Development Control – Delegated Officer Report

Application Number: AWDM/0110/24 **Recommendation – REFUSE**

Site: **Wenban Smith Limited 14 Newland Road Worthing West Sussex**

Proposal: **Erection of roof extension at second floor level, three-storey side extension; external alterations at first floor and the change of use of first floor from general industrial (Use Class B2) to facilitate the provision of four self-contained residential units (Use Class C3)**

Date of site visit: 15/02/2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site is occupied by Wenban-Smith, a timber merchant offering timber and timber related processing and storage - including sawing, tanalised treatment, profiled tooling, worktop cutting, edging and jointing, cutting of boards and sheet material. Workshops are positioned around the site, facing onto a yard. A two-storey building (No.14) faces onto Newland Road, used as a retail showroom on the ground-floor with machine/storeroom and offices above. The machine room is primarily used for timber-cutting – a general industrial use. In view of the mixture of uses, the overall site is within sui generis use.

To the immediate west is a modern, mixed-use building with commercial uses on the ground-floor and residential flats above. The building steps up in scale on the corner of the junction of Newland Road and Broadwater Road (A24). It is three-storeys in height adjacent to Wenban Smith, including a 'covered way' leading to a small rear car park.

To the immediate east is a traditional Victorian two-storey (plus semi-basement) residential terrace. The end terrace is attached to the Wenban-Smith showroom building.

The surrounding area is the edge of Worthing town centre having a mixed commercial and residential character.

Proposal

The current proposal follows on from similar schemes determined in 2018 and 2023. The 2018 application was refused planning permission in terms of poor design, poor living conditions for future occupiers, unacceptable harm to amenity of neighbouring

residents, and loss of viable of commercial floorspace owing to the incompatible mix of uses. The 2023 application was refused planning permission for the harm to the streetscene including impact on adjacent terrace.

The current full application has submitted the same plans as the 2023 application, though the setback from that application has been removed and the original proposal from 2018 submitted as it relates to the rear second floor. The application does not propose any changes that haven't already been refused under previous applications. Two streetscene CGIs have been supplied instead.

The proposed ground floor would retain the existing showroom and toilets and would be enlarged on the west side to provide a cycle store and stair access to the proposed flats on the upper floors.

The first floor would retain 35sqm of offices which would be accessed from the rear of the building via an existing separate staircase which would be slightly amended.

Also at first floor are proposed 2no one-bedroom flats of 53sqm and 63sqm, each with its own front-facing recessed balcony set into the face of the building.

At second floor would be two further flats a one bedroom unit of 53sqm with front facing terrace/balcony and a two bedroom unit of 64sqm with front and rear facing terraces/balconies.

The building will be increased in width and height to a building just over 10m tall. A three storey extension is proposed to the western elevation to form the staircase and accommodation to the flats with access point from Newland Road. A cycle store is shown to the rear of the staircase. The new top floor will be clad in a metal cladding material.

The application also proposes an amendment to the site entrance for the timber yard and showroom from Newland Road and a revised carpark layout. There would be no on-site car parking for the proposed flat units.

Relevant Planning History

AWDM/0823/15- Conversion of existing first floor store room and addition of new second floor storey to form 4no. one-bedroom flats and 2no. studio flats with new entrance at ground floor level fronting Newland Road – Refused on the follow grounds**:**

1. By reason of its incongruous and poorly integrated design and form and excessive scale in relation to the adjoining terrace, the development would be obtrusive and unsympathetically out of context with the Newland Road street scene and harmful to its character and appearance, and is therefore contrary to Worthing Core Strategy Policy 16 and those relevant policies of the National Planning Policy Framework.

2. By reason of its poor layout design adjacent to a commerical yard and preponderance toward smaller flatted units of accommodation reliant upon

fenestration facing the work yard, the proposal would not create a satisfactory living environment for future occupiers who would be bereft of adequate outlook and privacy, and subject to intrusive overlooking and harmful noise and disturbance, and is therefore contrary to saved Worthing Local Plan policies RES7 and H18, and those relevant policies of the National Planning Policy Framework.

3. By reason of its siting and excessive scale in relation to the adjoining terrace, the proposal would be imposing and overbearing to the detriment of the amenities of residential occupiers of No. 16 Newland Road as well as overshadowing and reducing light, and is therefore contrary to saved Worthing Local Plan policy 16 and those relevant policies of the National Planning Policy Framework.

4. By reason of the reduction in commercial floorspace and inherent incompatibility of residential use in proximity to industrial activities, the proposal would undermine the viability of the commercial premises retained on site to the detriment of the viability and vitality of the, and is therefore contrary to the delivery pf industrial/warehousing floor space in Worthing Core Strategy Policy 3 and those relevant policies of the National Planning Policy Framework.

AWDM/1270/18- Provision of second floor to existing building to provide 1 x 1 bedroom and 1 x 2 bedroom flats with balconies to north elevation. Conversion of first floor to provide 2 x 1 bedroom flats with inset balconies to north elevation and office area. New three-storey extension to west elevation incorporating bin and cycle store at ground level and associated works. Altered vehicular access on north boundary- REFUSED

1. By reason of its incongruous and poorly integrated design and form and excessive scale in relation to the adjoining terrace, the development would be obtrusive and unsympathetically out of context with the Newland Road street scene and harmful to its character and appearance, and is therefore contrary to Worthing Core Strategy Policy 16 and those relevant policies of the National Planning Policy Framework.

2. By reason of the size and layout of the units and the location adjacent to a commercial yard and a busy road the proposal would not create a satisfactory living environment for future occupiers subject to intrusive and harmful noise and disturbance, and is therefore contrary to saved Worthing Local Plan policies RES7 and H18, the space standards SPD and those relevant policies of the National Planning Policy Framework.

3. By reason of its siting and excessive scale in relation to the adjoining terrace, the proposal would be imposing and overbearing to the detriment of the amenities of residential occupiers of No. 16 Newland Road as well as overshadowing and reducing light, and is therefore contrary to saved Worthing Local Plan policy 16 and those relevant policies of the National Planning Policy Framework.

4. By reason of the reduction in commercial floorspace and inherent incompatibility of residential use in proximity to industrial activities, the proposal would undermine the viability of the commercial premises retained on site to the detriment of the viability and vitality of the site, and is therefore contrary to the delivery pf

industrial/warehousing floor space in Worthing Core Strategy Policy 3 and those relevant policies of the National Planning Policy Framework.

AWDM/0232/23: Proposed new second floor/side extension to form 4 self-contained flats at first/second floor levels and office area at rear of first floor level. Ground floor showroom to remain. REFUSED

1. By reason of its incongruous and poorly integrated design and form and excessive scale in relation to the adjoining terrace, the development would be obtrusive and unsympathetically out of context with the Newland Road street scene and harmful to its character and appearance, and is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan, Guide for Residential Development SPD and those relevant policies of the National Planning Policy Framework.

Consultations

West Sussex County Council (Highways)

Summary and Context

This application is for the erection of a second floor/side extension forming four self-contained flats and office space. The site is located on Newland Road, a C-classified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for similar application AWDM/0232/23, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Access and Visibility

The applicant proposes alterations to the existing crossover, relocating the access approximately 1.2m west and reducing in with to 8m. The proposed works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer.

From inspection of WSCC mapping, there are no apparent visibility concerns with the proposed point of access on to Newland Road. In addition, the proposed works are not anticipated to give rise to a significant material intensification of movements to or from the site.

Parking and Turning

The applicant proposes slight amendments to the existing car park, with an altered layout providing six car parking spaces for use by the existing showroom/office. The proposed parking bays are suitably sized and on-site turning appears achievable.

A nil car parking provision is proposed for the four flats. The WSCC Car Parking Demand Calculator indicates that the four flats would require four car parking spaces. As such, parking associated with these flats would have to be accommodated on-street. Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a detrimental highway safety impact, nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location.

Regarding cycles, the plans demonstrate a cycle store with provision for four cycles, in accordance with WSCC Parking Standards for the proposed residential use.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, being within walking distance of Worthing Train Station and bus stops on the A24.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative should be applied:

Condition

Cycle parking

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

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

Informative

Works within the Highway – Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Southern Water-

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

Adur and Worthing Councils

Environmental Health - PSH

No objections on PSH grounds

WSP as Local Lead Flood Authority
Following a review of the submitted information, we have noted that the proposed site is impacted by a surface water flood risk. Therefore, we would recommend the objection of the application until a Flood Risk Assessment has been submitted that addresses flooding from all sources, provides mitigation measures, considers proposed drainage, and proof of safe access and egress.
Reason To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Consultation responses from AWDM/0232/23

The following were received for application AWDM/0232/23 and are replicated below due to the similar nature of the proposal.

Environmental Health – Public Health

There are no EH objections in principle subject to the Glazing and MVHR ventilation system being installed as recommended by the acoustic report.

Please can this be conditioned.

The acoustic report provides recommendations for the sound insulation between the commercial property and the first floor residential. Please can you include a condition that the insulation between the commercial and residential is retested once the new floor has been laid and prior to occupation.

Contaminated Land - full conditions and asbestos

Representations

None received

Relevant Planning Policies and Guidance

National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
Guide for Residential Development SPD 2013
Space Standards SPD 2012

Worthing Local Plan 2020-2036

SP1 (Presumption in Favour of Sustainable Development)
SP2 (Climate Change)
SP3 (Healthy Communities)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Density)
DM5 (Quality of the Built Environment)
DM11 (Protecting and enhancing employment sites)
DM15 (Sustainable travel and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM20 (Flood Risk and Sustainable Drainage)
DM21 (Water Quality and Sustainable Water Use)
DM22 (Pollution)

Planning Assessment

Background

A similar application was refused on 31 August 2023 (ref. AWDM/0232/23). The agent confirmed by email that the only changes from that scheme were the submission of two perspective CGIs showing what the development would look like in the streetscene. Upon inspection of the drawings it is also clear that a setback from the eastern boundary at second floor level has been removed from the plans and now sits flush on the property boundary.

As the development is almost identical to that previously refused the planning assessment has been replicated below. An additional discussion of the second floor design has been added under the discussion of residential amenity for existing occupiers.

Principle

The application has been submitted to try and overcome the refusal reasons for AWDM/1270/18, namely design, impact on the street scene, poor living environment for future occupants, impact on the amenity of No 16 and loss of employment space and potential for loss of viability of the existing premises.

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

The adopted Development Plan comprises the Worthing Local Plan 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

DM1 states amongst other things that:

a) In order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up-to-date evidence of housing needs and demands.
c) Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings.

Policy DM2 states:

a) Development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration must be given to:
i) the site context and character of the surrounding area in which it is located, and including consideration of any nearby heritage assets or important landscape;
ii) its current and future level of accessibility by walking, cycling and public transport;
Social Policies
iii) the need to achieve high quality design;
iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;
v) and the capacity of surrounding infrastructure.

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

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

d) New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply for external space.

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

Policy DM5 requires all new development to be:

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

ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain;
x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution

Policy DM11 sates at para d):

Outside the identified Protected Key Employment Areas, existing premises and land or floorspace which is used, or was last used, for use employment uses will be protected unless it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be re-used for employment uses within the Plan period, having regard to the following factors:

i) the primary focus is to be protect existing employment uses however, greater flexibility will be given to other employment generating uses which cannot reasonably be located elsewhere;
ii) if the introduction of any non-employment uses will not negatively impact on the operation of the remaining or neighbouring uses;
iii) if the site, with or without adaptation, would not be capable of accommodating an acceptable employment development;
iv) if no effective demand exists or is likely to exist in the future to use the land or buildings for employment use. Consideration should include the length of time the property has remained vacant, the attempts made to sell/let it and the demand for the size and type of employment premises in the area;
v) if the loss of a small proportion of floorspace would lead to a significant upgrade of the remaining employment floorspace; and
vi) if the existing use conflicts with neighbouring uses.

Policy DM16 states:

a) All development (excluding householder applications) will be required to achieve the relevant minimum standards below unless superseded by national planning policy or Building Regulations. Applications for major development must be supported by a Sustainability Statement demonstrating that the minimum standards are met and where possible exceeded. All development is encouraged to exceed these minimum standards where possible

And Policy DM17 states:

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

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

Paragraph 126 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states: "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*"

Paragraph 130 goes on to state that planning decisions should ensure developments:
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

The Inspectors report at Paragraph 176 states:

"I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption."

The Inspector was satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity of the Borough.

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report. Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 6.5 year supply of deliverable sites.

The fourth Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (therefore prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years. An Action Plan will be produced to identify new measures or updates to existing measures that will assist in the improvement of housing delivery.

The creation of flats is acceptable in principle in this sustainable location, the key issues are the impact on character and appearance of the area and the existing property, residential amenity for future residents, impact on neighbouring properties including the existing commercial use, parking and accessibility as assessed against the Development Plan and relevant policies within the NPPF.

Character, appearance and suitability

The current simple 'box' building is unprepossessing in its design and size. It physically adjoins a two-storey Victorian terrace, but its scale means it sits relatively unobtrusively against this traditional terrace and the one opposite.

The NPPF and policies within the Worthing Local plan attach great weight to sustainable development and that good design is a key aspect of sustainable development.

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

Policy DM5 of the Worthing local Plan requires new development to be of high architectural and design quality and respect and enhance the character of the site.

The current application involves changes to the fenestration at first floor, an additional 3-storey extension to the west and a roof extension to form a further floor. Compared to the previous refused scheme the current application involves an amended fenestration design, reduced height front parapet with glazed balustrading to the second-floor front balcony area, a set-back of the rear part of the proposed second-floor roof addition from the boundary with No 16 and reduction of the rear balcony area.

The additional floor, with its vertical face projecting forward of the front slope of the attached terrace, would appear as discordant feature in this street which is characterised by primarily pitched-roof traditional terraced houses. [Norfolk House addresses the junction with Broadwater Road (A24), which has a differing character.]

Its unsympathetic appearance would be heightened by the use of contemporary materials and inelegant detailing with the chunky over-sailing soffit/fascia and heavy framing of the balcony screens further 'drawing the eye' to its incongruous scale and form.

Although the proposed second-floor addition would be set in from the front and rear walls of the existing building, this would not mitigate the resulting overly assertive 3-sotrey scale of the building, accentuating its lack of visual coherence with the attached terrace and heightening its prominence in the street scene. The poorly-related composition would appear intrusively prominent in longer views along the street, and from the bridge over Broadwater Road (A24), a key entrance to the town, and would be unacceptably harmful to the townscape.

It is acknowledged that the introduction of glazed openings and recessed balconies at first-floor would articulate the existing brutally stark front elevation of the building, but this does not override concerns about the enlarged scale and 'bulk' of the building, its heightened visual prominence within the street and 'jarring' relationship to the adjoining traditional terrace.

The CGIs supplied with this application are noted but do not alter the assessment made above.

Residential amenity – neighbours

The neighbouring property principally impacted upon by this development is immediately to the east, No.16. The showroom building is already built hard up along the shared boundary this traditional terrace house, with a deeper footprint, so that it already overbears and overshadows the rear of this dwelling.

The 2023 application proposed a set in of 0.8m from the common site boundary. This has been removed from the plans and the development is now hard against the common boundary in accordance with the scheme refused in 2018.

The following from the 2018 report is therefore relevant

"It would however continue to extend along the boundary with No. 16 higher than is presently the case, that height being in the form of the return face of the new roof, and hence would still have the effect not dissimilar to a further storey of wall rather than roof. The proposed roof/wall which is west of No 16 would compound the existing harmful impacts by reducing light and outlook further still. The effect would be detrimental to the occupier's living conditions, contrary to saved local plan policy H18 which requires development not to have an un-neighbourly effect by reasons of unacceptable loss of daylight, sunlight or outlook. The parapet walls to the balcony to the two bedroom apartment would appear to be 1-1.2m in height on this basis there is potential also for direct overlooking of No 16 "

The refusal reason from that application will be included on this application as it is considered contrary to policy DM5 of the Worthing Local Plan 2023.

Living conditions for future occupiers

Future Occupants

The Guide for residential development SPD- Living above shops and other commercial premises indicates that the following points must be considered when assessing an application for living above shops or commercial properties:

- The amenity of residents and occupiers, or of the surrounding area.
- Sound proofing measures for the residential units.
- Design/space standards.
- Independent and safe access shall be provided to the residential unit which is separate from that of ground floor use.

Policy DM2 indicates that new dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. Applicants will be expected to have regard to the Council's local guidance for external space

First Floor
Flat 1:53m 2 1-bed flat with front facing balcony
Flat 2: 63m2 1-bed flat with front facing balcony
Second Floor:
Flat 3: 53m2 1-bed flat with front facing balcony
Flat 4: 64m2 2-bed flat with front and rear facing balconies

The size of the flats have been increased in the current scheme with internal rearrangement and would now comply with the national space standards

Paragraph 6.5 of the SPD stipulates that for flat developments a minimum of 20 m2 of outdoor space per flat should be provided which is normally in the form of communal areas with larger and taller blocks this could be in the form of a balcony (or roof terrace). Balconies need to be of sufficient size to accommodate a small table and sufficient chairs for each occupant. Each flat would be afforded a small balcony.

At first floor the arrangement of the flats is such that the kitchens would be within the living rooms with no natural light as they are set to the rear of the rooms. The rooms and balcony also face north and would therefore not receive any direct sunlight.

The application was previously refused on the basis that the size and layout of the units and the location adjacent to a commercial yard and a busy road would not create a satisfactory living environment for future occupiers with intrusive and harmful noise and disturbance.

It is however noted that in relation to the current application and the submission of a noise impact assessment that the Environmental Health Officer has not raised any objections subject to the proposed interventions being in place.

Loss of employment space and viability

The site not located within a designated key employment area within the Council's development plan.

Policy DM11 as set out above has a number of criteria for loss of employment space. For the purpose of this policy 'employment uses' are defined as uses that fall within the following use classes; Storage & Distribution (B8), General Industrial (B2), Office (Class E(g)(i)), Research and Development (Class E(g)(ii)) and Light Industrial (Class E(g)(iii)). The current use is a 'sui generis' use although provides elements with the use classes set out above. The applicants have provided an appeal decision from another Council where the inspector considered an employment protection policy should fall away as the use was sui generis. In that appeal the site was vacant. In this case the site is in use and employment uses are taking place, with a range of employment uses as set out above. It is recognised that a relatively small amount (approx. 50sqm) of employment use would be lost as a result of the proposal. Although a small loss may be justified to provide for the creation of improved offices, it remains a matter of concern as to whether the juxtaposition of residential and commercial uses in close proximity is compatible and could lead to future conflict affecting the future viability of the business.

NPPF at para 187 indicates that new development should integrate effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Concerns on this basis were raised on the previous proposal that the residential accommodation could fetter current business activities on the site, undermining its suitability for B2, B8, and related sui generis operators.

The layout of this latest scheme has been improved and it is understood that the industrial activities that would be lost as part of this proposal would be carried out within other areas of the wider site.

Although there remains concern about the compatibility and mix of existing and proposed uses in such close proximity to each other, in view of the improvements made to the layout, and in the absence of any objection to the development on noise grounds, it would now be difficult to substantiate refusal on this ground. The site is within an edge of town centre location which is characterised by a number of different commercial uses, with residential developments and older terraced housing all coexisting in close proximity.

Highways and parking

The application includes the modification of the site access as well as the layout of the customer parking area to allow for the three storey extension and refuse store and cycle for the new residential accommodation. Vehicles could continue to turn on site and leave in forward gear.

A nil car parking provision is proposed for the four flats. The WSCC Car Parking Demand Calculator indicates that the four flats would require four car parking spaces. As such, parking associated with these flats would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a detrimental highway safety impact, nor give rise to a parking capacity issue.

Regarding cycles, the plans demonstrate a cycle store with provision for four cycles, in accordance with WSCC Parking Standards for the proposed residential use.

Contamination and drainage

The site is identified as potentially contaminated by the Council's records, and it is in active use.

It would be prudent in safeguarding the health of future occupiers to impose the suggested precautionary contamination condition, in the event the application was approved.

Reliance upon the existing drains can be secured by condition.

Recommendation

The current application has made improvements which enables concerns in terms of noise, disturbance and incompatible uses to be overcome. The scheme is however of a design particularly at the second floor which is inappropriate and would continue to have a detrimental impact on the street scene.

REFUSE

For the following reasons:-

1. By reason of its incongruous and poorly integrated design and form and excessive scale in relation to the adjoining terrace, the development would be obtrusive and unsympathetically out of context with the Newland Road street scene and harmful to its character and appearance, and is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan, Guide for Residential Development SPD and those relevant policies of the National Planning Policy Framework.

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also

willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to letter(s) of representation? N

Case Officer : Louise Prew Date: 06/03/2024

Authorised by: Gary Peck Date: 6 March 2024