ADDENDUM TO PLANNING COMMITTEE AGENDA

MEETING DATE - 16TH FEBRUARY 2010

The following agenda items have updates to the original Committee report.

WB/09/0583/FULL 142 WARREN ROAD

UPDATES

The **Highways Agency** has made further comments that,

"There have also been suggestions that the visibility to and from the proposed access represents a departure from the Highways Agency's required standards. These standards are set out in the Design Manual for Roads and Bridges (DMRB) which is available on the internet at www.standardsforhighways.co.ukldmrb/. For a new road subject to a 40mph (64km/h) limit Section 1.8 of TO 9/93 (Highway Link Design) requires the assumption of a 70km/h design speed. However for an existing road Section 1.2 of TA22/81 (Vehicle Speed Measurement on All Purpose Roads) clarifies that improvement of existing junctions is better based on measured 85%ile speed and Section 3.4 of TA 22/81 further clarifies that 85%ile wet weather speed should be used for junction design. Speed measurements carried out on behalf of the developer show a traffic speed (85%ile dry of 48.38km/h - equating to 85%ile wet of 44.38km/h), so that a 50km/h design speed is appropriate. The developer has offered to provide visibility to DMRB standards appropriate for a 60km/h design speed. Therefore there is no departure from Highways Agency standards. On the contrary those standards are exceeded.

I emailed you on 8 February in reply to your email regarding the Road Safety Audit and later that day I was telephoned and subsequently emailed by Philip Russell on behalf of the applicant. I have asked Mr Russell for confirmation from his clients that they agree to proceed with their promotion of improvements to the A27 on the basis that no exceptions will be required to the Stage 1 Road Safety Audit.

Mr. Russell has also clarified to me that whilst the road layout within the site is sufficient to permit a small HGV to turn, so that it can enter or leave the site in a forward gear, t~ vehicles used for refuse collection are. too large to do this. Mr. Russell is proposing that refuse will be collected by the collection vehicle remaining on the A27 and I can advise you that this would comply with the recommendations of the Road Safety' Audit. Mr. Russell is seeking to get confirmation from the current refuse collection. contractor that they would adopt this method of collection.

Therefore in summary the Highways Agency's position is that on balance the proposed' access arrangements would not be detrimental to road. safety. This takes into account .. " that the proposed visibility splay for a design speed of 60km/h exceeds the DMRB requirement for 50km/h. Nevertheless the Agency's view is that a 60km/h design speed is desirable including as an offset the small increase in turning movements that would result from the proposed development.

In view of local concerns, and taking into account that it appears that the applicant intends there should be no exceptions from the recommendations of the Road Safety Audit or departures from DMRB, you may wish to make full conformity with

the recommendations of the Road Safety Audit and full conformity with the Design Manual for Roads and Bridges conditions of any planning permission. This takes into account that the application is accompanied by the "Designer's Response to Stage 1RSA" document and this contains RGP drawing 2009/102/004 dated March 2009 showing '2.4 x 90 metres visibility (DMRB)'. However the site layout drawing 5104/01F dated May 08 also accompanying the application does not explicitly show the visibility splay within the site. Such conditions would preclude the applicant from subsequently approaching the Highways Agency with a view to exceptions to the Road Safety Audit or Departures from the Design Manual for Roads arid Bridges being agreed. I would stress however that these are recommendations and not directions."

WB/09/1067/FULL and
WB/09/1068/LBC **7 THE STEYNE**

UPDATES

West Sussex County Council (WSCC) comments that:-

"Highways

In highway terms, this proposal would have limited implications. The proposed dwellings are to have a nil car parking provision, similar to the existing dwellings fronting onto The Steyne. The site does also lie within the Worthing Controlled Parking Zone thus restricting parking to residents only between 9am and 6pm. The WSCC Parking Standards are maximum standards based upon the advice within PPG13, therefore providing the maximum standard is not exceeded and that a highway safety issue would not arise as a direct consequence of a particularly low parking standard, then there would be no reason to object on parking grounds. Notwithstanding this, the Planning Authority may wish to consider the implications of this proposal upon on-street parking.

The site is sustainably located and does promote the use of walking, cycling and passenger transport in accordance with current sustainable transport policies. Cycle parking is proposed to be incorporated within the rear of the building, with access enabled by way of a walkway that does form part of the adopted public highway. A door from a bike store is shown as swinging outwards onto the public highway and this should be addressed to open inwards instead.

The existing access presently serving the garage should be closed and the kerbing reinstated with the works undertaken as part of a licensed arrangement with the WSCC Area Engineer based at Clapham Common.

The location of the bin store is some distance from the public highway making it necessary for the bins to be wheeled along the walkway running to the rear of the existing buildings. The Waste Collection Authority may wish to make comments in these regards. It should also be confirmed that the bin storage area is sufficient to accommodate the necessary number of bins as it would be inappropriate for the walkway to be used as an overflow bin storage area.

There would be no highway objection to this proposal.

Archaeology

The following advice would be offered in regards of the archaeological implications of this proposal. The conversion of the existing building (No. 7) will have no archaeological implications but it appears that the garden to the south of No. 7 has remained undeveloped since the other elements of The Steyne (west side) were built from either end (north and south) in the Georgian period.

As the Design Statement points out, when setting out the background history and context, The Steyne marks the eastern limit of the early town and the undisturbed ground of the garden may have the potential to contain post-medieval and possibly medieval evidence.

A watching brief is suggested that should be carried out to record any such evidence. This might be best undertaken as a small trial excavation before the main contractor is on site or as a watching brief on groundworks. The technique to be adopted will need to be determined subject to discussion with the applicant concerning the engineering solution to be adopted for foundations etc.

A condition as in PPG16 para 30 or circular 11.95, Appendix A, Condition 55 is recommended to secure the necessary works.

Development Contributions

Contributions are required pursuant to s106 of the Town and Country Planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development. (Total £15,762)

The **Environment Agency** comments as follows:-

"The proposal lies within Flood Zone 1 and falls within the scope of the Flood Risk Standing Advice. The Standing Advice should be followed for guidance on surface water drainage information. The Local Planning Authority's Technical Services should be satisfied with the proposed method of surface water disposal.

The Environment Agency also provides informal guidance to protect ground waters and pollution of surface water.

The **Conservation Area Advisory Committee** raises no objection.

The Worthing Society raises no objection and comments that the proposal is most acceptable architecturally and enhances the Seafront Conservation Area.

OFFICER COMMENTS

The points raised may be addressed by imposition of suitable conditions and suitable amendment of the legal undertaking.

CHANGES TO RECOMMENDATIONS

Add conditions to ensure the door from a bike store opens inwards, to close the existing access presently serving the garage, and to ensure an archaeological watching brief is undertaken.

WB/09/0997/FULL LONGACRE REST HOME 12-14 CHUTE WAY

UPDATES

As requested by Members, supplementary plans have been received.

OFFICER COMMENTS

The plans provide Members greater clarity to the built form of the development.

WB/09/1058/FULL and
WB/09/1059/CAC 101 BRIGHTON ROAD

UPDATES

The **Conservation Area Advisory Committee** raises no objection.

WB/09/1064/FULL LAND ADJACENT TO 2 MADEIRA AVENUE

UPDATES

The **Conservation Area Advisory Committee** raises no objection in principle to the development of the vacant land to the south of No. 2 Madeira Avenue but comments that the proposal for a pair of semi-detached dwellings is considered to have an unacceptable effect on the Conservation Area and a single dwelling of lesser impact would be more acceptable. The Committee suggests that a more sympathetic treatment would enhance the Conservation Area.

The **Executive Head of Health, Housing and Community Safety** comments:-

"The application site is adjacent to the busy A259 Brighton Road. The site is therefore exposed to a relatively high level of traffic noise. I recommend that the properties are properly sound insulated in order to reduce exposure to elevated traffic noise levels and consequential loss of amenity. This could be by way of a condition requiring a scheme of sound insulation to be agreed."

WB/09/1035/FULL 2 MADEIRA AVENUE

UPDATES

The **Conservation Area Advisory Committee** raises no objection.

AMENDED PLANS

Amended drawings have been received showing a revised eastern plot boundary together with the creation of an on-site parking space to be formed by widening the existing northern-most pedestrian opening in the boundary wall fronting Madeira Avenue to create a vehicular access. The amended elevation shows the omission of the proposed northern bay window on the front elevation and a reduced width first-floor window over the proposed southern bay window on the front elevation. Three first-floor windows in rear (east) elevation have been altered to provide a more vertical proportion by lowering the sill height. A more elegant reinstated chimney is shown on the front roof slope.

OFFICER COMMENTS

The revised eastern plot boundary now accords with the boundary of the original dwelling plot, and satisfactorily overcomes the concern about enclosing the setting of the adjoining 'Local Interest Building' at 101 Brighton Road.
The alterations to the proposed fenestration and omission of the northern-most bay on the front elevation improves the juxtaposition of the various features of the dwelling, and allow an element of the original asymmetry of the front elevation to be retained. The more elegant chimney design on the front roof slope is also an improvement.

The creation of a parking space to serve the proposed 4-bedroom dwelling is welcomed, notwithstanding the sustainable location of this site. Although this would necessitate removing a section of the existing flint and brick dressed boundary wall, to create a short drive paired with that existing at No.4, it would have relatively limited impact in streetscene terms providing the brick pier is reinstated on the south side of the new access, as shown on the submitted amended drawing. The Highway Authority has been consulted on the proposed parking provision.

CHANGES TO RECOMMENDATIONS

That subject to the satisfactory comments of the Highway Authority on the amended plan showing a proposed parking space accessed off Madeira Avenue, that planning permission be granted subject to the conditions listed in the agenda.

WB/09/1036/FULL **4 MADEIRA AVENUE**

UPDATES

The **Conservation Area Advisory Committee** raises no objection.

WB/09/0757/OUT 185-187 FINDON ROAD

This application has been deleted from the agenda to allow for clarification of the drawings and to investigate the feasibility of providing the proposed twelve flats on the site in a scheme of two storeys with an additional floor in the roof/alternative mix/number of flats/form and scale.

WB/09/1086/FULL 3 ANN STREET

UPDATES

The **Crime Prevention Design Adviser** raises no objection.

The **Highway Authority** raises no objection.

The **Executive Head of Health, Housing and Community Safety** raised no objection subject to conditions to secure and implement increased sound insulation and to reduce opening hours on a Sunday to 10am to 8pm.

OFFICER COMMENTS

The conditions required by the Executive Head of Health, Housing and Community Safety are already included in the recommendation with a closing time of 6pm on Sundays recommended.

WB/08/0851/FULL EQUINITY THE CAUSEWAY

UPDATES

The last representation (30th January 2009) by agents on behalf of the Co-op Group and a representation by agents on behalf of Martin McColl, (Martins newsagents, Strand Parade), (9th January 2009), were omitted in error from the body of the main report. These comments are set out below.

The Co-op Group

"We write on behalf of our clients the Co-operative Group in respect of the above planning application. We submitted representations relating to this application on 2nd October 2008 and we note that the applicants have prepared a Supplementary Planning Statement, in part responding to our earlier comments. This letter responds to this and amplifies our earlier objections.

Where we do not comment on points made by the applicants it does not necessarily mean we accept them.

PPS6

In the original planning statement, the applicant refers to the consultation draft on proposed changes to the PPS6 document which has not been adopted. We referred to the fact that limited weight should be attached to this as a consultation document which may be subject to further change. The existence of the draft document does not preclude the applicants from needing to address the policy tests in PPS6 and failure to do so is an adequate reason alone for the application to be refused. The applicant has since submitted some information in relation to the adopted version, but continues to contend that (para. 4.6):

> *"Although the July 2008 version of PPS6 is not yet formally adopted as a policy statement, it is clear from the Secretary of State's announcement on its publication, that it better reflects Government Policy that the 2005 version of PPS6."*

We attach a letter from the Secretary of State, which clearly sets out that the consultation draft changes to PPS6 will be afforded 'little weight' in the determination of applications, on the basis that this may be subject to further revision (Point 4). This confirms that applications being determined at this stage should continue to be assess against the retail tests within PPS6.

<u>Need</u>

Therefore, in line with the current version of PPS6, need must be demonstrated for any application outside an existing centre. The applicant's revised statement (para. 4.7) concedes that in line with the conventional and widely used need assessment methodology there is 'no capacity for any further retail provision in the borough'. In line with this, the applicant critiques our original assessment which also ascertains there is no need, stating we used an 'inappropriate basis on which to approach the assessment' (para. 5.2). Our approach was based on that accepted by the Planning Inspector in the appeal against the Asda store on the Worthing College site. The lack of need as identified on this site led to the Inspector dismissing the appeal stating (Inspector's Report Para. 76) that NLP's analysis 'is compatible with the CDRS finding that if existing commitments are development as planned, there was no need for additional convenience floorspace in the Borough up to 2013'. Any difference between the scale of this and the previous Asda proposal and their respective locations is immaterial to the appropriateness of the needs test. Furthermore, the fundamental conclusions reached by the Inspector on this point remain appropriate.

The applicants continue by stating that our assessment of need does not encompass the ability to have greater regard for the employment retention and regeneration objectives of the proposal (para. 5.2). However, the adopted version of PPS6 states that any additional benefits (e.g. regeneration and employment) do not constitute indicators of need for additional floorspace, (although they may be material considerations).

<u>Scale and impact</u>

As identified in our original planning statement, the proposal is of an inappropriate scale for the nearby Strand Local Centre. In total a 75% increase in floorspace is

proposed, compared with the total retail floorspace in the centre, and if the larger unit is used for convenience purposes (as envisaged in the planning statement) then the convenience provision of the Strand Local Centre will be larger than that provided at Broadwater and Goring Road District Centres (Source DTZ 2005). This re-emphasises that the application proposals of this scale should be directed to a higher order centre in the retail hierarchy rather than beyond the boundaries of smaller centres.

The implications on the Strand Local Centre of the store proposed being an inappropriate scale are exacerbated by the applicant's concession that (Para. 4.9) 'local centres in Worthing are underperforming meaning they are more vulnerable to the diversion of expenditure which is likely to arise'.

Conclusions

Further to our initial representations dated 2nd October, these representations seek to amplify our earlier comments that:-

- *The draft revised version of PPS6 should be afforded little weight, and in accordance with the opinion of the Secretary of State should not be used to influence the determination of planning applications.*
- *There is no identified need in line with the adopted version of PPS6, using the conventional need test (as accepted by the Planning Inspector for the recent Asda Appeal on the nearby Worthing College site); and*
- *The scale of the proposal is not appropriate in relation to nearby The Strand neighbourhood centre and accordingly a harmful impact is likely to arise to the centre.*

We trust our representations, set out in this letter and our letter dated 2nd October 2008, will be taken into consideration during the determination of this planning application."

OFFICER COMMENTS

The above comments informed the preparation of the report on the main agenda and are reproduced in full for completeness.

Worthing Borough Council 12th February 2010