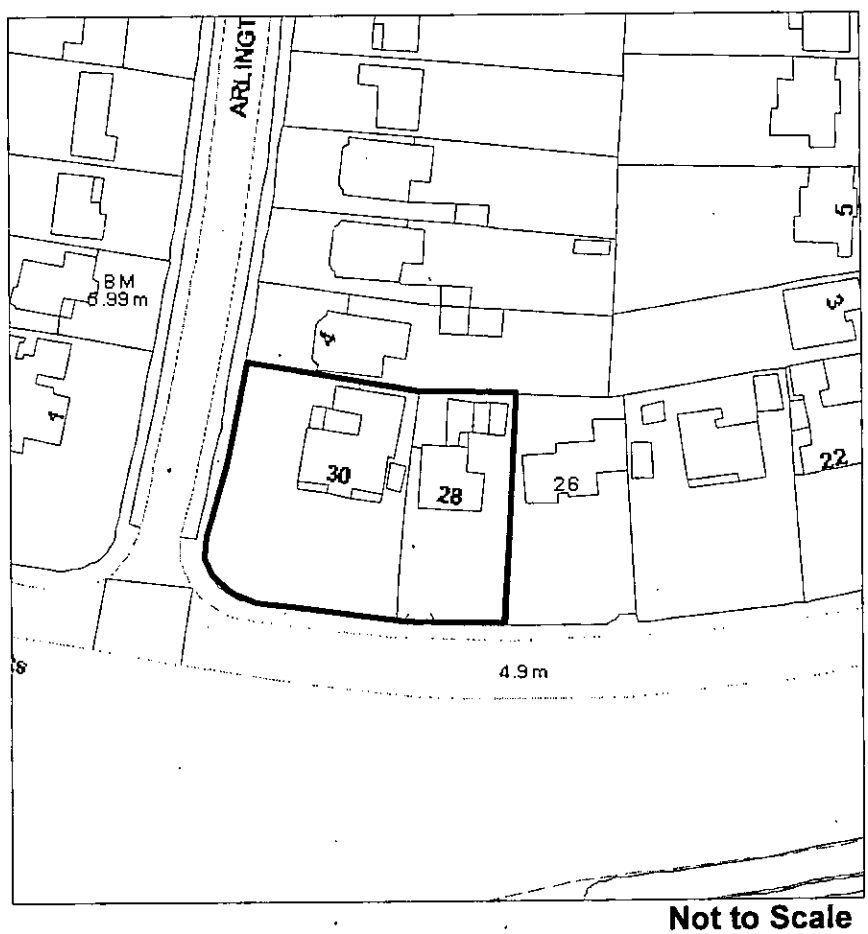
Strutt And Parker FAO Mr P Dowsett
Leslie Christopher Homes

WB/07/1511/FULL
GOR
PD

Location : 28 and 30 Marine Drive

Proposal: Demolition of 28 and 30 Marine Drive and redevelopment of the site with a block of 8 flats with associated landscaping and underground parking.




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1. INTRODUCTION

This application was considered by this Committee at its meeting on 4th March 2008. The Committee resolved:

*'That subject to the comments of the relevant statutory consultees, the decision in this case be delegated to the Assistant Director (planning services) to await the completion of a legal agreement with a view to planning permission being granted subject to ... (prescribed) conditions and...that if the applicant subsequently decides not to sign the legal agreement, the Assistant*

*Director (Planning Services) be authorised under delegated powers to refuse the application'.*

2. CASE FOR RECONSIDERING THE APPLICATION

Members will recall that at the meeting, but prior to the resolution, the Committee was advised by officers of concerns by some objectors that insufficient notice had been given to a number of other objectors in respect of the Committee meeting date and the opportunity for such objectors to address the Committee directly on the application. Accordingly, these objectors would be disadvantaged by any decision made at the meeting to approve the application. A number of objectors made this point directly to the Committee on behalf of any such disadvantaged objectors. To this end, the objectors requested that any decision be deferred to allow the so-disadvantaged objectors a fair hearing - i.e. reconsideration at the next Committee meeting whereby such objectors would have appropriate notice and the opportunity to request one of the 3 available slots for objectors to speak to the Committee on the application (it appears that, although the 3 slots were actually taken up at the meeting, one of the objectors had indicated that they would be prepared to surrender their slot to another, in appropriate circumstances).

The issue arose from the fact that 3 complementary consultation methods were used for the statutory 21 day consultation, but, because of the different start dates, the 21 days expired on different days in each case. Neighbour consultation letters gave the 22nd of February as the deadline for responses but the newspaper advert consultation gave the 28th February and the Site Notice gave 29th February. This outcome is not unusual in such cases.

The vast bulk of respondents' representations were received by the 22nd of February and these respondents were notified of the Committee date and speaking rights in a letter despatched by first class post on 26th February in line with established practice - i.e. letters despatched the Tuesday or Wednesday before the following Tuesday Committee. However, eight representations were received post this despatch but before the deadline of the 29th February, apparently in response to the later Site Notice deadline. These were; six letters on the 28th February (Thursday) and two letters on the 29th February (Friday). These included five letters of objection - three from residents in Arlington Avenue and two residents in East Worthing. First class letters notifying them of the Committee date and speaking rights were despatched on each day of receipt but responses to the Friday letters were also hand delivered. Confirmation of the receipt of the latter was received prior to the Committee.

Since that time, Officers have written to all the respondents whose representations were received on the 28th and 29th February to ask if, had they had earlier notification of the Committee, they would have wished to attend and request the opportunity to speak to the Committee on the application. One letter has been received in response from a resident living in East Worthing re-stating their view that they would have wished to attend and make representations to the Committee.

Officers consider the Committee's previous decision to resolve to approve the application defensible, not the least because the Committee was fully aware of the objections raised over late notification and options for dealing with this; the "later respondents" would still have had 3 clear days notice of the Committee and there is no formal adopted standard for notice of Committee meetings, in any event; no new material issues were raised in the "later respondents" written representations and the rules for speaking to Committee effectively proscribe new material being presented, other than in response to the Committee report; and both the letters received on 29th February were from the residents living in East Worthing, somewhat remote from the site.

However, in view of the particular circumstances, the threat of Judicial Review and the desirability of due process being seen to be followed, officers consider it would be desirable for the Committee to reconsider the application in the light of any further material presented by the objector who feels disadvantaged at the meeting. In reaching this conclusion, officers have weighed in the balance the interest and rights of the applicants. It should be noted that the applicant is deeply concerned about the re-consideration of this application and stresses that the Committee was aware of *all* the material considerations and had heard representations from 3 local residents objecting to the scheme.

3. RECONSIDERATION OF THE APPLICATION

Officers updated the Committee orally of the representations received post publication of the Committee report and tabled a late response by the Highway Authority. The additional representations are summarised and the Highway Authority comments reproduced below for completeness.

4. REPRESENTATIONS

Objections were received from, 7, Ham Way, and 19 Meadow Close, 3, 12 and 25 Arlington Avenue (and 74 Offington Lane 40 Marine Drive post 29th February deadline) raising the following concerns:

i) The development would set an unacceptable precedent.
ii) Harm to the neighbourhood.
iii) Increased traffic on Arlington Avenue.
iv) Not substantially different from previous refused application and objections remain.
v) It would be unduly dominant and incongruous and contrary to Development Plan policy.
vi) In attempting to reduce, massing by neighbouring properties, the building line has moved forward west and south which would be unsightly and highly visible and out of character with the neighbourhood.
vii) Fails to provide safe pedestrian access along Arlington Avenue by the vehicular exit, given the flood walls and sightlines affected.
viii) Fails to upgrade transport facilities.

ix) Development is harshly over powering and out of keeping with character of the landscape and surrounding area.
x) No 30 had been deliberately neglected to look run down but is in character and with some decoration is far better than most properties around.
xi) Development is still very ugly.

A 226 signature petition was handed in supporting the following statement:

*'We object to the above application for a flat roofed 3 storey development which substantially breaches t4eh building lines of both Arlington Avenue and Marine Drive. For these reasons it offends Policies CH1 and DEV1 of the West Sussex Structure Plan and also policies BE1, BE1 and CT3 of the Worthing Local Plan.'*

Letters of support were received from 66 Windsor Road; 4 Whylands Avenue; 15 Mulberry Avenue; citing the following:

i) The art deco style has been long established in sea side style and today this heritage is carried on in many of our towns.
ii) It is refreshing to see a design like this proposed for Worthing.
iii) Many sites in Worthing where fear of something new and a tendency to mediocrity have ended up with compromised eyesores.
iv) Goring is a mixture of houses and the proposal fits in well.
v) The new building is more attractive like for like than the present houses.
vi) Glad Worthing is encouraging development like this.
vii) Scheme is carefully considered and will help bring a modern atmosphere to the area.

5. UPDATE ON CONSULTATION RESPONSES

The **Highway Authority** comments that,

*"The site location and particulars are set out above.*

*This application appears to be a re-submission of that under Worthing Borough Council reference WB/07/1078/FULL. West Sussex County Council, as Highway Authority, sent two consultation responses to the Borough Council – 5th and 8th November 2007.*

*In the response dated 5th November, specific comments were raised about Safety Audit, structural analysis of retaining wall close to the highway (for access ramp and car park) and lack of visibility (both vehicular and pedestrian) at the access point. Bin storage also needed to be shown.*

*The second consultation response (8th November 2007) followed review of the Stage 1 Road Safety Audit (RSA) and reiterated the need for visibility to be provided at the access point. The gates would also have to be changed to ensure that visibility (including pedestrian visibility) would be maintained and that its workings be sited at least 1.0m back from the back edge of the*

*footway running past the site. Pedestrian visibility was also referred to again for the northern side.*

*In addition to the above, the Audit referred to pedestrians crossing Arlington Avenue. The Road Safety Reviewer accepted that crossing facilities may not be required across Arlington Avenue although agreed that if the main pedestrian movement is to be across Marine Drive as stated in the Designer's Response, a pedestrian facility should be provided on Marine Drive (tactile paving and dropped pedestrian pram ramp) with a form of 'build out' on the south side of Marine Drive (again with ramp and tactile paving) to prevent vehicle parking in front of the crossing point. The consultation response clearly states that any such design will require a further Safety Audit and Designer's Response to be prepared, submitted and agreed prior to any planning consent being granted.*

*A new RSA (dated November 2007 – ref: MB/SL/2007/1021/RSA1 – Supplementary RSA Stage 1) accompanies this current planning application. However, the RSA (to date not reviewed by WSCC) appears to be identical to the previous one undertaken for the earlier application and does not make mention of the crossing point across Marine Drive nor does it raise any issues relating to pedestrian visibility at the access point to Arlington Avenue. Whilst the Designer's Response agrees with the need to place a mirror on the access ramp and agrees (in principle) to attempt to safeguard visibility for motorists by putting in or funding a fixed white line (access protection marking), the same reply is given for Arlington Drive and its crossing facility. As stated above, the review of the original RSA agreed that if pedestrians were unlikely to cross Arlington Drive then a facility should be placed across Marine Drive. This has not been referred to or shown in the current application.*

*In addition to the above, neither the gates appear to have been reduced to 600mm, their mechanism shown accurately and set back adhering to the advice of the CHA given in the earlier planning application consultations, pedestrian visibility splays have not been included either side of the entrance and no structural calculations have been submitted for the retaining structure(s).*

*Although the RSA (supplementary) has not yet been reviewed, the WSCC review is likely to raise/make the same comments as previously. Clearly, based on that submitted so far with planning application WB/07/1511, it is clear that there are a number of shortcomings with the scheme from a highway viewpoint.*

*If the LPA is minded to approve a development on the site, it should be mindful of the shortcomings/omissions as set out above. The LPA should, therefore, only resolve to grant permission subject to carefully worded conditions to secure* ***ALL*** *the outstanding highway matters (pedestrian visibility, gate design, RSA and RSA Review recommendations, structural analysis and crossing point across Marine Drive etc.) and not to formally issue any planning consent nor allow any works to commence until these conditions/outstanding matters have been adhered to/met in full. Other conditions should secure car parking, cycle parking, storage of contractors*

*vehicles, plant and materials used in the construction process clear of the highway, surface water drainage and wheel washing facilities.*

*Finally, TAD should be secured via a Section 106 Agreement and an informative to direct the applicant's towards the Southern Area Highways Office for a vehicular access licence (to 'Heavy Duty Specification) should also be attached. Works to undertake the crossing of Marine Drive may require a Section 278 Highway Works Agreement to be entered into and agreed.*

*If the applicant is not agreeable to any of the highway requirements set out above (and/or mechanism to secure them) then the view of the Highway Authority is that the application does not meet the requirements of West Sussex Structure Plan Policy DEV4. Therefore the LPA is advised to refuse planning consent on highway grounds."*

6. PLANNING ASSESSMENT

In terms of the reconsideration of the application, officers consider circumstances have not changed materially since the last meeting. The recommendation set out in the appended report presented to the Committee on the 4th March 2008 remains, save that the additional conditions recommended and agreed by the Committee in respect of suitable conditions to address the Highway Authority comments and details of the basement ventilation should be reaffirmed.

In reconsidering the proposal, the Committee must approach the proposal afresh with an open mind, particularly in relation to any additional representations made at the meeting by the resident in East Worthing but the fact that the Committee previously supported the proposal and that officers consider circumstances have not changed materially since the last meeting, should be given due weight.

7. RECOMMENDATION

THAT SUBJECT THE DECISION IN THIS CASE BE DELEGATED TO THE ASSISTANT DIRECTOR (PLANNING SERVICES) TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1AREV Revised Standard Full Condition.
2. C12B Windows to be obscure glazed.
3. C12F Provide combined aerial facilities.
4. C13L Sustainable development.
5. C5B Provide parking before occupation.
6. C6F Measures for surface water discharge.
7. C12I Restrict balconies/roof terraces.
8. C6K Park/unloading area during construction.
9. C6L Materials/plant area during construction.

10. C7G Limitation on hours of construction.
11. C7E Provide scheme for dust suppression.
12. C9B Agree samples of materials.
13. C8A Agree/provide landscaping scheme.
14. Agree architectural details.
15. Provide flood proof measures.
16. C12I Restrict balconies/roof terraces.
17. Improvements to pedestrian access.
18. Details of pedestrian gates and splays
19. Compliance with Road Safety Audit requirements.
20. Structural impacts.
21. Basement ventilation details

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE ASSISTANT DIRECTOR (PLANNING SERVICES) BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

8. BACKGROUND PAPERS

Observations of Highway Authority.
Representations from Members of Public.

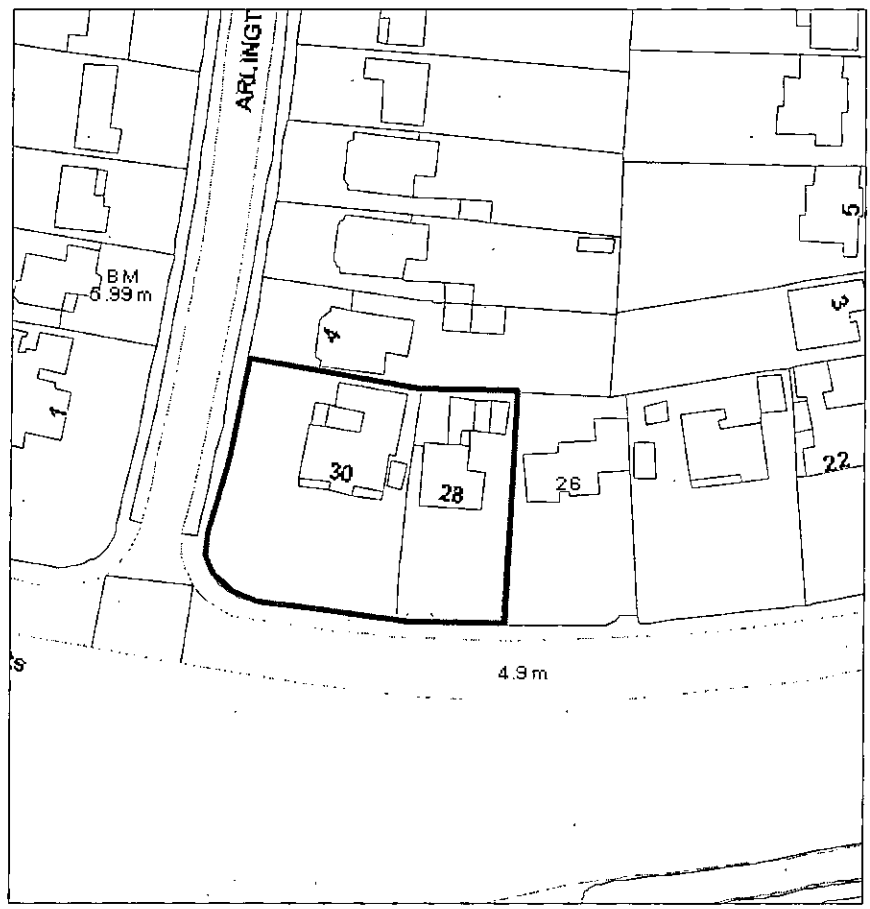
1st April 2008

Strutt And Parker FAO Mr P Dowsett
Leslie Christopher Homes

WB/07/1511/FULL
GOR
PD

Location : 28 and 30 Marine Drive

Proposal: Demolition of 28 and 30 Marine Drive and redevelopment of the site with a block of 8 flats with associated landscaping and underground parking.




Not to Scale

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1. THE PROPOSAL AND THE SITE

This is a full application to redevelop two detached houses and replace these with a 3 storey development of 8 flats, comprising two linked buildings with underground parking for 16 cars. It aims to respond to a refusal of a similar scheme by the Committee at its meeting on 13th November 2007 on design, neighbour amenity, access, flood risk and development contributions grounds.

The Site

The site is located in the west part of the residential suburb of Goring, close to the Goring Gap. It faces the seafront and forms part of the Goring Hall estate. The plot is sited on the eastern corner of Marine Drive and Arlington Avenue,

is rectangular in shape and essentially flat and has a given site area of 0.18 hectares.

Inter war, two storey detached villas adjoin the site immediately to the east and predominate beyond these to the west and east, with some limited later infill development, including the 1950s development of flats at Cowdray Court, Marine Drive, just to the west and No. 12 Marine Drive, to the east, built in the 1970s. The adjacent two houses (Nos. 26 and 24 Marine Drive) are, perhaps, more distinguished than many of their neighbours, and No. 1 Arlington Avenue on the opposite (south west corner) of Marine Drive and Arlington Avenue, the most distinctive and is recognised as such by its Local Interest Building designation. All are well set back from Marine Drive with large open, front gardens but relatively shallow rear gardens. They feature hipped roofs and most have white rendered walls.

The houses in Arlington Avenue are also large detached villas dating mainly from the early post war period but with generous and mature front and rear gardens. They too have hipped roofs, though the houses are mainly brick faced with the exception of Nos. 4 and 6, immediately to the north of the application site, which incorporate a flat roofed, white rendered element on their southern elevations. No. 6 includes at least one active terraced area to the rear with a south facing elevation, though none of the similarly featured terraces in No. 4 are currently used. Opposite (south) of the development site is a popular and relatively deep, grassed area between the beach and Marine Drive.

The application site accommodates the large, two storey, art deco villa at No. 30 with its hipped green pantiled roof, white rendered walls and balcony and the smaller 1970s infill, two storey development at No. 28, comprising two flats, with its gabled roof and brick and tile faced walls. No. 30 incorporates a large, hipped roof attached double garage and extension, a conservatory and smaller lean-to roofed shed at the rear which abut or lie very close to the boundary with No. 4 Arlington Avenue, to the north. It is currently vacant and in a somewhat untidy condition.

Vehicular access to No. 30 is off Arlington Avenue. There is no rear garden in practice and the font garden is laid to lawn with some shrubs by the boundary which comprises a smaller brick wall surmounted by a timber fence front. No. 28 is occupied and contains a large flat roofed double garage which is linked to the house and adjoins the boundary with No. 26, to the east. Vehicular access is off Marine Drive. The large front garden is laid to lawn and partly to hardstanding and is bounded by a low hedge. The rear garden boundaries are more substantial.

The Proposal

The revised scheme follows extensive negotiations to try and address the grounds of refusal for the previous application.

The new scheme remains very similar in concept and form to the previous scheme but includes a number of changes, the most important of which are:

- The height of the corner block (by 30 Marine Drive) has been reduced by 900 mms to 9.6 metres.
- Overall volume has been reduced by 257cubic metres to 3,289 cubic metres (7.2% reduction from the original).
- The second floor penthouses on both blocks have been remodelled and reduced in size (net floor area by 39 square metres (20% reduction) and volume by 145 cubic metres (25% reduction).
- The first floor of the corner block and eastern block have been remodelled and partly enlarged.
- The glazed link building has been reduced from two storeys to a single storey.
- The wind turbines on the front boundary have been removed.
- The vehicular access has been repositioned one metre to the south away from the boundary with No. 4 Arlington Avenue.
- The architectural treatment of the elevations has followed a generally more traditional art deco style, including more proportioned and smaller windows, greater use of curves, canopies over the penthouses and entrance doors, horizontal banding features and more detailing. Limited use of timber panels has also been introduced.
- Incorporation of the bin stores in the boundary wall, accessed from inside.
- Changes to the landscaping, including provision of two separate water features in the front gardens and a dividing timber boundary structure, on top of which a bank of solar (photo voltaic) panels would be seated.
- Confirmation that micro renewable energy measures will be provided, comprising the above solar panels and a ground source heat pump for the penthouses generating 21% of the development operational energy demands.
- Corner block has moved forward by some 300mm.

Otherwise the proposal is much as before. To recap, this entails demolishing the existing properties and constructing a three storey development, arranged as two separate buildings, interlinked by the single storey glazed and recessed (5 metres) building. They sit generally some 2 metres forward of the existing buildings on the Marine Drive frontage and between 1.5 and 3 metres forward of the Arlington Avenue frontage. A single storey conservatory in the shape of a drum projects some 2 metres further beyond this on the south west corner of the development. The development approximates to the depth of the existing attached single storey buildings at the rear but infills the space between the existing two houses by means of the glazed link. Underneath the building is a full basement, providing storage space, including cycle storage.

The development is stepped on all elevations so the third storey, in the form of the two separate penthouses is set back between 2.5 and 4 metres from the first floor on most elevations. The corner building is still the larger and more dominant element in the composition but having been reduced to a height of 9.6 metres tall (save a small inset upstand some 400 mms tall to accommodate the lifts), it now aligns with the adjacent building. These approximate to the height of the existing buildings at Nos. 30 and 28 that they replace – the corner block is around 1 metre shorter than the existing No. 30 and the sister block just under 1 metre taller than the main ridge of No. 28 but the same height as the roof upstand. Both adopt a contemporary

interpretation of the modernist style (Art Deco), with flat roofs, copious use of curves in corners, the conservatory and the eastern building pavilion, extensive glazing, white rendered walls and flat roofs. Balconies and roof terraces are used to exploit sea views from the upper floors but confined to the front. All windows facing north or east on the upper floors, which serve habitable rooms, are either obscure glazed or high level.

Separate pedestrian access is provided from Marine Drive via a timber flood gate to a front door in each building. Vehicular access is from Arlington Avenue using a slightly broadened and repositioned existing access. The drive is two lane and slopes down steeply to disappear underground close to the corner conservatory, it then sweeps round to serve an underground car park with space for 16 cars, including one disabled space. Direct access to the flats is provided by two lifts and stairs through the adjacent basement.

The front garden is to be soft landscaped, with two water features and incorporates indigenous species. On the Marine Drive frontage, a low hedge or other soft landscaping supplement the white rendered boundary walls. The walls vary in height between 1 and 1.6 metres. On the Arlington Avenue frontage, stainless steel horizontal railings surmount the dropped rendered wall with low level soft landscaping in front, with a section of taller rendered wall closer to the road junction. The walls are designed to serve as flood barriers and also accommodate bin stores, now accessed from behind.

The applicants restate that the scheme has adopted sustainable design principles and aims to achieve an Eco Homes rating of "Very Good", with high levels of thermal insulation, use of natural ventilation and the application of a sustainable waste strategy. Micro renewable energy generation is shown in the form of solar voltaic panels on the internal boundary timber structure and ground source heat pump for the two penthouse apartments. The potential to introduce combined heat and power system for the other apartments which would raise sustainable energy generation to 21% of operational energy demand.

The development is arranged as 4 x 2 bed flats and 4 x three bed flats and is designed to meet the Lifetime Homes standard.

The application is supported by a Flood Risk Assessment, Natural Light Impact study, Waste Minimisation Strategy and Stage 1 (highway) Safety Audit.

2. APPLICANT'S DESIGN AND ACCESS STATEMENT.

*"SUMMARY*
*The proposal seeks to demolish No 28 and No 30 Marine Drive and replace them with a modern development that is inspired by and takes reference from Art-deco buildings that became very popular along the Sussex seafront. The development constitutes 8 apartments, underground parking and landscaping. No.30 Marine Drive is currently rented and in a poor state of repair. The existing buildings are set back from the road and have open frontages typical of the area. The development reflects the massing, layout and footprint of the*

*existing buildings and the height of the proposed development has been reduced lower than the existing building which is a further reduction in massing following the comments of Council Members, officers and local residents.*

*Other alterations to the application include the alteration of the access, reduction in volume and a total redesign of the second floor part of the building, removal of the first floor glazed link, removal of the wind turbines and more appropriate glazing.*

*This proposal meets the criteria set out in Local Plan policy. It is of a high standard of design that enhances the appearance of the locality. The siting, layout, density and orientation of the development take full account of the site and its surroundings. The form and character, which includes height, massing, scale and proportions, are compatible with the existing and neighbouring buildings. The relationship between built form and open space remains similar to that found on site at present. The proposal includes features that minimise the developments energy requirements, incorporate systems to create sustainable energy and is DDA compliant where possible. The development addresses any issues concerned with flooding and the Environment Agency have written to the Planning authority on this matter.*

*The proposal maximises the use of the site, making better use of a previously developed site, whilst respecting the built form of the area. The scheme is in accordance with the Development Plan and should be considered favourably. There are no material consideration that indicate otherwise.*

*SITE & SURROUNDINGS*
*The application site is situated at the junction of Marine Drive and Arlington Avenue, Goring by Sea. Goring by Sea is located approximately 2 miles (3km) west of Worthing town centre. It is served by Goring by Sea railway station located approximately 1m to the north.*

*No.30 Marine Drive is rented but in a poor state of repair. Both of the existing dwellings are of limited character and do not demonstrate a significant architectural style worthy of retention. Both garden areas are mainly laid to lawn with the frontage of No.28 having a high volume of hard standing/tarmac. The nearest shopping facilities are located approximately 1 mile to the northeast at the Mulberry business / shopping area. This is also where the local bus service can be accessed. The site comprises two residential plots with dwellings set back from the road frontage. No.30 Marine Drive is white rendered building under a green tile hipped roof and is accessed from Arlington Avenue . No.28 is a smaller 1970's brick and tile faced building with access onto Marine Drive. At present the plots are divided by a timber panel fence and minimal landscaping. The properties do not have any rear garden but rely on the front garden for amenity space.*

*PLANNING HISTORY*
*This application is a resubmission of the refused application WB/07/1078/FULL which was refused on 13 November 2007 at committee.*

*Policy DEV5 reinforces that development will be permitted if the level of parking is compatible with the need to avoid environmental and safety problems and the need to encourage walking, cycling and the use of passenger transport.*

*Policy ERA3 requires development in and around the coast to demonstrate a need and to enhance and safeguard the coast.*

*Similarly, policy ERA4 refers to flooding and coastal defences and ensures the inclusion of polices to prevent the risk of increasing flooding and ensure a risk based sequential approach is adhered to.*

*WORTHING BOROUGH LOCAL PLAN*
*Worthing Borough Council have saved the policies of their Local Plan from 27t September 2007 until such time as the LDF becomes adopted.*

*Policy H2 adds that proposals for development should generate the maximum efficiency of the land and ensure that a proportion meet the need for small households.*

*Policy H10 allows the demolition and redevelopment of a site providing the proposed development provides an increase in the number of dwellings.*

*Policy H18 refers to residents amenity and will only allow development if it does not result in a loss of amenity for local residents.*

*Policies BE1 and BE2 relate to design quality, materials and detailing and insist that favourable consideration will be given to development proposals which reflect or compliment the locality of the area.*

*Policy BE16 requests new development to provide adequate hard and soft landscaping which will be compatible with the site and its location and make effective use of the existing landscape.*

*Policy CT2 seeks consultation between Worthing Borough Council and the Environment Agency in order to determine whether satisfactory flood protection and mitigation measures have been provided.*

*Policy CT3 seeks to enhance and protecting the seafront environment. Favourable consideration will be given to development proposals which reflect or compliment the character of the locality including schemes which enhance the area. In areas which are currently poor or mediocre in quality, the Borough Council will encourage proposals which bring about improvements in the quality of the seafront environment. Proposals should be appropriate in density, scale, height, massing, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea.*

*The use of materials and colour is also important to ensure that the residential and seaside character of the built environment is retained Policy TR6 states development will be required to provide safe and attractive facilities for pedestrians and that provisions should be made for cycle storage, whilst policy TR9 relates to the provision of car parking and states that on site*

*parking provision will be based on standards set out in the Supplementary Planning Guidance. Policy TR12 states that car parking areas must be designed to avoid them being visually dominant or causing disturbance and also provide safe and easy to use facilities and policy TR13 requires new development to have a safe and adequate access to the road network and include appropriate measure to control vehicular movement.*

*Policy RES12 relates to infrastructure and service provision. It states that permission will only be granted if development provides or makes necessary the required infrastructure and services that it creates.*

*DESIGN – AMOUNT & LAYOUT*
*The site, is situated on a corner plot with direct views along the Marine Drive frontage and out to sea. The design approach seeks to create a high quality building that sits well in the plot, conforming to the heights of the surrounding buildings and increasing the visual quality of the area. The layout of the new development is dictated by the siting of the existing building.*

*The development increases the number of units by 5 to an overall provision of 8 units. The mix of units includes 4x2 bedroom apartments and 4x3 bedroom apartments.*

*The increase in unit numbers gives an overall density of 42 units per hectare, this is above the governments minimum threshold of 30 units per hectare set out in PPS3 and is not inappropriate for this location and the character of the area. The scheme is designed to avoid problems of overlooking with the main orientation south to the seafront. The windows of upper floors serving habitable rooms are either high level by design or use obscure glazing.*

*DESIGN – SCALE*
*The amended scheme proposes to reduce the height of the development below the ridge line of the existing building. A reduction in mass of the second floor reduces the appearance and scale of the building.*

*In assessing the distance between the buildings on Arlington Avenue, the proposed development is seen to conform with to the relationship between 4 and 6 Arlington Avenue.*

*The design will still incorporate large element of glazing and white render. It has been sensitively designed to avoid overlooking enabling the development to retain a high element of privacy.*

*Policy DEV1 of the Structure Plan and policy BE1 of the Local Plan consider the design of the development. This proposal meets the criteria set out in the policy BE1 as it is of a high standard of design compatible with its surroundings and enhances the appearance of the locality. The siting, layout, density, orientation take full account of the site and its surroundings.*

*Existing*
*Previous Application (WB/07/1078/FULL)*

*Proposed*
*The form and character, which includes height, massing, scale and proportions, are compatible with the existing buildings and the design seeks to enhance the appearance locally. The relationship between built form and open space remains similar to that found on site and again, is compatible with the character and appearance*

*Changes to the design since the last application.*

*The refused application (ref WB/07/1078/FULL) has undergone significant amendments addressing the issues raised by Committee Members, the Case officer and members of the public.*

*The previous scheme has been revised and some of the key differences are:*

- *The second floor of the corner building (presently No.30 Marine Drive) has been redesigned. Its bulk and massing has been reduced in width and depth. This has softened the appearance of the building, allowing the top floor to relate better to the design of the development. The height of the building has also been reduced to a point 900mm lower than the existing building.*
- *The reduction in mass of the second floor has substantially increased the distance of this part of the building from its boundary with 4 Arlington Avenue (see drawing MD008.19A).*
- *The two storey glazed link has been reduced to a single storey glazed link*
- *The elevations have been altered to allow the building to be more sympathetic with the deco style of architecture. This includes better detailing at first floor*
- *The window details have been altered. Those on the second storey are curved to follow the lines of the building. The pattern of glazing bars has also been detailed in this application which shows the openings of doors and windows.*
- *The wind turbines have been removed and replaced with alternative methods of renewable energy / energy efficient technology.*
- *The landscaping of the scheme has been altered to reflect local indigenous species.*
- *The vehicular access on to Arlington Avenue has been moved one metre south. This allows for better pedestrian safety at the junction with the highway.*
- *The movement of the access also allows greater levels of amenity for the residents of No 4 Arlington Avenue as the boundary is able to accept greater levels of landscaping.*
- *The bin store has been internalised with the boundary to give clean lines on the front of the extended elevation of the boundary wall.*

*DESIGN – APPEARANCE*
*PPS 3 acknowledges that good design is fundamental to using land efficiently and LPAs should facilitate this by identifying distinctive features that define the character of the area. This is particularly important when the proposal involves intensification of the existing urban fabric. When a scheme is well designed it can enhance the character and quality of the area. Careful consideration has been paid to the appearance of the development and*

*comments received from Council Members, Officers and residents have informed the design alterations for the resubmission.*

*Taking a reference from the Art-Deco buildings that became very popular in the 1920's and 1930's along the Sussex seafront this project seeks to add a modern accent to this style. A mix of shapes and forms create an interesting façade picking up the geometric sleek and dramatic cubic forms that were typical of an Art-Deco building. Modern technology allows for a higher percentage of glass and this allows for fantastic views from the building but also allows a separation between the two structures in the form of a linked extension.*

*The boundary wall of the development seeks to improve the appearance of the site through a more sensitively designed rendered wall that changes in height between the two plots, to emphasise the different curtilages. This, along with a change of landscaping, will further the illusion that the site remains split into two identifiable sections with an open frontage compatible with the character of the area.*

*DESIGN - LANDSCAPING*
*The landscaping between the two plots subtly changes, with No30's corner plot having soft hedges (typical of the area) softening the corner wall. The organic lines are carried through into the design of the pathway and are echoed in the curves of the entrance driveway. This is shown at drawing No MD008.14A, MD008.15A and MD008.16A.*

*No 28 has a more rigid structure at ground level, with a box hedge to the boundary wall and a straight walkway into the building.*

*The landscaping design also seeks to include 2 different water features in the front entrances of the buildings - each different in style to differentiate the different scale of the buildings. No 30 has 8 vertical fountains emphasising the curved entrance walkway.*

*No 28 has a straight stream leading up to the building.*
*All planting will be done in the first planting season after the development has been started.*

*PLANNING, DESIGN & ACCESS STATEMENT*

*SHADOW STUDY*
*An analysis of sun paths has been carried out as part of the design process. This demonstrates there is no significant over shadowing created from the proposal. The most extreme situation (winter solstice) is illustrated for ease of reference:*

*ACCESS & PARKING*
*The pedestrian access for both buildings will be from the Marine Drive frontage. This will allow disabled and non-disabled access into the building with ramps where required. The proposal includes a lift in the core of each of the buildings that allow disabled users access to each of the floors.*

*The parking is subterranean and as a result allows for the open character of the area to remain and frees the development of any clutter associated with parking. The access to the site for pedestrians will be onto the Marine Drive frontage whilst cars will access the parking area from Arlington Avenue. A vehicular gate will open onto the parking slipway that will seek to increase the security of the site.*

*Each of the units have a storage area in the basement that allows for, amongst other things, the storage of cycles.*

*Parking spaces are made available for 16 cars following discussion with Worthing Borough Council Planning Department. This amounts to 2 spaces per unit. Worthing's parking standard is 1.5 spaces per unit but on the planning officers request 2 spaces have been provided to allow for visitor parking within the scheme.*

*Cycle storage is provided in the individual storage units of the apartments. This is located at the basement level.*

*ACCESS – LIFETIME HOMES*
*The lifetimes homes concept increases choice, independence and longevity of tenure, vital to both individuals and the larger community well-being.*

*The proposal has been designed in order to address lifetime homes criteria and will provide flexible living spaces to allow rooms to be altered and used for different purposes should the need arise.*

*The width of internal doorways and hallways is set at a minimum of 800mm to conform with part M of the Building Regulations.*

*WASTE MINIMISATION*
*This application includes a Site Waste Management Plan under cover of a separate document that seeks to minimise construction and demolition waste.*

*FLOOD RISK ASSESSMENT*
*Ongoing discussion with the Environment Agency since the last application have resulted in the Environment Agency withdrawing the objection they had to the redevelopment of the site. A letter from Helen Tier (Planning Liaison Officer) to Mr P Devonport dated 20th November 2007 removes the recommendation not to grant permission on the grounds of flood risk. A copy of the letter is at Appendix A of the Flood Risk Assessment.*
*The revised scheme incorporates the same measures as the former scheme to which the Environment Agency made comment.*
*The scheme incorporates all of the recommendations of the Flood Risk Assessment including the following mitigation measures:*
- *Flood Barriers to gates and access.*
- *Flood resistant construction up to 5.8m AOD for boundary wall*
- *Pumps and Anti flood valves for areas below 5.8m AOD*
- *Water Butts for rainwater harvesting*
- *Rainwater attenuation on the roofs.*
- *Flood contingency plans displayed in communal entrance areas."*

3. CONSULTATIONS

The **Borough Principal Engineer** previously made the following comments:

*"In this instance the pre application studies and liaison with the Environment Agency seem to have covered all the points that I would have raised with the Developer. The Flood Risk Assessment has covered all the major risks and recommended mitigation measures. My only concerns are the certainty of the predicted sea levels in 2115 and the allowance for wave action on the boundary wall which will be designed to prevent flooding of the property. Whilst these estimates are realistic now can we add a condition that they must, at say 10 or 20 year intervals, review the guidance and increase the wall height as necessary within reasonable limits? I'm saying this because there is a degree of uncertainty in any prediction and if we are to be serious about preventing flooding we should all be reviewing and reacting to best estimates and predictions.*

*As a general comment this is the best Flood Risk Assessment that I have ever seen and an example of how they should be done."*

The **Sussex Police Crime Prevention Officer** has no specific comments.

The **Strategic Housing Planning and Regeneration Manager** comments that:

*"The main policy issues remain the same CT3, BE1, TR9 and H18.*

*The design, density, scale and height/massing has to be assessed by the case officer.*

*The same applies to the relationship between the new flats and the adjoining houses with regard to amenity/daylight etc.*

*A maximum number of 12 parking spaces is required but 16 spaces are provided following discussion with planning officers. This includes visitor parking. The spaces are provided in under-ground car parking. Cycle storage has been provided.*

*Conclusion:*
*There are no objections from a policy point of view to this proposal."*

The comments of the **Highway Authority** are awaited.

The **Environmental Health Manager** raises no objections subject to suitable conditions on demolition and refuse storage.

The **Environment Agency** had since the last application withdrawn its previous objection. Its formal comments on the current proposal are as follows:

*"The Flood Risk Assessment (FRA) accompanying this application states that the risk of flooding to this development can be adequately managed. We*

*therefore have no objection to this development on flood risk grounds providing that the mitigation measures indicated in the FRA are included in the final development. Therefore it will be necessary for the following Planning Condition is imposed on any planning permission granted."*

*Planning Condition*

*The development must fully comply with the mitigation strategy detailed within the Flood Risk Assessment (FRA) before any of the development can be occupied.*

*Reason: To ensure that this site can be developed safely.*

*The FRA is proposing mitigation measures that will ensure the development is safe from flooding. It is essential that this mitigation is completed before any of the site is occupied.*

*Planning Advice*

*Flood Risk*

*The applicant should be aware that the existing property is situated in an exposed and vulnerable position on the coastline. We have considered whether the proposed development would be exposed to an unacceptable flood risk or would increase the risk or extent of flooding to other properties/uses. It has been concluded that there would be no material exacerbation of flood risk as a consequence of this development.*

*Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and this letter does not absolve the developer of their responsibility to ensure a safe development.*

*Surface water disposal.*

*Your Council's own Technical Services should be satisfied with the proposed method of surface water disposal.*

*Protection of Controlled Waters*

*We have assessed the information provided on this site and has determined that any risks associated with potential land contamination are likely to be low with respect to Controlled Waters. As a direct consequence of this we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.*

*If circumstances change or other information comes to light that may affect this decision, please contact us again. You may however receive comments on other environmental aspects associated with this site for which we have a regulatory remit.*

*The Local Planning Authority (LPA) should ensure the principles of Planning Policy Statement 25 – "Planning and Pollution Control" (PPS23): Annex 2:*

*'Development on Land Affected by Contamination' are followed. This means that all risks from contamination (to human health, buildings and other property, the natural and historic environment) need to be identified so that appropriate action can be taken to address these risks.*

*Advice to applicant:*

*Although we have decided not to provide detailed comments or advice on this site, we encourage good practice on the assessment and remediation of contaminated sites. We recommend that you:*

- *Apply the risk- based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that you can make the best decisions for your site*
- *Refer to the our guidance on requirements for land contamination reports*
- *Use BS 10175 2001, Investigation of potentially contaminated sites 'Code of Practice' as a guide to undertaking the desk study and site investigation scheme.*
- *Use MCERTS accredited methods for testing contaminated soils at the site"*

**Southern Water** comment that foul sewage disposal can be provided and that the design of the basement car park should take into account the possibility of surcharging public sewer. There is inadequate capacity to provide surface water drainage disposal for the development. The applicant is advised to investigate alternative means of disposal, unless the existing development discharges surface water to the system, in which case suitable proof and details will be required. Conditions are a recommended in relation to surface and foul water disposal.

4. REPRESENTATIONS

Some 50 representations from local residents have been received from objecting to the scheme. In addition objections have been received from the Worthing Society, Goring by Sea Residents' Association and the Ilex Conservation Group. The principle concerns of local residents are as follows:-

i) The developers have made no attempt to contact local residents regarding the proposed alterations since the last Committee meeting.
ii) If allowed, this will be the first property demolished on Goring Hall and would set a dangerous precedent.
iii) The proposed use is not a suitable one for the area.
iv) The appearance and size of the new building is out of keeping with its neighbours and the surrounding area.

v) The adjoining residents will suffer overshadowing, overlooking and loss of privacy and the new building would be unduly dominant and incongruous in the streetscene.

vi) There will be an increase in noise and disturbance from comings and goings of the extra traffic generated by the residents of the proposed new building.

vii) The recent submitted application has not changed the style of the original in the slightest, i.e. they have continued to be thoroughly out of keeping with the surrounding area and would look total incongruous.

viii) A design more akin to say Cowdray would be much more appropriate.

ix) Concerns about further despoilation of the area. There will be many stretches of the south coast which although potentially beautiful have been ruined by unsuitable developments. The area between Sea Lane Goring and Sea Lane Ferring is still attractive and unspoilt. Let it remain so.

x) Marine Drive is an elegant seafront feature consisting of good quality individual houses which present a very pleasant aspect and also is a pleasing approach to the Goring Hall estate. This estate is also one of good quality detached houses. There are no flats in the area which are distinguishable as such. Those few that there are, are only two storey buildings containing only two flats and from external appearances are indistinguishable from a detached house. A block of flats would be unsightly and totally out of place.

xi) Despite the amendments the proposed demolition of a prize, quality home on the seafront is completely wrong. The house should be preserved. It is the only one of its kind. Whilst the neighbouring flats are of no particular architectural design, demolishing buildings in low density housing areas is wrong. The proposed design is not at all in keeping with the area. There are no Art Deco buildings on the seafront. The proposed development would be an eyesore and will not blend in with existing properties or the line along the seafront. It is irrelevant that other Art Deco developments are being built at other locations.

xii) The proposal extends some 2 metres beyond the existing building line and should not be allowed.

xiii) The building is close to No. 26 and there are concerns about subsidence to the neighbouring property.

xiv) Where would all the surface water go as the front garden will only have a shallow depth of soil due to the underground garages?

xv) There will be a huge traffic problem from the 8 flats, some with three bedrooms. Marine Drive is already a busy road and needs less car parking in it, not more.

xvi) Although there have been minor changes from the initial proposal, in essence it remains totally unacceptable for the situation.

xvii) Claims that the proposal is compatible with the existing neighbouring buildings is plainly untrue as are claims about the prevalence and popularity of Art Deco buildings along the coast.

xviii) There is no objection in principal to redevelopment but a strong objection to the design proposed which will destroy the special appeal of the area.

xix) Development should only be granted for a scheme which is sympathetic to the layout and form of the Goring Hall estate, in particular the seafront.

xx) A single brick building containing 8 flats will be the largest building on the estate and would not look similar to existing properties.

xxi) The proposal comprises 3 floors whilst the Goring Hall estate houses are only two floors and the latest application includes a protrusion on the second floor adding further height.

xxii) All the existing buildings on the Goring Hall estate have tiled pitched roofs (apart from some flat roof extensions) whilst the proposal has only flat horizontal roofs.

xxiii) The views from Arlington Avenue, the Greensward and the coastal path would change significantly for the worse because of the design and scale of the proposal.

xxiv) There are other locations in the Worthing area which already have a number of flats and developments should be restricted to those areas. The proposal is contrary to Local Plan Policies because of its incompatibility with the local area.

xxv) If permission is granted restrictions should be applied to minimise the noise and disruption and inconvenience to Goring Hall residents during the relevant period. These include all site vehicles must access the site via Marine Drive and only park in Marine Drive when necessary. They should not travel down or park in Arlington Avenue. The hours worked on the site should be minimised, i.e. not starting before 8.00 am and finishing before 6.00 pm Monday to Friday. More stringent controls should apply at the weekend restricting work to Saturday morning only e.g. 8.30 am to noon.

xxvi) Concern that the building is going to be extended by 2 metres.

xxvii) The plans have not changed and the overall appearance and design is completely out of keeping with the character of the surrounding properties.

xxviii) The Art Deco style is completely inappropriate and is out of character with any buildings in the Goring Hall area.

xxix) The abundance of glass of out of character with the natural brick appearance of nearby properties.

xxx) The shear scale of the proposed development makes it look inappropriate, if not quite extraordinary.

xxxi) The only alteration to the previous plans seems to be the slight lowering of the roofline, removing of the glass area between the two, now detached properties, and the rounding of some of the corners of the north elevation. In our opinion this does not go anywhere near far enough as an attempt to produce a design that compliments existing nearby properties.

xxxii) A member of the planning committee at the last meeting did say this type of building was not suited to Marine Drive and would set a precedent. The proposal will encroach beyond the building line in Marine Drive and Arlington Avenue.

xxxiii) Any development should be limited to two stories in height in common with other adjacent properties. The developers have compared the height of the proposed new structure against the height of the apex of the roof of the property on the other side of Arlington Avenue but this should not be accepted as a ploy to allow the third floor flat roof level

for the proposed new building. The tapering apex structure of the roof is a normal feature of two storey properties in the area and does not justify the inclusion of a large third floor level.

xxxiv) The building would be visually intrusive and cause loss of privacy to adjacent houses in particular those to the rear. The excessive noise and fumes from possible additional vehicles starting up and entering and leaving the underground car park.

xxxv) The engine and exhaust noise in the underground car park will be increased in volume due to the echo effect of the structure. Also because during the spring and summer months visitors park in Arlington Avenue accessing the development would be hazardous and difficult. The proposal is contrary to both the Worthing Local Plan and the West Sussex Structure Plan.

xxxvi) Three storey building would be incongruous with the area and is overbearing on neighbouring properties. The small modification to the original design in no way compensates for the fact that this is still a three storey building.

xxxvii) The demolition of No. 30 Marine Drive will be to the detriment of the local environment as it represents a classic example of architecture of the period and is a fine representation of the estate at the time of its development. With small amount of thought and planning internally, this house would convert nicely into three or four flats without the need to alter the classic external façade. The style of the proposed development would be out of character with the local environment.

xxxviii) The overbearing scale of the property will lead to a reduction in natural light to adjoining properties, including 6 Arlington Avenue.

xxxix) Moving the building line on the western aspect along Arlington Avenue to allow additional internal space will adversely affect the view along the otherwise constant line upheld by the rest of the road.

xl) The huge negative environmental impact of knocking down an existing perfectly sound property to then build a new one in its place can never be justified by anyone with a sense of environmental responsibility. The environmental costs of transporting materials and work force also make it unjustifiable. Whilst we consider potential converting the existing buildings to allow more flexible accommodation to what needs to be approached in a sympathetic way.

xli) No. 4 Arlington Avenue as immediate neighbours still has concerns over the effects on revisions to their property and on the local environment. Whilst there have been changes to the upper floors, there has been no change to the ground floor. The proposal introduces living accommodation where previously there was a garage and there will be disturbance as a consequence because of the proximity to No. 4 Arlington Avenue.

xlii) Views from No. 4 Arlington Avenue to the Green and sea will be affected by the encroachment on the building line.

xliii) Overall the proposed plans are still based on as much space as possible to allow the building of 8 flats but have only been modified to perform to planning recommendations following rejection of the first scheme. Perhaps 6 flats would be the ideal basis to avoid these problems and allow a far better design which does not overpower the current layout. The overall effect of the development on No. 4

Arlington Avenue from their garden would be a sea of white square buildings and the current sea views blocked off.

xliv) There are concerns about the underground car park and its impact upon the stability of the surrounding ground and the adjoining property No. 4 Arlington Avenue. The current water table is quite high and building a new underground car park would mean the need to dry out a large area which could cause shrinkage and subsidence to the surrounding area causing pressure on adjoining walls. The Council should indemnify neighbours against this.

xlv) Additional traffic and parking generated by the development will cause problems on the busy roads and could be hazardous as many local people walk down Arlington Avenue to visit the green and the sea including children.

xlvi) Surely it would be more environmentally friendly to restore the existing building.

xlvii) Disappointed that the submission has, for the most part, ignored the Council Committee's objections to the previous proposal.

xlviii) There is no valid justification for retaining the absurd pseudo Art Deco design contrary to the Committee's expressed concerns.

xlix) It seems that the developments proposal profits in planning for 8 flats necessitating building in the roofspace has led them to persisting with an Art Deco style.

l) The justification of similarly designed apartments in Ferring and elsewhere is not acceptable. These are totally different site locations as is the Eirene Road proposal and under the control of Arun District Council.

li) The flood risk is technically very good but in places a bit dodgy. It contains an error in saying that the basement is relatively small when it is, in practice, large which would have implications for the displacement of water and flooding. It is also questionable whether the existing properties would be sandbagged in the event of flooding. The flood defences for the new development are more sophisticated, so the assumptions applied are not valid. There are also other technical errors in the Flood Risk Assessment.

lii) Supporting documentation appears to contain a number of errors.

liii) There will be a tendency for future occupants to pass on the street due to the difficulties of accessing the underground parking with its bend and gradient.

liv) The changes from the first application do not seem to overcome the problems which caused the first application to be rejected. This application should also be rejected.

lv) Overdevelopment of the site.

lvi) The developer had previously advised Council Officers that local residents were in favour of the development. This is not so. If the developer had undertaken a pre-application consultation then local residents' views could have been taken into consideration in their revised proposal. But, as far as I know, no such approach was unfortunately made.

lvii) Due to the advertising in practise, local residents had insufficient time to consider the revisions and formulate submissions.

lviii) The revised scheme provides only minor concessions to the scale and massing and the proposed development remains three storeys in height.

lix) There will still be overlooking from balconies and it would be difficult to control further extensions on the balcony area.

lx) The architectural style is inappropriate and incongruous in the area.

lxi) This is a highly visible location on a corner plot with important views along Marine Drive and out to sea. It is absolutely vital that the Council should not waste this opportunity to preserve the vernacular of the Goring Hall Estate and Goring seafront.

lxii) The character of the local area is particularly important when the proposal involves intensification of the existing urban fabric. It is not considered that this is an Art Deco style building but, even if it were, there are absolutely no examples of other properties on the Goring Hall Estate, or in the Goring seafront, which have such features as those in the current proposal. The Committee has referred to other developments in Worthing, such as the Eardley Hotel, which are to be commended because each of these developments fit in with the surrounding areas. The Orme Road development, although flats, has the appearance of terraced properties.

lxiii) The price of each of these properties of over £500,000 will not be affordable by the majority of Worthing residents including young families.

lxiv) The density of the development is completely out of character with the local area and exceeds Government guidelines. The development is effectively four storeys (including basement) and extends over building lines.

lxv) The proposal looks quite imposing and will not blend in with the rest of the houses.

lxvi) The proposal leaves me with the impression of being a glass fronted office block. We are not opposed to imaginative looking buildings but feel this particularly design is not suited to the area and looks quite alien.

lxvii) Much thought has gone into the issue of avoiding overlooking adjacent properties and we think this is a very positive aspect.

lxviii) No. 28 Marine Drive is a most interesting property and perhaps one of the best of its period in the whole of this part of Goring. No. 30 is of less interest but, nevertheless, typical of many houses along Marine Drive. This area is not currently poor or mediocre in quality as I am sure you and the Members of the Committee must recognise.

lxix) It is clear that the two properties have been deliberately allowed to fall into a state of disrepair and I suggest this is merely to try and persuade the Committee there is no alternative but to allow demolition.

lxx) There is ample supply of flats within Worthing in areas where such development was originally planned or where it has been subsequently allowed.

lxxi) It is stretching incredulity to see how the proposed development could in any way enhance the special seafront area along the lines of the Worthing Local Plan Policy CT3. Part of its unique character is the fact that the overall appearance has remained in tact with many individual properties still providing good residential units.

lxxii) Whilst the proposal could no doubt be provided with flooding protection, this could well be at the expense of the existing surrounding houses which are not able to incorporate such protective measures.

lxxiii) No. 30 Marine Drive is genuine 1930s and has historic interest being one of the original houses built on the Goring Hall Estate. It would be far better if this building were refurbished.

lxxiv) No. 28 is not a bad building and does not warrant being demolished being an interesting building of the 1960s.

lxxv) Developers and builders bend the rules on so called brownfield sites and there is no obligation to build or provide a percentage of affordable homes. Hence the invasion of the prime sites to built luxury apartments, often second homes.

lxxvi) The proposal is not in keeping with the surrounding area and is too high for the neighbouring properties.

The representations by the **Worthing Society** are as follows:

*"The proposed bravado design for the block of flats to replace these houses is undoubtedly architecturally bold but inappropriate for this site and is totally out of character with the other properties along this stretch of Goring seafront. The cohesion and symmetry of nearby properties would be broken. In particular the design would conflict with the splendid Ardlington Corner which is opposite the site and which is on the Local Interest Building Register. Approval of this application could well being a domino effect of replacing family houses with apartment blocks and erode the supply of family homes in Worthing.*

*The overall design of this resubmission appears to be fundamentally the same as a previous application although the revised plans seem to indicate that the building would now project even further on the south and west elevation. We disagree with comments in the resubmission that similar designs (such as the Blue Water development at the western end of Goring Gap) are in close proximity to this site.*

*The proposed design also appears to run into potential conflict with planning Policies BE1, BE2, H18, T3 and West Sussex Structure Plan Policy CH1 and DEV1. "*

The representations of the **Ilex Conservation Group** is as follows:

*"We have compared the revised planning application with the original application and cannot see that the changes rectify the problems which caused the first application to be rejected.*

*Our original comments still apply. The two most significant objections to the revised plans are the failure to design a building which blends with the rest of the area and the significant intrusion of the new design over the building line to both the south and west.*

*The Strutt Parker Summary on pages 4 and 5 summarises the relevant Planning Policies and gives the impression that the new application complies*

*with these Policies. But there are glaring conflicts and omissions in the pages which follow page 4.*

*Policy CH1 states that the development should be permitted providing it maintains and where possible enhances the character, distinctiveness and sense of place of the settlement. There is no evidence later in the Summary that this Policy is being observed as it is not. The development detracts from rather than enhances the local neighbourhood.*

*Policies BE1 and BE2 emphasise the need for a development to reflect or complement the locality of the area. Policy BE1 is referred to on page 7, but again the reality is that this development would not be compatible with its surroundings and would not enhance the appearance of the neighbourhood as claimed. In the section on Appearance and Landscaping on page 12 which refers to Art Deco the second paragraph emphasises the different building style and so itself condemns the design as being out of keeping with the rest of the area.*

*Policy CT3, to protect the seafront environment, states that proposals for development should be appropriate in density, scale, height and massing, both in itself and in relation to adjoining buildings. Although the massing has been slightly diminished in the new Application, there is still obtrusive massing which is to be deplored.*

*Although slightly reduced in height, the development is still far more massive than adjacent buildings. It still looks an eyesore on the plans, does not reflect or complement the area and certainly does not enhance the character of the area. Many people last time were not objecting to the site being developed, despite the loss of a nice house, but were objecting to a building which was totally out of character with the area. It is still out of character.*

*A comparison of the Plans MID 008.02 with .04 shows that the building line for most of the proposed building is being advanced from the existing building line to the south by 2.5 metres along most of the length, but by a further 2 metres to 4.5 metres in respect of the corner tower. The building line is also being moved towards Arlington Avenue on the west by 4 metres for the corner tower and 3 metres for most of the rest of the west side. This reduces the distance from the existing building to the road from 12 metres to 8 metres. Such encroachment is to be deplored and should be prohibited. In effect, it is further massing.*

*The design changes have not addressed the objections raised by Committee Members and others, except in some minor areas. The section in the Planning, Design and Access statement omits to make any reference whatsoever to the significant change in bringing the whole building forward of the building line by 4.5 metres.*

*Our major objections are set out above. There are other issues which cause us concern, but for the sake of brevity will mention only one, on flood risk. It seems odd that the Planning Liaison Officer of the Environment Agency was able to remove the recommendation not to grant permission of grounds of flood risk, in the belief, mistaken, that there is an existing flood wall at the site boundary. Existing flood defences are virtually non-existent, apart from the*

*wall which has two unprotected entrances for cars and pedestrians, and a wall which is considerably lower than that proposed for the new development. The current gaps could be sandbagged during a flood, but no provision has been made for this, as far as we can see. The new development would have superior flood defences, which would cause an increase in flood water to adjacent properties. This would-be augmented by the water drainage which would be blocked by the construction of a large basement for the garage and storage."*

**Goring by Sea Residents' Association** comments as follows:

*"We object to the above application on the grounds that the proposal seriously departs from the Council's Local Plan Policies CH1, BE1, BE2 and CT3, in that the flats are totally out of keeping with the properties in the area in both style and size. There is also a serious flood threat to adjacent properties if the proposed anti-flooding measures are installed for the flats. Finally, Goring Hall Estate is a well designed and attractive asset to the town, to approve this proposal would be the beginning of a trend which would destroy its character."*

In addition there are some 18 letters of support for the proposal, mainly from residents outside of the immediate area but including some occupiers of the existing application properties. These cite the following points:

i) This is a fantastic development and it is really exciting to see a more upbeat design proposed for the seafront – helping to bring a little of Brighton over to Worthing, making Worthing less of an old people's home!

ii) The design fits in alongside other architecture on the seafront..... just drive along our seafront from Lancing you will see lots of Art Deco examples that enhance and give character to the area. Then there are the two new developments that have been granted approval in Ferring and Eirene Avenue which are of a similar design so with these the design will fit in especially well.

iii) I have always liked the area and often thought of moving there but the opportunity to buy something more interesting never seems to arise. Now I see a development that is exactly the type of accommodation I am looking for.

iv) Our town needs more striking buildings to demonstrate that we are moving with the times and providing high quality/forward thinking developments. This type of scheme sends out a clear signal that we are moving forwards (not backwards with red brick and tiled roof proposal we so often see).

v) The proposed design is completely appropriate for the area, picking up on the town's Art Deco heritage and is, I think, very sensitively designed for this location.

vi) I like the Art Deco style, with the curves and the porthole windows. I spend a lot of time down on the green. Looking at what there is at the moment, No. 30 was attractive but is now very run down and No. 28 is not attractive at all. On balance, this new proposal contributes far more to the seafront that these two existing buildings do.

vii) The fact that these buildings would be seen from the green is an important one and this design creates a much more interesting backdrop to the green than what is currently there.

viii) I am often down on the seafront and it would be really nice to see something more vibrant being built here and I think this is very much in keeping with some other new developments I have seen in the area proposed.

ix) I initially had reservations about the development but, having compared it to the approved developments in Ferring and Eirene Road on either side, I think the Art Deco style fits in well.

x) I like the design of the proposed buildings and also think the idea of an underground car park is a good one.

xi) I think this is a good opportunity for the area to be improved and the proposed design looks great in its setting and will make a great addition to the streetscape.

xii) I think this proposal is more attractive than the buildings which are there and the design looks lovely and will be an improvement.

xiii) This is a very popular area – lots of people want to live here especially right by the sea so to help increase the amount of housing in the location is a great idea.

xiv) I think the design is really beautiful and will create a really beautiful building. The views from No. 30 Marine Drive are amazing and the development will give more families a chance to enjoy this.

xv) The existing house is so big that it is not really viable for many families and needs to be shared by more than one family.

xvi) The Government has set targets for increasing the amount of housing and surely it makes sense to build houses where there is the highest demand and the least impact on the environment.

xvii) The sustainable power elements of the design are great and the underground parking will deal with any problems caused by more people living here.

xviii) Goring is a lovely part of the town for families and the last thing they want to see is a run down old house which looks untidy. New builds like this will help bring further tourism to the town and new energy to older areas.

In addition to the above representations, a 115 signature petition has been received objecting to the proposal on the grounds that the style of the proposed rebuilding is unsuitable to the Goring seafront and does not meet the requirements of the West Sussex Structure Plan or Borough Local Plan.

5. RELEVANT PLANNING HISTORY

Demolition of Nos. 28 and 30 Marine Drive and redevelopment of the site with a block of 8 flats with associated landscaping and underground parking. Refused by Development Control Committee on 13th November 2007 for following reasons:

1. *The proposal would, by reason of its siting, massing and design, appear unduly dominant and incongruous in the street scene and result in an unacceptable loss of outlook and sense of enclosure for*

*the occupiers of the neighbouring properties to the north and fails to achieve the required overall quality of design. As such, it would be detrimental to the character and appearance of the area and living conditions of neighbouring occupiers and conflicts with Saved Worthing Local Plan policies BE1, H18 and CT3 and Saved West Sussex Structure Plan policies DEV1 and CH1.*

2. *The proposal has failed to demonstrate that it would provide for safe and convenient pedestrian access to and from the development and in the vicinity. As such, it conflicts with Saved West Sussex Structure Plan Policy DEV4.*

3. *The proposal has failed to demonstrate that it would not expose future occupiers of the development and neighbouring residential occupiers to unacceptable risk from flooding. As such, it conflicts with Saved West Sussex Structure Plan Policy ERA4 and PPS25 : Development and Flood Risk.*

4. *The proposal fails to provide for the upgrading of local transport facilities necessary to accommodate the additional pressure generated by the development. As such, it conflicts with Worthing Local Plan Policy RES12 and Saved West Sussex Structure Plan Policy DEV3.*

6. PLANNING ASSESSMENT

The main issues raised by this proposal are identical to the last scheme :-

- The principle of residential redevelopment and dwelling mix.
- Impact on living conditions of neighbouring and future occupiers.
- Loss of the existing properties, quality of design of the replacement. buildings and layout and impact on the character of the area.
- Access and parking.
- Flood risk.
- Sustainable Design
- Adequacy of development contributions

As such, the application should be principally assessed against Saved Worthing Local Plan Policies RES7, RES12, BE1, CT3, H10 and H18 and Saved West Sussex Structure Plan Policies LOC1, ERA1, ERA4, NE1, CH1, CH5, DEV1, DEV3, DEV4 and DEV5. Government Policy in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS25 (Development and Flood Risk) PPS22 (Renewable Energy) and PPG13 (Transport) and allied design and other guidance is also particularly relevant.

The principle of residential redevelopment and dwelling mix

Support for the principle of residential development is provided by saved Structure Plan Policies LOC1 and ERA1, together with Government Policy in PPS1 and PPS3, since the scheme is infill redevelopment on previously developed land, though local facilities are somewhat limited and the site is

close to the edge of the urban area. Certainly, the development would make more efficient use of land (resulting in a net increase of 5 dwellings), at a density of approximately 44 dwellings per hectare. This is above the minimum threshold of 30 set out in PPS3 and not inappropriate for this location and the character of the area. A reasonable dwelling mix of 2 and 3 bed room flats, all to the Lifetime Homes standard, also meets the objectives of PPS3 in terms of sustainable communities. Likewise, this "windfall" scheme would contribute towards the Structure Plan housing provision target.

As such, the proposal is acceptable in principle but the acceptability of any specific scheme depends on its particular circumstances and these are considered below.

Impact on living conditions of neighbouring and future occupiers

The proposed buildings remain physically larger than the existing (current volume of houses is 2,457 cubic metres, compared to cubic volume of 3,289 in new application) but generally careful arrangement and siting shown in the initial scheme has been carried forward in this revised proposal. In this respect, the footprints of the new blocks are not that dissimilar from the existing buildings and correspond particularly closely by the rear boundary. Their massing has also been stepped and staggered and copious use made of curves. Finally, the extensive use of glazing and white render lends the development a light and semi transparent appearance.

At the heart of this revised scheme, however, are the efforts by the applicant to try and avoid the unacceptable residual overbearing effects of the previous proposal by selective modifications and reductions in the scheme's massing at critical points and sensitive design changes.

Looking in detail at the remodelling of the scheme, the overall scale of reduction in volume of 7.2% is certainly significant in itself, but, more importantly, the cuts have been surgically applied to maximum effect. The building height reductions of just under 1 metre (to 9.6 metres) to the corner block now result in this block having a lower ridge height than even the existing house. The shrinkage of both of the 2nd floor penthouses on all sides, bar the west elevation of the east block, represents a combined reduction in net floor area of 39 square metres (20% reduction) and combined volume of 145 cubic metres (25% reduction). As a consequence, the pavilion footplates are now within the footprints of the main roofs of the existing buildings. The pavilions now sit well back and are acceptably subservient and not overpowering.

That said, the remodelling does also involve some modest enlargement of the floorplate of the first floor in some areas. Essentially, they involve removal of one of the staggers on the north-west corner of the corner block; slight widening of the south facing projections on both blocks and extending the footplate slightly (0.8 metres) to the east of the eastern block so it more closely aligns with the ground floor footprint. The changes to the siting of the corner block are marginal and of no significance.

Nonetheless, the closest part of the neighbouring house at No. 4 Arlington Avenue remains some 6 metres away from the first floor element of the corner building and would enjoy a separation distance of some 10.5 metres from the nearest second floor element of the new block, an increase of 2.5 metres. Moreover, the relevant elevation of No. 4 Arlington Avenue comprises a predominantly blank flank wall with only one upper floor window, which is a small secondary window to a bedroom, and other similarly less sensitive windows on the ground floor. In addition, the first floor rear element of the east-most building only faces the mid-part of the garden of No. 4 and is offset from the common boundary by some 7 metres and stands some 13 metres from the nearest part of the actual house.

In the same vein, the increase at first floor level on the east block is not unacceptable in relation to neighbouring No. 26. Overall, however, the separation distance to No. 26 of 5 metres, the flat roof design of the new block; existing substantial hedge on the common boundary and the window arrangement at first floor level of this neighbouring property provide sufficient mitigation. Other differences between the new block and the existing house, carried forward from the previous scheme, are not significant either, not least due to separation distances to nearest neighbour dwellings.

Looking at the changes to the architectural design, the more extensive use of curves certainly softens the corners and diffuses the impression of bulk still further, particularly at the rear and in relation to the pavilions.

Finally, the removal of the upper floor of the link building, which infills the current gap between Nos. 30 and 28, reduces the development's impression of bulk and provides welcome visual separation, especially given its recessed position and extensive glazing.

Overall, the revisions should ensure previously unacceptable overbearing impacts are avoided. In a similar fashion, an acceptable quality of outlook, including sea and sky views should be retained for the neighbouring properties to the south. These include the defunct and disused roof terraces on the east and south parts of No. 4 and No. 6 Arlington Avenue, to the north, rear gardens of these properties and oblique views currently enjoyed by No. 4 Arlington Avenue from windows serving east facing first floor bedrooms, one south facing secondary window to a first floor bedroom, secondary window to ground floor lounge and south facing dormer.

In respect of neighbour privacy, the scheme has been intelligently designed to avoid problems of overlooking with the main orientation of the development southwards to the seafront and all upper floor windows serving habitable rooms obscure glazed or high level on the inner and outer flanks and to the rear. Likewise, the roof terraces and balconies are confined to the front and lateral views suitably screened. Indeed, the development represents something of an improvement on the existing situation.

A shadow impact study had been submitted which indicates that overshadowing of the houses and gardens to the north of the development (Nos. 4 and 6 Arlington Avenue) and to the east (No 26 Marine Parade) would not be significantly harmed at any time of the year compared to the existing

situation though some reduction in diffuse natural light to the west facing large French windows on the ground floor may occur.

Turning to amenity impacts related to vehicular access, the proposed vehicular access in Arlington Avenue has been repositioned one metre to the south but remains very close to an existing access point. Though there would be a material increase in traffic, the consequential increased separation distance (to 13 metres) from No. 4 Arlington Avenue and the allied new buffer area together with the additional landscaping in the front garden of the development and raised height of the common boundary should remove any residual amenity concerns here.

The aim is that the underground car park would be naturally ventilated but if necessary may be mechanically ventilated. The Environmental Health Manager does not anticipate any significant problems, provided the ventilation ducting is sited well away from any dwelling and subject to precise details.

Impacts on the stability of nearby buildings are generally dealt with under other regulatory means such as through building control or civil law.

Loss of the existing properties, quality of design of the replacement buildings and layout and impact on the character of the area.

Of the two existing properties, No. 30 on the corner is more characterful with its green pantile roof and white rendered finish and blends in more satisfactorily with the more attractive inter-war elements and character of the seafront. However, whilst it has some architectural merit and local historical interest, it is not the most distinguished example of such period architecture, and, furthermore, its façade has altered for the worse and is in a somewhat rundown condition. No. 28 is an anonymous 1970s building of very limited architectural merit. Neither enjoy any formal or informal protection and their loss would be acceptable in principle, subject to a high quality replacement, especially given the importance of the seafront. Whilst the Twentieth Century Society did raise concerns over the loss of No. 30 in respect of the previous application, a fuller explanation for the importance they place on the building has yet to be received. Certainly, it would be very difficult to justify any request for formal listing.

Turning to the replacement buildings, the essential design concept of the previous application has been carried forward in the revised scheme. Defining features common to both, are significant increases in volume compared to the existing buildings, sympathetic configuration and siting of the footprint and relationship to the building line, good articulation of the massing, building heights comparable to existing and neighbouring sea front buildings, contemporary Art Deco/modernist architectural concept and harmonious group composition, sympathetic relationship to urban grain and unobtrusive underground car parking. The proposed revisions follow through in the same fashion but aim to specifically address the unacceptable excesses of the previous scheme in terms of bulk and form, relationship to nearby properties and consequent harm to the townscape.

To elaborate, despite the net reductions, the overall volume of the development is substantially greater than the existing houses, with a significant increase in bulk above eaves level compared to the existing buildings, though this is confined to the roof footprint and significantly reduced and remodelled in the revised scheme. The footprint is broadly similar to the existing buildings and respects the prevailing building line. It is considered that the slight encroachment forwards of the main axis of the building together with the corner conservatory are not significant in overall townscape terms.

In the same vein, the height of the buildings remains no taller than the existing buildings (and is shorter than Arlington Corner opposite) and, as discussed, has been reduced significantly for the corner block. Significant efforts have also been made to step, stagger and articulate the buildings to break up the impression of bulk and to respond to the location. The revisions advance this by selective remodelling and reductions in massing (including height) at second floor level and greater use of curved corners and features, architectural detailing, and re-patterned and downscaled fenestration. As a consequence, the pavilions now do appear smaller subservient features, well set back, curved and light. In profile, the Arlington Avenue elevation now markedly steps down and the dominant visual relationship between the corner block and the more diminutive adjacent properties is at first floor eaves level. This is acceptable and addresses previous concerns regarding the overpowering scale of the new development.

Importantly, the massing of the buildings and layout of the curtilage space and boundaries reproduce the rhythm, form and character of the street by presenting the impression of two, distinctive but complementary, villas set in their own separate and delineated grounds. In particular, the corner building seeks to express its corner location architecturally by a dual frontage, suitable articulation and pavilion. Additionally, the link building remains recessed and extensively glazed to appear light and semi-transparent. Importantly it has now been reduced in scale to a single storey. Furthermore, the two blocks continue to mark out their own entrances, gardens, gates and fences/landscaping.

Not the least of the scheme's retained commendable features is the underground parking. This conceals otherwise obtrusive car parking and allows a large, attractive front landscaped garden, to be retained, which is characteristic to the area. The vehicular entrance is, likewise, tucked around the corner, well away from sea front views.

In terms of the essential architectural style – contemporary interpretation of modernist, Art Deco style – this is retained in the current scheme and is light and attractive. It is not inappropriate for the character of the area, bearing in mind the age of many of the seafront houses, incorporation of certain modernist architectural elements in Nos. 4 and 6 Arlington Avenue and the diversity of styles along the wider seafront, including various modernist/Art Deco style buildings dotted around and nearby hinterland. Indeed, seafronts have traditionally accommodated more exuberant architecture and a suitably styled and scaled development would build on this tradition, enhance the seafront and help rejuvenate the town. Members will recall a neo-Art Deco block of 8 flats was recently approved on the beachfront in Eirene Road and

another scheme has been approved at Blue Waters, Sea Drive, Ferring just across the Gap in Arun. Certainly with the revisions, neither the scale, nor style of the proposal harms the setting of Arlington Corner on the opposite side of Arlington Avenue which is a Local Interest Building and would balance and complement this as a feature building at the gateway to this attractive road.

Concerns over some of the fine detailing in the previous scheme and its uncompromising contemporary character have now been addressed in the revisions through modest, but important, changes to the composition, fenestration, canopies and greater use of curves. Whilst clearly still contemporary, the development, accordingly, has a more traditional Art Deco/modernist character and is more interesting and subtle in its treatment of the form. It has achieved the high quality of architectural design required for such a replacement building in a characterful residential area on a sensitive seafront.

Access and parking

The Highway Authority's finalised comments are awaited and will be reported at the meeting.

Subject to the above, it is noted that the site lies close to the edge of the urban area and is not well served by public transport or close to shops and other facilities and so is reliant on the car. At sixteen spaces, the parking provided is, nevertheless, in excess of the maximum of 12 spaces indicated in current standards. It is tolerable but a smaller provision would also be acceptable. Unacceptable overspill parking pressure should not occur.

The proposed vehicular access is very close to an established point of access, is well set back from Marine Drive and the design appears to be generally adequate, with sufficient width for two cars to pass and sightlines and tracking indicated. There is generous space for cycle parking in the basement. Pedestrian access from Marine Drive is convenient and safe.

A Stage 1 Safety Audit has been received and the applicants have agreed a number of detailed measures to address the concerns raised. In addition to the features indicated above, these include refuse storage at the front to avoid the need for refuse vehicles to enter the site and securing parking restrictions adjacent to the entrance if required by the Highway Authority.

Flood risk.

A Flood Risk Assessment (FRA) has been re-submitted as required by PPS25 (Flood Risk and Development) in view of the locality being an effective 3a Flood Risk area (High Risk) due to the land being 4.9 metres AOD and therefore 0.6 metres below predicted surge tide levels of 5.5 AOD (1 in 200 years event) for 2115.

The FRA repeats previous conclusions that:

*"The site is at risk from tidal flooding by the sea overflowing the bund at the back of the foreshore and being trapped behind the bund.*

*The tidal flood level has been assessed as being 5.5 metres AOD. Other, small risks from overland flooding and lack of drainage have also been identified.*

*Although the 5.5 metres AOD level includes allowances for sea level rise, it does not include waves, so it is prudent to set a flood defence level for the site of 5.8 metres AOD.*

*Mitigation measures can be used to prevent the premises from being flooded. These include either raising the Ground Floor level to above 5.8 metres AOD or providing a flood wall to this level, with any openings fitted with flood gates. The Lower Ground Floor can be further protected by extending the retaining walls to at least 5.8 metres AOD and installing a pump to deal with any rainfall or water ingress.*

*Contingency plans should be formulated and residents provided with instructions about what to do during a flood.*

*Due to tidal flooding being predictable and short duration, the stress of being flooded upon occupants should be low. As the depth of flooding at the northern end of the site is shallow, evacuation and provision of emergency assistance during a flood event is considered not to be hazardous. Therefore the consequences of a flood upon the residents of the re-development (the "Exception Test") are acceptable.*

*The use of SuDS techniques for draining the site means that the proposed development should reduce the risk of flooding elsewhere when compared with the existing situation. SuDS measures proposed include permeable construction over the Lower Ground Floor and draining the roofs and balconies as slowly as possible."*

The flood proof measures incorporated into the previous scheme have been rolled forward into the new scheme. Most particularly, these include flood wall and flood gates, flood resistant construction up to 5.5 metres AOD, pumps and anti flood valves for areas below 5.8 metres AOD and various Sustainable Drainage (SuDS) measures including rain water buts and rainwater attenuation on the roofs. Flood contingency plans are also to be displayed on the communal entrance areas.

The Environment Agency initially raised objections to previous schemes on grounds that the Flood Risk Assessment did not provide sufficient evidence to demonstrate that displaced floodwater from the development site would not worsen conditions for neighbouring occupiers and recommended as a precautionary measure the proposal be refused. The proposal was duly refused on related grounds.

However, following discussions, the Environment Agency removed the objection soon after the Decision Notice was issued, its concerns having now been addressed for the technical reasons set out in their formal observations.

The Borough Principal Engineer's praise for the FRA further instils confidence in the rigour of the assessment and the efficacy of the measures proposed and the conclusion that the development is likely to be an acceptable risk.

Turning to the other tests set out in PPS25, the commissioned Borough Strategic Flood Risk Assessment has yet to be finalised. However, the redevelopment replaces existing dwellings in an otherwise sustainable brownfield location, and, it is now confirmed, would not increase risks elsewhere. Given, the limited available land for residential development in the town which is not similarly constrained, the proposal is, therefore, considered to comply with the relevant sequential and exceptions tests.

Sustainable design

Whilst retaining the existing buildings clearly has some merit in sustainability terms, the replacement scheme has commendable green credentials, certainly with a smaller carbon footprint in operational terms than any conversion/refurbishment could reasonably expect. It would be designed to Level 3 of the Government's Code for Sustainable Homes (broadly equating to Eco – Homes "very good standard") with measures such as high thermal insulation, good natural light and ventilation.

In terms of micro renewable energy generation, the removal of the wind turbines is a sensible response to the site's visual sensitivity and concerns raised. However, the confirmation of use of solar voltaic panels in the front amenity area and geo thermal heat pumps is welcomed, as is the potential combined heating power system. This is a major step forward from the previous scheme and would generate a significant amount of operational energy demands, well in excess of the target set in PPS24.

Finally, a waste minimisation strategy is proposed, seeking to minimise and recycle waste from demolition and excavation.

Adequacy of development contributions

The scale of the proposal requires a development contribution towards upgrading local transport measures to accommodate the pressure on local facilities. The Highway Authority previously indicated that a sum of £11,310 is required. Whilst the applicants had previously indicated their willingness in principle to make the required development contribution, secured by a legal agreement, no such contribution was received at the time of the determination of the last application and this was added to the grounds for refusal. The applicants have since restated their willingness to supply the required undertaking and this is expected shortly and would, accordingly, overcome this shortcoming.

Conclusions

Officers previously supported the principle of a residential redevelopment of the site but that the quality of the submitted design fell short of the high standard required and the arrangement of the massing was problematic.

Additional technical concerns were also raised over flooding, and highway access and the absence of a development contribution undertaking. The scheme was duly recommended for refusal. However, Officers did note that the scheme contained many commendable features and that there may be scope to address the identified shortcomings through comparatively modest modification. Indeed, the problem areas and potential remedies were identified in the report.

The revised scheme has responded to this challenge. The best features have been retained and the massing judiciously reduced and remodelled and the architectural treatment sensitively adjusted. The revised scheme, accordingly, achieves a high standard of design, which although departing from the prevailing local architectural style, harmonises well in terms of height, massing, scale and urban grain. Acceptable relationships with neighbouring properties would be achieved and it would complement and enhance the seafront and locality. Residual technical deficiencies over flood risk and access issues have now also been addressed and a commitment to a unilateral undertaking for required development contribution given.

As such, and subject to the necessary undertaking, the revised scheme has fully addressed the previous grounds for refusal and should be supported.

7. RECOMMENDATION

THAT SUBJECT TO THE COMMENTS OF THE RELEVANT STATUTORY CONSULTEES, THE DECISION IN THIS CASE BE DELEGATED TO THE ASSISTANT DIRECTOR (PLANNING SERVICES) TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. C1AREV Revised Standard Full Condition.
2. C12B Windows to be obscure glazed.
3. C12F Provide combined aerial facilities.
4. C13L Sustainable development.
5. C5B Provide parking before occupation.
6. C6F Measures for surface water discharge.
7. C12I Restrict balconies/roof terraces.
8. C6K Park/unloading area during construction.
9. C6L Materials/plant area during construction.
10. C7G Limitation on hours of construction.
11. C7E Provide scheme for dust suppression.
12. C9B Agree samples of materials.
13. C8A Agree/provide landscaping scheme.
14. Agree architectural details.
15. Provide flood proof measures.
16. C12I Restrict balconies/roof terraces.

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE ASSISTANT DIRECTOR (PLANNING SERVICES) BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

8. BACKGROUND PAPERS

Observations of Southern Water.
Observations of Sussex Police Crime Prevention Officer.
Observations of the Assistant Director (Property and Facilities Management).
Observations of Environmental Health Manager.
Representations from Members of Public.

4th March 2008