Expiry Date - 06/05/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0321/24 Recommendation – APPROVE

Site: Imperial China Wordsworth Road Worthing West Sussex

Proposal: Proposed 1.8m high railing and gates together with part 1.8m and part 1.6m high rendered wall to the north, east and south boundaries and timber gate at north boundary

Date of site visit: 12.04.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application property is a 2-storey Grade II listed building located on the corner of Wordsworth Road and Brunswick Road currently in use as the 'Imperial China Restaurant'. It adjoins 'The Burlington', a hotel, to the south, also Grade II Listed. Both are located within the Marine Parade and Hinterland Conservation Area.

There is a yard to the rear used for bin storage and service deliveries, accessed from Brunswick Road. The yard has shared access and used by both The Burlington and the Imperial China Restaurant. It is understood each party has a right of access over a central strip.

Wordsworth Road and the north side of Brunswick Road opposite the site is residential in character. On the south side of Brunswick Road, to the east of the service yard, is the rear servicing area of the Premier Inn and entrance to the underground car park.

Proposal

The application seeks planning permission to erect new boundary treatment that would sub-divide the yard and narrow the vehicle access from Brunswick Road. The inclusion of 4no access gates at intervals along the new boundary treatment would allow 'rights of access' over the central strip to be maintained.

On the eastern boundary, the proposed treatment would consist of a painted, rendered wall 1.6m high at the northern end (closest to the highway) extending southward running parallel to the building for 6m in length, then a stepped increase in height to 1.8m for a length of 1.9m, then a proposed inward-opening, bi-fold, black, wrought gate (1.5m wide), then a further 1m section of 1.8m rendered high wall, then an inward-opening black wrought

iron pedestrian gate (0.85m wide) and a final 0.5m long section of 1.8m high wall. The wall would be single skin construction with inner supporting piers spaced at intervals.

Attached to the wall and extending westward along the southern site boundary, 1.8m high black wrought fencing is proposed over a distance of 10.7m, incorporating 2no (inward-opening) wrought iron pedestrian gates along its length.

A 1.6m high painted, solid timber gate is proposed at the northern end fronting Brunswick Road.

The application has been amended to take into consideration the existing raised stair access to the (kitchen) door in the east elevation of the Imperial China restaurant, and the existing storage containers on either side, shown to be retained. It is supported by a Heritage Statement.

Relevant Planning History:

Site History

AWDM/2018/20 Proposed 1.8m high railing and gates together with part 1.8m and part 1.6m high rendered wall to the north, east and south boundaries and timber gate at north boundary (Re-submission of AWDM/0209/17). Permitted 08.03.2021 – Lapsed.

AWDM/0209/17 Proposed 1.8m high railing and gates together with part 1.8m and part 1.6m high rendered wall to the north, east and south boundaries and timber gate at the north boundary. Permitted 11.12.2017 – Lapsed.

AWDM/1614/19 Retention of 3no timber enclosures to South and East elevations for storage of commercial bins. Permitted.

Consultations:

WSCC: The Local Highway Authority (LHA) has raised no objection commenting:-

West Sussex County Council in its role as LHA provided consultation advice for the preceding application AWDM/2018/20 raising no highway safety concerns. Given the principle of the application has been established as acceptable by the approval of AWDM/2018/20, no highways concerns would be raised to the resubmission.

The Worthing Society: No objection.

Representations:

An objection has been received on behalf of The Burlington Hotel commenting:-

- The application seeks to erect a wall/railings that in places extends onto land in the ownership of The Burlington Hotel, over which the Imperial China Restaurant has no right of access. No notification [Notice] has been served.
- The owners of the Imperial China Restaurant recently objected to the application AWDM/1485/23 at the Burlington Hotel which originally included the installation of metal railings and entrance gates and subsequently withdrawn from the application.
- The stated concerns at that time that the proposals would segregate and physically separate the current shared access arrangements can equally be made in respect of the current proposals and points to inconsistency on behalf of the approach made by the Imperial China.
- The concerns raised by the Imperial China resulted in the application at The Burlington being 'called-in' to Committee. The Committee gave great emphasis to the importance of the access way, to ensure construction traffic can maintain access and thereafter access for fire appliances. The proposals would not meet this criteria. The LPA should consider this and take a consistent approach.

Relevant Planning Policies

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

Planning Assessment

Although notification was received in March 2024 that works to implement AWDM/2018/20 had commenced, there was no evidence of this at the time of the office site visit in April 2024. Consequently, it is considered AWDM/2018/20 has lapsed and has only limited weight in the determination of this application.

It is clear that ownership of and access rights over the existing yard to the rear of The Burlington and the Imperial China Restaurant is the subject of ongoing dispute between the parties concerned. The Agent has confirmed in writing that his client has checked with his lawyer on the legal/land ownership position, and has reconfirmed that the proposed wall and railings are proposed to be located wholly on land within the Applicant's ownership.

The proposal will result in the physical separation of existing yard area, but not interfere with shared access rights (which do not extend over the land to be enclosed). As existing access rights for The Burlington will not be affected, the concerns raised by the Objector (and attributed to the Planning Committee in association with the determination of respect of the determination of AWDM/1485/23) will not arise. The Construction Management Plan (and accompanying Traffic Management Plan 22/12557/120 Rev C) approved under AWDM/1485/23 does not rely for its implementation on the on the narrow strip of land enclosed by this proposal.

The key considerations are the effects on the historic character of the listed building and its setting, and on the amenities of neighbouring occupiers, and highway safety.

Heritage and Visual Amenity

The application property was once part of the attached Listed building 'The Burlington' until the early 2000's when the building was subdivided and extended to create the Imperial China restaurant, which explains the current shared rear access and servicing arrangement.

The concrete yard is currently open onto Brunswick Road. A rendered wall (approximately 1.8m high) forms the Eastern boundary with the servicing area to the rear (North) of the adjacent Premier Inn. A row of Euro bins line the inside of the above-mentioned wall. On the West side, adjoining the flank of the Imperial China building are 2no storage containers (timber clad with felted roofs) either side of a raised stair serving a door in the east elevation of the building.

The timber pedestrian gate and stepped elevation of the rendered wall will be visible in views along Brunswick Road. The 2no wrought iron gates/ openings will also be visible, albeit less prominently owing to their position deeper into the site. The wall and the railings/gates are considered to be in keeping with the traditional character and appearance of the Listed Building and will not result in harm to the character of the Conservation Area. The screening of the existing utilitarian storage containers will offer some improvement to the visual amenity of the locality, and setting of the listed building and conservation area.

Residential Amenity

The enclosure of a narrow strip alongside the eastern elevation of the Imperial China, screening the existing storage bins from view, will offer some visual benefit to nearby residents. On the other hand, residents may be more aware of comings and goings and associated noise if delivery vehicles park on the public highway rather than pulling into the service yard. However, it is not considered the impact would be materially worse than at present as to warrant refusal.

Highway Safety

Whilst bins line the edges of the yard on either side, the central area is currently free of obstacles and used for deliveries to both commercial premises. The erection of the proposed new boundary treatment would narrow the vehicle access and constrain the shared servicing area, making it harder for vehicles (serving both premises) to manoeuvre within the available space. This could lead to more deliveries taking place from the public highway rather than driver choosing to enter the yard. However, the Local Highway Authority has not raised an objection to the proposals on highway safety

grounds and so it would be difficult to justify refusal on this ground (particularly bearing in mind that permission has twice been granted previously for very similar proposals).

Recommendation

APPROVE subject to Conditions:-

1. Approved plans
2. Standard 3 year time limit
3. Details of (i) rendered wall capping/coping, (ii) detailed design of wrought iron railings/gates and finials to be agreed.
4. The rendered wall shall be painted the same colour as the existing building and thereafter retained as such.
5. The railings shall be painted black and shall thereafter retained as such unless otherwise agreed in writing by the LPA on an application in that behalf
6. Pedestrian gate (fronting Brunswick Road) to consist of a painted, 'tongue and groove' timber gate unless otherwise agreed.

Informative

The Applicant is reminded that the grant of planning permission does not override civil law in respect of land ownership or access rights. Any information on the submitted application form and accompanying certificate of ownership that is found to be incorrect may have the effect of invalidating the planning permission.

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

Case Officer: Jo Morin Date: 20.12.2024

Authorised by: Louise Prew Date: 23/12/2024