RESPONSE TO LOCAL PLANNING AUTHORITY'S APPEAL STATEMENT & SUGGESTED CONDITIONS

APPEAL REFERENCE - APP/M3835/W/24/3351194

APPEAL AGAINST REFUSAL OF PLANNING APPLICATION: AWDM/0098/24
ON BEHALF OF: PLK INVESTMENTS LTD
SITE: GOSPEL HALL & 2 BEDFORD ROW, WORTHING, BN11 3DR

1.0 RESPONSE TO LPA STATEMENT

1.1 The LPA's statement has been reviewed. The Appellant's case already submitted is maintained. The purpose of this Response is to address certain points within the LPA's appeal submission. For ease of reference, the general section of the LPA's statement and matters therein are addressed where comment is necessary.

1.2 ***Relevant planning policy -*** The LPA argues the appeal should be dismissed as the development fails to achieve social or environmental gains. The Appellant argues that the creation of nine new dwellings, provision of a new community facility and town centre commercial unit and repair of a derelict streetscene are significant social and environmental gains.

1.3 A Court of Appeal case regarding decision making and the weight of NPPF paragraph 11 and the development plan is cited. The inference, although not clarified by the LPA, is that the appeal scheme conflicts with the development plan. This is not the case. Indeed, as shown in the Planning and Design & Access Statement and subsequent Appeal Statement the development complies with the strategic objectives and detailed policies of the Worthing Local Plan. As will be re-iterated through this Response the Appellant's case is not that the development is only acceptable by virtue of NPPF paragraph 11.

1.4 ***Reason for refusal 1 –*** When discussing the relationship of the proposed with the listed townhouses of Bedford Row, the LPA claim the frontage of the appeal building would fail to echo the harmonious rhythm of the adjacent terrace (bow-fronted bay – door, bow-fronted bay- door). It is claimed that the proposed development is symmetrical around a single entry point. This is not the case.

1.5 The front elevation is not symmetrical around the entrance point, there are two square bays to the left of the entrance door and one square bay to its right. The new building echoes the rhythm of the terrace. It presents square bay – window, square bay – entrance, square bay – window. This successful echo is best shown on the proposed east elevation.



(Proposed east elevation)

1.6 The rhythm is not exactly the same, nor it is meant to be. An echo does not sound exactly the same as the original sound. The appeal building is an honest, purposefully contemporary reflection of the Bedford Row townhouses. It is not meant to be a pastiche replica.

1.7 Nor does the west facing elevation of Bedford Row express a wide variety of window types and sizes that contrast with sterile, monotonous and repetitive fenestration to the appeal building. Except some lesser quality replacements to the first floor of no12, all the bow-fronted bays at Bedford Row are two-over-two (to the sides) and three-over-over (central) Georgian pattern timber sliding sash windows. The simple windows to the appeal building with a single horizontal glazing bar are purposefully deferential to the more ornate Georgian bow windows. The reveals and cills of the modern windows and projecting square bays will give the new building a visual depth avoiding any sterility.

1.8 Leaving the exact details of solar panels and Air Source Heat Pumps to condition stage is entirely appropriate. The discharge of conditions process will allow particular attention to be given to the issue ensuring due consideration can be given to avoiding impact on nearby heritage assets. The inclusion of low carbon energy

production for the new building is expected by Local Plan policy *DM17: Energy* and should be supported in principle.

1.9 ***Reason for refusal 2 -*** The replacement community facility offers flexibility to future users which is supported by relevant policy *DM8: Planning for sustainable communities / community facilities.* The open plan space will be able to accommodate a range of community uses and increase the stock of community spaces in the town centre.

1.10 Not all community spaces need to be expansive. Indeed, the town's mix of such spaces could be enhanced by a smaller unit (although at 61m2 the proposed space is not restrictive). Art galleries, museums and exhibition halls can often benefit from a more intimate and affordable space. The three large internal walls of the space would be ideal for the display of art or artefacts. The creation of a smaller space, like the proposed, would be especially valuable in a town where there is not an established presence of such cultural premises.

1.11 The Appellant re-iterates that a space for community use would not be lost through the appeal scheme but re-provided in place of a derelict, unusable building.

1.12 ***Reason for refusal 3 -*** The Appellant maintains that the relationship between windows of the appeal building and existing residential dwellings is acceptable for the location. The distances between facing windows are comparable with other recent town centre development and more historic street arrangements.

1.13 ***Reason for refusal 4 –*** It is acknowledged that some impact will be caused to light levels to the kitchen and garden of 3 Bedford Row. These impacts are marginally over BRE guidelines. The development of sustainably located brownfield sites in dense urban centres (as the Worthing Local Plan directs development) will invariably lead to some impact on existing occupiers and residents. The Appellant's case is that this marginal impact to one dwelling does not outweigh the contribution the appeal scheme will make to the town centre and the local housing mix.

1.14 ***Reason for refusal 5 –*** There is no greater potential for conflict between wheelchairs or mobility scooters and other users of the side entrance versus an accessible entrance to the front. As with any access point there is always potential

for one person to be coming in as another is going out. Most people manage these situations through normal social etiquette.

1.15 The quantum of bins shown on the plans have been determined by the council's standards. There is no reason to believe there would be 'overflow from bins' causing an obstruction to people using the ramp.

1.16 A safe and legible accessible entrance has been designed into the appeal scheme. The ramp to the side which leads directly to a more spacious lobby with doors to community and commercial spaces and the residential lift is a considered design solution.

1.17 ***Reason for refusal 6 –*** With regard flood risk and the sequential test, the LPA remark '*It is important to note that we are not necessarily saying that it can not be passed'.* The inference is that the LPA are mindful of the scarcity of developable land in the borough and their strategic objective to direct new housing to the town centre – which is largely within Flood Zone 2 or 3.

1.18 Whether one considers the technicalities of applying the sequential test or not, the fact remains that the development does not put a vulnerable use at ground floor and does not increase the risk of flooding on site or elsewhere. In flood risk terms the developed site will be the same as the existing site. As noted in the Appeal Statement neither the Local Lead Flood Authority nor the Environment Agency objected to the application. Both consultees were satisfied that the development would be safe from flooding and avoid increasing flood risk elsewhere.

1.19 In light of the above (and previously submitted), the Inspector is respectfully requested to allow the appeal and grant planning permission accordingly.

2.0 SUGGESTED CONDITIONS

2.1 The Appellant has reviewed the conditions suggested by the LPA. The conditions generally seem reasonable.

2.2 However, condition 10 asks that the mitigation measures of the Flood Risk Assessment be implemented – namely residential accommodation shall be at first

floor level and above. Developing in accordance with the approved plans (condition 2) would ensure this anyway, so condition 10 is arguably superfluous.

2.3 Regarding condition 13, the internal storage already designed into each flat is denoted on the plans by boxes with crosses in them. These symbols are shown to hallways and within bedrooms. As such, the flats do not need to '*be designed to ensure adequate levels of storage in line with the nationally described space standards'*. The Appellant is agreeable however, to a condition requiring details of internal storage for each flat to be submitted to and approved by the LPA.

Lewis & Co Planning – 19th November 2024