

Minutes of a meeting of the
Worthing Planning Committee
19 January 2017
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: Head of Planning & Development, Project Manager, Solicitor and Democratic Services Officer

The Vice-Chairman ran through the Health & Safety Notice for attendees and referred to the Council's Protocol, within the Constitution, regarding recording of the meeting.

The Chairman introduced each of the Members of the Worthing Planning Committee and Officers, and ran through the order of business for the evening. He reminded Members of the change regarding registered speakers, allowing 5 speakers for and 5 speakers against, limited to 3 minutes each.

WBC-PC/048/16-17 Substitute Members

Councillor Luke Proudfoot substituted for Councillor Paul Yallop.

WBC-PC/049/16-17 Declarations of Interest

Councillor Paul Westover declared an interest as Central Ward Councillor.

WBC-PC/050/16-17 Minutes

There were no minutes to agree.

WBC-PC/051/16-17 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/052/16-17 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/053/16-17 Public Question Time

There were no questions raised under Public Question Time.

The meeting ended at 9:00 pm

Application Number: AWDM/1633/16	
Site:	The Aquarena, Brighton Road, Worthing, West Sussex BN11 2EN
Proposal:	Demolition of the former Worthing Aquarena and car park. Erection of 141 residential apartments within blocks ranging from 4-15 storeys in height, including affordable housing, a 641 sq.m (unspecified use class) commercial unit, a 138 sq.m Pavilion/Cafe, public and private open space, 172 resident's parking spaces and 51 public car parking spaces, with associated landscaping and access arrangements. The application is accompanied by an Environmental Impact Assessment.

The Head of Planning and Development stated there had been a huge amount of public interest in the application, hence the change of venue to the Worthing Assembly Hall. The Officer advised a large number of representations had been received, which reflected the clear view that members of the public felt passionate about Worthing and its seafront.

The Committee were advised the Officer would introduce the revised scheme, show various photographs of the site/proposal, speak about the previously refused scheme and highlight the differences. His colleague, the Major Projects Manager, would run through the main detail of the scheme, with the Head of Planning and Development concluding their joint presentation.

The Head of Planning and Development stated there had been general acceptance the existing unattractive building should be redeveloped and replaced and outlined for the Committee Members the site and its surroundings.

The Officer reminded Members of the previous application to redevelop the site, which had been refused, and ran through the two reasons for that refusal shown on page 11 of the report. Primarily, the design, height, form, scale and massing of the development would result in an overdevelopment of the site and create an unacceptable relationship with surrounding buildings and would adversely impact on the character and amenities of the area and local heritage assets. The second refusal being the unacceptable harm to the setting of Beach House and Farncombe Road Conservation Area, as well as the wider setting of the town and seafront conservation areas.

The previous proposal had incorporated a small amount of commercial floorspace, a 21 storey building, with a 9 storey element set back from the road, 147 residential apartments, 150 residents' spaces and a basement public car park with 69 spaces.

The Officer referred to the layout plan and indicated the variations between the previous scheme and the current proposal. He stated the current proposal varied in a number of ways; the main tower was reduced by 6 storeys from 21 to 15 storeys, there were 6 less flats - 141 units and an increase in affordable housing from 39 to a revised offer of 42 affordable units, 20 being social rent and 22 intermediate housing. There was an increase in residents' parking from 150 spaces to 172, and public car parking spaces slightly reduced from 69 to 51 spaces. The new scheme also included an area of public open space, and a seafront cafe.

Following refusal of the previous scheme, the applicant, Roffey Homes, had completely re-evaluated the scheme and employed new architects.

The Head of Planning and Development advised Officers had engaged extensively with the Coastal Design Panel as the scheme had evolved.

Roffey Homes had supported the local authority's view in the adopted Core Strategy that due to the significance of the site, it was worthy of a building of landmark status and the opportunity for a taller element on the beach had been identified in an earlier Development Brief.

The Officer advised Members of the key considerations for the application and stressed the statutory requirements placed on the Committee when considering planning applications that affect conservation areas or the setting of listed buildings. The Head of Planning and Department recited sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Officer also recited the relevant paragraphs from the NPPF including paragraphs 129 and 134 and emphasised the importance of these matters for Members when they made their decision.

The Head of Planning and Development concluded the first part of the presentation and handed over to the Major Projects Manager to run through the scheme in more detail.

The Officer proceeded to go through the site layout plan, to show how the building development worked, and ensure the Committee were fully informed as to the scheme proposed by the applicant.

The Officers advised the Committee the development was set out in two parts, a 'seafront square' and a 15 storey tall tower on the south-western corner of the site. To assist Members in their consideration of the scheme, the Officer included within his part of the presentation a tour of the proposed buildings and its surrounding area using CGI images.

The Head of Planning and Development advised the Committee that they needed to assess the revised scheme, and decide whether the previous refusal reasons had been addressed.

The Officer stated that compared to the previous proposal there had been significant changes identified in terms of public benefits and he referred to the number of the economic, social and environmental benefits of the scheme.

He stated Officers felt that, on balance, there were substantial public benefits that outweighed the 'less than substantial harm' to heritage assets. However, he agreed it was clearly a difficult case, with significant public interest and divided opinion in the town.

The Committee were advised the recommendation was to grant permission conditionally subject to a S106 agreement being agreed and subject to a number of amended conditions.

Before the Officer concluded the presentation, he advised Members that the Secretary of State had received a request to call in the application and the National Planning Case Unit had indicated that in the event Members were minded to approve the application, they would consider the request along with any other issues raised by the application against the call-in policy set out in the Written Ministerial Statement from 26/10/12.

The Members were then invited to raise any questions with the Officers, specifically on the presentation.

These queries were answered in turn and included:-

- Fire risk - 'inner' rooms
- Potential for lighting survey
- Residents' swimming pool on ground floor
- Density of dwellings per hectare on seafront
- 15 storey tower - effect of shadow
- Landscape maintenance
- Response from West Sussex County Council Ecology

There were further representations at the meeting from:

Objectors: Mr Kris Waran (Save Our Seafront)
 Mr David Sawers (The Worthing Society)
 Ms Catherine McDowe
 Mr Michael Anderson
 Mr Graham Booth

Supporters: Mr Paul Appleton (Architect)
Mr Chris Barker
Cllr Bryan Turner
Mr Ben Cheal

The meeting was adjourned at 8.10pm and reconvened at 8:25pm.

Following the adjournment, the Committee Members debated the proposal.

In summary, the majority of Members welcomed the revised scheme and agreed the proposal had a significant number of positives unlike the previous application submitted in 2015.

The Committee recognised the pressing need for housing in Worthing and were pleased with the 30% affordable housing provision, to include 20 social rented homes, 22 shared ownership homes, the commercial unit, a seafront cafe, and the improvements to public open space.

The Chairman advised the Committee they should have special regard to any potential harm and that it was their statutory duty to look at any possibility of harm to a listed building and / or its setting.

The Members acknowledged there was a need to balance the needs and wishes of the general public against the wider public benefit and understood some public concern regarding the height of the tower and impact on heritage assets. However, the majority felt the reduction in height was now acceptable, and that the public benefits of the proposal outweighed the harm to heritage assets, and that the proposal provided a landmark building for Worthing and were pleased to support the application.

Before Members voted to grant planning permission, the Committee agreed a number of amendments and additions to the planning conditions.

Decision

That planning permission be **GRANTED** conditionally subject to a S106 agreement being agreed by 18th February 2017.

If the S106 legal agreement has not been completed by 16th February 2017 or an extension of time has been agreed by both sides then:

a) The Head of Planning and Development shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is

possible and appropriate, the Head of Planning & Development is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Head of Planning and Development shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Head of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Subject to Conditions:-

1. 5 years to implement
2. Approved plan numbers
3. Details of Merton Road access to be submitted and approved
4. Details of loading bay in Brighton Road to be agreed and provided prior to occupation.
5. Public and private parking spaces to be provided and retained as shown on the approved plans
6. Securing public car parking spaces to be available at all times and details of a management plan and charging regime.
7. 100 covered and secured cycle spaces to be provided prior to occupation and retained
8. Travel Plan for residents to be agreed prior to occupation
9. Details of electric vehicle charging points to be submitted and approved
10. Precise architectural details to be submitted and approved
11. Description and samples of building materials to be submitted and approved
12. Details of external lighting to be agreed
13. Sustainable Design Measures to be implemented.
14. Communal satellite and aerial systems to be approved
15. Communal waste and recycling areas to be provided before occupation
16. The hard and soft landscaping proposals for the courtyard, private gardens and site frontages including the public domain areas on the promenade, Brighton Road frontage and around the Splashpoint entrance are not hereby approved and revisions shall be made and submitted for approval
17. The opening times for the commercial unit shall be from 7am to 11pm Monday-Saturday and Sunday from 9am to 6pm
18. Surface water drainage details to be submitted and approved
19. Finished floor levels to be agreed
20. Details of basement parking floodgates to be submitted and approved
21. Foul drainage details to be submitted and approved
22. Construction management plan to be submitted and approved prior to occupation (to include demolition, vehicle movements, traffic routing, parking, storage, dust, noise, lighting etc.)
23. Construction times of 8am – 1.30pm Mondays to Saturdays and no Sundays or Bank Holidays. Laying concrete slabs from 7am - 8pm Mondays to Saturdays and no Sundays.
24. Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been completed in regards of the proposed basement retaining structure
25. Full contamination study to be submitted and approved
26. Details of the de-watering of the site, piling and ground improvements to be submitted and approved
27. Air quality management mitigation to be submitted and implemented.
28. Restriction on use of the 641sqm commercial space on Brighton Road to A1, A2, A3, B1(a) and D1 uses.
29. Securing improvements at junction between Merton and Brighton Road.
30. Archaeological investigation/desk-top study to be provided.
31. Noise Impact Assessment to be carried out in relation to the adjoining Splashpoint facility and appropriate mitigation.

32. Restriction on delivery times for delivery vehicles for the commercial units.

Informatives

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

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.

Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.