

Minutes of a meeting of the  
Worthing Planning Committee  
6 December 2017  
at 6.30 pm

Councillor Paul Yallop (Chairman)

\*\*Councillor Vicky Vaughan (Vice-Chairman)

Councillor Noel Atkins  
Councillor Joshua High  
Councillor Paul Westover

\*\*Councillor Paul Baker  
Councillor Hazel Thorpe  
Councillor Steve Wills

\*\* Absent

**Officers:** Head of Planning and Development, Planning Services Manager, Senior Lawyer, Solicitor and Democratic Services Officer

---

**WBC-PC/039/17-18      Substitute Members**

There were no Substitute Members.

**WBC-PC/040/17-18      Declarations of Interest**

Councillor Paul Yallop declared a personal interest in AWDM/0209/17, Imperial China, as a member of the West Worthing Conservative Association. He advised the Association held a yearly fundraising event at the restaurant.

Councillor Paul Westover declared a personal interest in AWDM/0209/17, Imperial China, advising he often visited the restaurant.

**WBC-PC/041/17-18      Minutes**

**RESOLVED**, that the minutes of the Planning Committee meeting held on 1 November 2017 be confirmed as a correct record and that they be signed by the Chairman.

**WBC-PC/042/17-18      Items Raised Under Urgency Provisions**

There were no items raised under urgency provisions.

**WBC-PC/043/17-18      Planning Applications**

The planning applications were considered, see attached appendix.

1. Mr Keith Sunderland congratulated the Planning department on their action to separate out the social rent aspect from affordable homes and requested that Officers continue the practice for future developments.

The Head of Planning and Development agreed they would aim to continue the practice particularly where a significant level of affordable rent was being secured as with the West Durrington development. However, the Officer advised affordable rent was not social rent and it was important not to confuse the two. Officers had been able to negotiate and secure social rent for the Aquarena scheme, however, this is rare as even Housing Associations generally only build affordable rather than social rent. Viability was the key reason why more shared ownership was built rather than affordable rent.

2. Mr Sunderland also proposed solar panels be installed on south-facing roofs at the time of construction for future developments. He suggested Officers make this obligatory for developments, unless inappropriate.

The Officer advised it was becoming increasingly difficult to negotiate with developers regarding renewable energy as they tended to only do what was required under the Building Regulations or a slightly enhanced version. He stated there were policies in place but said the Local Plan would need to tackle the whole issue of sustainability and would be tested through the various stages of the Local Plan review.

*The report sought Members views on pursuing an Article 4 (1) Direction for all residential and commercial buildings along Worthing Seafront Conservation Areas.*

The Head of Planning and Development advised the urgency for an Article 4 Direction related primarily in connection with a property along Marine Parade which had been painted a bright pink colour.

Back in April 2015, the Committee at the time had been concerned about other commercial and residential properties along the Parade doing something similar and therefore authorised the serving of an Article 4 Direction to take away that right. However, the matter had become less urgent as the property was subsequently repainted white and sold, with the new owner refurbishing the property to a high standard. The Officer advised the report now sought the Committee Members' views as to whether they still wished to proceed with the Direction.

The guidance on the use of Article 4 was that the Secretary of State would be unlikely to authorise unless the Committee could demonstrate clear examples where there would be significant harm to local amenity.

The Officer referred Members to the Wandering Goose wine bar which had been painted a matt grey colour, the Grafton MSCP which had been painted with a bold bright contemporary design (although this would not have been covered as outside of the Conservation Area) and the painting of the Pavilion steps bright pink. However, the Officer advised the Direction would have to be specific about what was seen to be an inappropriate colour.

Members were shown a photograph of a townhouse in Kensington painted with red and white stripes by the owner, about a year ago, which had angered neighbours. The Officer informed Members the Council in question had used an untidy site notice (s215) as a means of making the owner paint the house a more muted colour, but were challenged in the Courts and it was found to be an inappropriate use of a s215.

The Officer advised the Committee that there would be a significant cost involved with contacting all property owners along the seafront and a lot of Officer time would be spent dealing with the enquiries that would inevitably follow.

The recommendation was to consider whether Officers should proceed to serve the Article 4 Direction in light of changed circumstances.

The Committee considered the matter and **AGREED** to defer serving the Article 4 Direction for 3 years.

---

The meeting ended at 21:12 pm

Application No. AWDM/1882/16	
Site:	<b>Land to the South and East and West of The Coach And Horses, Arundel Road</b>
Proposal:	Outline application for up to 240 dwellings with associated vehicular, pedestrian and cycle routes; parking; service infrastructure and sustainable drainage features; and strategic landscaping including noise bund / attenuation to the A27; all vehicular access to be via the strategic development to the south (AMENDED DESCRIPTION).

The Head of Planning and Development began his presentation by showing Members an aerial photograph of the site and advised the outline application was for 240 dwellings (originally 260) directly to the north of the existing West Durrington urban extension. The proposal had been the subject of much negotiation with the Consortium, the South Downs National Park (SDNP) and the Councils' landscape consultants in connection with the emerging Local Plan.

The application site included the parcels of land directly to the south of the A27 and the Coach & Horses Public House and the scatter of dwellings around the area of Listed Buildings and directly to the east of the Castle Goring Mews Conservation area and Castle Goring. The Officer advised Members that the application retained land in the north east corner for a potential cycle path bridge to be provided at a later date. Officers were also in conversation with Highways England about the A27 improvement scheme, and the SDNP had commented regarding a possible bridge located on the other side of the site as there were existing bridlepaths running north of the A27.

The Committee were shown the Development Plan and Masterplan to assist in consideration of the application. The influences for the layout included the need to consider and respect the setting of the SDNP, the Castle Goring Conservation Area and listed buildings; to accommodate a noise bund (to reduce road noise) along the northern site boundary and maximum landscaping for the scheme.

The Officer advised Members there had been a significant 'pulling away' of the development from the Conservation Area, and the Councils' landscape consultant, who reviewed the second set of amended plans in an effort to address the concerns of the SDNP, felt the latest proposal provided appropriate mitigation.

In terms of the housing issues, the Officer reminded Members that the site was not currently allocated in the 2011 Core Strategy but given the Objectively Assessed Need

requirements, Members had felt the site would be suitable to be considered in advance of the Local Plan.

The Officer concluded his presentation and referred Members to the Addendum on Section 106 Heads of Terms which had been circulated prior to the meeting.

The recommendation was for Outline planning permission to be granted subject to the prior completion of a S106 agreement, with Heads of Terms to be agreed.

Members raised a number of queries for clarification, which the Officer answered in turn.

There were further representations from:

Objector: Ms Susan Belton

Supporter: Mr Doug Cramond

The Head of Planning and Development confirmed to a Member the Travel Plan would be covered by the S106 Agreement, to include the Travel Plan co-ordinator, to ensure the delivery of a package of sustainable measures such as encouraging walking, bus use and cycling and less car usage.

In terms of the possible involvement of residents in the Management Company Committees, the Officer agreed to discuss the matter further with the applicants. The Head of Planning and Development also covered queries relating to air quality mitigation, electric car charging points for new dwellings and grey water collection. The Officer agreed to speak to the Consortium during the delegation period regarding grey water collection and agreed to circulate any response received to Members.

Following discussion, the Members welcomed the scheme despite the necessity to build on a greenfield site, however, they recognised there was an acute need for housing in the area, which included affordable housing.

The Committee voted unanimously in favour of the application.

## **Decision**

That Outline planning permission be **GRANTED** subject to the prior completion of a S106 agreement and subject to the following conditions:

1. Prior to the commencement of the development hereby approved, a Phasing Plan identifying all phases of development (the Development Parcels) shall be submitted to and approved in writing by the Local Planning Authority. All works within an approved

Development Parcel shall be carried out and completed in accordance with the Phasing Plan unless otherwise agreed with the Local Planning Authority.

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") within each Development Parcel shall be submitted to and approved in writing by the local planning authority before any development takes place in a Development Parcel and this shall be carried out as approved.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

4. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

5. The development hereby approved shall be carried out in accordance with the following approved plans:

- Red Line Application Plan W478/20
- 'Site Access from Southern Sector' W478/21 Rev A.

6. The development shall comprise no more than 240 dwellings and the details to be submitted in accordance with condition no. 2 above shall be broadly in accordance with the following:

- Development Framework Plan, CSA/2566/134RevD
- Illustrative Masterplan, CSA/2566/146RevE
- Character Area Principles, CSA/2566/149RevG
- Illustrative Landscape Strategy, CSA/2566/110RevD
- Addendum to Design and Access Statement (Part 2 Nov 2017)

Notwithstanding the annotation shown on the Character Area Principles, CSA/2566/149 Rev G, the 'Key Characteristics' of Character Area 5 (Public Footpath Link/Coach and Horse Boundary) shall include some bespoke-designed buildings of traditional rural form, style, detailing and external finishes in key junctions and interfaces.

7. No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs (including windows and doors) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

8. Development shall not commence until full details of the proposed surface water drainage scheme, including maintenance and management, and demonstrating no surface water shall run-off from the development onto the A27 Trunk Road, or into any drainage system connected to the A27 Trunk Road, have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the agreed details and the system shall be maintained in accordance with details of the scheme in perpetuity.

9. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there

is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. The scheme should include:

- Details of the pollution prevention measures to be incorporated into the system;
- The inspection, maintenance and monitoring procedures and arrangements; and
- An investigation into the location of solution features which may act as pathways for pollutants to reach groundwater rapidly.

The scheme shall be implemented as approved.

10. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No dwelling shall be occupied unless and until works for the disposal of sewage have been fully implemented in accordance with the approved details and timetable.

11. 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.

12. Prior to the commencement of development the developer must advise the Local Planning Authority of the measures which will be undertaken to protect the public groundwater resource should any piling work be considered in connection with the development. Thereafter the development shall only be carried out in accordance with such measures as have been agreed in writing by the local planning authority in consultation with Southern Water.

13. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

(1) a site investigation scheme, based on the Recommendations contained within Section 6.0 of the submitted Preliminary Environmental and Geotechnical Assessment by Water (Ref: EED15153-100-R-1-1-2-GH Dated January 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

14. No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development.

15. No development including site works of any description shall take place within any development parcel or other area unless and until all the existing trees, bushes and hedgerow to be retained on the relevant development parcel or other area have been protected by fencing in accordance with details which shall be approved in writing by the local planning authority. The fence as agreed shall be erected around each tree (or group of vegetation) at the edge of the root protection area (or such distance as may be agreed in writing by the local planning authority). Within the area so fenced, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left un-severed.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings within that Development Parcel or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17. A minimum width of 3 metres of landscaping shall be provided along the boundaries as specifically marked on the Illustrative Masterplan, CSA/2566/146RevE Details of this landscaping shall form part of, and be in accordance with, the requirements of Conditions 12 and 13.

18. No development shall commence until there has been submitted to and approved in writing by the local planning authority a Development Parcel scheme for the noise barrier. The scheme shall include indications of all existing trees and hedgerows on and abutting the land, identify those to be retained, and set out measures for their protection throughout the course of development. The scheme shall include proposed landscaping of the bund and this landscaping shall form part of, and be in accordance with, the requirements of Conditions 12 and 13 other than that a specific scheme for the timing of the completion of the barrier relative to housing completions and occupations shall be



submitted to and approved in writing by the local planning authority. The scheme will show a proposed landing area within the site for a possible future bridge to cross the A27. Once approved, the land shall thereafter be reserved for that purpose. The noise barrier shall be permanently retained.

19. No works to develop the noise barrier (comprising fence & bund) shall commence until a Key State 2 Preliminary Assessment including Preliminary Certification which is undertaken in line with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, Part 2 HD22/08 has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England,

20. No works to develop the noise barrier (comprising fence and bund) shall commence until Key Stage 3 Geotechnical Design and Construction Certification undertaken in line with Design Manual for Roads and Bridges volume 4, section 1, part 2 HD 22/08 has been submitted to and approved in writing by the Local Plan Authority in consultation with Highways England. The noise barrier (comprising fence and bund) shall be constructed in accordance with such approval and shall thereafter be maintained in good order in perpetuity.

21. No works to any noise attenuation fencing that may form part of the noise barrier shall commence until a design in accordance with the guidance in the Design Manual for Roads and Bridges volume 10, section 5, parts 1 HA 66/94 and 66/95 has been submitted to and approved in writing by the Local Plan Authority in consultation with Highways England. Any attenuation fencing shall be constructed in accordance with such approval and retained thereafter.

22. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England and the West Sussex County Council. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details of the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- provisions to control and manage construction traffic;
- the method of access and routing of vehicles during construction;
- measures to prevent dust and debris from being blown or deposited onto the A27 during the construction period;
- suppression of dust and dirt for surrounding residential properties during construction period;
- 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);
- A S58 Agreement is daily HGV traffic exceeds 20 movements per day.

23. No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.00 and 13.00 on Saturdays and not at any time on Sundays or Public Holidays.

24. No development shall take place until a Mitigation and Enhancement Strategy as indicated within the Update Ecological Assessment dated 1 November 2016 has been submitted to and approved in writing by the Local Planning Authority and this strategy shall in particular include:

- A Construction Environmental Management Plan (CEMP), to set out measures to protect retained features and habitats of importance including through appropriate fencing and site best practice to avoid pollution from run-off;
- The design of a detailed mitigation strategy for Great Crested Newts;
- A mitigation strategy to avoid impacts to badgers, bats, nesting birds, invertebrates and reptiles, to include a lighting design specification and new nest site/habitat creation;
- Appropriate landscape design to deliver ecological enhancements; and
- A Landscape and Ecological Management Plan to maximise the biodiversity potential of retained and new habitats to include a programme of monitoring and measures for the appropriate management of habitats in the long-term.

The development shall only be carried out in accordance with measures set out in the Mitigation and Enhancement Strategy as has been agreed.

25. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the developer and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

26. The development hereby approved shall not be first occupied until the spine/main/loop road serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

27. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with the phasing, plans and details as approved by the Local Planning Authority.

28. No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for all Public Rights of Way within it have been submitted to and approved in writing by the Local Planning Authority in consultation with WSCC as the Highway Authority. Thereafter the development shall be carried out in accordance with the agreed details and specifications.

29. The existing public rights of way across the site shall remain undisturbed unless they have legally stopped up or diverted. The alignment of any public rights of way shall be protected by being clearly demarcated and fenced in accordance with details to be submitted to and agreed in writing throughout the course of the construction phases.

30. No part of the development shall be first occupied until such time as plans have been provided generally in accordance with drawing number CSA/2566/128 showing a proposed landing area within the site for a possible future foot/cycle bridge to cross the A27. Once approved, the land shall thereafter be retained for that purpose.

31. No part of the development hereby permitted shall be provided with vehicular access (either temporarily or permanently) from or to the A27 Trunk Road.

32. No street lighting shall be erected or installed without the prior approval in writing by the Local Planning Authority of a street lighting scheme. Thereafter the street lighting shall be provided in accordance with the approved scheme.

33. No dwelling shall be first occupied until the car parking for that dwelling has been provided in accordance with plans and details to be submitted to and approved by the local planning authority. The approved spaces shall thereafter be retained at all times for their designated purpose.

34. No dwelling shall be first occupied until secure cycle parking spaces for that dwelling have been provided in accordance with plans and details to be submitted to and approved by the local planning authority. The approved spaces shall thereafter be retained at all times for their designated purpose.

35. No dwelling shall be first occupied until the approved Residential Travel Plan is implemented as specified within the approved Travel Plan document (October 2016). The Travel Plan shall thereafter be monitored and revised as specified within the approved document.

36. No part of the development shall be first occupied until provision has been made within the site in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with WSCC as Highway Authority to prevent surface water draining onto the public highway.

37. No dwelling within a Development Parcel shall be first occupied until refuse storage / recycling provision for that dwelling have been provided in accordance with plans and details to be submitted to and approved by the local planning authority. The refuse storage / recycling provision shall thereafter be retained at all times for their designated purposes.

38. The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014 and WHO, 1999. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwellings is occupied. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from excessive noise (with reference to BS 8233:2014 and WHO,1999).

39. No development shall commenced unless and until a scheme for attenuating all external fixed plant has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of -10dB. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of first occupation of the development and the results submitted in writing to the Local Planning Authority.

40. No dwelling shall be occupied until details of all boundary walls and/or screen fences have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until such walls and/or fences as may be agreed have been erected and shall thereafter be retained.

Application No. AWDM/0209/17	
Site:	<b>Imperial China, Wordsworth Road, Worthing</b>
Proposal:	Proposed 1.6m rising to 1.8m high rendered wall and timber fence on east boundary and 1.8m high wrought iron railings and gates on the south boundary.

The Planning Services Officer advised Members there had been one further comment received since publication of the report from the Business Fire Safety Officer who had stated it was necessary to ensure the exit door/fire escape was clearly marked 'Fire Exit Keep Clear'.

The Committee were shown an aerial view of the application site, block plan and a number of photos. The Officer advised the proposed elevations of the fence had altered over time, and the timber fence on the eastern boundary would become a gate.

There was representation from the Burlington Hotel however, the first four objections shown in the report were a civil, not a planning matter. The fifth and final objection referred to the importance of the rear entrance of the Burlington Hotel however, since the application had been amended, the Conservation Area Advisory Committee and Officers were in agreement the application was acceptable.

The recommendation was for approval, subject to the amendment of the description to refer to timber gate instead of timber fence.

The Committee agreed to accept the Officer's recommendation.

### **Decision**

That the planning application be **APPROVED**, subject to the following conditions:

1. Approved plans
2. Standard 3 year time limit
3. The rendered wall shall be painted in the same colour as the existing building, and shall be maintained in that link in perpetuity
4. The railings shall be painted black and shall remain in that colour unless or until permission is gained from the LPA on an application in that behalf

Application No. AWDM/0751/17	
Site:	<b>Marina Guest House, 191 Brighton Road, Worthing</b>
Proposal:	Retrospective application for change of use of the existing property (C1) to home for unaccompanied minors (sui generis).

The Planning Services Manager advised Members of additional comments received since publication of the report.

The Officer advised there had been a comment from the Lead for Early Health and Wellbeing for the town which stated there had been issues with the street community in the area but were not linked to the property. The previous Head of Wellbeing had written a Care Leavers covenant that pledged to support Care Leavers and their integration into the community and therefore it would undermine that covenant for the Wellbeing Service to object to the proposal.

There had also been one letter of objection which stated that the occupiers of the building were adults and not minors. The agent was asked to respond to that comment given the description in the planning application. They advised the residents were referred from WSCC Children's Services and that at the time of placing they had to be a minimum of 13 weeks away from their 18th birthday. Once the residents reached 18 they were placed in individual housing however, the WSCC duty of care extended until they were 21.

The Committee were shown an aerial view of the site, photographs, elevations and floor plans. The Officer advised the recommendation was for approval.

Following the presentation, the Chairman referred to an email sent to all Committee Members from Councillor Keith Bickers requesting the item be deferred. The Chairman stated that all Councillors received regular advice regarding all planning applications and felt there was no good reason to request deferment of the application. The Committee were in agreement.

A Member referred to the supporting statements and planning assessment within the report where it mentioned the building had not been used for visitor accommodation for some time and used for long term lettings, and wondered whether the Council had any evidence of that fact. The Officer stated the planning use of the building had been stated as a guest house but Officers had suspected for some time that was not the case.

Another Member questioned whether there would be a member of staff overnight at the property. The Officer understood no staff appeared to reside at the property but there was someone on site at all times, and expected to be on a rota basis.

Members considered the matter further and finally agreed with the comments made within the report by the Head of Place & Investment regarding the loss of visitor accommodation and the lack of evidence provided to demonstrate that the premises was no longer viable.

### **Decision**

That planning permission for change of use be **REFUSED**, on the grounds of conflict with Policy 5 of the Core Strategy.

Application No. AWDM/1643/17	
Site:	<b>Flat 1, 9 Heene Terrace, Worthing</b>
Proposal:	Listed Building Consent for removal of unauthorised internal partition wall and cupboards and installation of bespoke freestanding cupboard with glazed partition above and oak-framed door between hall and bedroom.

The Planning Services Manager advised Members the application came to Committee as the applicant was an employee of the Council, and added the Conservation Area Advisory Committee had raised no objection to the proposal.

The Committee were shown an aerial view of the site, together with photographs to assist in consideration of the application.

The Officer explained the previous owner had made internal alterations to the listed building, primarily installing floor to ceiling walls and cupboards. Officers had discovered those alterations were contrary to the original layout, maintained by the remainder of the terrace, and found them to be unsatisfactory. The previous owner had made an application for works to overcome the issues, which had been reluctantly granted by Officers, but as yet the works had not been implemented.

The current applicant had suggested an alternative solution, in consultation with his architect, and those plans were shown to the Committee.

The Officer recommended listed building consent be granted with a requirement that the works be completed within 6 months of the date of the permission.

### **Decision**

That Listed Building Consent be **GRANTED**, subject to the expiry of the consultation period on 12 December 2017 and the following conditions:

1. Approved Plans
2. The works hereby granted Listed Building Consent shall be carried out in strict conformity with the details shown on the approved plans and in the application documentation [or contained in any approved amending documents] within 6 months of the date of this consent and shall be retained thereafter.

**Reason:** *To preserve the special character of the building*



Application No. AWDM/0764/17	
Site:	<b>Kingsway Hotel, 117-119 Marine Parade and 120 Marine Parade</b>
Proposal:	Redevelopment and partial conversion of The (former) Kingsway Hotel and No.120 Marine Parade including the retention of the main facades facing Marine Parade, the erection of a two, three and four storey development at the rear and roof extension to provide 1 no. one-bedroom apartment, 8 no. two-bedroom apartments, 4 no. three-bedroom apartments and 1 no. four-bedroom apartment and the demolition of the annexe at No. 1 Queens Road and erection of a two/three storey building to provide 1 no. two-bedroom dwellinghouse and 1 no. three-bedroom dwellinghouse. Nine parking spaces and cycle parking to the rear.

Prior to the presentation of the report, the Chairman requested the Legal Officer address the Committee regarding the exempt appendix referred to on page 104 of the report.

The Legal Officer advised the Committee that should they wish to discuss the contents of the exempt appendix the matter would need to be moved and seconded by the Committee. The Officer advised the reason for the information being exempt was that it contained confidential financial information relating to the applicant, which is one of the express exemptions under the 1972 Local Government Act. He advised when going into exempt session, if Members were to raise those issues during open debate then the Council could be placed at risk of challenge, including challenge of a financial nature.

The Chairman proposed the Committee considered the application as normal until all registered speakers had been heard and then, should a Member(s) wish to go into closed session, he would ask the Member(s) to bring that forward. At that stage the press and public would be excluded from the meeting but would be able to return to the meeting following that discussion.

The Planning Services Manager advised he was aware Members had been circulated with a letter as an update from the applicant's agent which was received earlier in the week. The Officer also brought to Member's attention a further update regarding the issue of a review mechanism/clawback. In summary, as the agent believed the Committee were likely to pursue a review mechanism, the applicant had agreed to such a mechanism in principle above a 20% margin on profit level. The Officer advised this could be incorporated into any S106 Agreement to secure the required funding.

The Planning Services Manager reminded Members there had been a presentation to the Committee at the September meeting when the matter was deferred and therefore briefly outlined the application.

Members were shown an aerial view of the site, location and block plan, existing and proposed elevations and floor plans. The Officer advised in design terms he felt the proposal was quite likely to represent a significant improvement on the current aspect of the building, both along the seafront and at the rear of the building.

The Officer advised the recommendation was to grant permission, as printed on page 105 of the report.

The Officer clarified for a Member there were 16 apartments proposed for the scheme.

There were further representations from:

Objector:	Mr Jim Deen
Ward Councillor:	Cllr Rebecca Cooper
Supporters:	Mr Huw James Mr Peter Cadwallader

Following the speakers, the Chairman asked the Members whether they wished to go into closed session to consider the exempt appendix.

Following receipt of advice from the Legal Officer Councillor Paul Westover proposed that the the Committee go into closed session and

‘that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for 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 12A to the Act indicated against the item’.

Councillor Joshua High seconded the proposal. The majority of Members agreed to go into closed session.

The Chairman requested all public and press leave the public gallery apart from other Councillors attending the meeting.

The Chairman adjourned the meeting at 8.29pm and reconvened at 8.34pm to discuss the exempt appendix in closed session.

The press and public who had left the meeting returned to the meeting at 8.50pm.

The Chairman advised there had been a discussion on the exempt appendix and there had been some concern regarding the quality of the figures within the appendix.

Councillor Paul Westover proposed to defer for further consultation negotiations and Councillor Joshua High seconded the proposal. The Committee unanimously agreed to defer the application.

### **Decision**

That planning permission be **DEFERRED** for further negotiation and consideration in respect of viability issues and affordable housing payment.