

Minutes of a meeting of the  
Worthing Planning Committee  
19 December 2018  
at 6.30 pm

Councillor Paul Yallop (Chairman)  
Councillor Alex Harman (Vice-Chairman)

Councillor Noel Atkins  
Councillor Hazel Thorpe  
Councillor Paul Westover

Councillor Richard Mulholland  
\*\*Councillor Nicola Waight  
Councillor Steve Wills

\*\* Absent

**Officers:** Head of Planning and Development, Principal Planning Officer (Major Developments), Lawyer and Democratic Services Officer

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**WBC-PC/045/18-19      Substitute Members**

Councillor Karen Harman substituted for Councillor Nicola Waight.

**WBC-PC/046/18-19      Declarations of Interest**

Councillor Alex Harman declared a personal interest in Item 5.2, Columbia House, Columbia Drive, and elected to leave the room when the item was considered.

Councillor Steve Wills declared an interest in Item 5.6, 30 Fulmer Court, Boundary Road, as he was the applicant. He left the room when the item was considered.

**WBC-PC/047/18-19      Minutes**

**RESOLVED**, that the minutes of the Planning Committee meeting held on 21 November 2018 be confirmed as a correct record and that they be signed by the Chairman.

**WBC-PC/048/18-19      Items Raised Under Urgency Provisions**

There were no items raised under urgency provisions.

**WBC-PC/049/18-19      Planning Applications**

The planning applications were considered, see attached appendix.

**WBC-PC/050/18-19      Public Question Time**

There were no questions raised under Public Question Time.

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The meeting ended at 8:50 pm

Application Number: AWDM/1529/18	
Site:	<b>19-23 South Street, Worthing</b>
Proposal:	The creation of 45 new residential apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations to the elevation of Liverpool Buildings. New shopfronts and additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works.

The Head of Planning and Development advised he was pleased to present the report to Committee Members as the proposal was not only to secure Beales as an anchor store in the Town Centre, but would provide some much needed additional residential accommodation.

A supportive letter had been received from the Chief Executive of Beales stating that, subject to planning permission, they would be entering into a new 15-year lease on a reduced floor space and for a lower rent. The Officer said it was an opportunity to invest and to reinvigorate the store within the Town Centre.

The Officer produced aerial photographs of the site and referred Members to Appendix 1 within the report, which assisted in identifying the different elements of the scheme. For ease, the applicant had divided the site into 6 parts/blocks, and the Officer described each element of the scheme to assist Members in their consideration of the proposal.

The Officer referred Members to Bank Passage, the existing service area, and stated the proposal offered some limited parking for the new residential development within Bank Passage, but would also continue as rear servicing for the Beales department store and the new retail units on to Montague Place.

The Officer highlighted the Beales store frontage along South Street and the amended plans, following discussions with the applicant, which had been circulated to Members prior to the meeting. He stated there would be a residential entrance and staircase at either end, together with a new large entrance for the store.

The Officer referred Members to the viability appraisal appended to the report and stated the profit margin would fall below that normally expected for a mixed use development. Officers had accepted that it was a robust appraisal which would normally indicate that the scheme could not deliver affordable housing, but from early discussions held with the applicant, the Council had been keen to try and ensure some level of affordable housing.

The Council had engaged a registered local provider, Worthing Homes, and since despatch of the report, had secured a unilateral undertaking from the applicant which provided some flexibility, and different options for the delivery of the 9 affordable units.

The residential units would be spread amongst all the buildings giving a good mix of style and size within the new or historic buildings.

The Chairman of the Worthing Society had registered to speak but as she had become unwell, the Officer read out their comments and concerns for the Committee's consideration. The Officer advised he had been in discussions with the Worthing Society regarding their concerns, one of which had been the proposed materials to be used within the scheme. He handed round to the Members of the Committee various examples of materials which Officers felt were of good quality, appropriate for the Conservation Area, and would lift the present rather drab appearance of the buildings within the Montague Centre.

The applicant had submitted an aerial montage of the proposed development and plans which were shown to Members of the Committee.

The Officer concluded his presentation by referring to Block 6 (Beales furniture store on South Street) and its potential use as a restaurant. The Environmental Health Manager had raised concerns regarding the additional residential units being in close proximity to other A3 uses and had suggested additional conditions which Officers had agreed to impose should permission be granted.

The Officer's recommendation was to grant permission.

Members raised a number of queries on the presentation which were answered in turn by the Officer to the Members' satisfaction. These included:-

- energy efficiency measures;
- the provision of parking spaces;
- fire resistant cladding; and
- CIL requirement/unilateral undertaking

There was a further representation from Mathew Mainwaring (*Agent*).

Members welcomed the application as they believed it was a well designed scheme, and a significant opportunity for the Beales department store to be retained and refurbished whilst providing a high quality mixed use development. Members did not consider that there was a need to revise the scheme to reduce the height of the entrance feature. The Head of Planning and Development showed a cross section which illustrated that only a small part of the development would be viewed from Liverpool Gardens.

The Members voted unanimously in favour of the application.

## **Decision**

The Committee Members agreed to **GRANT** planning permission, together with a completed Unilateral Agreement and the additional conditions as recommended by Environmental Health, and the following conditions:

1. Development in accordance with approved plans
2. Time  
The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. Notwithstanding the information contained in the current application, no other development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows, doors, rainwater goods, safety rails and balustrades etc.) and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.

Reason: In the interests of visual amenity, the character of the conservation area and setting of listed buildings and to comply with policy 16 of the Worthing Core Strategy.

4. Details of: joinery/frames some with 1:20 cross-sections, rainwater goods, fascias & roof intersections and window recesses.

Notwithstanding the information contained in the current application, no other development shall be carried out unless and until 1:20 scale plans including annotated cross sections of have been submitted to and approved in writing by the Local Planning Authority for each of the following:

- i) window joinery and frames,
- ii) window recesses, cills and surrounds at all floors of the east and north elevations,

- iii) intersections of roof and walls for each elevation of the penthouses and for the first and second floors of the east elevation,
- iv) rainwater goods,
- v) safety rails and balustrades,

and the development shall be completed in full accordance with the details thereby approved.

Reason: In the interests of visual amenity, the character of the conservation area and setting of listed buildings and to comply with policy 16 of the Worthing Core Strategy.

5. Details of external air moving/extraction equipment

No external fixed plant shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a difference between the rating level and background noise level of at least -5dB. Within 1 month of implementation a test to demonstrate compliance with the approved attenuation scheme shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of neighbours and to comply with saved policy H18 of the Worthing Local Plan.

6. Provision and maintenance of bicycle storage space.

The cycle storage area shall be provided and fitted out and made secure in accordance with the approved plans, prior to the occupation of any of the flats hereby approved. It shall thereafter be permanently retained and maintained only for use by the residents of the approved flats for the storage of cycles.

Reason: To ensure the provision of adequate cycle storage facilities as part of sustainable transport measures, in accordance with policy 19 of the Worthing Core Strategy 2011 and saved policy TR9.

7. Provision and maintenance of bin and waste storage area

The bin storage areas for the flats hereby approved shall be provided and fitted out and made secure in accordance with the approved Drawings, prior to the occupation of any of the flats hereby approved. It shall thereafter be permanently retained and maintained only for use for the storage of bins. The existing commercial service area contained within the boundary wall at the east elevation shall also be permanently retained and maintained only for commercial servicing, such as loading and storage of bins in accordance with the approved Drawing No. 120 Rev P5.

Reason: To ensure the provision of adequate waste storage facilities, in accordance with policy 12 of the Worthing Core Strategy 2011.

8. Details of flood resilient design.

No development shall be carried out unless and until details of the construction of the ground floor accesses and hallways to the flats hereby approved have been submitted to and approved in writing by the Local Planning Authority to show

measures of flood resistance, to minimise the risk of floodwater ingress, and flood resilience, to minimise the risk of damage in the event of flood. The development shall be completed and permanently maintained in accordance with the details thereby approved, unless the Local Planning Authority gives further written approval for any variation.

Reason: To minimise risk from flooding in accordance with policy 15 of the Worthing Core Strategy 2011.

9. Details of foul and surface water connection

Prior to the first occupation of any of the flats hereby approved, details of arrangements for the disposal of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No flat shall be occupied unless and until all works for the disposal of foul and surface water serving that dwelling have been fully implemented.

Reason: To ensure the provision of adequate drainage in accordance with policies 12 and 15 of the Worthing Core Strategy 2011.

10. Details of means to assess and manage historic ground contamination in the event of ground works.

In the event that development necessitates the undertaking of groundworks, such as the construction of new or deeper foundations or the construction of any soakaway, and unless the Local Planning Authority first agrees in writing otherwise, details of a scheme to deal with the risks associated with any historic contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority to include:

- i) a site investigation scheme,
- ii) the site investigation results and any further appraisal and remediation strategy,
- iii) a verification plan with timetable

The scheme thereby approved shall be implemented concurrent with the undertaking of groundworks and a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable thereby approved.

Reason: To minimise and manage any risks associated with any historic land contamination in the event of groundworks, in accordance with saved policy RES9 of the Worthing local Plan 2003.

11. Construction work shall not commence in connection with Block 6 until a scheme for protecting the first / second floor flats from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

Reason: To minimise risks from noise to the residents of the flats in Block 6 hereby approved in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.

12. Prior to the implementation of any A3 use in Block 6 hereby approved, commencement of the development hereby approved, a scheme for the mitigation of odour risks shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of any air moving and filtering plant, equipment and ducts (including the acoustic specification and provisions to minimise risk of noise and vibration), their location and external appearance, and arrangements for their on-going maintenance. Details of any mitigation measures for external space shall also be included in the scheme. The development shall only be carried out in accordance with the scheme thereby approved and no dwelling shall be occupied until the scheme has been fully implemented and it shall be permanently adhered to, unless the Local Planning Authority gives prior written approval for any variation.

Reason: To minimise risks from odour to the residents of the flats in Block 6 hereby approved in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.

13. Unless otherwise agreed in writing by the Local Planning Authority, prior to occupation of the first apartment the subject of this approval, details of arrangements for the provision of access to a car-club or other means of sustainable transport, shall be submitted to and approved in writing by the Local Planning Authority. Details shall cover the period and terms of the provision and shall thereafter be implemented and adhered to for that period.

Reason: To ensure the provision of sustainable transport measures, in accordance with policy 19 of the Worthing Core Strategy 2011 and saved policy TR9.



Application Number: AWDM/1480/18	
Site:	<b>Columbia House, Columbia Drive, Worthing, West Sussex</b>
Proposal:	Construction of 3 new blocks to provide 46 flats and 226.3 sqm mixed use commercial / non-residential space (Classes A1, A2, B1, D1) including the addition of two floors to existing Columbia House to provide 10 flats and external upgrading of Columbia House. Also associated two new pedestrian access points, parking, landscaping and amenity space.

*Councillor Alex Harman left the room before consideration of the item.*

The Head of Planning and Development began the presentation by showing Members an aerial photograph of the site. The Officer reminded Members of the previous proposal which had been refused by the Committee. As a result of that decision, Officers had been in discussion with the applicant over many months since May, to try and address the reasons for refusal.

The Officer ran through the detail of the new proposal for Members' consideration which he felt took on a more comprehensive approach to the site and was a high quality scheme that Officers were now happy to recommend.

The Members were shown a number of photo montages, and the Officer advised the scheme now incorporated an element of commercial space on the ground floor and a number of supporting statements had been received to address issues of potential noise and disturbance from the adjoining industrial land.

The Officer advised one of the key issues for discussion with the applicant had been regarding viability of the scheme and many months of negotiation had taken place in an effort to deliver affordable housing. The Councils' viability consultants now felt that the provision of five shared ownership units on site or an offsite contribution of £300,000 would be entirely reasonable.

The Principal Planning Officer outlined a number of updates on the report, which were included in an addendum, circulated to Members since publication of the agenda.

Members were shown an amended layout plan, which included the enlargement of bin stores and parking. The Officer advised the Highway Authority and Waste Officers now raised no objection. The Highway Authority were also satisfied with the provision of EV charging points around the site which accounted for 20% of spaces, with the remaining 80% wired in for use in the future. An additional planning condition had also been required by the Highway Authority for white lining at the roundabout, the positioning of which was indicated on the plan.

The Officer referred to the children's play area within the scheme, which was enclosed by a one metre railing fence and Officers had requested a separate pedestrian path within

the site be included to take people safely in and out of the site, which could be secured by condition.

The Highway Authority were satisfied with the car parking ratio, and the prospect of a Car Club, which would be delivered by condition and managed by a Legal Agreement. The Travel Plan would also be governed by a Legal Agreement and would contain provision for a voucher system, the detail to be agreed.

Environmental Health were satisfied with the recommended conditions for noise mitigation.

Members were shown a number of photographs of trees around the site and it was recommended Members provide authority for Officers to obtain a revised tree removal plan with more extensive removal of existing trees and, to include appropriate replacement planting.

Officers still awaited more information from the Environment Agency but were satisfied in the meantime with the support of the Lead Local Flood Authority.

The Officer concluded the presentation by showing a photo montage of the proposal, and indicated different elements of the scheme, including the various materials to be used for the buildings.

Members raised queries on the presentation, which were answered in turn by the Officer to their satisfaction, and included:

- the children's play area;
- energy efficiency measures;
- sustainable drainage; and
- viability assessment of the scheme.

There was a further representation from Phil Morris, the agent, speaking in support.

Members welcomed the latest proposal to develop the site; were pleased to note the help to buy apartments, which would be good news for many first time buyers in Worthing; and for the inclusion of commercial space.

The Committee Members voted unanimously in favour of the application.

## **Decision**

The Committee Members agreed to **APPROVE** the application, subject to a s106 Agreement and with amendments and additions to conditions as in the update sheet, additional conditions relating to white lining at roundabout arms; pedestrian path on site; provision of Solar PV; visibility at accesses; amended tree retention and replacement plan; and deletion of condition 10 (time limit for children's play area), and the following conditions:-

- i) a s.106 Agreement to secure the provision of affordable housing and aspects of site management and a site's travel plan; provision of land to widen public

footpath along site frontage to shared cycle/footpath and financial contribution towards the work;

- ii) satisfactory responses from the Environment Agency, drainage consultees, and the Highway Authority;
- iii) conditions as follows.

### **Conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice. *[drawings to be added]*  
*Reason: For the avoidance of doubt and in the interests of proper planning.*
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

### **Phasing – provision for**

3. Prior to the commencement of the development hereby approved, (with the exception of any demolition or stripping out) a Phasing Plan and Schedule identifying all phases of development on the site, shall be submitted to and approved in writing by the Local Planning Authority, including the provision of access, parking manoeuvring and outdoor areas such as amenity spaces and children's play area. 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.  
*Reason: For the avoidance of doubt and in the interests of proper planning to ensure that spaces and facilities are provided at a reasonable rate to serve phases of the development as they are completed.*

### **Materials**

4. Notwithstanding the information contained in the current application, no other development shall be carried out (with the exception of any demolition or stripping out), unless and until a schedule and samples of materials and finishes to be used for the external walls (including cladding, bricks, render, windows, doors, rainwater goods, safety rails and balustrades and their supports and any frame) have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.  
*Reason: In the interests of visual amenity, to ensure an appropriate standard of development and to comply with policy 16 of the Worthing Core Strategy 2011.*

### **Use**

5. The uses of the ground floor units hereby approved shall be only for the following Classes of the Town And Country Planning (Use Classes) Order 1987, (as

amended): A1 (Retail); A2 (Financial and Professional Services); B1 (Business) and D1 (Non-residential institutions), and for no other purpose, including any purposes under Class D2 nor any changes of use under Schedule 2, Part 3 (Changes of Use) of the Town And Country Planning (General Permitted Development) Order 2015, (as amended), or any Order revoking or re-enacting those Orders.

*Reason: To ensure a mixed use development, including business and other uses which may help to meet employment and other local needs and contribute to the vitality of the site and to comply with policies 3 & 16 of the Worthing Core Strategy 2011.*

6. Prior to the occupation of the any of the ground floor spaces for the purposes of either a Class B1c (Light Industry) or D1 (Non-residential institutions) use as defined by the Town and Country Planning (Use Classes) Order 1987, (as amended), or as a Nail Bar, a Noise & Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out measures to minimise risk of noise, vibration & disturbance and odour to residents of the site and neighbouring. This shall include a description of the proposed use, measures to minimise risk of noise associated within indoor and outdoor use and hours of use, (notwithstanding the hours of use contained in other conditions of this notice of planning Permission). The Noise Management Plan thereby approved shall be adhered to for the duration of the B1c or D1 use.

*Reason: To ensure a balance between the protection of residents from noise disturbance or odour and the needs of users of the ground floors.*

### **Hours of Use**

7. The ground floor units hereby approved shall only be used between 07:00 hrs - 23:00 hrs Mon - Sat, 08:00 hrs - 21:00hrs Sundays & Bank Holidays and not outside these times.

*Reason: To ensure a balance between the protection of residents from noise disturbance and the needs of users of the ground floors.*

8. Deliveries to and from the Ground Floor units shall only take place between 07:00 -20.00 hours Mon-Sat and 09:00 to 19:00 Sundays & Bank Holidays and not outside these times.

*Reason: To ensure a balance between the protection of residents from noise disturbance and the needs of users of the ground floors.*

9. The roof-top communal amenity areas may only be used between the hours of 07:00 and 21:00 hrs and not outside these times.

*Reason: To protect residents and neighbours from noise and disturbance.*

### **Landscape**

10. i) Construction of the development shall not commence (with the exception of any demolition or stripping out), until there has been submitted to and approved in writing by the Local Planning Authority, a scheme and timetable of hard and soft landscaping. The scheme shall include indications of all existing trees and other vegetation to be retained. These details and timetable shall be adhered to throughout the course of development works.

ii) All planting, seeding or turfing comprised in the approved details of landscaping under condition 10 above, shall be carried out in accordance with the timetable thereby approved 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.

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

11. Development shall not commence (with the exception of any demolition or stripping out), 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. No dwelling shall be occupied unless and until all works for the disposal of sewage and surface water serving that dwelling have been fully implemented in accordance with the approved details and timetable.

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

12. Development shall not commence (with the exception of any demolition or stripping out), until all the existing trees and other vegetation, to be retained 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.

*Reason: To ensure appropriate protection of trees and vegetation to be retained*

13. No phase of development shall be occupied until details of all boundary and other enclosures / fencing, including fencing of the children's play area at the southern end of the site, have been submitted to and approved in writing by the Local Planning Authority and no phase of development shall be occupied until such enclosures / fencing thereby agreed have been erected and shall thereafter be permanently maintained and retained.

*Reason: To ensure appropriate means of fencing and enclosure in the interests of safety and the amenities of the area.*

## **Parking and Access**

14. No phase of development shall be first occupied until the access, car parking and manoeuvring space for that dwelling has been provided in accordance with the approved plans, including provision for the charging of low-emission vehicles, details of which shall first be submitted to and approved in writing by the Local Planning Authority. All parking and manoeuvring spaces, accesses and vehicle charging installations shall thereafter be retained and maintained at all times

Reason: *To ensure provision of access, parking and manoeuvring and for low emission vehicles as part of sustainable transport.*

15. No phase of development shall be first occupied until secure cycle parking spaces for that dwelling have been provided in accordance with plans and details to be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be retained and maintained at all times.

Reason: *To ensure provision of cycle parking as part of sustainable transport.*

16. Development shall not commence (with the exception of any demolition or stripping out), until construction details, including engineering cross sections and specifications, of all vehicular access, manoeuvring and parking areas within the site and their surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate.*

17. Additional details of lighting, height, location and intensity, including measures to minimise light pollution, shall be submitted to and approved in writing by the Local Planning Authority. The lighting thereby approved shall be provided, accordance with the approved details prior to the occupation of the development and shall thereafter be retained and maintained at all times.

Reason: *In the interests of safety and visual amenity*

## **Drainage**

18. Sustainable surface water drainage (SuDS) shall be *designed and constructed* in full accordance with the details, *including Section 10*, contained in the Flood Risk Assessment dated 30th November 2018 by RPS Consultants (Reference: HLEF65905/001R), submitted with this application. *However no development approved by this permission shall commence until full design details for the disposal of surface water have been submitted to and approved by the Planning Authority* and shall thereafter be retained and maintained at all times.

Reason: *To ensure adequate and sustainable surface water drainage.*

19. No phase of development shall be first occupied until all works for the disposal of sewage and surface water serving that part of the development have been fully implemented in accordance with the approved drainage details.

Reason: *To ensure adequate foul and surface water drainage*

20. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by the submission and approval in writing by the Local Planning Authority of a groundwater protection scheme, that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the scheme thereby approved. The scheme shall include:

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

*Reason: To safeguard groundwater.*

## **Privacy**

21. Notwithstanding the information contained in the current application, amended details, including materials, design and size of privacy screens to be erected on the north and east elevations of Block D, shall be submitted to and approved in writing by the Local Planning Authority. These screens shall be erected prior to the first occupation of any part of that Block and shall thereafter be retained and maintained at all times.

*Reason: To safeguard privacy of neighbouring residents and in the interests of design and visual amenity*

22. Notwithstanding the information contained in the current application, amended details, showing the position, design and means of securing balustrades and partitions to the rooftop communal amenity spaces for each of Blocks B, C & D shall be submitted to and approved in writing by the Local Planning Authority. These balustrades and partitions shall be erected prior to the first occupation of any part of each Block in the locations thereby approved and shall thereafter be retained and maintained at all times.

*Reason: To safeguard privacy of neighbouring residents and in the interests of design and visual amenity.*

23. The bedroom window (of the double-aspect bedrooms) closest to the north-east corner of Block B at each of first, second and third floor level, shall be entirely and permanently obscure glazed, providing a degree of obscuration equivalent to Pilkington 4 or similar index. They shall also be permanently un-openable up to 1.7m above internal floor level.

*Reason: To safeguard privacy of neighbouring residents.*

## **Levels**

24. Development shall not commence (with the exception of any demolition or stripping out), until a survey and plan of existing and proposed site and slab levels, including a freeboard of at least 150mm and provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

*Reason: In the interests of clarity and drainage and accessibility and because changes in levels may materially affect the impact of the development.*

## **Noise - Survey & Acoustic Design Scheme**

25. i) Construction work (with the exception of any demolition or stripping out), shall not commence until:
- a) a further Noise Survey and Impact Assessment, including noise from the commercial operations of neighbouring commercial premises, has been undertaken in accordance with a detailed survey method which shall first be submitted to and approved in writing by the Local Planning Authority, and
  - b) following a) above, an Acoustic Design Scheme for protecting the proposed noise sensitive development from external and internal noise, including full details of:
    - glazing, including any acoustic glazing,
    - means to ensure adequate ventilation and prevent overheating
    - noise insulation variously between floors and roofs
    - location, design and means of securing balustrades, partitions and signage to roof-top communal amenity areas to limit areas and times of access
- has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be fully completed before any part of the noise sensitive development is occupied and permanently retained and maintained thereafter.
- iii) Prior to the occupation of any phase of the development, verification testing shall be undertaken and submitted to and approved in writing by the Local Planning Authority, to demonstrate that the measures undertaken as part of the Acoustic Design Scheme are effective and protect noise sensitive development from noise and provide adequate ventilation. Any remedial actions arising from this verification testing required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.
- The requirements of i), ii) and iii) shall be adhered to unless the Local Planning Authority gives prior written approval for any variation.
- Reason: To protect occupiers of the site from noise and ensure adequate ventilation.*

## **Noise – Ground Floor Insulation**

26. Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial unit, plant and substation below has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level.
- Reason: To protect occupiers of upper floors from noise and vibration.*

## **Noise - Lift Shaft Insulation**

27. Construction work (with the exception of any demolition or stripping out), shall not commence until a scheme for protecting habitable rooms from noise from the adjacent lift shaft has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development of each phase of development is occupied.



The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw + Ctr dB) for walls. Before the residential units in each phase are occupied a test shall be undertaken while the lift is in operation to demonstrate the indoor ambient noise levels within BS8233:2014 and the WHO community noise guidelines are achieved in the adjacent habitable rooms, and shall be permanently maintained as such thereafter.

*Reason: To protect residents from noise and vibration.*

### **Noise - Plant noise-louvre emissions**

28. The maximum plant noise-louvre emissions shall comply with Table 10 of the Planning Noise Assessment (ref: 88129 dated 8th November 2018). There shall not be any tonal noise associated with the development. Within one month of implementation for each phase of the development, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the specified noise level. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme and shall be permanently maintained as such thereafter.

*Reason: To protect residents from noise and vibration.*

### **Air Moving Plant (also ground floor kitchens)**

29. i) No external fixed plant shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.
- ii) No kitchen for the preparation of hot food shall be installed at ground floor level, (with the exception of an ancillary kitchen only for staff), unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.

*ii) No kitchen for the preparation of hot food shall be installed at ground floor level, (with the exception of an ancillary kitchen only for staff), unless details of means, plant or equipment for the extraction and disposal of cooking odours, including its acoustic performance, have been submitted to and approved in writing by the Local Planning Authority.*

*Any plant or equipment approved under this condition shall be installed and maintained in accordance with the manufacturer's instructions and in the case of any ground floor kitchen, shall be installed before the kitchen use commences following which a test to demonstrate effectiveness of the odour extraction and disposal plant or equipment in terms of both its odour reduction and including its acoustic performance, shall be undertaken within one month of the scheme being implemented.*

*Reason: To protect residents and neighbours from noise and odour.*

## **Aerials**

30. Prior to the phase of development shall be first occupied until a details of any external aerial/antenna and / or satellite dish (if any), have first been submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building unless details have first been submitted to and approved by the Local Planning Authority.  
*Reason: To avoid multiple aerial/antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

## **Contamination**

31. 1) Construction work (with the exception of any demolition or stripping out), shall not commence until a Contamination Management Scheme to identify and deal with any risks associated with historic contamination of the site, has been submitted to and approved in writing by the Local Planning Authority, including:
- (i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - (ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) Following the site investigation results and detailed risk assessment 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 shall also be submitted to and approved in writing by the Local Planning Authority
- 3) A verification plan shall also be submitted to and approved in writing by the Local Planning Authority following the site remediation works (2) above, providing details of data collection 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.

The Contamination Management Scheme shall be implemented as thereby approved above, unless the Local Planning Authority gives prior written approval for any variation.

*Reason: Due to the site location which is partly within an area of potential historic contamination risk, to ensure adequate remediation is undertaken.*

## **Site Management Plan**

32. Prior to the occupation of any phase of the development, a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to set out details for the management and maintenance of the following, and the party responsible for implementation and ongoing adherence to the Management Plan:

- Car Club: procurement of and provision of allocated parking space
- Management of flexible space users and residents
- Communal roof spaces - maintenance of partitions, balustrades and signage
- Communal roof spaces and limited hours of use
- Maintenance of fences
- Maintenance of landscaped and common areas, including cycle and bin stores
- Parking – allocation and management of spaces
- Play areas and limited hours of use
- Travel Plan
- Tree management
- Management of Sustainable Surface Water Drainage

The Management Plan shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

*Reason: To ensure ongoing management of the site in the interests of the amenities of occupiers and neighbours and to ensure sustainable transport initiatives are delivered and on-site parking and other facilities are maintained.*

### **Construction Management Plan**

33. 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:-
- i. the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
  - ii. the method of access and routing of vehicles during construction,
  - iii. the parking of vehicles by site operatives and visitors,
  - iv. the loading and unloading of plant, materials and waste,
  - v. the storage of plant and materials used in construction of the development,
  - vi. the erection and maintenance of security hoarding,
  - vii. a commitment to no burning on site,
  - viii. 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),
  - ix. details of public engagement both prior to and during construction works.
  - x. Methods to control dust from the site

*Reason: To ensure a balance between the protection of residents development works.*

### **Construction Hours**

34. Any works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00 - 18:00 hrs: Saturday 09:00 - 13:00 hrs and not at all outside these times or on Sundays and Bank

Holidays unless the Local Planning Authority gives prior written approval for any variation.

*Reason: To ensure a balance between the protection of residents and times of development work.*

## **INFORMATIVES**

### **Noise:**

The Noise Survey and Impact Assessment shall have regard to the principles of BS4142:2014. The Acoustic Design Scheme shall also have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. It should be undertaken without any intervening solid-faced hoarding such as might be erected around the site during any demolition & construction work.

The scheme should include full details of glazing and a strategy for adequate ventilation to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts.

Recommendations for acoustic glazing should clarify attenuation for all frequency bands (including upper and lower frequencies 63Hz, 4K Hz and 8K Hz) and the total level of attenuation.

Insulation for protecting the upper floor residential units from noise from the rooftop amenity areas should achieve a maximum impact sound insulation value of 57dB (L'nT,w) for the floor of the communal amenity areas.

### **Heating**

All gas-fired boilers should comply with a minimum standard of <40 mg NO<sub>x</sub>/kWh.

### **Odour**

For any commercial hot food kitchen details of the extract fans, filters, fan units and ducting together with method of noise abatement, such as grease traps and extraction hoods), are likely to be required in details to be submitted.

In the event of any nail bar use the use of solvents is unlikely to be approved unless a scheme for sealing the walls (including junctions with ceilings and floors and any extract fans, filters, fan units, extraction hoods and ducting together with method of noise abatement, is included in details to be submitted, together with means to verify its effectiveness.

### **Fire Safety.**

A fire safety assessment will be needed under Building Regulations for each building including, cladding and safe escape routes. The applicant should contact a Building Regulations advisor for guidance.

Application Number: AWDM/0169/17	
Site:	<b>Land North of Juno Close, Worthing, West Sussex</b>
Proposal:	Retention of use of land for the temporary relocation of plant hire business (Rabbit Waste Management Limited) with recontouring of site and temporary construction of soil bund for landscaping and security purposes and storage, refuelling and cleaning of plant vehicles on western part for a period of up to three years with vehicular access from Martletts Way (Retrospective).

*Councillor Alex Harman returned to the meeting.*

The Head of Planning and Development introduced the report, and Members were shown an aerial photograph of the site.

The site was within the Core Strategy, largely for employment land, but within the area of change that included land to the east of the site. The application had been amended since originally submitted, and was a retrospective application for a temporary period of 3 years for a plant hire business. The proposal included the removal of the skips and containers being relocated to the former Household and Waste Recycling in Dominion Way.

The Officer advised Environmental Health had raised concerns regarding noise levels and Officers had been working with the applicant in an effort to relocate the more noisy aspect of the business, the storage of skips. Environmental Health were now satisfied with the revised proposal

The Members were shown photographs and plans to assist in their consideration of the application, and the Officer advised the recommendation was for a temporary permission of 3 years.

The Officer further advised the removal of the skip hire would be subject to securing permission and a lease on the Dominion Road site. Should this not be carried out to a satisfactory conclusion within 2 months of the permission appropriate enforcement action would be undertaken to secure its removal.

The Committee Members voted unanimously in favour of the application.

## **Decision**

Planning permission was **APPROVED**, subject to the following conditions:-

1. 3 year temporary permission until October 2021 (plant hire only)
2. Hours of use 7:30-17:00 (Monday- Friday) 8:00- 13:30 (Saturday) No working Sunday and Bank Holidays
3. In accordance with the NMP and DMP
4. The site shall be kept in good order and not let overgrown.
5. Details of lighting

## **Informative**

S59 agreement with WSCC highways

Application Number: AWDM/1633/18	
Site:	<b>Land north of Hazelwood Trading Estate, Dominion Way, Worthing</b>
Proposal:	Change of use of former household waste recycling site to plant hire business for storage, maintenance and cleaning of plant vehicles in addition to the storage of skips and containers.

The Head of Planning and Development briefly outlined the application for Members, which included an aerial photograph of the site.

The Officer confirmed the recommendation for a 3 year temporary use, as the Council were keen to bring Decoy Farm forward for redevelopment for employment.

The Committee Members voted unanimously in favour of the application.

### **Decision**

That planning permission be **APPROVED**, subject to the satisfactory response of the Highway Authority and any further related conditions.

### **Conditions:-**

1. Temporary period for 3 years until November 2021.
2. Hours of operation 0600- 1800 (Monday- Saturday) No working on Sundays and bank Holidays.
3. Details of security lighting.

Application Number: AWDM/0210/18	
Site:	<b>Caseta, Abbey Road, Worthing</b>
Proposal:	Demolition of the existing 3 bedroom dwelling and replace with a new 5 bedroom dwelling with an integral garage.

*The application was called in to the Committee by Councillor Paul High.*

The Head of Planning and Development introduced the report and Members were shown an aerial photograph of the site.

The Officer advised there was no objection in principle to development of the site however, a previous scheme had been refused on design grounds, and having an unacceptable impact on adjoining properties. Officers had been keen that the new agents negotiated with neighbours to try and address some of the objections in terms of neighbour impact and design concerns.

A number of photographs, existing and proposed site plans, elevations and 3D illustrations were shown to Members to assist in their consideration of the application.

Officers had concluded the proposal would adversely affect the amenities of the neighbouring property and on balance, had recommended refusal.

There was a further representation from Howard Cheadle (*Planning consultant for Mr & Mrs Goodchild*).

The Committee Members unanimously voted to refuse the application.

## **Decision**

That the planning application be **REFUSED**, for the following reason:

The proposed dwelling by virtue of its scale and siting would result in a development that would adversely affect the setting of the adjacent Ivy Place Conservation Area and result in an overbearing development that would adversely affect the amenities of neighbouring residential properties. The proposal therefore fails to comply with policies 8 and 16 of the Worthing Core Strategy, the Council's Supplementary Planning Document 'A Guide to Residential Development' and the National Planning Policy Framework 2018.



Application Number: AWDM/1568/18	
Site:	<b>30 Fulmer Court, Boundary Road, Worthing</b>
Proposal:	Application for consent under Worthing Tree Preservation Order No. 34 of 1995 to cut back two sections nearest top floor windows by approximately 1.5m to one Holm Oak T3 in SE corner. Thin canopies by 15%, cut back from roof of 5 Acre Gardens to give 2.5m clearance, raise canopies to 5m, reduce radial spread by up to 1m to four Sycamores in group G1.

*Councillor Steve Wills left the room before the item was considered.*

The Principal Planning Officer briefly outlined the report and Members were shown an aerial view of the site, photographs, and site layout for their consideration.

The Tree Officer had been satisfied with the proposal and had recommended approval.

### **Decision**

That the application be **GRANTED**, subject to the following condition:-

1. The proposed works, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

**Reason:** *In the interest of visual amenity.*