

AWDM/1633/16: The Aquarena Redevelopment

Comments by The Worthing Society

The Planning Committee, in deciding whether to approve this application, will have to consider whether the alterations to the proposal that have been made since AWDM/1636/14 was refused are sufficient to overturn the reasons for refusal. The Society considers that they are not: the applicant has done surprisingly little to meet the criticisms that were levelled at his proposal. The total number of apartments has been reduced from 147 to 141, a reduction secured by cutting the number of affordable units from 39 to 32. The number of commercial apartments has been increased from 108 to 109; density has been reduced from 212 apartments/hectare to 204/hectare. The present proposal remains incompatible with local and national planning policies.

The Society is not arguing against any redevelopment of the site, but it is strongly opposed to a redevelopment that would harm the setting of such valuable heritage assets as Beach House (Grade II*), affect views of the shoreline and be out of sympathy with the character of its surroundings. An appropriate development of the site might contain around 70-80 apartments, much the sort of development Worthing Borough Council originally considered appropriate for the site, rather than the 141 now proposed. A development of 70-80 units would represent a density of 100-115/hectare, rather than the 204/hectare of the present proposal, and could be limited to four or five storeys. It would be low enough to have no effect on setting of the heritage assets, or to affect the views of the shoreline, and it could be designed to fit into its surroundings. This site by the beach is not the place for so massive a development.

The first reason for refusal was “In terms of the design, height, form, scale and massing of the development the proposals would represent an overdevelopment of the site and would create an unacceptable relationship with surrounding buildings and would adversely impact on the character and amenities of the area and local heritage assets and would be contrary to Saved Local Plan

Policies CT3 and H18, Core Strategy Policies 2, 13 and 16, Tall Buildings Guidance SPD and National Planning Policy Framework and Practice Guidance.”

Is the present proposal consistent with these policies?

CT3 states that development will be permitted if it:

- (i) Respects and where possible enhances the appearance and character of the seafront environment;
- (ii) Has regard to existing sea views
- (iii) Is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout, and siting, both in itself and in relation to adjoining buildings, spaces, and views to the sea.

If 1636/14 was considered contrary to these policies, it is difficult to see how the changes to 1633/16 have secured compliance. If it was considered that the previous tower did not respect the character of the seafront, the present tower – lower in height but similar in mass, and of an eccentric appearance that resembles nothing in the town – must share this defect.

Both applications would reduce existing views to the sea down Merton Road, which would be narrowed by the construction of apartments on the west side of the road. They are in a similar position in both proposals.

The two proposals are broadly similar in density, scale and massing, though the height of the tower in the present proposal has been reduced from 21 storeys to 15 and the appearance, orientation and layout have been changed. The redesign of the western, northern and eastern faces of the development have removed some of the defects of the previous design, and would provide street facades that are more compatible with the surrounding developments. The redesign cannot, however, conceal the scale of the proposed buildings, which remains essentially unchanged, as does the density. They would be of six storeys, with the top one or two storeys set back. Such large buildings would overwhelm the existing 2.5 storey houses of New Parade.

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The redesign of the tower does not reduce its impact, because its mass remains unchanged. As Historic England has said in its letter of 16 December, the tower would introduce a very different scale of development to a town that retains a special sense of place as an historic seaside resort, with dignified open spaces and attractive Regency or Victorian compositions. The tower would be incongruous in this setting, and is therefore incompatible with policy CT3.

The present application represents an improvement on the previous proposal. But it retains the defects of excessive height, density, and massing in relation to existing buildings in the area, so that it is not appropriate for the location. The redesigned tower is so different from any other building that it can only be treated as an architectural folly. In sum, the current application remains incompatible with policy CT3.

H18 states that “Development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents, will not be permitted.”

The most obvious loss of amenity is the same in both proposals: the residents of New Parade and Brighton Road would find the blank wall of the Aquarena replaced by a the four storey façade of an apartment block, with two more storeys recessed above. This façade would be nearer the houses of New Parade than is the wall of the Aquarena. Their privacy and light would be affected. The applicant states, however, that only one house would suffer a loss of light to one window to less than Building Research Station standards. Residents of the existing properties neighbouring the Aquarena would therefore suffer a significant loss of amenity from the development, and the loss is likely to be similar in each application. This loss may not bring the amount of light that residents receive to less than BRE standards, but it is a significant loss of amenity that remains unchanged. The present application therefore remains incompatible with saved policy H18.

Core Strategy Policy 2 states, inter alia, the Aquarena site should “Provide a vibrant mix of uses” that could include a hotel, café/restaurant, residential,

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supporting retail and leisure; an outdoor water play area; and “A landmark building within the context of the surrounding historic character”.

The present proposal takes one step towards meeting these requests for amenities by providing a café in an open space on the beach, and more space for retail activities on Brighton Road. But there is no outdoor water play area, and the development remains predominantly residential. The buildings in each application cannot be described as landmark buildings within the context of the surrounding historic character; this description implies that the objective was to secure buildings that fitted in with the surrounding historic buildings, not buildings that dominated them. A landmark building does not need to be tall.

The present proposal, like its predecessor, is therefore incompatible with Policy 2.

Core Strategy Policy 13 states, inter alia, that “New development along the seafront will be designed to incorporate measures which will limit any adverse impacts on the coastal and marine environment”.

The main impact of the proposed buildings will be that of the towers on bird life. There is no evidence in the application documents that expert advice has been obtained on this subject. It seems likely, however, that seagulls would be attracted to balconies as roosting or nesting sites; the tower in the present application would have an especially strong attraction for these purposes, with its deep balconies. The conflicts that would then ensue between residents and gulls could lead to undesirable and inhumane behaviour.

The present proposal therefore appears to be less compatible with Policy 2 than was the rejected proposal.

Core Strategy Policy 16 provides the basis for planning policy on residential development. It states, inter alia, that “New development should display a good quality of architectural composition and respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement.....The settlement structure, landscape features and buildings

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which represent the historic character of Worthing should be maintained, preserving and enhancing existing assets”.

The architects of the present application have made a greater effort to respond to local character in the design of the street frontages of the development. However, their efforts are undermined by the large scale and height of the development; buildings which are six storeys tall cannot be made compatible with 2.5 storey buildings, whatever efforts are made to design facades that have features mimicking some features of the older buildings. The new buildings will inevitably dominate the older buildings. Towers, whether they are of 15 or 21 storeys, cannot respond to the local character of a low-rise neighbourhood. The surroundings of the Aquarena are more suburban than town centre in character, with most houses being no more than 2.5 storeys high. The exceptions are Splashpoint, the equivalent of 6.5 storeys, and Beach House, the equivalent of 5.5 storeys. There are also three blocks of flats in Brighton Road, one of nine storeys and two of six storeys. A development with a 15 storey tower, a main block of six storeys and a density of 204/hectare could not “respond positively to the important aspects of local character” in this area. Implementing this proposal would transform the character of the area. Residential amenity would suffer for the local people, and the nature of the Worthing skyline would change. Another step would have been taken in destroying the historic character of Worthing.

The current proposal therefore remains incompatible with policy 16. If the policy of the Core Strategy, to preserve the historic character of Worthing, is maintained, the refusal of planning permission should be repeated.

Tall Buildings Guidance SPD. The most relevant elements of this guidance are: **P.28, Accessibility.** “Tall buildings should be located so as to minimise dependence on car use and to maximise access to a mix of transport options. Tall buildings should be located around transport corridors and interchanges.” The Aquarena is located on the route of one bus service and about 1.6 kilometres from Worthing railway station. The bus service does not go to the station.

P.31, Historic Character. “A tall building proposed in, or in close proximity to, one of these (conservation) areas would have to be particularly sensitive to design issues and would generally only be considered if it served to enhance the overall area”. It is questionable whether either design of tower for the Aquarena site can be said to enhance the overall area. In the Environmental Impact Assessment, the tower is said by Fabrik to have a positive effect on the appearance of the Farncombe Road Conservation Area, though the Heritage Advisory considers its effect is negligible. Historic England considers that the level of harm to the Conservation Areas from the development would be less than substantial, and that the proposals do not enhance the character or appearance of the Areas. A tower overlooking a tree lined road would usually be considered detrimental to the appearance of that area.

P.32 Historic Character. “Where a listed building is a landmark feature its backdrop needs to be protected to ensure that it continues to be viewed distinctively”. Beach House, Grade II*, is a landmark feature. The Aquarena towers appear in its backdrop.

In all three instances, the proposed towers at the Aquarena are incompatible with the policies of the Tall Buildings Guidance SPD. The present proposal rates no better than the rejected design.

National Planning Policy Framework. The most relevant paragraphs are:

17. “Planning should be genuinely plan-led Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings conserve heritage assets in a manner appropriate to their significance”.

58. “Planning ... decisions should aim to ensure that developments ... respond to local character and history and reflect the identity of local surroundings”.

131. “In determining planning applications, local planning authorities should take account of:

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The desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; the desirability of new development making a positive contribution to local character and distinctiveness.”

These provisions emphasise the rightness of the Committee’s decision to refuse permission for the previous application, because it was incompatible with so many policies of the Core Strategy, and because it also conflicted with so many aspects of national planning policy – especially where it is concerned with heritage assets.

The current proposal is not significantly superior to the rejected proposal when judged against these criteria. The alterations to the design of the street facades of the main building have made it more responsive to local character; but the scale of the building prevents it from harmonising with its surroundings.

The second reason for refusal was “The proposed 21 storey tower by virtue of its height, scale and design, would cause unacceptable harm to the setting of Beach House grade II* listed building and Farncombe Road Conservation Area as well as the wider setting of town and seafront conservation areas contrary to Core Strategy Policies 2 and 16, Tall Buildings Guidance SPD, the National Planning Policy Framework and Practice Guidance.”

Core Strategy Policy 2 states as a Development Principle “Opportunity for a landmark building within the context of the surrounding historic character.” Neither the previous nor the current application provides such a building, which would need to demonstrate that a landmark building does not need to be a tall building.

Core Strategy Policy 16. The most relevant element of this policy is “The settlement structure, landscape features and buildings which represent the

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historic character of Worthing should be maintained, preserving and enhancing existing assets.”

Preserving the setting of Beach House, the Farncombe Road Conservation Area and other conservation areas is therefore required by Policy 16. The issue is whether the present proposal, with a lower tower, retains the harmful effects of the rejected plans. The tower has been reduced from 21 to 15 storeys but, because it has three instead of two apartments per floor, its mass is broadly similar. It remains only 100 metres from Beach House. Historic England, in its letter of December 16 2016, wrote that “While the tower is lower, its massing is consequently broader to provide overall a very similar number of residential units across the site. It will be a highly visible new addition to the townscape The scale and massing of the building will be harmful to the human scale of the Worthing town centre Conservation Areas and will be incongruous in the view back from the pier because of the dramatic contrast in scale between it and the historic buildings”. HE’s comments on the impact of the proposed 15 storey tower resemble its comments on the impact of the 21 storey tower.

HE concludes that the harm inflicted by the proposed development on Beach House and the Conservation Areas would be “less than substantial”, though it also wrote that “its (Beach House’s) significance would be harmed by the dense development clearly terminating views to the east where even today with the new Splashpoint Leisure Centre, it retains its dignified position in an open landscape on an edge of town site”. HE added that though the scheme would deliver enhancements to the public realm “these do not in our view offset the harmful impacts associated with the development”.

Fabrik and the Heritage Advisory both conclude, in the Environmental Impact Assessment, that the tower would have a “moderate negative” effect on the view of Beach House from Brighton Road and Park Road, and on the view south from the house.

Fabrik comments that looking from Beach House “Whilst the proposed development in tandem with Splashpoint will continue to provide the built

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landscape context of the views, the landmark building will be visible in both eastern and oblique views from the Beach House as a new, taller and uncharacteristic element, above the intervening built form of Splashpoint, replacing part of the sky”. Looking towards Beach House from Brighton Road and Park Road, it comments that “The proposed development will result in a range of new, taller buildings set within and below the visual horizon created by the trees. However, due to the location of this view, the roofscape and individuality of the Beach House is lost in the context of the proposed landmark building beyond, in this particular view”.

The Heritage Advisory, commenting on the change to the view from Brighton Road, writes that “The scale, mass and prominence of the proposals would have an adverse effect on the asset (Beach House) itself and its setting, and the way in which it can contribute to the heritage significance within the view..... The vertical element of the landmark feature will create a juxtaposition when viewed against the lower, horizontal emphasis of Splashpoint and Beach House. The overall effect on setting is therefore moderate negative”.

The photomontages of the view from Brighton Road provided by both consultants shows that their conclusions are fully justified; indeed “moderate” might better be replaced by “severe” to describe the harm that construction of the 15 storey tower would cause to the setting of Beach House.

These comments from HE and Roffey’s consultants show that the present proposal is harmful to the setting of the heritage assets near to the site and to the broad context of Worthing’s townscape, conservation areas and shoreline. It therefore remains inconsistent with Policy 16. Indeed, as Roffey argued that the previous scheme would not harm heritage assets, but its consultants now say that the present scheme would harm them, one might conclude that the present proposal is more harmful.

Tall Buildings Guidance SPD Its provisions have been discussed in relation to the first reason for refusal; the proposal should enhance the overall area of a Conservation Area to be acceptable, and should not form part of the backdrop

of a listed building. The present proposal fails on both counts, like the earlier proposal.

National Planning Policy Framework It contains the Government's advice on handling heritage assets in planning applications. The most relevant provisions are:

Para.129. "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)....They should take this assessment into account when considering the impact of a proposal on a heritage asset."

Para.132 "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

Para.134. "When a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

The judgment that the Committee will have to make is described in para.134. In September 2015 it decided that the harm outweighed the benefits. In reaching its decision, the Committee will need to take account of para.132, of the status of Beach House as Grade II* listed, and of any assessment Worthing has prepared under para.129.

This assessment will have to be made against the backdrop of the legislative requirement that the setting of heritage assets must be protected. The Officers' Report of September 2015 on the previous application stated "that where harm has been identified to the setting of heritage assets, planning authorities should give that harm considerable importance and weight. Where harm has been identified, as in this case, there is a strong statutory presumption against planning permission being granted. In these circumstances the Planning

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Committee has to consider whether the regeneration and other public benefits of the scheme are powerful enough to outweigh this harm”.

In balancing the benefits against the harm, the Committee should consider that a smaller scheme would not produce the harm, and would produce some of the benefits. If a development of 70-80 apartments would not harm the heritage assets – because it would not be tall enough to do so – but would produce 50%-55% of the benefits, the harm created by the last 60-70 apartments in the scheme should be set against the benefits they would produce, not against the benefits the whole scheme would produce. The judgment for the Committee is therefore whether the harm done to heritage assets is smaller than the benefits created by the scheme, but whether half the benefits of the scheme exceed the harm done.

In 2015 the Committee decided that the harm exceeded the benefits. There is no evidence from expert assessment that the present scheme produces less harm to heritage assets than the previous scheme. The present scheme’s impact on heritage assets therefore remains unacceptable.

Parking The adequacy of the provision of parking space in the proposed development was not a reason for refusal in 2015 but remains a matter of wide public concern. The present proposal would provide 223 parking spaces, of which 172 are allocated to residents and 51 to the public. However, the West Sussex County Council estimates that residents would require 205 spaces, so that only 18 would be available for the public. The existing Aquarena car park has 56 spaces, which would be lost in the rebuilding, so there would be a deficit of 38 spaces if the WSCC forecast of requirements is accurate. The apartments in the development would be high-priced and would therefore attract owners with high incomes, who would be likely to own two cars; the supply of 25 double parking spaces might prove inadequate. The proposed development therefore is likely to increase the demand for on-street parking spaces in the area.

Conclusions

The present application replicates most of the features of the previous application, which was refused planning permission in September 2015. The only improvements are in cosmetic changes to the street frontages. The impact of the development on the character of its surroundings and on the setting of heritage assets is unchanged. The reasons for refusal now are almost identical to the reasons for refusal in 2015.

If the proposal was to be modified to respond to the reasons for refusal, its scale would have had to be reduced. It is puzzling that this change has not been made, and that the Committee has been presented with an application so similar to the one it refused 16 months ago. The applicant, and Worthing Borough Council, may share an interest in maximising the scale of development in this site; but this interest is not a planning consideration, and the planning proposal that reflected this interest was considered unacceptable in 2015. The present proposal is another attempt to maximise profit from the Aquarena site, and it remains incompatible with the planning policies of Worthing's Core Strategy, with the policies in the National Planning Policy Framework, and the requirement of the Planning (Listed Building and Conservation Areas) Act 1990.

It is depressing that the Committee should be presented with another proposal that is clearly unacceptable on planning grounds, when a smaller-scale development would provide perhaps half the benefits but none of the harm.

The Worthing Society trusts that the Planning Committee will refuse planning permission for this proposal.

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Chairman

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