Expiry Date - 27/09/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1065/23 **Recommendation – REFUSE**

Site: **17 - 19 South Farm Road Gaisford Worthing West Sussex**

Proposal: **Demolish the existing buildings at 17-19 South Farm Road and redevelopment the site with 2 No. shop units at ground floor and 2 No. one apartments at first and second floor level**

Date of site visit: 10.08.2023

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a 2-storey, flat-roofed building fronting directly onto the west side South Farm Road. The property is currently in use on the ground-floor as offices in connection with a funeral planning service (Class E) with an open area to the North side of the building used for parking. The ground-floor has a traditional double shop frontage with recessed entrances and shop windows with fascia signage. There is a vacant flat (No.19A) on the first-floor, accessed from the North side.

To the North the site adjoins the signal controlled level crossing of the main coastal railway line. To the South the building is attached to an older, pitched-roof, 2-storey, terrace property (No.15) on the corner of South Farm Road and Orme Road. The building is in use as a hairdressers on the ground-floor with offices above. A door in the North elevation of No.15 gives access onto the open yard area to the rear (West) of the application site.

There is a large advertisement hoarding on the north side of the building.

The site is located within the South Farm Road local shopping centre, a designated medium-scale shopping centre within the adopted Local Plan. The building is not Listed, locally listed or within a Conservation Area. There are no trees on the site.

The site and surrounding land slopes gently down to the South. The floor level of the attached building (No.15) is on lower ground.

Proposal

Permission is sought to demolish the existing building and erect a 3/2½-storey building with part pitched, part flat roof with two dormers proposed within the front roof slope. The proposed accommodation would consist of 2no separate shop units on the ground-floor with 2no duplex 1-bedroom flat units on the

upper floors. The proposed building, built off the rear/flank walls of No.15 and the back edge of the footpath onto South Farm Road, would have a larger footprint than the existing building measuring a maximum 9.3m wide and 6.6m deep. The northern part of the building angles inward to follow the alignment of the public highway. A gap of 3m would be retained between the North flank of the building and the site boundary. The front (East) face of the building fronting onto South Farm Road would have sloping pitched roof with an eaves height of 5.25m and a ridge height of approximately 9m (measured from highest ground-level. Behind (West) the ridge, the rear component would have a flat roof with parapet 8.5m high. A gabled parapet wall would be formed between the roof of proposed building and pitched roof of No.15. This would be 9.6m high where it adjoins No.15, approximately 0.4m taller than the proposed ridge.

The advertisement hoarding would be reinstated on the North elevation.

There are drawing errors and inconsistencies on the submitted elevation drawings. These do not accurately represent the size/position/proportions of the shop window and window openings at No.15. The angle of roof pitch of the front slope is shown at 45º on the proposed section drawing, and proposed South side, but increases to 55º as shown on the proposed North side. [However, this may be a design requirement owing to the angled alignment of the site frontage in order to create a consistent eaves height.] Because of this tapering shape, the front dormers are of slightly differing depths, on 2 different planes, although this is not reflected on the proposed front (East) elevation.

There are other inconsistencies between the application form which refers to timber windows/doors on the proposed building and the Design and Access Statement which references UPVC.

During consideration of this application Notice has been served on the owner of No.15 South Farm Road and Certificate B completed.

The application is supported by a survey report based on visual inspection of the existing building detailing its structural condition and concluding that the existing building structure is not capable of being retained and adapted and that the existing building should be demolished and replaced with a new building structure built to modern construction standard to provide a more robust, energy efficient and damp free building.

Relevant Planning History: None relevant.

Consultations:

WSCC: The Local Highway Authority (LHA) has not raised any objection, commenting:-

This application seeks the demolition of existing buildings and erection of two shop units with two one-bedroom apartments above. The site is located on

South Farm Road, a C-classified road subject to a speed restriction of 30 mph.

The site is served by an existing dropped kerb access on South Farm Road, and no alterations to this arrangement are proposed. The proposed development is not anticipated to give rise to a significant material intensification of movements to or from the site.

One existing car parking space is to be retained, although it is unclear if this will be allocated. Nevertheless, under WSCC Parking Standards, the LHA would expect a development of this size to provide at least three car parking spaces. Therefore, any overspill parking would have to be accommodated on-street, as per the existing arrangement.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place nearby prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the shortfall in parking would lead to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Weight is given to the fact the site is situated in a sustainable town centre location, within walking distance of local services, amenities, and public transport links. Two cycle racks have been demonstrated to the rear of the site, in accordance with WSCC Parking Standards for residential use.
In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal."

If the LPA are minded to approve the application, the following condition is recommended:-

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water:

It appears that the developer is intending to build close to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building close to the sewer**.**

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission: "*The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.*"

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to the Southern Water network, Southern Water will require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.
- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer.

The Developer is advised to contact Southern Water for further advice.

Network Rail:

<u>Asset Protection Infomatives:</u>

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance
The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.

Plant & Materials
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Drainage
Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated

problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding
Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling
Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing
In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting
Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration
The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping
Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights
The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights
Notwithstanding the above, if any property rights are required from NRIL in order to deliver the development, NRIL's Property team will need to be contacted.

Adur and Worthing Council's

EHO (Pubic Health): No objection has be raised in principle, the following conditions are recommended in the event of approval:-

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted
Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.
Reason: To safeguard the residential amenity of the area

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from traffic noise has been submitted

to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the recommended indoor and outdoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
Reason: The proposed development is within an area which has been identified by DEFRA as an area of increased road noise at night.

The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before the residential unit is occupied a test shall be undertaken to demonstrate compliance with this level.

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the railway has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied and the scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Should a food operator assume the ground floor unit details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- HGV construction traffic routings shall be designed to minimise journey distance through the Councils Air Quality Management Areas (AQMA's),
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the

development,
- the erection and maintenance of security hoarding,
- a commitment to no burning on site,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- methods to control dust from the site,
- a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites,
- details of public and neighbour engagement both prior to and during construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Private Sector Housing: No objection.

Representations:

4 objections have been received raising the following concerns:-

Shop, 15 South Farm Road

I am the joint owner with my husband of the property ‘Scallywags’, 15 South Farm Road and I strongly object to the planning application ref: AWDM/1065/23 proposed demolition/redevelopment of 17-19 South Farm Road. I shall put my objections under points:-

1. I am a hairdressers and attached to No 17 on 2 sides so firstly the noise disruption and disturbance to my business would be immeasurable as customers come in to relax not to hear the noise of demolition and then the rebuild. This would be hugely detrimental to my business as machinery needed would definitely cause noise pollution within my salon. I rent out the property above my shop as an office and I am concerned that he will feel he cannot continue renting the office as his business relies on ‘Zoom’ meetings and these would be impossible with the noise he would incur during the demolition and rebuilding of the property. I gather he is going to put a separate comment in but as his landlady I am putting it into this objection.

2. The location/block plans of the property in doc 1580/P02C and 1580/P01 are incorrect. The red line which shows the property boundaries encompasses a portion of my property on the Rear west [North] Elevation. Neither show that No 17 and No 15 have a shared wall either. I note that the proposal is to extend the existing building width to my back door frame. This is not possible as my property extends as far as the waste pipe.

3. Also I have a right of way to the land which is shown as a dotted line in "Proposed floor plans and elevations" document which they are wanting to build on. My back door is my fire exit and the white door

adjacent to it is my outside toilet which I need continuous access to for myself and my customers. If the demolition/rebuild did go ahead I cannot see this is a possibility as there is no room on the road for storage, machinery etc. needed on-site so my access would be obstructed or at the least restricted. I would gather that when demolition and building is being carried out under health and safety my access to my toilet for myself and my customers would be severely restricted also and this is not acceptable.

4. My main building concern is my roof. To demolish the whole of 17/19 South Farm Road it would mean taking away a large section of roof as a portion of 17 South Farm Road is under the same roof as 15 South Farm Road (which I originally paid for). As the new building is going to be higher than the existing property and roof spans over 17 South Farm Road. I gather from the initial report already submitted that the plan is for my roof to be changed and a party wall extended to cover their gable end. I certainly would contest any work to the roof which would comprise the structure of my section of the roof on my property. Equally I would not give my permission for the party wall to be extended.

5. The demolition also has very high potential to damage my property on the West [North] elevation wall as this is partly 15 South Farm Road and partly 17 South Farm Road. Doors and window to the right belong to 15 South Farm Road. Small window to the left of the property beneath it and a section of property behind the window belongs to 17 South Farm Road!

6. Damage to all party walls between my property and No 17 are also a high risk due to the age and condition of the properties as described in the "Preliminary initial inspection report". As this proposed development has high potential to compromise the structure of my property and I have had no communication from the owners of 17-19 South Farm Road regarding any of this I repeat I object to this planning application strongly.

<u>First Floor Office, 15 South Farm Road</u>
I object to the proposed demolition and redevelopment of the property in question on the grounds of noise and disruption caused by demolition due to the proximity of the property to my business. I believe this work will cause disruption to my business when inviting clients to my premises for business meetings as well as making ‘Zoom’ calls or any kind of online client meetings are near impossibility.

<u>34 Hudson Close</u>
The plan affects the building of Scallywags. I have been a customer here for 20 years, it will make the shop building unstable by cutting into the wall and roof. It will affect the business with unreasonable noise and dirt. Where are lorries etc. supposed to unload right next to the level crossing on this busy road? The hairdressers have regular customers and if the shop has to close

due to this work where do all the customers go and also a loss of earnings for the owner. Also the drainage and right of access will be taken away. Obviously drainage is a must for a hairdresser

80 Orme Road
I am a customer at Scallywags hair salon 15 South Farm Road and Fiona has told me about the proposed demolition/rebuilding of 17-19 South Farm Road. I am concerned for the survival of her business if this goes ahead. This is a family run salon which has been open for over 35 years. It is a lovely salon with a friendly chatty atmosphere and I am one of many regular customers. I am afraid if there is constant building noise and dust and dirt from next door it will change the whole ambience of the salon and so the salon may have to close if too many people decide to go elsewhere.

I am also extremely concerned as to the traffic flow effects on South Farm Road if the proposed works go ahead as 17-19 South Farm Road is situated right next to the railway crossing gates! I have to drive across this crossing on a regular basis and the time spent waiting for the gates to go up is long enough. I can only see problems happening if the lorries are allowed to stop to load/unload so close to the railway gates. This will undoubtedly cause more hold ups and maybe even accidents due to the volume of traffic on this road. Also if the lorries park on the pavement to give room for cars to get past this will block the pedestrian access from the crossing which is also very busy due to the closing of the gates for the trains which is constant day and night.

If the lorries decide to stop away from the railway crossing this will mean that Scallywags will have their part of the pavement compromised with loading/unloading not to mention the light which will be blocked out of the shop.

I hope you will take note of my concerns and to clarify I certainly oppose the proposed development.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM13 (Town Centre and Retail Uses)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM22 (Pollution)

National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
SPD ‘Space Standards’ (WBC 2012)

SDP 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

The Inspectors report at Paragraph 176 states:

"I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption."

The Inspector was satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity of the Borough.

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report. Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 6.5 year supply of deliverable sites.

The fourth Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (therefore prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years. An Action Plan will be produced to identify new measures or updates to existing measures that will assist in the improvement of housing delivery.

Within Worthing, the most significant constraining factor when considering future development is land availability. The overarching spatial strategy of the adopted Local Plan is to achieve the right balance between planning positively to meet the town's development need with the continuing need to protect and enhance the Borough's high quality environments and open spaces. Policy SS1 seeks to increase the rate of housing delivery from small sites, stating

that development should make efficient use of brownfield land whilst also making clear that the density of development should be appropriate, and relate well to the character of the area.

Whilst there is a need for all types of housing in the Borough, policy DM1 states that to help determine the most appropriate housing mix based on the character and location of an individual site, applications should also consider the most up-to-date evidence of housing needs and demands. The Strategic Housing Market Assessment (2020) identifies the greatest need in market housing for 2-bedroom (40-45%) and 3-bedroom (35-40%) homes. The need for 1-bedroom market homes is 5-15%.

Policy DM2 sets out a design-led approach to determining the capacity of development sites, with particular consideration given to the site context and the character of the surrounding area in which it is located, the need to achieve high quality design and minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers.

Policy DM5 requires all new development to be of high architectural and design quality and respect and enhance the character of the site and prevailing character of the area including consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design and landscaping. New development should enhance the local environment by way of its appearance and character with particular attention paid to the architectural form, height, materials, density, scale, orientation, tree canopy, landscaping, impact on street scene and layout of the development. It should make a positive contribution to the sense of place, local character and distinctiveness of an area. Its goes on to state that all new development should be well-built, accessible, fit for purpose and adaptable to changing lifestyles, demography and climate. It should include a layout and design that takes account of potential users of the site, creating safe conditions for access and egress and active travel; it should not have an unacceptable impact on the occupiers of adjacent properties including unacceptable loss of privacy, daylight, sunlight, outlook and unacceptable increase in noise giving rise to significant adverse impacts; and should respect existing natural features, including trees and biodiversity.

Policy DM13 seeks to protect and enhance the existing hierarchy of vital and viable town, district and local centres. Two small commercial/business units would be created having a GIA of 21sqm and 22.6sqm, each with a small store and WC resulting in a net internal floor area of 15.7sqm and 17.3sqm. The net floor area is very similar to examples elsewhere (albeit on the periphery) in this local centre (e.g. 125 Clifton Road (AWDM/2023/21) and 121 Clifton Road (AWDM/2089/20)), where it has been successfully argued in allowing changes of use to residential on the ground-floor that the small size of the (in each case vacant) commercial/business units seriously curtailed their commercial viability and attractiveness to prospective tenants. This part of the District Centre appears to be operating successfully despite the current ‘cost of living crisis’, with only one vacant unit along this stretch. Indeed, the ground-floor of the application property is currently occupied. Provided there

was to be some flexibility to the internal layout which allowed the ground-floor to be occupied as a single unit (as at present) it is considered the policy objectives of DM13 would be fulfilled.

The creation of 2 duplex flat units on the upper floors would make a small but welcome addition to local housing supply within a highly sustainable location.

Other key material considerations are the effects of the proposed development on the character and appearance of the surrounding area, the amenities of existing and future occupiers and on highway safety.

Visual Amenity and Local Character

This part of South Farm Road to the south of the level crossing is characterised by a mix of 2 and 3-storey terrace buildings in commercial use on the ground-floor with residential uses above. Those on the East side of the road are typically Victorian in scale and character, being of a traditional pitched-roof form and layout. The ground floor shopfronts reflect a broad diversity of differing designs, both traditional and modern, as well as differing materials. However, the upper floors retain much of their original character, with cornice banding, canted bay windows and bracketed eaves. The 3-storey building on the corner opposite the application site has been designed to articulate the junction of South Farm Road and Cross Street, with cornice mouldings, bracketed eaves, decorative plaster framing to the street-facing stuccoed elevations, and a clock at second-floor on the chamfered corner.

The terraced block (Warner's Parade) fronting the West side of South Farm Road (between its junction with Tarring Road and Orme Road) comprises a modern perimeter block (c.2005), the modulated scale of which varies from 3/2½-storeys at its southernmost corner facing onto the roundabout junction, to 2-storeys at its northern end where it is form and massing has been designed to assimilate with the proportions of the traditional terraced houses in Orme Road.

The scale, form and massing of the front component of the proposed building to a large extent reflects the design of the 'centre' component of Warner's Parade, even down to the detail of the gabled 'fire wall' feature, and the steeper angle of the pitched front roof slope compared to the smaller scale, and shallower roof of 15 South Farm Road. However, whereas as Warner's Parade was designed as a single composition, the proposed building would be awkwardly cut into the roof of No.15. Seen in the context of No.15 and the modest terraced houses in Orme Road, its larger scale and massing would appear jarring and assertive, and its roof and front dormers 'top heavy'. Its uncomfortable appearance would be accentuated by the slightly mismatched depth of the front dormers. It's not entirely clear how the inward angle of the façade would be handled architecturally to maintain a consistent eaves height across the width of the building.

The unsympathetic part pitched/part flat roof form of the building would be seen in full in views from the North across the level crossing and would be an

unattractive addition to the street scene. The design of the building lacks the architectural detailing and visual interest of the 3-storey character building directly opposite to the East (No.22). The resulting scale, architectural form and design of the building would harmfully impact on the street scene and local character and fail to make a positive contribution to the existing sense of place.

Residential Amenity – Future Occupiers

Annotation on the submitted floor plan states Flat 1 would have a GIA of 46.6sqm (measured at 44.7sqm) and Flat 2 would have a GIA of 45.4sqm (measured at 42.9sqm). This falls significantly below the minimum standard of 58sqm for a 1-bedroom, 2-person dwelling over 2 floors set out in the Government's so-called Technically Described Space Standard and is contrary to policy DM2. [The GIA floor area is likely to be even less than indicated above as some of the proposed second-floor accommodation is within the skeiling of the sloping roof and will have a headroom of less than 1.5m.]

Although the layout shows small West-facing windows (serving the hallways and bathrooms) in each flat, these would need to be obscurely glazed and fixed shut (up to 1.7m above floor level) in order to safeguard the privacy of neighbouring occupiers. As a result the future occupiers would have a sole aspect facing East onto the street, in close proximity to the signalled level crossing gates. The EHO has not raised an objection in principle to the proposal development subject to conditions to secure an attenuation scheme to mitigate the impacts of traffic/railway noise and vibration (amongst others). It can reasonably be anticipated that such as assessment will require windows to be closed (at least during the night time) to ensure that a satisfactory internal sleeping environment can be created. Whilst trickle ventilation or MVHR would no doubt provide the units with adequate ventilation to prevent overheating, the inability to open windows for natural ventilation reinforces above-mentioned concerns about the overall quality of the accommodation provided.

Impact on Neighbours

The most affected neighbouring properties are No.15 South Farm Road (South) and 4 Orme Road (West).

No.4 comprises a 2-storey Victorian terrace house attached to the west side of No.15. It has a traditional layout with 2-storey rear off-shoot and small L-shaped external area wrapping round to the side (East) and rear (North), which adjoins the yard to the rear (West) of the application property. At the time of the officer site visit scaffolding was up and refurbishment works appeared to be in progress. There is a window and door in the ground-floor East elevation of the rear offshoot, and ground and first-floor windows in the rear (North) elevation of the main dwelling. The latter can both be expected to serve habitable rooms. There is currently a gap of approximately 2.8m between the rear (West) elevation of No.17-19 and the site boundary with

No.4, marked by a wall approximately 1.5m high. The narrow yard alongside the rear offshoot within the curtilage of No.4 is about 1m wide. The height of the existing building at No.17-19 (approximately 6.6m high) already has an enclosing impact on the rear of No.4. However, this impact would be heightened by the enlarged footprint and increased height of the rear component of the proposed building (8.5m high) having an oppressively overbearing effect on the outlook from the ground-floor and first floor rear (North-facing) windows as well as dominating the rear external space of this modest dwelling. The intrusive effect of the development would be further accentuated by the 6no windows proposed in the West elevation of the building. Although, these could be required to be obscure-glazed, this would not address the perception of being directly overlooked in such close proximity.

It can reasonably be assumed that the North-facing rooms in the rear of No.4 are currently relatively dark, particularly on the ground-floor where receipt of daylight will be affected by the position of its own rear off-shoot, as well as the scale, bulk and proximity of the existing building at No.17-19. However, this impact would be intensified by the enlarged 'bulk' of the proposed building in closer proximity to the affected windows. The effect on receipt of daylight to the first-floor rear window at No.4 would be notably worse as a result.

The increased 'bulk' of the rear component of the proposed building would also have an impact on the first-floor rear (North) window of No.15. However, as No.15 is in commercial use less weight can be attributed to this impact in terms of loss of light and overbearing effect. The business occupiers of No.15 have raised concerns about the impacts of noise and disturbance, and potential restricted access to the back door and external WC at No.15, which is accessed from the shared rear yard. Whilst these matters could likely be carefully managed during the construction period, a more fundamental concern relates to the structure of the proposed building which it would appear is to be built off the party wall, relying on agreement with the owner of No.15. Whilst Notice has subsequently been served and Certificate B now completed, the absence of any agreement between the parties involved is a severe impediment to the implementation of any planning permission.

Access and Highways

There is currently one car parking space to the north side of the building accessed from South Farm Road. One space will be retained on this side although the gap between the North side of the build and the site boundary will be narrowed as a result of the enlarged footprint of the proposed building. The occupier of No.15 has questioned whether a vehicle parked in this narrowed space would impede rights of access over the yard from the rear door of No.15. The same point also applies as to whether there would be sufficient room to move bins round from the rear storage area, past a parked vehicle, to the front of the building on collection day; or similarly bring cycles round from the cycle store shown attached to the rear of the building. It is not clear from the submission whether the parking space would be available to the commercial or residential occupiers. However, whilst these concerns are

indicative of the cramped layout, it is unlikely that the LHA would object to a car-free development in this highly sustainable location.

Sustainable Development

The Design and Access Statement states (para 2.7.4) that sustainable construction will be a main feature for this new development with high levels of insulation within the fabric of the building with low E glass to the windows and rainwater harvesting being provided. A commitment to reducing carbon dioxide.

Policy DM16 states that all new build housing should achieve an A rating Energy Performance Certificate with a minimum expectation of B rating.

Policy DM17 requires all new housing to incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after CO2 reductions from energy efficient measures).

Policy DM18 requires new development to provide a minimum of 10% net gain from biodiversity.

Whilst the policy requirements of DM16 and DM17 could likely be met by imposing a suitably worded condition, it is unclear how the requirements of policies DM18 could be met given the limited external curtilage which must also provide for bin/cycle storage and maintain rights of access for No.15. It is unlikely the restricted layout could accommodate storage capacity for harvesting rainwater, or what harvested rainwater would be used for given the lack of garden space.

CIL

The development is eligible for CIL at 87.57sqm GIA (measured off plan) x £125 = £10,946.25

Recommendation

REFUSE for the reason:-

1. By reason of its unsympathetic scale, form, massing and poor design the proposed redevelopment would appear jarring and unduly assertive in relation to neighbouring buildings, failing to meet the high architectural and design quality required for new development and harmful to the street scene and local character as a result. The proposed development is therefore contrary to policy DM5 of the Worthing Local Plan and the relevant policies of the NPPF.
2. Owing to the sub-standard size and layout of the proposed residential duplexes with gross internal floor areas below the minimum standard set out in the Government's so-called Nationally Described Space Standards, the proposed development would

provide a poor standard of accommodation contrary to policies DM2 and DM5 of the Worthing Local Plan and the relevant policies of the NPPF.

3. By reason of its enlarged scale, massing and building footprint on this constrained site, together with its unsympathetic design, the proposed development would have a materially more harmful and dominating impact on the amenities of the adjoining residential property than existing resulting in an unacceptable overbearing effect, loss of daylight and increased perception of overlooking contrary to policy DM5 of the Worthing Local Plan and the relevant policies of the NPPF
4. The Council is not satisfied on the basis of the submitted application details that the proposed development could provide a minimum 10% net gain for biodiversity. The proposed development is therefore contrary to policy DM18 of the Worthing Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

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

Case Officer:	Jo Morin	Date: 20.09.2023
Authorised by:	Gary Peck	Date: 20 September 2023