

Minutes of a meeting of the
Worthing Planning Committee
27 February 2019
at 6.30 pm

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

Councillor Noel Atkins
Councillor Hazel Thorpe
Councillor Paul Westover

Councillor Jim Deen
Councillor Nicola Waight
Councillor Steve Wills

** Absent

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

It had been agreed at Full Council last night, Tuesday 26 February 2019, that Councillor Jim Deen would replace Councillor Richard Mulholland on the Planning Committee. The Chairman welcomed Councillor Jim Deen back on the Committee.

WBC-PC/059/18-19 Substitute Members

There were no Substitute Members.

WBC-PC/060/18-19 Declarations of Interest

Councillor Paul Westover declared an interest in item 5.4, 14-16 Bath Place, as the applicant had contacted him to discuss the application but stated he would consider the application with an open mind; and 5.5 58-62 Portland Road, as he was acquainted with one of the registered speakers, Alan Steele, but would consider the matter with an open mind.

Councillor Jim Deen declared an interest in 5.4, 14-16 Bath Place, as the applicant had contacted him to discuss the application but the Councillor advised he would consider the item with an open mind.

Councillor Paul Yallop declared an interest in item 5.1, Unit 1, 6 Woods Way, as he had been lobbied by a member of the public on the application but advised he was unable to correspond on the matter; Item 5.3, 69B Grand Avenue, as he was contacted by a neighbour for assistance on the scheme but no discussion had taken place and 5.5, 58-62 Portland Road, following the previous application, refused by the Committee, he had raised concerns and posted via social media, then received a complaint from the

Solicitors acting for the owner of the site. However, the Councillor advised he would consider the new application with an open mind.

WBC-PC/061/18-19 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 23 January 2019 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/062/18-19 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/063/18-19 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/064/18-19 Public Question Time

There were no questions raised under Public Question Time.

The meeting ended at 10:50 pm

Application No. AWDM/1830/18	
Site:	Unit 1, 6 Woods Way, Worthing
Proposal:	Change of use from business (Use Class B2) to gymnastics club (Use Class D2)

The Planning Services Manager introduced the report and stated that since the agenda was published, the NPPF had been updated and was now NPPF 2019, not 2018 as stated however, the Officer advised the updates were strategic in nature.

The Officer updated Members on the WSCC Highways comments which were received since the agenda was published. There was now no objection raised to the application from the WSCC Highways Section.

Members were shown an aerial photograph of the site, a location plan, revised car parking plan and a number of further photographs to assist Members in their consideration of the application.

The Officer advised the main issue in the determination of the application was whether the proposal complied with development plan policies, and, if not, whether there were sufficient material considerations to outweigh any policy conflict.

The Officer's recommendation was refusal for the reason set out in the report.

Some Members raised queries with the Officer, which were answered in turn to the Members' satisfaction.

There were further representations from:-

Ward Councillor: Councillor Roy Barraclough
 Supporters: Rosie Heath
 Justine Othen
 Alice Howland

Members debated the proposal at length and were in agreement the applicant had established a very successful business that provided valuable community resource which was an asset to the town, and felt that it was a particularly difficult matter to consider.

The Committee Members sympathised with the applicant and appreciated it was problematic operating their business over different sites. It was also appreciated that decisions had to be taken in accordance with the development plan but some felt in this case material considerations had to be taken into account and that the proposal should be supported.

However, other Members felt there were strong grounds to resist the proposal as the Council had a policy which sought to protect key industrial locations.

In conclusion, the majority of Members agreed the Officer's recommendation to refuse the application.

Decision

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

The proposed change of use would result in the loss of a B class employment generating unit on a protected industrial estate resulting in the loss of such a unit where there is an established requirement for such floor space to accommodate B class uses. The proposal therefore conflicts with guidance in the National Planning Policy Framework to provide a strong and responsive economy, policy 4 of the Worthing Core Strategy and the Sustainable Economy Supplementary Planning Document.

Application No. AWDM/1763/18	
Site:	105 - 109 Montague Street, Worthing
Proposal:	Demolition of existing building and redevelopment set over 4no. floors, comprising A1 retail floor space at ground floor, 26no. 1, 2 and 3 bedroom units with communal courtyard and balconies at 1st floor to West elevation, cycle store, underground surface-water tanks and associated landscaping.

The Committee Members had received a hard copy of the viability report, referred to within the committee report, at the commencement of the meeting.

The Head of Planning and Development introduced the report and Members were shown an aerial photograph of the site, being the former Poundland building close to the seafront.

The Officer advised the application was for the demolition of the existing business; the erection of retail floorspace on the ground floor; and 26 apartments on the upper floors. The Officer outlined the application for Members and they were shown a number of photographs to assist in their consideration of the scheme.

A number of plans were produced, including the amended plans, and the Officer advised that much of the discussion with the applicants had been about the impact of the proposal on properties to the west of the site and the relationship between the apartments proposed in the development. The Officer referred to the potential for overlooking to neighbouring properties and that Officers wished to continue discussions with the applicants and to delegate the decision to agree partial or full obscure glazing for some windows in the western elevation.

The Officer briefly outlined the viability study mentioned within the report. He advised the Council's viability consultant had examined the figures and in his opinion an affordable contribution would not be supported.

The Officer concluded his presentation by producing photo montages, and referred to the increased demand for residential parking.

The Chairman agreed to give Members time to read the hard copy viability appraisal to assist in their consideration of the application as it had not been included within the committee report.

Members were disappointed the viability appraisal had not been included and requested that in future all viability reports be part of the committee reports.

Some Members raised queries on the presentation with the Officer which were answered in turn to the Members' satisfaction.

There were further representations from:-

Objectors: Heather Massey

Kate Bunning

Supporters: Ben Daines

Paul Lofthouse

Members began their debate on the proposal and agreed it was a finely balanced application. The concerns raised included the lack of affordable housing, residential parking and overlooking for neighbouring properties however, following further discussion, they concluded the town centre site was in need of development; was situated in a sustainable location and agreed to recommend approval of the application.

Decision

That planning permission be delegated for **APPROVAL**, subject to completion of a s.106 agreement to secure a car club and implementation and management of a travel plan, to address overlooking concerns to the west of the development and to await consultation expiry on 6 March 2019 as agreed, together with the following conditions:-

1. Approved plans (including amendments)
2. Time (standard 3 years)
3. Use – A1 retail space
4. Materials and finishes to be agreed, including 1:20 drawings of details
5. Windows: obscure glazing. Un-openable up to 1.7m height
6. Detail of roof terrace, including any screens and planting
7. Sound insulation
8. Details of air moving equipment
9. Provision of bin and secure cycle storage, space also for staff.
10. Hours – deliveries
11. Hours – construction and development works
12. Travel plan to be agreed
13. Construction Management Plan

Application No. AWDM/1206/18	
Site:	69B Grand Avenue, Worthing
Proposal:	Change of use from residential dwelling (Use Class C3) to nursery (Use Class D1) open from 0700 to 1800 Monday to Friday for up to 55 Children. Alterations to form new door in south side of dwelling, alterations to existing garage including new door to south elevation and raising roof to make level, and new entrance gate in southern boundary for access to existing nursery at 69/69A Grand Avenue. Infilling of existing redundant swimming pool at 69/69A and re-surfacing to form hard play area and erection of new acoustic fencing in conjunction with new garden management plan as an amendment to AWDM/0374/15.

The Head of Planning and Development briefly outlined the application and began his presentation by showing Members an aerial photograph of the site, photographs and a site layout plan for their consideration.

The Officer advised the main concerns expressed related to noise disturbance and the potential impact the increased number of children and the use of the outside space around 69B Grand Avenue and the infilled swimming pool area could have on neighbouring residential buildings. The Environmental Health Officer had recommended a cautious approach to the new play areas seeking to resist the use of the rear garden of 69B and to have a revised Garden Management Plan to be reviewed in a year's time should the application be accepted. The Officer highlighted the extensive number of conditions to be met at the conclusion of the report.

Members were advised the proposed development would provide a much needed community use within the local area it served.

The Highway Authority raised no objection to the increase in the number of children attending the nursery, and the Officer stated an additional parking survey had been carried out in the surrounding roads which had indicated that despite concerns raised by third parties, there was capacity for the additional 55 children. The submitted Green Travel Policy included measures in place to encourage and promote alternative modes of travel than by car.

The Officer's recommendation was for approval.

One Member raised a query on the report in connection with the outdoor play area and the Officer agreed that condition 10 could be amended to state wet pour surfacing be used which was felt to be a safer and less noisy option.

There were further representations from:-

Objector: Michael Cahill-Jones
Ward Councillor: Councillor Edward Crouch
Objectors: Nicola Law
Julia Pattenden
Matthew Moulding

A Member sympathised with the neighbour who had spoken in objection and, felt that should the proposal be accepted, condition 15, the hours of use of the outside areas, be amended to restrict the use from 10am to 4pm.

Another Member requested condition 9 be amended to ensure the applicants maintained the acoustic fencing, and for the amendment of condition 5 to include feedback from residents after one year of implementation should the proposal be granted.

Members discussed the application further, with the majority inclined to support the application as they felt the business appeared well run and that the proposed development would provide a much needed community use within the local area. However, their support was on the proviso that the suggested amended conditions be agreed and enforced.

Decision

That planning permission be **APPROVED**, subject to the amendment of condition 5 to include the provision of feedback from residents after 1 year of implementation; condition 9 to ensure acoustic fencing be maintained, condition 10 to include wet pour surfacing; condition 15 to restrict the hours from 10am until 4pm, and the following conditions:-

1. Standard 3yr time limit
2. Approved plans
3. The use hereby permitted shall not commence unless and until the section of front boundary wall infilling the former southern vehicle access at 69/69A has been constructed in accordance with architectural details at a scale of not less than 1:20, and samples of exterior materials and finishes, including a panel of flint work, that has been submitted to and approved in writing by the local planning authority
4. The submitted Green Travel Policy shall be implemented and arrangements for monitoring and effective enforcement with any necessary new measures or interventions implemented accordingly
5. The use hereby permitted shall not commence unless and until an updated Garden Management Plan has been submitted to and approved in writing by the local planning authority which shall include a site plan showing the layout of the different play zones and times of use. The approved Plan shall thereafter be implemented in full accordance with a timetable to be approved as part of the Plan. The Plan shall also include arrangements for monitoring with a review to be submitted to the LPA for approval after 1 year of implementation plus measures for effective enforcement with any necessary new measures or interventions

- implemented accordingly and include the provision of feedback from residents after 1 year of implementation.
6. At no time shall the outside area (at 69/69A and 69B together) be used by more than 48 children at any one time.
 7. The use hereby permitted shall not commence until such time as the additional cycle and buggy storage has been provided on the site in accordance with details to be submitted to and approved by the Local Planning Authority. The cycle and buggy storage shall be retained and available for use at all times thereafter.
 8. The conservatory doors and windows at 69B shall be kept closed at all times the nursery is in use.
 9. The use hereby permitted shall not commence unless and until details of the height, construction and siting of the proposed additional acoustic fencing (including that erected alongside the boundary with 24 Mill Road) has been submitted to and approved in writing by the Local Planning Authority. The acoustic fencing to be maintained.
 10. The use hereby permitted shall not commence until such time as the play area (wet pour surfacing to be included) on the approved plan has been formed and the acoustic fencing agreed under condition 9 of this permission erected. The acoustic fencing shall thereafter be maintained in good condition.
 11. The vehicular accesses and parking at the site 69/69A and 69B shall only be used by staff and for service deliveries.
 12. Other than to service staff arrival and departure and deliveries, a gate or barrier shall be kept in place at the vehicular access from 69/69A onto Grand Avenue in accordance with details to be submitted to and agreed by the Local Planning Authority. Other than to service staff arrival/departure and deliveries, the gates at the vehicle access to Grand Avenue from 69B shall be kept closed and locked at all times the nursery is open.
 13. The number of children attending the day nursery shall not exceed 80 at 69/69A and 55 at 69B (135 in total) at any time.
 14. No children attending the nursery shall arrive or depart other than between the hours of 7.30 am and 6.00 pm on the same day Monday to Friday.
 15. The outside areas shall not be used by children other than between the hours of 10.00am and 4.00pm on Monday to Friday
 16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used as a children's day nursery only and for no other purpose within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
 17. No use of the kitchen hereby permitted shall take place unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before any cooking is carried out in the kitchen and shall thereafter be maintained in accordance with the manufacturer's instructions.

The meeting was adjourned at 10pm and reconvened at 10.05pm.

Application No. AWDM/1691/18	
Site:	14 - 16 Bath Place, Worthing
Proposal:	Change of use from Shop (Class A1) to Tattoo Shop (Sui Generis).

The Planning Services Manager introduced the report and Members were shown an aerial photograph of the site, location and floor plans, and photographs. The application sought permission for a change of use from a retail shop (Class A1) to a tattoo shop (sui generis use).

After briefly outlining the application, the Officer referred Members to the conclusion of the report whereby it had stated it was an, on balance, recommendation in light of the current vacancy of the unit and the emerging Government desire to increase flexibility in town centres. However, Officers felt the proposal failed to comply with Policy 6 of the Worthing Core Strategy and guidance contained within the NPPF and therefore had recommended refusal.

There was a further representation from Lisa Loveridge, the applicant.

Members considered the application and on hearing further substantive information from the applicant, including her vision for the window display, overturned the Officer's recommendation to refuse, subject to a condition requiring maintenance of the shop window display.

Decision

That planning permission be **GRANTED**, subject to a condition requiring maintenance of the window display.

Application No. AWDM/1780/18	
Site:	58 - 62 Portland Road Worthing West Sussex BN11 1QG
Proposal:	Change of use of former car sales building to mixed use of Use Class A3 (cafe) and Use Class A1 (retail) for the sale of sports equipment and sports drinks and use of existing forecourt parking as private pay and display car park for the public with 8 parking spaces.

As it was close to the four hours after the commencement of the meeting the Chairman adjourned the meeting to consider if the Committee wished to continue. A vote was taken and the Members unanimously agreed to consider the remaining items on the agenda.

At the November 2018 Planning Committee meeting an application for the Change of use from car sales to private pay and display car park for the public with 8 parking spaces had been requested. The Members of the Committee had resolved to refuse the application.

The Planning Services Manager advised there was nothing further to add to the report since publication. Members were shown an aerial photograph of the site, block plan, together with photographs and the Officer briefly outlined the application for Members' consideration.

There were further representations from:

Supporters: Nick Brewer
 Alan Steele

Members were pleased to receive and support the application for the whole site however, requested an additional condition to ensure parking could not be implemented in isolation from A1/A3 use.

Decision

That planning permission be **APPROVED**, subject to an additional condition to ensure parking could not be implemented in isolation from A1/A3 use and the following conditions:-

1. Approved Plans.
2. Standard time limit.

3. No part of the development shall be first occupied until the vehicle access, vehicle exit, parking layout, signage and meter have been constructed in accordance with the approved plan. The access, exit, parking and signage so provided shall thereafter be retained for their designated use.
4. No external lighting or floodlighting shall be installed except in accordance with details approved in writing by the Local Planning Authority.
5. No customer trade or business (including arrival, reception or dispatch of deliveries) for the A1 and A3 use shall take place on the premises outside the hours of:-

9.00 am and 6.00 pm of the same day, Monday to Saturday

9.00 am and 4.00 pm of the same day, Sundays or Public Holidays.

The premises shall be emptied of customers outside of these hours.

6. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the site except within the building or within enclosed storage areas shown on the approved drawings.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), the building shall not be extended or altered externally or any incidental building erected.
8. No primary cooking of food shall take place on the premises whatsoever. Only pre-cooked food shall be warmed and/or re-heated on the premises by means of a microwave oven, panini grill, jacket potato oven, soup kettle or other similar means of warming or re-heating pre-cooked food, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of such use of the premises.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.
10. Parking not to be implemented in isolation from A1/A3 use.

Application No. AWDM/0131/19	
Site:	The Downview, Downview Road, Worthing
Proposal:	Non-Material Amendment to planning permission AWDM/1834/17 including new rooflight to east elevation, omission of rooflights and some windows to west elevation, lower pitch to roof of function room and other minor amendments to dormer windows and fenestration on south elevation.

Members were shown an aerial photograph of the site and the Planning Services Manager briefly outlined the application for Members' consideration.

Decision

That the non-material amendments in accordance with the application and accompanying plans be **APPROVED**.

For the avoidance of doubt these plans comprise:-

Drawing number (08) 01 rev A – Existing Plans and Elevations
Drawing number (08) 02 rev A – Proposed Floor Plans
Drawing number (08) 03 rev B – Proposed Elevations

Existing planning permission AWDM/1834/17 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Numbers:

03 Rev D Proposed LGF and GF Plans (where it relates to the ground floor only)
04 Rev C Proposed 1st and 2nd floor plans
07 Rev A Elevation – Downview Road
08 Rev B Elevations to Station Parade
09 Rev A Rear Elevations
10 Rev A Western Elevation