

Minutes of a meeting of the
Worthing Planning Committee
27 July 2016
at 6.30 pm

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

Councillor Noel Atkins
Councillor Diane Guest
Councillor Paul Westover

Councillor Edward Crouch
Councillor Hazel Thorpe
Councillor Paul Yallop

** Absent

Officers: Planning Services Manager, Senior Lawyer, Solicitor and Senior Democratic Services Officer

WBC-PC/012/16-17 Declarations of Interest / Substitute Members

Councillor Paul Westover declared an interest in Item 4.2 as one of the registered speakers was known to him.

WBC-PC/013/16-17 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 29 June 2016 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/014/16-17 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/015/16-17 Planning Applications

The planning applications were considered, see attached appendix.

** The Chairman adjourned the meeting at 7.42pm and it was reconvened at 7.46pm.*

WBC-PC/016/16-17 Public Question Time

There were no questions raised under Public Question Time.

WBC-PC/017/16-17 Public Consultation on Planning Applications

Before the Committee was a report by the Director for the Economy, copies of which are attached to the signed copy of these minutes as item 6.

The report proposed amending the existing process for consulting members of the public on planning applications which currently involved posting a site notice, newspaper advertisement and publication on the Council website.

It was noted that for category 7 developments, which were the majority of planning applications, the statutory consultation requirement was slightly less in that the Council only had to post a site notice or send out neighbour notification letters and publish details of the application on the Council website. There was no statutory requirement to advertise this category of application in the newspaper.

Members were advised that the Worthing's budget for the advertising of planning applications in 2015/16 was just over £13,000 but total expenditure was over £25,000. It was noted that a similar situation occurred in Adur.

It was proposed that Worthing Borough Council no longer advertised, planning applications that fell under category 7, in the newspaper.

Resolved,

The Planning Committee agreed that Worthing Borough Council would no longer advertise planning applications, that fell under category 7, in the newspaper.

The meeting ended at 7:54pm

Application Number: AWDM/0730/16	
Site:	Land South of 1 to 8 Field Place Parade, The Causeway
Proposal:	Proposed amendments by way of variation of conditions 2 and 11 to development granted under reference AWDM/0844/15 to alter mix of development and parking and consequential alterations and sustainable design of non-residential uses. Amended proposal: Mixed use redevelopment of the former Lloyds Plc Banking Hall site, comprising 74 apartments (use class C3) and a 1000 sq m Doctors Surgery (D1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 92 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park.

Alongside the report, Members were shown plans and various photographs of the site by the Planning Services Manager , who advised the main issues to consider were the mix of the scheme from 81 to 74 apartments; enlarging the non-residential element from 611 sq ms to a 1000 sp m Doctor Surgery (D1), whilst increasing car parking from 86 to 92 spaces, together with allied alterations.

The proposed amendments were outlined and it was noted that the Medical Centre would be accommodated on the ground floor of the development.

The Committee was advised that Condition 12 could be removed; Condition 8 be amended following partial discharge of submissions made under AWDM/0844/15 to include *'No dwelling hereby approved shall be occupied unless and until the submitted scheme under AWDM/0844/15 has been implemented in accordance with that scheme, subject to demonstration by means of a suitable test to the Local Planning Authority's satisfaction that a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) can be achieved for all floors'* and Condition 18 be amended to include *'The development shall not be carried out other than in accordance with the approved details under AWDM/0844/15 in respect of disposal of surface water in a sustainable fashion, including future management thereof, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed as such and retained thereafter'*.

Officers proposed that the amendments to the consented scheme be approved.

There were further representations from-

Objectors: None.

Ward Councillor: None.

Supporters: Mr Chris Baker
Ms Anne Romer

Members identified that parking had always been an issue at this site and that the scheme provided a significant amount of housing, which was desperately needed. The proposed amendments balanced a small loss in housing against a larger medical facility.

A number of members expressed their support for the proposal.

Decision

That the decision be delegated to the Head of Economic Growth to secure a Deed of Variation to the extant Legal Agreement in respect of development contributions and other related matters with a view to planning permission being **GRANTED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified by any other conditions attached to this planning permission:-

Reason: *For the avoidance of doubt and in the interests of proper planning.*

03. All on site works shall comply with the agreed Construction and Demolition Method Statement.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework.*

04. All on site works shall comply with the agreed dust suppression scheme

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan and National Planning Policy Framework and allied practice guidance.*

05. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days

such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive, except between 9am to 1pm on Saturdays.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework.*

06. No flat or commercial unit shall be occupied unless and until the recommendations set out in the Stage 1 Road Safety Audit Designer's Response (SKP/17091-04 of 17.8.15) have been fully implemented except as may be required otherwise by the Highway Authority. The said works shall be retained thereafter.

Reason: *In the interests of highway safety and efficiency in accordance with the requirements of the Highway Authority and the National Planning Policy Framework.*

07. No residential or commercial unit shall be occupied unless and until:

- a) a parking plan for the site has been submitted to and agreed by the Local Planning Authority. This shall include details of parking allocations between users of the development and retained car parking areas and security measures to promote safety and security in obtaining access to and use within the multi deck car park.
- b) the accesses, parking, and turning space as designated in the approved plans (except where as required to meet the Stage 1 Road Safety Audit Designer's Response or as required to discharge any other condition imposed on this permission) have been provided and the redundant access points closed and stopped up in accordance with The Highway Authority's requirements. Thereafter the said provision shall be retained.

Reason: *In the interests of road safety, functionality and visual amenity in accordance with Core Strategy policy Area of Change 10 and Policy 16, The National Planning Policy Framework and Manual for Streets.*

08. No dwelling hereby approved shall be occupied unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that at least the "Good" standard set out in BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings shall be achieved. This shall include secondary glazing specs for bedrooms and living rooms and a whole building mechanical ducted ventilation system as required. Such provision as is approved to achieve the said standard shall be retained thereafter.

Reason: *To safeguard the amenities of the future occupiers of the dwellings in accordance with saved Worthing Local Plan Policies H18 and RES7, the National Planning Policy Framework, Core Strategy policy Area of Change 10 and Sussex Noise advisory document and BS 8233:2014 Guidance on Sound Insulation and Noise.*

09. No dwelling or medical centre hereby approved shall be occupied unless and until:

- a) the hard landscaping and boundary treatment as shown on the approved plans has been implemented; and

b) details of the external lighting have been submitted and approved by the Local Planning Authority and any such approved lighting has been provided.

The approved provision shall be retained thereafter.

All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years of first planting, are removed, die or are diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: *In the interests of visual amenity and the environment and to safeguard the amenity of neighbours and future occupiers of the development and to comply with policy Area of Change 10 and policy 16 of the Worthing Core Strategy and saved Worthing Local Plan policy H18 and The National Planning Policy Framework and allied practice guidance.*

10. Notwithstanding the approved drawings, no dwelling or medical centre shall be occupied unless and until samples of the facing materials, including all external windows, doors and balconies, have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be built other than in full accordance with any such approved samples and shall be retained thereafter.

Reason: *To safeguard the appearance and character of the area and to ensure a high standard of design having regard to policy Area of Change 10 and Policy 16 of the Worthing Core Strategy and The National Planning Policy Framework and allied Practice Guidance.*

11. The D1 unit shall not be occupied unless and until:

It has been demonstrated to the Local Planning Authority's satisfaction that provision has been made for the following:

i) at least 10% of energy demands of the development to be generated on site by means of photovoltaic cells as shown on approved drawings and set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16.

ii) a reduction in water use as an improvement over the building regulations as set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16. The said provision shall be retained thereafter

Reason: *To minimize carbon emissions, resource depletion and polluting in accordance with Core Strategy Policies 17 and 18 and The National Planning Policy Framework and allied Practice Guidance.*

12. No development, other than demolition to existing ground levels, shall take place until the developer has secured the implementation of a programme of archaeological

work, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with paragraph 141 of the National Planning Policy Framework.*

13. No first floor flat with windows in the north elevation shall be occupied unless and until:

a) the lower panes of all their first floor windows in the north elevation facing the Field Place flats have been obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent; and

b) The soft landscaping on the roof of the projecting part of the ground floor of the development to the north of the first floor flats as shown in the approved plans, has been provided across its width and to a height of at least 1.8 ms.

No first floor flat with windows in the east elevation shall be occupied unless and until the green screen adjacent to the multi-decked car park ramp has been provided as shown in the approved plans.

The above provision shall be retained thereafter. Any plants comprising the said soft landscaping which is subsequently removed, dies or is diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: *To prevent overlooking and to minimise visual obtrusion and to comply with saved policy H18 of the Worthing Local Plan.*

14. No dwelling or medical centre shall be occupied unless and until the domestic and commercial waste/recycling storage and access for refuse collection vehicles has been provided in accordance with the approved plans. Thereafter the facilities shall be retained.

Reason: *To safeguard the amenities of the occupiers of the new dwellings and neighbouring properties, secure efficient collection and to discourage landfill having regard to saved policies H18 and RES7 of the Worthing Local Plan, Core Strategy Policy 16, Manual for Streets 2 and National Planning Policy Framework.*

15. No dwelling shall be occupied unless and until the cycle parking as shown on the approved plans have been provided. Thereafter the said storage shall be retained.

Reason: *To encourage the use of cycling as a healthy and sustainable mode in view of the limited on site car parking facilities in accordance with saved Worthing Local Plan policies H18 and RES7 and Core Strategy Policy 16 and The National Planning Policy Framework.*

16. No dwelling or medical centre shall be occupied unless and until:

a) Details have been submitted to and agreed in writing by the Local Planning Authority for the provision on site of three electric vehicle charging points and provision made in accordance with any such approval.

b) The green roofs and green screens have been provided in accordance with the approved plans and a sustainable maintenance and management plan secured.

The agreed provision shall be retained thereafter.

Reason: *In the interests of visual amenity; future occupiers amenity and sustainability in accordance with saved policy H18 of the Worthing Local Plan, Core Strategy policy 13 and the National Planning Policy Framework.*

17. No dwelling or commercial unit shall be occupied unless and until the ecological enhancement measures referred to in Appendices 1 and 2 of the Ecology Report (Extended Phase 1 Habitat Survey Update- mDenny Ecology May 2015) in respect of planting of landscaping to encourage moths and foraging bats and provision of swift nesting boxes on the south and west facing aspects of the multi deck car park have been implemented.

The development shall not be implemented other than in full compliance with The Extended Phase One Habitat Survey and Arboricultural Impact Assessment prepared by Lizard Landscape Design - Tree Protection - Method Statement June 2015 and LLD848/02/rev 01 Tree Retention and Protection Plan.

Reason: *To protect existing wildlife/biodiversity and to provide compensatory and enhancement in accordance with The National Planning Policy Framework and Core Strategy policy 13.*

18. No development, other than demolition, shall commence unless and until such time as a scheme to dispose of surface water in a sustainable fashion, including future management thereof, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed as approved and retained thereafter.

Reason: *In the interest of sustainable drainage in accordance with Core Strategy Policy 15 and the National Planning Policy Framework.*

19. No dwelling hereby approved shall be occupied unless and until all external amenity areas including balconies, terraces, green screens, and landscaping screens and courtyard shown on the approved plans have been provided, in accordance with the approved plans and shall be retained thereafter.

Reason: *In the interests of future occupiers' amenity and to comply with saved policy H18 of the Worthing Local Plan, Worthing Borough Council Supplementary Planning Document on residential space standards and the National Planning Policy Framework.*

20. The medical centre shall not operate other than as follows:

1. Notwithstanding the General Permitted Development Order, as amended, and Use Classes Order, as amended, and any future revisions or revocations to such, the medical centre (D1) shall not be used for any purposes than such
2. Not open to customers outside the hours 8am to 11pm on any day.
3. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated in or on any medical centre except between the hours 8am to 11pm on any day.
4. No deliveries to or collections from any medical centre unit shall take place other than between the hours of 8am to 8pm on any day.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework, Sussex Noise Advice and Sussex Air Quality Advice.*

21. No new plant or machinery shall be installed unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with any such approval. The approved machinery/plant shall be maintained thereafter in accordance with the manufacturer's instructions.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework, Sussex Noise Advice and Sussex Air Quality Advice.*

22. 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.

Reason: *In the interests of environmental protection and public health and safety, in compliance with saved policies RES7 and H18 of the Worthing Local Plan and the National Planning Policy Framework.*

It is also resolved that if the applicant subsequently decides not to sign the Legal Agreement, the Head of Economic Growth be authorised under delegated powers to refuse the application.

Application Number: AWDM/0660/16	
Site:	Unit 18 Ham Bridge Trading Estate, Willowbrook Road, Worthing
Proposal:	Change of use from B1/B8 to sui generis (Dog Day Care and Training Facilities) with ancillary retail.

The Committee was informed that the application sought planning permission for a change of use from its current planning use as a B1/B8 unit to a sui generis use, namely a Dog Day Care and Training Facility plus ancillary retail.

Members were shown a number of photographs of the site and the Planning Services Manager advised that Unit 18 was currently vacant. It was noted that essentially the issue with the application was that it was contrary to Policy 4 and the SPD and there were concerns that the introduction of this type of use could potentially undermine the operation of the estate as a whole, resulting in a conflict of uses. Therefore the Officer's recommendation was to refuse the application.

There were further representations from -

Objectors: Mr Richard White
Mr Joe Field

Ward Councillor: Cllr Nigel Morgan

Supporters: Ms Jane Hatcher
Ms Amy Hatcher

A Member asked whether it was possible for the Committee to grant a temporary permission for up to a 24 month period. Officers advised that the Committee could grant a temporary permission but expressed concerns about the suitability of doing so, as it would create uncertainty for the applicant.

The proposal was discussed at length and all agreed that a finely balanced decision had to be made. Members were supportive of the business but not in the location proposed as it was contrary to the Council's policy.

Decision

That the change of use be **REFUSED** for the following reason(s):-

The unit is located within a protected, key industrial estate and insufficient evidence has been submitted to clearly identify that the unit is no longer viable as a B1/B8 use or that reasonable steps have been taken to maintain the existing use. Thereby, the proposed change of use from the existing B1/B8 use to a Sui Generis use would be contrary to Policy 4 of the Core Strategy – Protecting Employment Opportunities.