Development Control – Delegated Officer Report

Application Number: AWDM/0845/24 Recommendation – APPROVE

Site: STREET RECORD Heene Place Worthing West Sussex

Proposal: Resurfacing of southern part of road carriageway in tarmac and installation of 15no removable parking bollards

Date of site visit: 02.08.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to the southern half of the road carriageway comprising Heene Place, a private road.

The southern half of Heene Place is in very poor condition consisting of broken up areas of patched tarmac laying on top of the original cobbled surface. The surface is uneven with many large potholes. In places the underlying cobbles have become exposed and loose, some having eroded away altogether. There is a pavement on the west side, which has different surface treatments along its length. The pavement lies outside the red line of the application site area.

The northern half of Heene Place has a tarmac surface. There is a pavement on both sides of the road with double yellow line markings on the east side of the carriageway and (approximately 11no) low bollards interspersed within the pavement edge on this side to prevent parking on the pavement.

To the south is the junction with Brunswick Road, an adopted road with narrow pavements on both sides, street lighting and marked out parking bays within the CPZ (controlled parking zone).

The southern part of Heene Place is within the Marine Parade and Hinterland Conservation Area.

Proposal

Permission is sought to surface the southern half of the road carriageway in tarmac and install 15no removable (not drop-down) bollards at intervals along the west side.

The application is made by the Heene Place Residents. As ownership of the road is unknown Certificate C on the application form has been completed and a Notice published in the Worthing Herald.

Relevant Planning History: None

Consultations:

WSCC: The **Local Highway Authority (LHA)** initially commented:

The resurfacing works will primarily be undertaken on privately owned land. However plans submitted show where the private road meets the public highway boundary and there appears to be an overlap between public and private. It is noticed that the existing radius kerbs/footway on the corner of Heene Place need replacement and this work should be included in the resurfacing works.

WSCC would also recommend the use of granite setts to demonstrate to the road user where the highway boundary changes. Please see WSCC plans for boundary demarcation detail. For reference it is drawing 3 in the following link Standard Construction Details (document unsuitable for assistive technologies) (westsussex.gov.uk)

Please can the applicant provide a plan to show how they will treat this side of the road to tie in with the surfacing.

Following the receipt of an amended plan showing the omission of the overlap with the public highway in Brunswick Road, the LHA provided the following further advice:

"As Heene Place does not form part of the public highway I can only give advice:

Provided there is still enough space for a car to pass when the bollard is in the upright position which there seems to be a bollard would not cause any issues from an access point of view. It may cause issues for the blind or partially sighted, or people walking in the road as there does not appear to be a footway, or only parts of one.

As this is a private road and as far as I can see not designated as a public right of way (there is a private road sign up at the other end), if people do use it, they know its not publicly maintainable. They may wish to put another sign up at the southern end to say this is a private road as there doesn't seem to be one at this end.

In terms of safety forward visibility it good at both ends and cars can see each other. This will mean cars can wait if they need to let each other pass. Fire engines need at least 3.1 metres kerb to kerb to gain access. This may be tight is a fire appliance was to try to enter from Brunswick Road; especially if cars are parking on both sides however this could be achieved form the other end of Heene Place (north) where a fire appliance would be able to enter from the north using the existing layout which has double yellow

lines and provides a turning space. Fire appliances can reverse up to 20 metres so this would be acceptable here."

Southern Water: Please see attached extract from Southern Water records showing the approximate position of SW existing 300ml sewer and 3-inch water main assets underneath the road. Please be aware of this when completing the proposed work.

The Worthing Society:

Heene Place is within the Marine Parade and Hinterland Conservation Area. The plans relate to the resurfacing of the southern part of a private road together with the installation of 15no parking bollards. We appreciate the need to resurface the area which has apparently become dangerous. However the Conservation Area Appraisal document states that one of the 'Enhancement Opportunities' for Heene Place is as follows: *'Improve the road surface in Heene Place, probably reinstating the original cobble surface'.* The present application may afford the opportunity to achieve this, or a similar surface to better complement the area rather than a tarmac finish. Regarding the bollards we have noted they will restrict the traffic flow on the east side and although they appear to be of good quality they may detract from the setting of the cottages.

Adur and Worthing Councils:

The Council's Conservation Architect initially commented: -

I have looked through this application and would like to make the following points:

"The CA appraisal document highlights a rare retention of an earlier cobbled road finish with a later tarmac capping. The proposed section taken at the southern end of the street showing the proposed build up above the cobbles, has no dimensions but does have a scale. For an access road/small car park, the depth required will be about 325mm; surface course 30mm, binder course 70mm, and sub-base 225mm. Do we have this height above the cobbles? The photographs show differing pavement finishes, heights above road surface and only some parts with a kerb. There are no proposals shown to change this arrangement, which throws up questions regarding how a new road surface might be finished at different points along the road. The proposals include the addition of 15 new bollards in the road. Are these cast metal like the two existing ones in the pavement, or are they polyurethane? Will the depth required beneath the surface break into the historic cobbled surface?"

Supplemented by the following further comments:

"My comments just highlight that the application doesn't give enough detail regarding the fate of the underlying cobbled surface. It may well be that it needs to be sacrificed to gain a safer, flat tarmac finish. That would be part of a balanced decision; but at the moment, insufficient information has been submitted in writing."

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM15, DM24
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to the improvement of the road surface in Heene Place. The key considerations are the effects on visual and residential amenity and on the historic character and appearance of the Conservation Area.

Heritage and Visual Amenity

Paragraphs 212-213 of the NPPF states that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 states 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, where appropriate, securing its optimum viable use.

LP Policy DM5 requires (amongst other things) that all new development makes a positive contribution to the sense of place, local character and distinctiveness of an area; and to respect, preserve and where appropriate enhance heritage assets and settings.

LP Policy DM24 states that where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place. Development in Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. Conservation Area Character Appraisals will be used to assess applications within designated Conservation Areas and opportunities will be taken to preserve and enhance these areas, and to implement the recommendations of Conservation Area Management Plans.

The Marine Parade and Hinterland Conservation Area appraisal explains the evolution of West Worthing by the mid-C19 as a seaside resort (separate to Worthing) centred on Brunswick Road and the King & Queen Inn (now 'Sand Bay' café and rooms), followed by the development of nearby Heene Terrace in 1865 and The Heene Hotel (now The Burlington). Heene Place comprises the original mews to Heene Terrace, since converted into terraced cottages (with more recent development at its northern end). The above appraisal document describes the cottages as having considerable local and architectural interest (although none are individually designated as Local Interest Buildings). It states the street itself is also on considerable interest in that underneath the poorly maintained wearing surface, the original cobble surface survives. An enhancement opportunity to improve the road surface in Heene Place, possibly reinstating the original cobble surface, is highlighted.

A Statement submitted in support of the application explains that the existing road surface in the southern part of Heene Place has long been in a bad state of repair. Evidence of the original cobbled surface below remains. However, given its lack of maintenance over time it states the cobbled surface would take a significant level of works to bring back into a usable state, not to mention the cost. The Statement goes on to point out that the road surface to the north of Heene Place is tarmac, as are surrounding roads in the Conservation Area. It states that the current road surface has become dangerous, due to being uneven, making vehicle movements as well as pedestrian likely to cause damage, with vehicle movements continuing to damage the road. It states the road surface has become unsightly and not reflective of the surrounding area, noting whilst a cobbled street would be preferred, a tarmac surface would enhance the setting of the Conservation Area.

12no bollards would be located on the west side of the road and 3no on the east side. These would be removable to enable residential parking for the occupiers of Nos 1-5 Heene Place (allowing each householder to remove their own respective bollards when required). The 3no bollards on the east side are intended to slow down traffic coming from Brunswick Road and Heene Place. There are existing bollards on the southwest corner of Brunswick Road and Heene Place. The Applicant's Agent has confirmed that the proposed bollards would be cast iron and traditional in style to match the existing bollards, finished in black.

In response to the query raised by the Conservation Architect concerning finished levels, the Applicant's Agent has stated that it is proposed to remove the existing (damaged) layer of tarmac, level out the surfaces and re-lay the tarmac without any increase in the level of the road and without affecting the existing (surface water) drain covers in the road.

A section drawing has been provided showing the retention of the cobbles underneath the proposed new tarmac surface. The Agent has further explained the section drawing as indicative, commenting: "*As you would have seen from your site visit, it would be near impossible to provide an accurate section plan to show how the road would be resurfaced due to the variation in the level of the damage and depth of the holes in the*

road and there are a areas where the cobbles are visible and areas where they have gone, As such all the cobbles would not be retained under the tarmac. The proposed level of the road would be in-line with the existing area of Heene Place that is tarmacked."

Only the southern part of Heene Place is within the Conservation Area incorporating the terraced properties on the west side of the road comprising Nos 1-7. Nos 1-6 consist of the original 2-storey mews buildings, converted and sub-divided into to residential dwellings many years ago. No.7/7A is a modern redevelopment carried out in a sympathetic cottage style, as is 1-10 Sirena House attached to the north, and 1-10 Cavendish Mews opposite on the East side of Heene Place. Several of the original cottages retain their ground-floor stable/carriage door openings, whilst others have replaced the original openings with windows, including several with plastic 'bow' windows. Whilst the introduction of new entrance doors, and ad hoc adaptation of the original door/window openings has resulted in the cottages suffering some loss of original character, they retain of group value owing to their mews setting, to which the informal character of the road layout and its underlying cobbled surface is a positive contributor.

The road is not publicly maintained. Its surface has deteriorated over many years with ad hoc tarmac patching apparently taking place from time to time, but is now in a very poor, uneven condition which residents state is dangerous for both vehicles and pedestrians. This is made worse by some of the underlying cobbles having become loose, spilling and causing further damage. Ownership of the road is unknown. However, the current application is made by a group of Heene Place Residents seeking to take responsibility for halting further deterioration and improving the road surface.

It is noted that the CA Appraisal document references the enhancement opportunity of reinstating the cobbed surface as 'possibly', but in practical terms the likelihood of being able to achieve this is low, now and for the foreseeable future. There is no public body responsible for maintenance of the road, or any other realistic prospect of finances coming available to fund the preferred alternative of repairing and reinstating the cobbled surface. In the meantime, the road surface, including the underlying cobbles, continues to deteriorate with the risk of more cobbles being lost. The Applicant's Agent has confirmed that it is not the intention to remove the existing cobbled surface where it remains intact, but to try to remove the existing patched tarmac, fill in and level off the potholes forming a sub-base, with a thin binder course and tarmac surface applied to achieve as level a surface as possible without increasing the existing overall road level.

It is inevitable that in carrying out the proposed works the existing loose cobbles will be lost altogether, but more will be lost in time if nothing is done, whilst the amenity and safety of the existing environment for residents continues to worsen.

It is disappointing that the Applicants are not agreeable using granite setts to demarcate the boundary between the public and private highway as suggested by the LHA.

In conclusion is it considered that some harm will result to the historic mews setting of Heene Place as a result of the proposed works, but this harm will be 'less than significant' and will be outweighed by the public benefit of a safer road surface for vehicles and pedestrians, which although not the preferred option in heritage terms, will nevertheless result in an improvement to the appearance of the existing road and the setting of Heene Place.

Subject to a condition to ensure the traditional design of the proposed bollards as shown on the submitted drawing, to be carried out in cast iron and painted black; it is considered there would be no harm to visual amenity or the historic character of the road caused by the proposed removable bollards.

Residential Amenity

It is understood the application has been made by a group of residents occupying properties on the west side of Heene Place (Nos 1-5), but properties residents on the east side also have an interest. This includes Autotec Car Care Centre in Wordsworth Road, which has rear workshop with door openings onto Heene Place, as well as 'Seabreeze' and 11/11A Heene Place, residentials dwellings with driveway or frontage parking accessed from Heene Place. The nearby 3no dwellings fronting Brunswick Road, 'Brympton Cottage', 'Danesfield' and 'Harleyford' share a pedestrian rear access onto Heene Place, 'Brympton Cottage' also has a further separate pedestrian gate opening onto Heenc Place.

The current application has been publicised by site notice and neighbour notification letter. The necessary notices have also been published in the Worthing Herald.

Whilst some noise disturbance and disruption for vehicles and pedestrians is inevitable whilst the surfacing works are being carried out, this will only be temporary. It is considered the resulting improvement to the road surface will benefit all residents. The introduction of removable bollards as a means of controlling on-street parking will benefit those residents involved in making the current application but will not harmfully detract from the amenities of others which rely on Heene Place to access existing off-street provision.

Highway Safety

There is sympathy for the argument that the existing uneven road surface is unsafe for vehicles and pedestrians and that this situation will only worsen as the underlying cobbles loosen and are moved around by vehicles.

As well as the proposed resurfacing works, the opportunity is being taken by the residents to control on-street parking in the road through the introduction of removable bollards (instead of the temporary traffic cones currently used). As a private road, Heene Place lies outside of the CPZ on nearby roads where on-streeting parking is controlled and enforced. It lies within easy walking distance of the seafront and

particularly during summer weekends can suffer from high levels of inconsiderate parking by those seeking to avoid parking charges on the seafront. The proposed removable bollards would be used to control on-street parking for the benefit of residents.

Following the amendment to omit a small section of public highway inadvertently included in the 'red line area', the LHA has raised no concerns in relation to the proposed works on highway safety grounds.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. All the bollards hereby permitted shall be of an identical design, matching that shown on the approved plan, consisting of cast iron and painted black.
4. Where possible the existing bound cobbled surface of the road shall be retained in situ and the new binder and tarmac surfaces laid on top. The level of the final surface shall not be raised above the that of the adjoining section of public road carriageway in Brunswick Road, or the adjoining tarmac surface existing to the north part Heene Place.
5. Upon completion of the works hereby granted, direct vehicle and/or pedestrian access to or from Heene Place shall be reinstated to all properties which currently benefit (at the time of this permission) from direct vehicle and/or pedestrian access to or from Heene Place.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Southern Water Advice

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

Case Officer: Jo Morin Date: 31.03.2025

Authorised by: Louise Prew Date: 31/03/2025