

Minutes of a meeting of the
Worthing Planning Committee
10 February 2016
at 6.30 pm

Councillor Kevin Jenkins (Chairman)
Councillor Vicky Vaughan (Vice-Chairman)

Councillor Noel Atkins	Councillor Edward Crouch
**Councillor James Doyle	Councillor Diane Guest
**Councillor Nigel Morgan	Councillor Louise Murphy
Councillor Paul Yallop	

** Absent

Officers: Head of Economic Growth, Principal Planning Officer, Solicitor and Democratic Services Officer

Before commencement of the meeting, the Chairman agreed to reverse the order of items on the agenda, taking item 4.2, AWDM/1199/15, first, followed by 4.1, AWDM/1805/14.

WBC-PC/062/15-16 Declarations of Interest / Substitute Members

Councillor Paul Yallop declared a pecuniary interest in item 4.1, AWDM/1805/14, Land south of 6 Grand Avenue, West Parade, advising he had a close relationship with the occupiers of 6 Grand Avenue. The Councillor left the room for the item.

Councillor Louise Murphy declared a non-pecuniary interest in item 4.1, AWDM/1805/14, Land south of 6 Grand Avenue, West Parade, advising she was a Non-Executive Director for a Registered Provider of affordable housing.

Councillor Edward Crouch declared a pecuniary interest in item 4.1, AWDM/1805/14, Land south of 6 Grand Avenue, West Parade, advising he had been closely involved in the application and left the room for the item.

Councillor Vicky Vaughan declared a non-pecuniary interest in item 4.2, AWDM/1199/15, 22 Sompting Road, Worthing (former Dairy Crest) as Ward Councillor.

Councillor Louise Murphy substituted for Councillor Nigel Morgan.

WBC-PC/063/5-16 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 13 January 2016 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/064/15-16 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/065/5-16 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/066/15-16 Public Question Time

There were no questions raised under Public Question Time.

The meeting ended at 08:25 pm

Application Number: ADM/1805/14	
Site:	Land South of 6 Grand Avenue, West Parade, Worthing
Proposal:	Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

The Principal Planning Officer presented this report, and referred to the addendum circulated since despatch of the papers. The Officer advised the report was not a planning application, but a consideration of the Council's case in respect of the appealed scheme at the Public Inquiry in April 2016.

He reminded Members the Committee refused the application to redevelop the site for residential purposes at the Committee meeting on 1 April 2015. The Officer advised there were three main elements for Members to consider :-

1. A recommendation to remove an objection to the scheme in respect of overshadowing to the back garden at No 6 Grand Avenue (north);
2. with removal of that objection and taking account of the other matters addressed in the report, to review the overall evaluation of the proposal; and
3. consider a revised offer from the appellant as to the affordable housing element of the proposal. (The Principal Planning Officer advised this aspect would be presented by the Head of Economic Growth as negotiations had moved on since despatch of the papers).

These three elements were discussed and considered by Members, including consideration of the detailed overshadowing impacts and drawings from the relevant reports and the guidance itself. The affordable housing options and constraints and relationship between this matter and the Statement of Common Ground were discussed. The Chairman ran through each of the recommendations within the report, agreeing with Members a revision regarding the affordable housing element.

Decision

1. That in the light of the findings of the Addendum study prepared by the appellants and corroborative study commissioned by the Council in respect of the daylight and sunlight impacts of the appeal proposal, that *failure of the appeal proposal to demonstrate that unacceptable overshadowing of the back garden of 6 Grand*

Avenue would not result as set out in Reason for Refusal One be withdrawn as an objection to the proposal and not feature in the Council's case at the Public Inquiry.

2. That taking into account the withdrawal of the Council's objection to the appeal proposal in respect of overshadowing of the back garden of 6 Grand Avenue; latest assessment of shortfall of the Core Strategy's provisions for deliverable housing land against the OAN; and all other relevant matters as set out in this report, the Committee, in reassessing the proposal, reaffirms its view that the harm arising from the proposal as set out in the amended reasons for refusal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole and with due account of the Core Strategy and Saved Local Plan policies and supporting guidance. The scheme accordingly does not qualify as sustainable development and the proposal should continue to be opposed.
3. That Council should continue to seek rented accommodation, as originally envisaged on site, but accept shared ownership if no Registered Provider is interested in providing rented accommodation, if that is not viable then seek an off-site contribution for the total of £841,402.50 based on the Council's latest SPD (stepped approach).

Delegated authority to the Head of Growth to negotiate the terms of the s106 Agreement.

Application Number: AWDM/1199/15	
Site:	22 Sompting Road, Worthing (former Dairy Crest depot)
Proposal:	Demolition of existing buildings and erection of industrial/distribution units comprising Unit 1 (sui generis builders' merchant for display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage); Unit 2 and 3 (Class B8 with trade counter and ancillary showroom); and Unit 4 (Class A1 cafe/sandwich shop and/or sui generis tile merchant)) including access and servicing arrangements, car parking and associated works. (Former Dairy Crest Depot).

The Head of Economic Growth introduced the application and began his presentation by reference to photographs, plans and elevation drawings.

The Officer briefly outlined the application for Members, indicating the main issues in determining the application were whether the principle of development was acceptable and the effect of the proposal upon the character and amenity of the area and neighbour amenity .

He advised the application site was a former dairy depot, located just outside the protected employment area of East Worthing, being separated from the industrial estates to the east by residential properties in Penfold Road. It was estimated that 30 jobs would be created by the proposal.

The Officer highlighted the impact of the proposed development upon properties in Penfold Road. He advised that trees on the boundary had been removed due to overbearing to the rear gardens of the properties in Penfold Road, which seemed to indicate there was no significant nuisance arising from the previous use of the site. The Officer advised Members the previous use of the site was not subject to any hours of use restriction and the use of the site had been less intense than many other employment sites.

However, as a result of residents' concerns, amended plans had been submitted relating to the effect of units 1 and 2 upon properties in Penfold Road, racking and mitigation along the north eastern boundary and issues raised by the Environmental Health Officer. The Officer advised Members the height of the storage racking had been reduced by 1 metre and backed by an acoustic fence which Officers felt an acceptable compromise. There was also adequate space for landscaping to be achieved and timber paneling to break up the facade of the building.

The Officer advised Economic Development supported the proposal, were keen to retain employment and looked forward to working with developers.

Members were also advised of two further letters of objection from neighbours to the site.

The Head of Economic Growth concluded that Officers felt the application had been amended in response to residents' concerns, and with the estimation of 30 jobs, recommended the proposal be supported.

Members raised some queries with the Officer, particularly over the boundary treatment and outlooks on to the proposed development from the residential properties in Penfold Road; and electric vehicle charging points which were answered in turn.

During the debate that followed, Members were keen to ensure that the height specified for trees within the landscaped area were measured from the ground, rather than height including root ball; and were of a species to maximise screening effect. Mention was also made regarding the boundary with the Chapel of Life however, it was agreed this would be a matter of negotiation between both parties.

Following the discussion, in summary, the Committee Members sympathised with the neighbours' concerns but felt retaining an employment use of the site was justified and, with the mitigation proposed was acceptable and therefore agreed the Officer's recommendation.

Decision

The Planning Committee **AGREED** planning permission with the decision, delegated to the Head of Planning Services, to clarify hours of use and delivery times (Conditions 10 & 11), landscaping details (Condition 14), add additional conditions recommended by the Environment Agency and to delete condition 13 relating to measures to mitigate impact on air quality.

01 Full Permission

02 If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

03 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water

04 The proposed pump sumps must incorporate an alarm, the sounder for which should be located within units 3 & 4.

05 No part of the development shall be first occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

06 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. The car park shall also be provided for an electric vehicle charging point

07 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,
- 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,
- 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),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

08 The developer must agree with Southern Water prior to the commencement of development, the measures to be undertaken to protect the public water supply main.

09 Noise from fixed plant and machinery shall not exceed 40dB $L_{Aeq(15 \text{ minutes})}$ between 07.00 hours and 23.00 hours and 35 dB $L_{Aeq(15 \text{ minutes})}$ between 23.00 hours and 07.00 hours, measured or predicted at free field locations representing the facades of nearby residential properties.

10 The proposed hours of operation are restricted to those contained within the application 07.00 to 18.00 hours Monday to Friday and 08.00 to 12.00 hours Saturdays and no use on Sundays.

11 Deliveries to and collections from the site be limited to 07:00 to 19:00 Monday to Friday and 08:00 to 14:00 Saturdays only, in order to protect residential amenity.

12 Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21.00 and 07.00 hours, measured as Vertical illuminance (E_v) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%.

13 Landscaping details to southern boundary.

14 Acoustic fencing to be provided and maintained in accordance with details to be submitted and approved by the Local Planning Authority.

15 Restriction of use of building in accordance with application details.

16 Materials to be agreed.

Informatives

1 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2 The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.