*recommend that acoustic protection is incorporated into the design of the development so as to minimise any such effects on future occupiers of the development. Such protection could take the form of triple or secondary glazing to the rear elevations. The applicant may find it useful to carry out an acoustic assessment of current noise levels experienced at the site (and caused by the depot), in order to inform them of the amount of acoustic protection to be employed.*

*I recommend the following condition be attached to any permission granted.*

*"Construction work shall not commence until a scheme for protecting the proposed dwellings from noise from the bus depot in Library Place has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any dwelling is occupied."*

*Reason: To safeguard the amenities of the occupiers of the dwellings.*

*I should also point out that Steyne Gardens plays host to a number of often noisy events throughout the year and, although these events take place during the day and evening, the set- up and dismantling of such events can take place late at night and result in some noise. Therefore the applicant may wish to consider acoustic protection measures at the front of the proposed dwellings too."*

The Executive Head of Health, Housing and Community Safety also recognises that the bus station site has the potential to have been contaminated and recommends a precautionary contamination condition accordingly.

The views of **West Sussex County Council** are awaited.

The **Crime Prevention Design Adviser for Sussex Police** comments:-

*"I have examined the detail within this application from a crime prevention viewpoint and in an endeavour to reduce the opportunities for crime and the fear of crime, I offer the following comments with regards to the 8 three bedroom flat infill building.*

*The main entrance and final exit doors to the building and flats conform to LPS 1175 SR2 with any glazing and sidelights to be laminated. Any outward opening doors would benefit from hinge bolts. Locks to conform to BS3621. All windows to conform to BS7950 with any ground floor and easily accessible windows fitted with laminated glass.*

*The communal entrance to the building will require an access control system that provides electronic lock release with phone link to the flats. Any trade buttons to be coded and not timed, consideration should be given to fit secure post boxes in the lobby to reduce the access to the lower ground level. Consideration could be given to further fit control measures to subsequent landing's again reducing the access to individual dwellings.*

*The rear gate needs to be the same height as the adjoining wall and be robust and lockable. It should be possible to view through the gate for safety requirements prior to opening.*

*For more information on secure cycle parking I direct the applicant to www.bikeoff.org/designresource.*

*The refuse bin store should be lockable to reduce the risk of arson.*

*Comments applicable to No. 7 The Steyne are as follows:-*

*The communal front doors and all exit and flat doors to conform to LPS 1175 SR2 with any glazing and sidelights to be laminated. Windows to conform to BS7950 and any ground floor and easily accessible windows to be laminated.*

*The communal entrance will require an access control system that provides electronic lock release with phone link to the flats. Trade buttons to be coded and not timed. Again it would be beneficial to the residents to have secure post boxes in the lobby reducing access to the ground floor.*

*Finally, lighting for both developments will be an important consideration particularly in the communal areas, around the bike store, and the rear gates to the alley, but will still need to be commensurate with the location."*

The views of the **Strategic Planning and Regeneration Manager** are awaited.

5. REPRESENTATIONS

Two letters have been received which make the following comments:-

i) Adequate car parking provision should be made for the development.
ii) The proposals are very sympathetic to the neighbouring properties.

6. RELEVANT PLANNING HISTORY

The applicant explains how the terraces and the Old Steyne Hotel date from around 1807 but then the developer responsible for the construction of the terraces of town houses became bankrupt and never completed the terraces which were started at either end and have consequently left a gap. The gap would have originally accommodated four town houses but a recent extension to No. 7 added one window bay and has stopped the original completion of the terrace.

There have been a number of attempts to gain planning permission to infill the gap which have been largely resisted due to the prejudicial affect that such

development would have upon the appropriate redevelopment of the site. Some of these applications are listed below:-

WB/206/49 – Block of offices (Refused 15th March 1949).

WB/189/60 – Five storey block of 11 flats with professional consulting room and waiting room and car parking under (Refused 15th March 1960).

WB/482/64 – Conversion of existing house into two maisonettes and development of the garden with a four storey building of six maisonettes and two flats with nine garages (Refused 6th October 1964).

WB/1610/74 – Four terraced houses (Refused 19th February 1974).

WB/595/76/LB – Construction of four storey extension to existing terrace to provide additional residential accommodation, including alterations, and to provide additional hotel staff accommodation (Approved 1st September 1976).

7. PLANNING ASSESSMENT

The main issues for consideration are the principle of residential development, its design and the effect upon the character of the Listed Buildings and the Conservation Area, parking, residential amenity, outdoor recreation space, crime and disorder, loss of a preserved tree, noise and ground contamination. As such the application should be considered against saved Worthing Local Plan Policies BE1, RES9, TR9, H13, H16, H18 and LR8 and South East Plan Policies SP3, CC1, CC4, CC6, H4, H5, T4, NRM10, NRM11, BE1, BE6 and Government Policy in Planning Policy Statement 1 : Delivering Sustainable Development, Planning Policy Statement 3 : Housing, PPG13 : Transport, PPG24 : Planning and Noise, PPG23 : Planning and Pollution Control.

The principle of residential development

The applicant has usefully outlined the history of the site from the construction of the terraces and the Old Steyne Hotel from around 1807. It seems that the developer became bankrupt and never completed the terrace which he started to construct at each end intending to meet in the middle. The planning history set out in this report shows that attempts to develop the site from 1949, with offices and flats, until 1976, when a residential extension of the terrace was finally approved. Previous refusals have been based on the prejudicial affect of developing the land in isolation. The current proposal attempts to complete the terrace and in this respect, residential development in this form is the most obvious and appropriate solution.

On this site the accurate external replication is more important than the content but, nevertheless, the proposal would provide a mix of two bedroom and three bedroom apartments capable of family occupation within the town centre. The development would therefore make effective and efficient use of an existing brownfield site offering a mix of dwellings and would accord with

the results of the Council's recent Strategic Housing Market Assessment (SHMA) which has been prepared for the Local Development Framework.

Design

The applicant has taken care in preparing a scheme which best replicates the scale, form and detailed design which would match the adjoining terraces. It should be noted that No. 7 is a recent addition and therefore the brick does not match the existing buildings. Also, it should be noted that the two existing ends of the buildings do not align perfectly and, therefore, the applicant has decided to step back and recess each end of the new building in the form of a 200mm recess at the northern end and a 100mm recess at the southern end. This would produce a building which would run parallel to the pavement and would also express itself as a contemporary infill which would be obvious to historians in the future. Furthermore, the building has to be constructed independently and cannot be attached and toothed in to the existing buildings at either end because it would be necessary to form an expansion joint between the existing buildings and the new building. This will be disguised and the detailing will be covered by a planning condition.

In all other respects, the chimneys, roof construction and covering, parapet details, windows and reveals, doors and railings are designed to match the existing terrace. It will be essential to cover these details and the actual materials, especially the bricks, with a strict planning condition requiring samples to be submitted.

Not only do the existing buildings not line up but the window heights are also slightly at variance and, once again, the applicant has chosen to compromise with window heads being at a height between the taller on the north side and the lower on the south side. These fine differences should be indiscernible in the public domain.

The main elevation, facing Steyne Gardens, has been designed to match the rhythm of the adjacent buildings in terms of the front doors and division of buildings even to the extent that there would be three front doors for two ground floor flats. One front door will actually serve a kitchen and be a second front door to the apartment, but this is necessary to continue the historic rhythm and appearance of the buildings. Upon careful analysis, one will see that the separation between the windows and the doors cannot be made to perfectly match the existing buildings and doors. However, the hierarchy of windows with the different depths and number of panes would match and hold together visually the old and the new.

One concern is the absence of basements. The applicant suggests that the creation of basements would undermine the viability of the scheme but it is recognised that their absence is also a weakness. Your Officers are negotiating the possibility of false basements by providing glass ceilings within the small enclosures at the front of the building. These would give the impression that there is habitable accommodation below and would be

preferable to simply having a hard surface. Any revisions will be reported at the meeting.

A fundamental concern, however, is the design of the rear elevation which faces the bus station. The applicant has not attempted to match the simple historic rear elevation which is rendered and very much secondary in terms of the quality and importance of the Listed Building. This elevation can be seen quite clearly across the bus station site and is important. The applicant has chosen to introduce balconies with lead canopies but this is considered to be out of keeping and lacking respect for this subservient rear elevation of the historic building. Whilst this elevation is not sufficiently important to be over critical about the design, it would benefit from simplification in order to recognise the hierarchical importance of the front compared with the rear. The obvious solution would be for the applicant to remove the balconies and canopies and produce a simpler, uniform and rhythmical rendered rear elevation. Negotiations are ongoing in this respect and Members will be advised at the meeting of any changes.

In this rear yard area, there is concern at the loss of the flint boundary wall. Whilst the introduction of timber pedestrian gates is appropriate in part, there is an objection to the opening up of this flint wall simply to insert an open bin store which would detract from the historic appearance and produce an unsightly refuse storage area. The applicant has been asked to reconsider this detail. There is also part removal of a modern brick addition to this boundary wall to facilitate an entrance gate but this would be acceptable.

One other minor issue is the position of the chimneys. The position of the chimneys should be over the party wall whereas the northern window is not. These chimneys should also be set further back onto the site over part of the flat topped roof. There is a flat top to the roof simply to facilitate modern construction and drainage. This will be unseen and will be finished in ridge tiles to finish the illusion of a traditional butterfly roof. This is another area that will require a planning condition to agree the final details.

<u>The effect upon the Listed Building and the Conservation Area</u>

The proposal has due regard to the Listed Building in that the physical alteration would be to No. 7 with the removal of the south facing windows in order to butt up to the new building. This is a later addition, in any event, and, therefore, there is less objection than there would be to affecting the older historic Listed Building. The proposal to insert windows into the rear west facing elevation to replace the light to those rooms which previously relied upon southern light, is acceptable in principle subject, once again, to a planning condition to ensure that the appropriate design of timber sliding sash window is installed.

The effect of the infill upon the Chatsworth Hotel to the south is also acceptable. It has a blank north facing elevation and would not require alteration in this respect. Clearly, the new block would affect the setting but it was always the intention of the original builder that this land be infilled. It

currently serves as a garden to No. 7 but its openness is more an historic consequence rather than a deliberate design. It is therefore considered that the principle of producing a replication within this infill gap is acceptable and would not be harmful to the Listed Buildings or the character of the Conservation Area. The position of the building, set back by 200mm at the northern end and 100mm at the southern end, would serve to show to future generations that this was a contemporary infill. Similarly, the expansion movement joint required to butt up to the existing buildings will also reveal to historians the truth. Therefore, subject to resolving the issue with the over elaborate design of the rear elevation and imposing appropriate conditions to cover all design details and materials, it is considered that the development would not be harmful to the Listed Buildings or the Conservation Area.

Parking

The application site is in a central location where development plan policies do not require the provision of on-site parking. The site is accessible to all essential services and public transport. It will be necessary, however, to make provision for cycles in the rear yard. The applicant has indicated areas where this provision could be made but details are lacking and should be provided subject to a condition for the details to be agreed.

Residential amenity

The proposed building would not project beyond the rear elevations of the existing terraces and would cause no loss of light or harm to those neighbours. Subject to the provision of adequate light to the rear of No. 7 with its conversion to four flats, the amenities of the future occupiers should be satisfied.

The Environmental Health Officer is concerned about the impact of noise and activity upon the new residential properties due to the occasional activities and events held in Steyne Gardens opposite and, to a degree, the bus station at the rear. It will be essential, therefore, that appropriate acoustic protection, in terms of windows and glazing, is accommodated within the severe design constraints required to produce a replication of the historic building.

Furthermore, due to this close relationship between the hotel and the residential, it will be essential to control construction times from Monday to Friday, 8.00am to 6.00pm, with no weekend working in order to respect the adjacent residential accommodation and also the important hotel environment for staying visitors.

Outdoor recreation space

The development would provide no on site recreation space. The proposed balconies provide the only outdoor amenity area for the flats but these may be removed by negotiation in order to improve the design of the rear elevation. However, the development would enjoy a parkland and seafront location where there would be no need to provide on-site amenity space.

Saved Worthing Local Plan Policy LR8 also requires a financial contribution for outdoor recreation space and the precise amount should be identified by the Strategic Planning and Regeneration Manager in her comments in due course.

Crime and disorder

The Crime Prevention Design Adviser for Sussex Police raises no objection. However, he recognises the close relationship of the development to the street and to the alleyway at the rear and provides advice to the applicant on detailed measures which should be accommodated to provide the security for residents.

Tree removal

The proposal would involve the loss of the existing Oak tree within the garden. It is necessary for the successful redevelopment of the site and would override, in these circumstances, the loss of the tree which is less significant within the Conservation Area than the very important trees within the gardens opposite. The applicant claims that the tree is in generally poor health and a number of limbs have been lopped and removed over the years. Furthermore, he states that the views of the tree are hidden from the footpath and screened from the south east and north. He also states that the roots of the tree are affecting the foundations of the hotel. On this basis there is no objection to the loss of the tree.

Ground contamination

The Environmental Health Officer recognises that the bus station has the potential to have contaminated the site and recommends a standard precautionary contamination condition be imposed.

Financial contributions

The development is likely to require financial contributions in respect of transportation, education and the fire service as well as outdoor recreation space. These will be subject to the advice given by West Sussex County Council and the Strategic Planning and Regeneration Manager whose comments will be reported at the meeting.

8. CONCLUSION

Subject to the receipt of revised plans covering those matters referred to in the report, the proposal represents a sympathetic and appropriate infill within this terrace but is subject to careful selection of materials and precise details in terms of roofs, parapets, doors, windows and railings if the historic replication is to be successful.

9. RECOMMENDATION

WB/09/1067/FULL

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE EXECUTIVE HEAD OF PLANNING, REGENERATION AND WELLBEING TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT IN RESPECT OF DEVELOPMENT CONTRIBUTIONS TOWARDS TRANSPORT, EDUCATION AND OUTDOOR RECREATION SPACE WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1AREV Revised Standard Full Condition.
2. C3D Protect building during construction.
3. C4B Erect walls/fences before occupation.
4. Cycle parking.
5. C7G Limitation on hours of construction.
6. Hard landscaping scheme.
7. C9B Agree samples of materials.
8. C9C Agree/implement colour of painting.
9. C9H Complete external finishes.
10. Noise protection scheme to be agreed.
11. C12F Provide combined aerial facilities.
12. C12H Agree drying areas/dustbin enclosures.
13. Details of roof, parapet, windows, doors, balconies to be agreed.
14. C13D Archaeological evaluation required.
15. C13K Investigation of potential contamination.
16. C13LRV Sustainable development.

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

WB/09/1068/LBC

**Grant Listed Building Consent** subject to the following conditions:-

1. C3A Standard time limit for LBC.
2. C3D Protect building during construction.
3. Window details.
4. Details of internal changes to No. 7.
5. Dustbin provision.

10. **BACKGROUND PAPERS**

Observations of the Executive Head of Health, Housing and Community Safety
Observations of the Strategic Planning and Regeneration Manager
Observations of West Sussex County Council
Observations of the Crime Prevention Design Adviser for Sussex Police
Letters of Representation from Members of the Public

16th February 2010