

Minutes of a meeting of the
Worthing Planning Committee
22 March 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 and Development, Principal Planning Officer (PD),
Principal Planning Officer (IM), Solicitor and Democratic Services Officer

Before the meeting commenced, the Chairman, on behalf of colleagues, acknowledged the recent events in London, the injuries caused and loss of life, and wished to express sympathy to their families.

WBC-PC/060/16-17 Substitute Members

There were no substitute Members.

WBC-PC/061/16-17 Declarations of Interest

Councillor Paul Yallop referred to the planning application in April 2015 for the Land south of 6 Grand Avenue/West Parade when he declared a pecuniary interest as a good friend of the owner at No 4 Grand Avenue. He advised the friend no longer resided at the property and, although the Councillor was a resident of Grand Avenue, he could not view the site from his home.

Councillor Edward Crouch had also been acquainted with the owner of No 4 Grand Avenue.

Councillor Paul Westover declared an interest in the application, Pavilion Theatre, Worthing Pier, as Ward Councillor.

Councillor Vicky Vaughan advised she was a resident of Normandy Court, close to the Land south of 6 Grand Avenue/West Parade, but came to the Committee with an open mind.

WBC-PC/062/16-17 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 15 February 2017 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/063/16-17 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/064/16-17 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/065/16-17 Public Question Time

There were no questions raised under Public Question Time.

**WBC-PC/066/16-17 Worthing Local Plan - Update and
Proposed Spatial Strategy**

The Principal Planning Officer (IM) introduced a report on the Worthing Local Plan advising the Committee the new Local Plan was being prepared to provide the development strategy for the Borough for the next 15 years, to 2033.

The Officer explained the report gave Members an update on recent progress, a summary of work still required, comments around the emerging spatial strategy and set out the revised timetable within the Local Development Scheme.

The Officer advised a key part of the report set out the proposed spatial strategy and emphasised its importance. The four key principles were to regenerate key sites, optimise the potential of other Brownfield sites in the Borough, positively review edge of town development sites and to protect valued open space and landscapes and avoid coalescence.

In conclusion, the Officer said the report sets out the Local Development Scheme which sets the programme for the production of the new Local Plan, and it was hoped that the Council would be in a position to adopt the new Worthing Local Plan early in 2019.

Decision

The Planning Committee considered and noted the Officer's report, and Members congratulated the Officers on a very clear report and strategy for the emerging Local Plan.

The Head of Planning and Development briefed Members on The Housing White Paper - Community Infrastructure Levy and other Planning Reforms.

Members noted the report and the recommendations of the Independent Panel regarding the Community Infrastructure Levy and the need to make changes to the current system.

Members in particular welcomed the proposed changes that would allow for greater flexibility in negotiating development contributions and affordable housing.

The meeting ended at 9:45 pm

Application Number: AWDM/1713/16	
Site:	Land South of 6 Grand Avenue/West Parade Worthing West Sussex
Proposal:	Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 29 flats arranged as 3 storeys tall and rising to 8 storeys together with associated 40 car parking spaces (including 31 in basement), new accesses and landscaping.

Before the presentation of the application, the Chairman reminded Members that Item 10 was an exempt appendix relating to the Land south of 6 Grand Avenue/West Parade and at his request the Solicitor addressed the Committee with relevant advice.

The Chairman advised the Committee that in the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the above item. He therefore asked the meeting to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 3 of Schedule 12 A to the Act indicated against the item'

Members supported the resolution.

Members were advised by the Principal Planning Officer (PD) that one further representation of support had been received since publication of the report.

In response to a further point made from Protect Worthing Seafront, the Officer apologised that their second submission documented on Page 34 had not made reference to the fact it was a submission on behalf of the Campaign by Planning Consultants, Dowsett & Mayhew but advised their report had recently been circulated to Members. The Officer also highlighted a typographical error on Page 59, the second paragraph, which should read 50 metres from the Marine Point frontage, and not 20 metres as printed.

The Principal Planning Officer began his presentation by showing a bird's eye view of the site and referred to the refused application for a similar type of redevelopment considered by Members in April 2015. That refusal had been appealed and a Public inquiry held in April 2016. The appeal had been dismissed in May 2016 by the Inspector on design and

neighbour amenity grounds, and the current application aimed to respond to the appeal decision.

The Officer acknowledged the report was lengthy and the presentation therefore concentrated on the issues of design and neighbour amenity, with the inclusion of a brief discussion on viability.

Members were introduced to Mr Dan Hay, the Council's Independent Viability Consultant from Dixon Searle Partnership, who had been commissioned by the Councils to carry out an independent review of the viability evidence supplied to the Council on behalf of the applicant, Roffey Homes.

The Committee were shown a number of photographs and various plans of the scheme, and comparisons were made between the proposed scheme and the former refused application.

Regarding viability, the Officer referred Members to the report which stated the failure to provide any of the affordable housing as expected in Core Strategy Policy 10 was very disappointing. However, the Policy clearly accepted that where it could be demonstrated that such provision prejudices the viability of an otherwise sustainable proposal, the provisions could be relaxed or removed altogether.

The applicants had demonstrated unviability with the affordable housing planning obligation, however there was opportunity for clawback of any surplus generated beyond the developer's 20% profit being secured by a legal agreement.

In conclusion, the Officer agreed the previous proposal had been too ambitious, set so far forward of the building lines and had been rightly rejected by the Council. The Officer advised that the recommended conditions were being finalised.

Subject to the recommended conditions (the fine wording of which was being finalised in discussion with the applicants) and the legal agreement on clawback, the Principal Planning Officer felt that overall the scheme was now deemed acceptable and the proposal should be approved.

Members raised a number of queries with the Officer, which were answered in turn.

There were further representations from:-

Objectors: Mr David Sawers
Mr Phil Abbott

Supporters: Mr Chris Barker
Mr Stuart Eatock
Mr Ben Cheal

The Committee considered the application at length, and were pleased to have received a comprehensive report, which included the information on the viability of the proposal and how it affected the provision of affordable housing..

The majority of Members acknowledged the good progress made by the applicants on their latest proposal. They recognised the concerns from objectors regarding the building line but welcomed the reduction in height, bulk and mass and felt the scheme fitted in with the character of the area and appeared to have less of an overbearing impact on number 6 Grand Avenue.

Like Officers, Members were disappointed with the failure to provide affordable housing however, accepted the Councils were not unique and the situation appeared nationwide. They welcomed the offer of Mr Cheal to give over towards affordable housing any savings made as a result of changes to the CIL contribution and to secure this in the legal agreement

In conclusion, the majority of Members on the Committee accepted the Officer's recommendation to grant permission as outlined below.

Decision

That the decision in this case be delegated to the Head of Planning and Development to secure a Legal Agreement in respect of clawback of development contributions towards off-site affordable housing 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.
02. The development hereby permitted shall be carried out in accordance with the approved plans unless specified by any other conditions attached to this planning permission.
03. 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), details of public engagement both prior to and during construction works..
04. No development shall take place unless and until a scheme for the suppression of dust during demolition/construction with reference to in accordance with BRE/DTI B456 Feb. 2003 'Control of Dust from Construction and Demolition Activity' or any such successor documentation has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented throughout the entire course of demolition and construction.
 05. No work for the demolition of the existing buildings or for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 0800 hours - 1800 hours Mondays to Fridays and 0900 hours - 1300 hours on Saturdays and not at all on Sundays or on Bank or Public Holidays. Only on days when there will be a large concrete slab pour shall the hours be extended from 0700-2000 hours to allow the contractor to set up, prepare and protect the concrete both before and after the pour. The contractor shall notify the Local Planning Authority and local residents in writing at least three days before the pour day.
 06. No part of the development shall be first occupied until such time as the existing vehicular access onto West Parade and Grand Avenue has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
 07. 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 submitted to and approved by the Local Planning Authority.
 08. No part of the development shall be first occupied until the vehicle accesses, parking and turning spaces have been constructed in accordance with the approved plans. These shall be retained thereafter for their designated use.
 09. No excavation of the basement shall take place unless and until an archaeological assessment (including recommendations for necessary action) of the potential of the deeper deposits and of any samples that have been or will be taken in future in terms of borehole analysis, test pitting or ground investigations has been provided by a geo-archaeologist and submitted to and agreed by the Local Planning Authority.. The excavation process shall and treatment of any archaeological finds shall be in full accordance with any such approval.
 10. No development shall commence until such time as a Stage 1 and 2 Road Safety Audit and accepted Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall not be carried out either than in full accordance with any such approval.
 11. Notwithstanding the approved drawings, no dwelling 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.
 12. The 20th dwelling hereby approved shall not be occupied unless and until:
 - a) the soft and hard landscaping and boundary treatment as shown on the approved plans has been implemented.
 - b) a scheme for compensatory street planting for those lost as a result of the development has been agreed by the Local Planning Authority and implemented in accordance with any such approval.
 - c) 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.

13. Notwithstanding those details set out in the application drawings and documents, no dwelling shall be occupied unless and until the details and siting of sustainable design measures set out in the Sustainability/Energy Strategy have been agreed by the Local Planning Authority and the agreed scheme implemented. This shall include Solar panels (photo voltaic cells) and combined heat and power plant.
14. The development shall not be built other than as follows:
 - a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - b) All windows in the upper floors of east elevation of the eastern shoulder shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - c) All windows in the upper floors of the east elevation of the corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - c) The roof terrace to the corner block and all balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 ms in height on their eastern flanks.
 - d) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.The above shall be retained thereafter.
15. No dwelling shall be occupied unless and until the domestic waste/recycling storage and access for refuse collection vehicles has been provided in accordance with the approved plans. Thereafter the facilities shall be retained.
16. No dwelling hereby approved shall be occupied unless and until the designated amenity area including balconies or terraces shown on the approved plans have been provided, in accordance with the approved plans and shall be retained thereafter.
17. Notwithstanding those details set out in the application drawings and documents, 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.
18. Prior to commencement of the development, a borehole ground investigation shall be submitted to the Local Authority. Appropriate groundwater monitoring period shall be undertaken and if this shows the presence of groundwater at or above the level of the construction works then the development shall not be commenced until such time as a scheme to secure de-watering of the site has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported by detailed information. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

19. No development, other than demolition, shall commence unless and until such time as a scheme to dispose of foul and 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.
21. The 20th dwelling shall not be occupied unless and until the ecological enhancements set out in the Landscape Strategy; Phase 1 Habitat Survey and approved plans and Microclimate mitigation measures set out in the Arup for Roffey Homes West Parade Environmental Winds Report 31.3.15 (Jon number 242766-have been implemented.
22. No dwelling shall be occupied unless and until the boundary treatment shown on the approved plans has been provided. This shall be retained thereafter.
23. Upon occupation of the development, there shall be no pedestrian access other than for maintenance, repair or emergency purposes or other purposes as agreed in writing by the Local Planning Authority to/from the landscaped curtilage land north and east of the link building and to/from the east entrance to the new building.

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

The meeting was adjourned at 8.15pm and reconvened at 8.25pm.

Application Number: AWDM/1903/16 & AWDM/1906/16	
Site:	Pavilion Theatre Worthing Pier The Promenade Worthing
Proposal:	Advertisement Consent and Listed Building Consent for retention of replacement advertisement signage including acrylic sign at entrance, dia-bond panel, grey vinyl entrance signage as well as 4 new poster display panels. All non-illuminated (part retrospective).

The Head of Planning and Development presented the report; briefly highlighted the changes requested by Worthing Theatres by way of photographs; and outlined the information provided in support of the applications.

Officers considered that the signs proposed could be supported and allowed for sufficient legibility of the building and its use to the general public.

The Members raised a number of queries with the Officer which were answered in turn.

The Committee considered the applications, with the majority of Members expressing the view the signage was detrimental to the List Building, gave a 'cluttered' appearance and could not accept the Officer's recommendations to approve.

Decisions

That **Advertisement Consent** and **Listed Building Consent** be **REFUSED** on the grounds that the signs by virtue of their size, design and method of display would result in a cluttered appearance which would detract from the character and appearance of the Listed Building and be detrimental to the visual amenities of the area.

NB *Following the decisions made, the Chairman advised the Committee that he would be writing to the Joint Overview & Scrutiny Committee (JOSC) as the Council was charged with managing a number of listed buildings or heritage sites within the town and across a number of services. That JOSC be invited to consider a review of how the Council ensures that its Heads of Service are aware and supported in managing their legal obligations in respect of planning matters, so that this type of retrospective application is avoided as it brings the Council into disrepute.*

Application Number: AWDM/0084/17	
Site:	Unit 9 Ivy Arch Road Worthing West Sussex
Proposal:	Continued use of rooms 4, 5, 6, 7, 8, 9 and 10 as music rehearsal studios plus new reception area (former store area).

The Chairman advised the Committee would consider Item 3, AWDM/0084/17 before Item 2, AWDM/1903/16 & AWDM/1906/16, as there were registered speakers for the Ivy Arch Road application.

The Principal Planning Officer (PD) began his presentation by showing Members a bird's eye view of the site and a number of photographs.

The application related to a detached two storey part industrial unit, part dance studio on the south side of Ivy Arch Road. It was built as a B1/B8 use and gained permission in 2006 to use part of the building as a dance studio. In 2012 Northbrook College began to use part of the site as music rehearsal rooms, performance space and computer suite. The balance of the site had been used as offices in connection with a shopfitting business. That same year, the Planning Committee resolved to grant planning permission for temporary use, personal to Northbrook College, but vacated the site in April 2016. The current occupiers moved in around that time for a similar purpose.

The Officer advised the proposal was contrary to Core Strategy Policy 4, and in many other situations a similar proposal would have been dismissed relatively quickly however, the Officer outlined mitigating circumstances regarding the continued use.

Officers felt, on balance, permission should be granted.

The Committee raised a number of points for clarity by the Officer, which included a request for comment from the Environmental Health Officer and the Economic Development Team.

The Principal Planning Officer advised the Environmental Health Officer (EHO) had assessed the situation regarding noise disturbance to neighbours and recommended two extra conditions be added, which were agreed.

Late representation had also been received from the Economic Development Team who agreed the proposal was contrary to Core Strategy Policy 4 however, they stated there were complicated factors in the case that had to be considered and balanced against the Policy position.

There were further representations from:

Objector: Mr Derek Rollison

Supporter: Mr Steve Gardner

A number of Members were unhappy they had had little time to consider the late comments made by the EHO and the Economic Development Team. In particular, the brief response from the Economic Development Team and felt there was insufficient information to determine the application. They were particularly keen to better understand the need for the applicant to use these premises and what attempts had been made to market the premises for business use.

The majority of Members voted to defer the application.

Decision

That the application be **DEFERRED** for further information and a more detailed response from the Economic Development Team.