

Minutes of a meeting of the
Worthing Planning Committee
18 April 2018
at 6.30 pm

Councillor Paul Yallop (Chairman)
Councillor Vicky Vaughan (Vice-Chairman)

Councillor Noel Atkins
Councillor Joshua High
Councillor Paul Westover

Councillor Paul Baker
Councillor Hazel Thorpe
Councillor Steve Wills

** Absent

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

The Chairman commented the Planning Committee meeting was the last held in the municipal year, and thanked the Members for their support throughout the year. Councillor Vicky Vaughan had chosen not to stand next year and Councillor Paul Baker would be busy carrying out Mayoral duties.

WBC-PC/066/17-18 Substitute Members

There were no substitute Members.

WBC-PC/067/17-18 Declarations of Interest

Councillor Steve Wills declared an interest in Item 5.1, AWDM/0144/18, as a paid Director of Worthing Homes and elected to leave the room for the item of business.

Councillor Paul Westover declared an interest in Item 5.3, AWDM/0097/18, Item 7(a) AWEN/0132/15 and Item 7(b) AWEN/0303/17, but came to the Committee with an open mind.

Councillor Noel Atkins declared an interest in Item 5.1, AWDM/0144/18, as a former Director of Worthing Homes, but came to the meeting with an open mind.

Councillor Hazel Thorpe declared an interest in Item 5.1, AWDM/0144/18, as Tarring Ward Councillor, but had not predetermined her decision.

WBC-PC/068/17-18 Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 14 March 2018 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/069/17-18 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/070/17-18 Planning Applications

The planning applications were considered, see attached appendix.

WBC-PC/071/17-18 Public Question Time

There were no questions raised under Public Question Time.

**WBC-PC/072/17-18 Enforcement Report - Panacea Medical Practice,
7a Shelley Road, Worthing**

The Head of Planning and Development presented the comprehensive report and began by referring to the addendum which had been circulated to Members prior to the meeting.

Members were advised the matter was considered in October last year, with a lengthy discussion and representations made from the concerned resident in connection with the laying of hardstanding at Panacea Medical Practice.

The Officer ran through the background of the case for Members and were shown photographs of the site to assist in their consideration of the matter.

Members were reminded that at the last meeting the Committee had expressed concern about the car park; its impact on the neighbour and the fact that there had been no planning application to regularise the use for an extended car park. A discussion had been held around how to remedy the harm to the neighbouring property and the scope to under enforce to address the harm to amenity.

Further discussions were held with the Medical Practice in an effort to address some of the concerns in order to mitigate harm caused to the neighbour on the boundary of the site.

The Officer stated the Committee had to consider the needs of the business with the impact on neighbouring residents and whether under enforcement might address the harm.

The Head of Planning and Development outlined the contents of the revised draft Enforcement Notice and revised recommendation. Following the presentation, some Members raised questions for clarification by the Officer and these were answered in turn.

There were further representations from:

- Fleur Kreeel
- Nicole Kreeel
- Jim Deen
- Graham Beaver

Following discussion, the Members agreed the way forward as suggested by Officers, together with the revised recommendation.

Decision

The Planning Committee **AGREED** to authorise the service of an Enforcement Notice to remedy the breach of planning control as set out in the attached draft Enforcement Notice, within the addendum. The precise wording of the Notice to be delegated to the Head of Planning and Development in consultation with the Head of Legal Services.

The Chairman thanked the Vice-Chair, Cllr Vicky Vaughan, for her work throughout her time on the Committee and invited her to present the last item on the agenda and close the meeting.

WBC-PC/073/17-18 Enforcement Report - 7 Blackbird Lane, Worthing

The Planning Services Manager advised he had nothing further to add to the report apart from a letter recently received from the complainant. The Officer read out the letter for the Committee's information:-

To Members of the Planning Committee,

Please accept my apologies for my lack of attendance to personally present the content of this statement; I am currently on holiday with my family which was already booked before I was aware of this meeting.

When my wife and I were looking for a new home for our growing family we already lived on Yeoman Chase and really liked the development so we wanted to stay there if we could. We found our current plot on the site and were drawn to it because of its outlook from the rear and its planned view of the estates play area and green space from the front. With a baby on the way at the time this made the home very appealing and future proof as we would in years to come be able to let our little boy play in the park with his friends and be able to keep an eye on him from our living room.

Before we moved in we noticed that 7 Blackbird Lane had erected a six foot fence around the front garden which was contrary to planning, we spoke to the sales team and were informed that the homeowner who has since sold the property had been spoken to because Bloor were due to put low level planting around the garden as per the approved plans but the owner had refused. We were told by the Bloor Homes sales team that we were correct that the fence should not have been erected but that Trinity (the management company for the estate) would be responsible for removal of the fence as that phase of the development had already been handed over to them.

After moving into our home it became clear that Trinity were not going to deal with the removal of this fence and that they were planning to leave it unchallenged, we were advised by them to contact the Planning Enforcement team with regard to having the fence removed.

In Reference to Bloor Homes comments (section 1.12) the “something must therefore have changed” was that the home I live in and the one next door to me were built and became occupied, prior to us moving in to the property at the end of June 2017 no particular person was affected by this fence. We allowed some time for Trinity to deal with this issue and liaised with them over it prior to reporting this to the Planning Enforcement Team within 4 months of moving into the property.

The presence of this fence is very frustrating and not the outlook that we believed we were getting when we purchased our home based on the approved site plans and assurances we had received. I fail to see why a front garden requires an unsightly six foot fence when low level planting would be far more attractive and do the same job.

I appreciate that the owners of 7 Blackbird Lane have purchased the property and associated land in good faith and I fully understand and support their desire to create a physical boundary around their property to prevent access. Whilst I have no issue or concern regarding the land not being ‘public open space’, I must agree though with the Enforcement Report’s recommendation for the removal of the fence and planting of hedging, it is pertinent to add that in order to reflect the comments in section 2.2 that this should be low level hedging to retain a view to the green space and play area.

Thank you for taking the time to listen to these comments.

The Officer advised Members it was an unusual case for their consideration, and to clarify, began his presentation by showing an aerial view of the site and a number of photographs of the street scene. There were also various documents in relation to the matter, which included the section 106 Legal Agreement and Landscape Masterplan.

The Officer updated Members on the current situation, and stated it was an unfortunate situation for the owner of the property which had been running for some time.

The Officer referred Members to the recommendation as printed within the report - *That the Committee authorises enforcement action to remedy the breach of planning control with the file based to Legal Services to review and consider enforcement proceedings. This could entail the removal of the fence to ensure that the character of the area is maintained but if Members felt it appropriate for the area of land in question to remain within the ownership of 7 Blackbird Lane, then any Enforcement Notice could specify, for example the necessity to plant hedging to prevent public access to the land in question.*

There were further representations from: The property owner
 Ward Councillor Sean McDonald

The Committee considered the comments made by both speakers, and felt it was an unfair situation for the current owner, who had bought the property in good faith. There had been only one complainant and Members felt Bloor Homes had not been helpful in resolving the issues.

The Committee agreed there had been no severe harm, felt no enforcement action should be taken however, agreed the Management Company should be contacted to investigate the possibility of softening a section of the fence with planting.

Decision

The Committee overturned the Officer's recommendation to authorise enforcement action to remedy the breach of planning control.

There would be no enforcement taken in respect of the fence/loss of public open space.

The Management Company would be contacted to request planting in front of the fence towards Skylark Rise and the developer contacted regarding the need for a possible Deed of Variation to the original section 106 Legal Agreement so that it reflects the current situation.

The meeting ended at 09:50 pm

Application Number: AWDM/0144/18	
Site:	Church House, Church Road, Worthing
Proposal:	Retention and conversion of existing coach house and stables to provide 1 no. affordable residential unit and refuse and cycle store. Demolition of existing two-storey residential building and re-development to provide 13 no. affordable residential units with associated parking, landscaping and retention and improvement of existing access.

Councillor Steve Wills left the room for the item at 6.40pm.

The Planning Services Manager advised there was nothing further to add to the report and referred Members to the addendum circulated following despatch of the papers.

The Officer summarised the contents of the addendum for the Committee which updated Members on the waste/recycling collection and storage arrangements. On balance, the applicant's proposed arrangement was accepted but if proved impracticable, there would be a workable alternative.

Members were shown an aerial view of the site, together with a number of photographs which included views from within the site, its relationship with neighbouring properties, and the access lane. The Committee were also shown a location site plan, existing and proposed site plans and proposed elevations.

The Officer concluded his presentation by showing Members the tracking diagram which was part of the planning application, and advised that although vehicle turning was tight, Officers felt was adequate.

For the reasons set out in the report, together with the addendum, the Officer's recommendation was to grant permission.

Following the presentation, some Members raised questions for clarification by the Officer and these were answered in turn.

There was a further representation from a supporter: Ben Daines

The Committee Members considered the application and unanimously agreed the scheme appeared to make effective use of the site; the dwelling mix and design

appeared appropriate and would enhance the character of the West Tarring Conservation Area.

Decision

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

1. Implement within 3 years
2. Build in accordance with approved drawings.
3. No new windows in the east or south elevation of the store or upper floors or roof and units 8, 9, 12, 13 and 14.
4. Obscure glaze and fix shut east elevation windows in coach house/garages.
5. Agree and implement construction and demolition method statement, prior to works commencing.
6. Restrict construction and demolition works to 8am to 6pm Monday to Friday.
7. Agree external materials, hard landscaping, including courtyard/parking area/turning head, boundary treatment facilities, and soft landscaping and tree protection including replacement and supplementary planting (including laurel bush) prior to occupation and provide prior to occupation and retain and replace.
8. Agree and provide scheme to upgrade safety along service road including pedestrian waiting areas and bollard lighting and provide prior to occupation and retain.
9. Remove Permitted Development rights for extensions, outbuildings, and new windows and alterations.
10. Provide and retain parking and turning areas.
11. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
12. Prior to the commencement of development or any preparatory works an ecological enhancement scheme shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statements and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.
13. Agree details of the proposed means of foul sewerage disposal and provide The surface water disposal methodology should be in accordance with the proposals contained in the CampbellReith FRA.
14. The dwellings hereby approved shall not be used for any purpose other than affordable rent housing within the meaning set out in the National Planning Policy Framework.
15. This permission is personal to Worthing Homes.
16. Agree and provide domestic waste/recycling storage and collection arrangements and retain.

Application Number: AWDM/1465/17	
Site:	Tasman Way, Worthing
Proposal:	Erection of building for mixed use including a community centre with cafe and sports hall with changing facilities and frontage parking (land north of 12-20 Hobart Close).

Councillor Steve Wills returned to the meeting at 7.05pm.

The Head of Planning and Development presented the report and began by showing Members an aerial view of the site. The Officer advised that outline planning permission had been granted in 2012 and had included the requirement for community facilities for the development. The application sought full permission for a mixed community and sports-use building and car park to fulfill the obligations of the legal agreement.

The Committee were shown a site plan to assist in their consideration of the application, and were advised there had been extensive consultation with the Highway Authority regarding access. Agreement had been reached that vehicular access to the proposed community centre car park would be from a restricted access road, via one of the two entrances. However, final comments from the Highway Authority and the Council's Waste Manager on access and parking arrangements were still awaited.

The Officer referred to the design of the building, and stated the Officers had worked with the applicants to try and provide a contemporary and attractive building, which he felt had been achieved. He further commented that the intention had always been for the community centre to cater for youngsters and teenagers, unlike other centres within the area.

The Head of Planning and Development referred to the concerns raised by the two objecting residents, but felt those matters had been addressed by Officers in consultation with the applicants.

The Officer referred to conversations with the applicants regarding the ability to provide a slightly larger toilet facility to accommodate a Changing Places Toilet. He advised there were significant costs involved for any community group taking on the work, but the scheme had built provision for such a facility to be provided in the future.

The Officer stated the recommendation was for approval, as stated at the end of the report, and advised he was happy to answer any queries from the Committee Members.

A Member commented she was pleased to see the application for a community centre had come to fruition; that the use would be focussed on the youth of Worthing and the possibility of a Changing Places Toilet being installed. She queried whether the toilets would be unisex, as in some public buildings. The Officer clarified the toilets would be separate, male and female.

Another Member suggested the Council adopt a Policy to ensure a Changing Places Toilet be supplied in all public buildings. The Head of Planning and Development understood the benefits such a provision would bring to the community however, there were issues regarding ongoing costs. However, in this case, the developer has amended the application to ensure that the toilets were big enough to be converted in the future to a changing places toilet.

There were no further representations.

Following a brief discussion, all Committee Members were happy to support and approve the planning application.

Decision

That the planning application be **APPROVED**, subject to the satisfactory final comments of the Highway Authority and the Council's Waste Manager on the access and parking arrangements, and subject to conditions:-

1. Approved plans
2. Standard time limit
3. Materials and external finishes (including windows, doors, rainwater goods, solar shades etc.) to be agreed
4. Accesses, car parking and turning provision to be completed prior to commencement of use of the building.
5. Details of retractable bollards within car park to be agreed, implemented and thereafter maintained in good working condition.
6. Details of cycle parking to be agreed and provided prior to commencement of use of the building.
7. Prior to the commencement of development a scheme for attenuating all external fixed plant which 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 shall be submitted to and approved in writing by the local planning authority. Within 1 month of implementation a test to demonstrate compliance with the approved attenuation scheme shall be undertaken and the results submitted for approval in writing by the Local Planning Authority.
8. No external lighting within car park or other external areas of the building other than in accordance with details to be submitted and agreed prior to commencement of use of the building to be agreed.
9. Details of surfacing of car park, footpaths and other external areas to be agreed.
10. Agree hard and soft landscaping scheme
11. No boundary walls, fencing, gates or other means of enclosure

12. Hours of use restricted to between 08.00 to 23.00hrs on Monday to Saturday and between 09.00 to 22.00hrs on Sundays, Bank and Public Holidays

13. The level of noise emitted from the site shall not exceed 50dB LAeq 5mins at any boundary of the site. All doors and windows shall be kept closed when amplified music is played. No recorded or live music shall be played outside of the building.

14. The café hereby permitted shall not be carried on 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 (see attached guide). The ventilation and extraction system should be appropriate for the type of food produced. The equipment approved under this condition shall be installed before the café hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

15. Precautionary contamination

16. Hours of construction

Application Number: AWDM/0097/18	
Site:	31A Marine Parade, Worthing
Proposal:	Provision of external seating area at front of premises consisting of 8 tables and 32 chairs together with 7 no. removable barriers/windbreaks.

The Head of Planning and Development began his presentation by showing Members an aerial photograph to identify the area of pavement which the application related to. Permission was being sought for the placing of 8 tables and 32 chairs on the existing narrow section of private forecourt and extending onto the adjacent public footway for use as an external eating/drinking area.

Photographs of the commercial business, 'The Cow Shed', were shown to the Members, with the Officer identifying the restaurant that occupied the ground-floor building on the seafront, opposite the Pier, and the residential flats on the upper floors, comprising 1-12 'Seaspray'.

Members were shown the proposed plan for the proposal of 8 tables and chairs to be situated immediately in front of the glazed frontage of the restaurant, and referred them to the recommendation at the end of the report which was, unusually, to make a decision contrary to the advice of the Highway Authority.

The Highway Authority had been concerned there would be the potential the tables and chairs would push pedestrians out towards the road and that their preference would be for the proposed tables and chairs to be placed on the cambered section of built out pavement, leaving the flat section free for pedestrian use. However, Officers considered a sufficient width of pavement would be retained for pedestrian use and more than adequate to allow safe passage, notwithstanding the slight camber.

The Committee were advised there had been a lack of enforcement generally in respect of the control of tables, chair and sign boards etc on the highways within the town centre which had impacted on those less mobile and visually impaired. He advised this had been partly due to a lack of resources for the County Council to enforce. The Officer referred to the pilot scheme in operation between the Borough Council and County Council whereby the Council would take responsibility for issuing licences for tables and chairs along the pedestrianised area of Warwick Street. The intention was to roll out the pilot scheme throughout the town centre but this was subject to a review.

The Officer commented on the representations received from 'Seaspray', as detailed within the report, and stated that Officers had sought to address their concerns. Members were further advised permission would be temporary for 18 months.

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

There were further representations from as a further representations from:

Objectors: Andrew Poole
Patricia Poole
Supporter: Sarah Christian

The Committee considered the application at length and supported the principle of outdoor eating and drinking in the seafront location, which was in-keeping with the Council's Seafront Strategy. However, some Members were concerned with the slight camber on the paved area, particularly for those members of the public who were wheelchair bound. One Member suggested a consultation with the Access and Mobility Group for their comments to be taken into consideration.

In conclusion, the Committee agreed the application be delegated for approval to seek the views of the Access and Mobility Forum however, should no objections be received, the decision would be issued, but requested they be informed of comments made. Should any objection be raised, they requested the report be brought back to Committee. The Members also requested an additional condition to prevent any smoking within the designated seating area.

Decision

That the planning application be delegated for **APPROVAL**, to seek the views of the Access Forum. If no objections from the Forum are received, then the decision would be issued, with the Committee being informed of the comments. However, should an objection be raised, the application would be brought back to Committee. Any permission would be subject to an additional condition to prevent smoking within the designated seating area, and the following conditions:-

1. Temporary period permission for 18 months
2. Approved plans
3. No more than 8 tables, 32 chairs and 7 barriers shall be in place on the private forecourt and adjacent public highway in front of the premises at any one time.
4. The tables, chairs and barriers hereby approved shall only be used between the hours of 0900 and 2100 on any day.

5. The tables, chairs and barriers hereby approved shall be cleared away and stored inside the premises, or such alternative secure location as may be agreed outside the hours specified in condition 4.
6. No permanent fixings, umbrellas, planters, windbreaks or other ancillary structures shall be installed or placed on the private forecourt or public footway other than as shown on the approved drawing and set out in condition 3 above.
7. The tables, chairs and windbreaks hereby approved shall only be used in connection with the ground-floor restaurant/café/bar at Unit 1, Marine Parade only and no other purpose.
8. The tables and chairs hereby permitted shall be contained at all times within the area defined by the windbreaks or barriers as shown on the approved plan.
9. No smoking permitted within the designated seating area.

Application Number: AWDM/0036/18	
Site:	Avalon Guest House, 8 Windsor Road, Worthing
Proposal:	Conversion of existing bed and breakfast into one family home.

The Planning Services Manager advised there was nothing further to add to the report and therefore began his presentation by showing Members an aerial view of the site, together with photographs of the premises and street scene.

The Officer stated the application had been subject to consultation with the Council's Tourism Officer, and that the recommendation was for approval.

There was a further representation from Matthew Flint-Ely.

Some Members raised questions with the registered speaker for clarity.

Following a brief debate, the Members concluded the business had become unviable due to the change in the market, and therefore agreed the Officer's recommendation to grant permission.

Decision

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Works to conform to approved drawings
3. Remove Permitted Development rights