open at the time of the previous application and it hardly seems a coincidence that it closed shortly after permission was granted for its change of use. As such, it could be argued that it only became vacant because of the planning permission for change of use. Ultimately, though, permission was only granted because the Council was satisfied (albeit reluctantly) that the change of use met the tests set down by Core Strategy Policy 5 which includes:

Having undertaken an assessment of viability it is accepted that the current use is non-viable. If this is the case, alternative tourist / leisure / visitor uses would need to be considered before a non-tourism related use would be accepted

It is noted that the officer report at the time stated:

In conclusion, this has proved to be a difficult case to consider and the recommendation made is on balance but given the clear difficulties running viable hotel businesses of this type at present, the proximity of previous decisions allowing changes of use, the visual improvements to the building and the opportunity to secure affordable housing contributions as well as providing further residential units in the building itself it is considered that a recommendation to grant permission can be justified.

Members will note that the provision of affordable housing was a factor in the recommendation to grant planning permission but such provision alone would not have justified a departure from policy 5, and an acceptance that the hotel use was no longer viable. Consequently, therefore, is an implicit acceptance that, at some point, the hotel would have ceased to trade and, therefore, that its vacancy was not for the sole purpose for redevelopment.

Accordingly, therefore, your officers have reluctantly come to the conclusion that under current government guidance, the Vacant Building Credit should be applied in this instance with the resultant reduction in the affordable housing contribution. As all other aspects of the application are acceptable, it is therefore recommended that planning permission is granted subject to the completion of a legal agreement.

Recommendation

To GRANT permission subject to a legal agreement securing an affordable housing contribution of £21,831.80.

Subject to Conditions:-

1. Approved Plans
2. Full Permission
3. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

4. Demolition and construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

5. Sound insulation should be provided and sound insulation testing should be carried out between all dissimilar room groups to confirm compliance with Approved Document E specifications before occupation.

6. Construction work shall not commence until a scheme for protecting the bedroom of Flat 10 from noise from the stairwell above has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for this ceiling. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

7. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

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

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

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal and finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the Greenfield run-off from the current site following the corresponding rainfall event and that there is zero infiltration 1.5m below existing ground level.

Reason: To ensure the development is adequately drained

10. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Reason: To ensure the development is adequately drained

11. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: *In the interests of visual amenity and to comply with saved policy BE1 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.*

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the any side wall of the building.

Reason: *To prevent overlooking and to comply with policy 16 of the Worthing Core Strategy.*

13. No work for the implementation of the development hereby permitted shall take place except between the hours of 08.00 and 18.00 on Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.

Reason: *To safeguard the amenities of the occupiers of nearby properties having regard to policy 16 of the Worthing Core Strategy.*

INFORMATIVES

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
3. This site is situated on or adjacent to a site which has been identified through Adur and Worthing Councils' Contaminated Land Inspection Strategy as having the potential to be contaminated. If during development, any visibly contaminated or odorous material, (for example asbestos, stained soil, petrol/diesel/solvent odour, underground tanks/vessels or associated pipework) is found to be present at the site, it is the responsibility of the owner and developer to establish the extent of any potentially harmful material on this site. It is advised that no further development shall be carried out until it has been investigated. It is recommended that the Local Authority's Environmental Health Department is contacted for further advice.

6th December 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Portland House

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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



Proposed Article 4(2) Direction for Marine Parade, Worthing

Report by the Head of Planning and Development

1.0 Summary

- 1.1 This report seeks Members views on pursuing an Article 4 (1) Direction for all residential and commercial buildings along Worthing Seafront Conservation Areas. Whilst, the Committee has previously approved the serving of such a Direction circumstances have changed and a review of the decision is considered necessary.

2.0 Background

- 2.1 In April 2015 the Planning Committee agreed to issue an Article 4 (1) Direction to seek control of the painting of commercial and residential buildings to protect the character and appearance of the seafront Conservation Areas. A copy of the original report is attached as Appendix 1.

3.0 Proposals

- 3.1 The urgency for an Article 4 Direction related primarily in connection with the painting of No.107 Marine Parade a bright pink colour. However, the building was subsequently repainted white and sold, with the new owner refurbishing the property to a high standard. This property is now back on the market for sale.
- 3.2 Whilst, the risk remains that other buildings within the Conservation Area could be painted bright and inappropriate colours, the lack of any other examples may prevent the Article 4 Direction being authorised by the Secretary of State. In this respect, the guidance on the use of Article 4 by the DCLG states that LPAs should only consider removing Permitted Development Rights where there is clear evidence of harm to local amenity.
- 3.3 The original report did mention the painting of the Wandering Goose wine bar a matt grey colour and Members may still consider that this would in itself justify continuing with an Article 4 Direction.

3.4 Since the original Committee report, the Council has also painted the Grafton MSCP with a bold bright contemporary design, however, this was a temporary art installation and the building lies outside the Conservation Area. Other alterations including the painting of the Pavilion steps bright pink could also be used to help justify the removal of permitted development rights.

4.0 Legal

4.1 The Head of Legal Services comments that the withdrawal of permitted development rights has to be given careful consideration having regard to the need to protect the character and appearance of Conservation Areas.

5.0 Recommendation

5.1 Members are requested to consider whether Officers should proceed to serve the Article 4 Direction.

Local Government Act 1972

Background Papers:

Planning Committee report on Article 4 Direction 1st April 2015.

Contact Officer:

James Appleton

Head of Planning and Development

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Schedule of Other Matters

1.0 Council Priority

1.1 Supporting and improving the local economy.

2.0 Specific Action Plans

2.1 Promote and support projects and ideas that attract new and retain existing businesses, and generate investment in the area.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Although the proposed Article 4 Direction seeks to retain take away normal permitted development rights it would not stop someone applying to change the colour of the front of their property not their rights of appeal is permission is refused. It is not considered therefore that the proposal would affect residents' human rights.

7.0 Reputation

7.1 Recent work to properties within the seafront conservation areas has affected the character of the historic seafront and affected the reputation of the Council as such work has been beyond the control of the planning authority. The Article 4 Direction would enhance the Council's reputation by demonstrating a commitment to protect and enhance the essential character of the seafront conservation areas.

8.0 Consultations

8.1 Consultations were undertaken with the Chairman of the Planning Committee and Executive Member for Regeneration.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.



Proposed Article 4(2) Direction for Marine Parade, Worthing

Report by the Director for the Economy

1.0 Summary

1.1 This report outlines proposals for introducing measures to protect the buildings along Worthing seafront from Splash Point to Heene Terrace from inappropriate development by the withdrawal of permitted development (PD) rights for any painting or works of external redecoration to the front elevations and any visible side elevations of these properties via an Article 4 Direction. These buildings lie within three conservation areas; The Steyne, South Street and The Seafront and Hinterland. It advises members of the power of the Article 4(1) of the Town and Country Planning (General Development Order) 1995 and subsequent Amendments to issue a Direction withdrawing PD rights within Conservation Areas, where an Article 4(2) direction cannot be made.

2.0 Introduction

2.1 Minor Development such as alterations to features such as doors and windows, or the painting of buildings can normally be carried out without planning permission under the provisions of the General Permitted Development Order 1995 and the 2008 and 2010 GPD Amendment Orders (GPDO). Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights' where they have the potential to undermine protection for the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development back under the control of a local planning authority so that potentially harmful proposals can be considered on a case by case basis through planning applications.

2.2 The Town and Country Planning (General Permitted Development Order) (Amendment) 2010 made changes to the requirements for making an Article 4(1) Direction. Prior to April 2010, Secretary of State approval was required to make an Article 4(1) Direction.

2.3 The difference between an Article 4(1) Direction and an Article 4(2) Direction is:

- i) Article 4(2) Directions can be made only to restrict the enlargement of a dwelling house, any alteration to its roof, the construction of a porch, the provision within its curtilage of a building or enclosure, the provision of a hard

surface and the installation of a satellite antenna. These directions can also be used to control demolition, alteration or construction of any gate, fence, wall or other means of enclosure within the curtilage of a dwelling house, and the painting of its exterior or of any building within this area. One of these directions may also be made to restrict the removal, alteration or construction of a chimney on a dwelling house despite fronting on a highway, waterway or open space.

- ii) In contrast, Article 4(1) Directions can be made not only to restrict permitted development works to dwelling houses in conservation areas that do not front on to highways, waterways or open spaces, but also to other types of property such as flats and commercial buildings within conservation areas.

3.0 Background

- 3.1 Under the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 the Council has a duty to review its Conservation Areas from 'time to time'. Section 71 requires LPA's to formulate policies for their protection.
- 3.2 The cumulative effect of the loss of historic features and inappropriate alterations within conservation areas through permitted development can undermine their special character. Conservation Area designation alone offers limited protection against undesirable change. For example, small extensions can be built and windows and doors can be altered without the need for planning permission.
- 3.3 Article 4 Directions can have the effect of discouraging and controlling development, and LPA's are more likely to take enforcement action over unauthorised development.
- 3.4 The 2008 Amendment to the GPDO which came into force on October 1st 2008 has impacted on the type of development in conservation areas that can take place without the need for permission. The provision of a solar panel on the roof of a principal or side elevation no longer requires planning permission. Restrictions have become more rigorous with regard to rear and side extensions, type of materials used on the exterior of dwellings and chimneys.
- 3.5 It is only appropriate to remove permitted development rights where there is a real and specific threat and exclude properties where there is no need for the direction to apply.

4.0 Need for an Article 4 Direction

- 4.1 Worthing's fine seafront terraced buildings along Marine Parade range from the early 19th century Regency period, through grand Victorian, to modern contemporary. Despite a great variation in style and form, the vast majority of the

buildings are finished in render and painted in light colours, which not only harmonises their compositions, but also adds to the special character of this street.

4.2 In November 2013, 10A Marine Parade was repainted in a dark shade of matt grey when a new business, The Wandering Goose, opened in the premises. Earlier this month, March 2015, the owner of 107 Marine Parade, the old lifeboat house, choose to paint her dwelling house bright pink. The visual effect of these paint schemes results in these particular buildings becoming overly dominant in the street scene and an erosion of the character that defines Worthing's historic seafront. Although both of these buildings are within conservation areas, the owners have not needed to apply to the Council for permission to redecorate using a significantly different colour, due to their permitted development rights.

4.3 This undermining of the visual amenity of the historic area is considered to be a strong justification for the withdrawal of permitted development rights relating to the painting of the exterior of a building where a significant change in colour is proposed, or where the building has not previously been painted.

5.0 Monitoring and Enforcement

5.1 Article 4 Directions are more likely to be effective if:

- there is a dated photographic record of the properties affected for the purposes of tracking any subsequent changes;
- guidance is provided for building owners on how the direction affects them with advice on appropriate repair and alteration.
- the local authority undertakes regular monitoring for compliance and appropriate enforcement;

The need for the Article 4 Direction is reviewed if circumstances change.

5.2 Local planning authorities have powers to make an Article 4 direction to remove permitted development rights. Guidance on the use of Article 4 directions was published by the Department for Communities and Local Government in November 2010.¹ It states that local planning authorities should only consider Article 4 directions where the use of the permitted development rights would "*harm local amenity or the proper planning of the area*" and where there is evidence to identify that potential harm. Article 4 directions must be made in accordance with the National Planning Policy Framework which states at paragraph 200 that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.

6.0 Implications of the Article 4 Direction

6.1 In procedural terms there are two main types of Article 4 Direction:

- Non-immediate Directions (permitted development rights are only withdrawn upon confirmation of the Direction by the local planning authority following local consultation); and
- Immediate Directions (where permitted development rights are withdrawn with immediate effect, but must be confirmed by the local planning authority following local consultation within six months, or else the Direction will lapse).

6.2 It is proposed that the Article 4 Direction for Marine Parade within the Steyne, South Street and Seafront and Hinterland Conservation Areas would be an immediate Direction.

6.3 An Article 4 Direction does not mean that owners no longer able to change a building's colour scheme, but simply that it is no longer automatically permitted by Article 3 of the General Permitted Development Order and so will require a planning application to be submitted to the Planning Authority for planning consent.

6.4 This does not necessarily mean that permission will be refused, but it will enable the council to retain some control over the colour scheme and to grant permission subject to appropriate conditions.

6.5 It should be noted that this type of application would not attract a planning fee.

6.6 It should also be noted that an Article 4 Direction cannot be applied or imposed retrospectively to any works that have already been carried out.

7.0 Next Steps

7.1 The legislation states that where a local planning authority makes a Direction under Article 4(1) it must publicise it by inserting a notice in a local newspaper and serve a notice on every separate premises affected by the Direction, unless this is impracticable.

7.2 The Direction comes into force on the date on which the notice is served on the owner or occupier (each household would be sent a letter), or the date of the press advertisement. While there is no right of appeal against the making of an Article 4(2) Direction, any representations made in response to the notices must be considered. The Direction may then be confirmed, not less than 28 days after the last notice was published and not more than six months after it was made.

7.3 Once the Direction is confirmed, further notice of the confirmation must be undertaken, following the same notification procedure. If the notice is not confirmed within six months of making, it will lapse.

8.0 Legal

8.1 The Head of Legal Services comments that the withdrawal of permitted development rights has to be given careful consideration having regard to the need to protect the character and appearance of Conservation Areas.

9.0 Conclusions

9.1 The making of this Article 4 Direction would give the Council control over the painting of a building where a significant change in colour is proposed, or where the building has not previously been painted. Permission would not be required to repaint a building the same or a very similar colour. This would halt the extent of erosion of character along Marine Parade. Conveying proposals to local residents and owners is also crucial in terms of minimising the impact on resources as a result of the confirmation of an Article 4 Direction.

10.0 Recommendation

10.1 It is recommended that the Committee:

Give, in principle, approval to the making of an Article 4(1) direction covering all buildings along Marine Parade in the Steyne, South Street, and Seafront & Hinterland Conservation Areas and the associated consultation processes.

Local Government Act 1972

Background Papers:

None.

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Schedule of Other Matters

1.0 Council Priority

1.1 Supporting and improving the local economy

2.0 Specific Action Plans

2.1 Promote and support projects and ideas that attract new and retain existing businesses, and generate investment in the area.

3.0 Sustainability Issues

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4.0 Equality Issues

4.1 Matter considered and no issues identified.

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11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

