

Minutes of a meeting of the
Worthing Planning Committee
7 February 2018
at 6.30pm

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: Planning Services Manager, Lawyers and Democratic Services Officer

WBC-PC/053/17-18 Substitute Members

Councillor Louise Murphy substituted for Councillor Noel Atkins.

The Chairman advised Councillor Steve Wills had been unable to attend the meeting.

WBC-PC/054/17-18 Declarations of Interest

Councillor Paul Baker declared an interest in Item 7, the enforcement report on 39 Central Avenue, as he worked with one of the objectors, Mrs Osborn and elected to leave the room when the item was considered.

Councillor Paul Westover declared an interest in Item 7, the enforcement report on 39 Central Avenue, as acquainted and had previously worked with the applicant.

WBC-PC/055/17-18 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 10 January 2018 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/056/17-18 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/057/17-18 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/058/17-18 Public Question Time

There were no questions raised under Public Question Time.

Councillor Paul Baker left the meeting at 7.17pm, before consideration of the Enforcement Report.

WBC-PC/059/17-18 Enforcement Report - 39 Central Avenue

The Planning Services Manager advised there was nothing further to add to the published report.

Members were shown a bird's eye view of the site, together with various plans and photographs, with the Officer including a number of photographs from objectors, Mr & Mrs Osborn, copies of which had been circulated to Members.

The Committee were referred to the conclusion and recommendation at the end of the report.

There was a further representation from:

Objector: Mr Kevin Osborn

Ward Councilor: Councillor Louise Murphy

Following the representation made by Councillor Louise Murphy, the Councillor left the room at 7.31pm and did not consider the application.

Members considered the enforcement report at length and were unhappy that the development had not been carried out in accordance with all the agreed conditions. A Member stated the obscured glazing had been offered to the neighbours by the applicants and therefore felt should have taken place.

Members concluded their discussions and agreed the obscured glazing should be enforced, together with the cladding, but were not in favour of redesigning the property.

The Committee unanimously **AGREED** to vary the Officer's recommendation as detailed:-

1. that enforcement action be taken in respect of the clear glazing to the rear windows on the grounds of loss of privacy;

2. that the amendments to the appearance and design of the building, namely the changes to the configuration of windows and doors, and amended design of the first floor window surround as outlined, were acceptable and would cause no significant harm to the visual amenities of the site or surrounding area and so no further action was required in respect of those design changes; and
3. that in relation to the timber cladding, an enforcement notice be issued to ensure a painted finish to the cladding within a specified timescale to give a more uniform appearance to the cladding and to blend better with the surrounding streetscene.

The meeting ended at 7:57 pm

Application No. AWDM/1965/17	
Site:	30 Poulters Lane, Worthing
Proposal:	Outline application for demolition of existing buildings and construction of apartment building comprising 8 x 2-bed flats and 1 x studio flat. Provision of associated car parking and cycle storage. (Outline application including details of access, layout and scale with all other matters reserved.) (Re-submission of previously refused AWDM/0603/17).

The application followed refusal of a previous application at the meeting held on 4 October 2017. The applicant had lodged an appeal with the Planning Inspectorate and was awaiting a decision.

The Planning Services Manager advised Members six further letters of objection, on the grounds outlined in the report, had been received since publication of the report. A further message had been received from the applicant which related to provision of contributions towards affordable housing, which had not been agreed at the time of writing the report. The Officer read out the message from the applicant for the Committee's consideration.

The Officer advised Members that on the previous application, Officers had not requested affordable housing contributions one week before the Committee date, it had in fact been 5 weeks, and under the previously refused application, the applicants had agreed to an affordable housing contribution.

Members were reminded of the report that was considered at the last Planning Committee meeting in January where Members had agreed to the Position Statement which had included that the Council would seek development contributions for less than 10 dwellings.

The Officer stated the revised application was slightly bigger, with one extra unit, and a third storey in the back part of the site. The Committee were shown a number of plans and photographs to assist in their consideration of the application.

The Officer's recommendation was for refusal for the reasons outlined within the report.

The Committee had no questions on the Officer's presentation.

There were further representations from:-

Objectors: Mr Ricky Horgan

Ward Councillor: Cllr Louise Murphy

Following the representation made by Councillor Louise Murphy, the Councillor left the room at 6.50pm and did not consider the application.

Members briefly discussed the application and were surprised the applicant had not attended the meeting in an effort to placate neighbouring residents. The Committee agreed to unanimously refuse the application for the reasons given by the Officers.

Decision

That the planning application be **REFUSED** outline planning permission for the following reasons:

1. The proposed building comprising of eight 2-bedroom flats and one studio flat would, by reason of its excessive scale, bulk, and massing, relate poorly to the character of the area and be detrimental to the appearance of the streetscene. As such the proposal was considered contrary to policy 16 of the Worthing Core Strategy and the relevant paragraphs of the NPPF relating to good design.
2. Having regard to its height, scale and proximity to neighbouring dwellings, the proposed building would be overbearing to neighbouring occupiers notably in terms of increased sense of enclosure. As such the proposal was considered contrary to policy H18 of the Worthing Local Plan, policy 16 of the Worthing Core Strategy, and the NPPF.
3. It had not been demonstrated to the satisfaction of the Local Planning Authority, that the requirements for off-site affordable housing as a result of the proposal had been met. As such the proposal was considered contrary to policy 10 of the Worthing Core Strategy.

Application No. AWDM/1568/17	
Site:	Tesco Supermarket, Former West Durrington Shopping Centre
Proposal:	Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 11pm and 6am on a permanent basis.

Cllr Louise Murphy returned to the room.

The Planning Services Manager advised there was nothing further to add to the published report however, commented there were no deliveries at present between the stated hours and that the word 'additional' should be deleted from condition 3 to clarify only 1 delivery allowed.

The Committee were shown a location plan and photographs and outlined the reasons for the application.

Members unanimously voted in favour of the application.

Decision

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

1. Approved Plans
2. No loading, unloading, deliveries, collections or associated delivery vehicle movements shall take place on the site (including the access road to the north of the store or parking areas) other than between the hours of 06.00 hours and 23.00 hours on any day.
3. Notwithstanding the wording of condition 2, one delivery shall be allowed between the hours of 06:00 hours and 23:00 hours Monday to Sunday.

No loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 08:00 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 07:00 hours and 23:00 hours on any day.

4. All delivery/collection vehicles serving the supermarket shall only arrive and depart from the western access off Fulbeck Avenue, other than Dotcom vehicles being moved from the parking area to the east of the District Centre to the delivery yard. The acoustic gates to the Delivery Yard shall be kept closed at all times when not in use to allow ingress or egress of a delivery vehicle.

5. At all times deliveries to the store shall be made in full compliance with the details of the Service Yard Management Plan dated 22.09.16.
6. The premises shall not be open for trade of business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.
7. Retention of shop window display – east and north elevations
8. Surface water sewer from parking areas and hard standings susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. Ongoing maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.
9. Development retained in accordance with the previously approved scheme to mitigate the loss of habitat caused by the proposed development on the watercourse.
10. Development retained in accordance with the approved details for buffer zone alongside the watercourse to the west of the site.
11. Development retained in accordance with approved details relating to wall around the substation/transformer, the fence around the Dotcom parking area to the south of Canberra Road and the acoustic fence to the rear of No.'s 45 to 49 Canberra Road.
12. Development retained in accordance approved parking provision and maneuvering areas shown on the approved phasing plan. The approved parking and maneuvering areas shall thereafter be only used for this purpose.
13. Development retained in accordance with approved details for the loading and unloading of vehicles and parking of delivery vehicles and this space shall not thereafter be used for any purpose other than for the purposes for which it is provided.
14. No external lighting or flood lighting shall be installed.
15. Development retained in accordance with the approved ventilation system for the extraction and disposal of cooking odours.
16. Development retained in accordance with the previously approved landscaping scheme.
17. Development retained in accordance with the approved acoustic barrier and associated tree and shrub planting along the boundary of the site parallel with Varey Road.
18. Any facilities, above ground for the storage of oils, fuels or chemicals, shall be sited on an impervious base and surrounded by impervious walls. The volume of

the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

19. No additional floorspace shall be provided within the store, including any mezzanine floor, without the prior approval of the Local Planning Authority in an application on that behalf.
20. The level of convenience floor space within the Tesco superstore shall not exceed 3,750 square metres unless approved by the Local Planning Authority in an application on that behalf.
21. The approved District Centre in addition to the superstore floorspace referred to in condition 21 shall provide a minimum of 2,765 square metres for unit shops and shopper café. These unit shops/café shall be located outside of the superstore retail area (i.e. beyond the till area).

Application No. AWDM/0061/18	
Site:	21 West Way, Worthing
Proposal:	Retention of existing outbuilding in reduced size.

The application sought permission to reduce the size of an existing unauthorised garage by about half to 3 metres in depth.

The Committee were shown an aerial view of the site, elevations, a floor plan and photographs.

The Planning Services Manager ran through the background of the application and concluded that the Committee had agreed at the meeting held in August 2017 that the file be passed to Legal Services to consider whether enforcement action should be taken.

The Council had since been contacted by the applicant's Solicitor who had stated the applicant was willing to submit an application to reduce the size of the building in agreement with the Council.

The Officer highlighted the condition at the end of the report which stated the works should be completed by Monday 9 April 2018.

After a brief discussion, the Committee unanimously voted to grant permission.

Decision

That permission be **GRANTED**, subject to the following conditions:-

1. The works hereby approved shall be completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority by no later than Monday 9 April 2018.

Reason: The retention of the building in its current form has found to be unacceptable and therefore it is necessary to ensure that the works are carried out without further delay.