



WORTHING BOROUGH COUNCIL

4 July 2023

Worthing Planning Committee	
Date:	12 July 2023
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Andy Whight (Chair), Ödül Bozkurt (Vice-Chair), Helen Abrahams, Noel Atkins, Russ Cochran, Dan Coxhill, Sophie Cox and Samuel Theodoridi

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before **midday on Tuesday 11 July 2023**.

Agenda

Part A

7. **Planning Applications** (Pages 3 - 14)

To consider the reports by the Director for Place, attached as Item 7.

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 katy.mcmullan@adur-worthing.gov.uk	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Addendum

Application Number:	AWDM/2026/26	Recommendation - APPROVE subject to the completion of a legal agreement securing contributions towards air quality mitigation and sustainable travel.
Site:	Unit 2 To 3, Downlands Retail Park, Lyons Way, Worthing, West Sussex	
Proposal:	External alterations, amalgamation and refurbishment of existing Units 2 & 3, including associated works to the car park including new trolley bay and servicing areas and widening of use to enable the sale of food and drinks, and associated non-food goods from the Unit.	
Applicant:	Worthing Retail Limited	Ward: Offington
Agent:	Montagu Evans	
Case Officer:	Neil Holdsworth	

Additional Consultation Responses

West Sussex Highway Authority comments that,

“Lyons Way Pedestrian Improvements 04.07.2023

Further to WSCC highways comments dated 22nd February 2023, we have consulted our highway boundary maps and there should be a 2m width footway on the western side of Lyons Way. WSCC are satisfied this can be resolved by cutting back the overgrown vegetation.

WSCC would also like to see the applicant undertake a review of the existing pedestrian and cycling routes and ‘desire’ lines in the local area to ensure there are safe, continuous and accessible routes for pedestrians and cyclists, to the proposed development. This will help ensure that there are viable and alternative means to travelling to the site other than via car.

The aim for improvements should be to encourage walking and cycling to, from the development and between retail areas which are direct, clear, useable, and attractive routes which can be used by everyone to discourage using the car for short journeys.

Consideration should be given, but not limited to: -

- *Pedestrian routes between the three main retail areas of Sainsburys, Lidl's, and Boots. So that pedestrian trips can be made between each unit of the wider retail park.*
- *Enable safer routes to the retail area to encourage sustainable travel by improving existing footways and crossing points within a reasonable walking distance from the site. Such improvements could include, but not be limited to, the provision of pedestrian crossing points, implement missing sections of footway and dropped kerb and tactile paving.*
- *All the above should be focused on pedestrians, cyclists, and the visually and mobility impaired.*

We have considered guidance in the government document 'Planning for Walking' April 2015. Within this guidance it states, '80 percent of journeys shorter than 1 mile are made wholly on foot – something that has changed little in thirty years.' Therefore, we would recommend the wider area of at least 500m walking distance is audited.

WSSCC are of the view that given the right walking conditions and infrastructure short journeys using the local footway network to the retail store should be achievable. “

West Sussex Fire and Rescue

“I have taken a look at the design and access statement for the External alterations, amalgamation and refurbishment of existing Units 2 & 3, including associated works to the car park; we have sufficient fire hydrants surrounding this site, as shown by the screenshot below of our operational mapping. The access also looks to be ok, so the B5 requirements for the alterations to the site.”

Additional Supporting Information

Following the further comments from WSSCC Highways and after reviewing the Committee report the applicants agent has stated that,

Based on work carried out by our client's technical team, we would make the following suggestions:

1. *Our client's transport consultants have drawn up a scheme which shows how an extra southbound lane can be introduced on Lyons Way within the existing highway. Our transport consultants have advised that these can be delivered by “burning off” the existing white lines and adding the new lines, chevrons, directional markings, etc. There is no need to change the pavement/kerb lines.*
2. *The introduction of zebra crossing over Sainsbury's access and one over Lyons Way. Our transport consultant has advised that neither are required given the existing facilities at these locations and the level of traffic flows*

(particularly on Lyons Way), but that in isolation or together will deliver improvements for potential linked trips.

3. As you know, our clients are the freeholders of this stretch of Lyons Way. They are prepared to safeguard land on the eastern side to the edge of their “operational boundary” for future transport improvements. The exact boundary will need to be agreed but in any event a) the existing level of car parking must be retained, b) the existing site access arrangements must be retained and c) any retaining structures designed to the owners agreement.

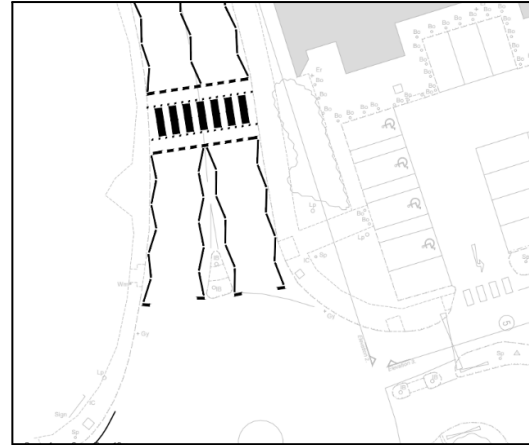
We also note the comments regarding improved signage to link the existing retail facilities at this location. Our clients are prepared to use reasonable endeavours to deliver improved signage but as you are aware this will require the agreement of third parties.

As discussed, our clients are prepared to make a financial contribution to the delivery by the Council/WSCC of the above to a maximum level of £75,000 (in total). We are advised that this is sufficient to deliver 1) (provided that the roadway does not need to be resurfaced) and at least one of the pedestrian crossings at 2) in full. Any further/additional financial contribution to transport improvements will render the proposed scheme unviable.

We are assuming that the proposed S106 covering air quality contributions will be expanded to include the £75,000 contribution. If the monies are not spent by the Council/WSCC within the agreed period for the aforementioned improvements, it will be returned to the applicants.

The suggested improvements are shown below:





Updated Planning Assessment

The comments of concern about the wider accessibility of the site raised by WSCC were only submitted when Officers raised the issue about the poor connectivity between Retail Parks. Neither National Highways or WSCC has raised issues of increased congestion at the Lyons Way and A27 junction, but as set out in the report these are matters of concern to your Officers.

The response from the applicants has been positive and the offer of a financial contribution of up to £75k to secure both junction and pedestrian improvements is significant. Whilst the only improvement to connectivity between sites is one of the two crossing points shown above, the applicant has also agreed to use their best endeavours to secure agreement with the other Retail Parks to improve signage and reduce landscaping to make pedestrian links more prominent. This would help to ensure that linked trips can be made by foot reducing unnecessary car journeys between the Retail Parks.

The proposed improvement to the junction can be achieved within the existing highway and would reduce queueing and help improve air quality. For this to be implemented it would need agreement between the two highway authorities but it would help to reduce queue lengths by providing a longer slip lane onto the A27 for eastbound traffic. Your Officers have also discussed the scope to dedicate an extra area of land as public highway to enable the existing slip road to be extended, if required in the future, and this can be secured in the planning obligation securing the financial contributions.

Officers consider that the measures now proposed represent a significant improvement in terms of the highways issues surrounding the site. They respond to feedback from the Local Highway Authority and address the criticisms set out in the parts of the report entitled “Impact on the Strategic and Local Road Network” and “Pedestrian and public transport access.”

A number of minor changes have been made to the suggested planning conditions following feedback from the applicant and an additional informative has been added.

Planning Conditions, Informatives and S106 Heads of Terms

Minor changes have been made to conditions 8 and 10 in the interest of accuracy but they do not change the effect of the condition. Condition 5 has been amended to provide that 'up to 20%' of the premises shall be used for comparison retail rather than a range of 15% -25% as previously proposed. This is to bring the wording of the condition in line with the description of the proposed use set out in the planning and retail statement.

An additional informative (No.5) has been added to make clear that, in the Council's view, the restriction set out in condition 4 that limits the uses to those within class E (a) of the relevant part of the Use Class Order does not prevent the sale of hot food from an on-site bakery, for consumption off the premises.

Revised list of Conditions

1. The development hereby approved shall commence within 3 years from the date of this planning permission.

Reason: To comply with legislation relating to commencement of development.

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

Reason: For the avoidance of doubt and to facilitate the option of future amendments to the planning permission.

3. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority (who shall consult National Highways). The CEMP must include the proposed construction phase mitigation in the approved air quality impact assessment.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

4. The Use hereby approved shall be limited to class E , Part A, Schedule 2, paragraph a) of the Town and Country (Use Classes) (Amendment) (England)

Regulations 2020. Namely, for the display or retail sale of goods, other than hot food, principally to visiting members of the public. No other uses, including those in class E or any other part of the Use Classes Order shall take place on the premises at any time without the grant of planning permission by the Local Planning Authority. This is notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other order that may be enacted in its place in the future.

Reason: The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

5. Up to 20% of the floor area of the shop floor area that is accessible to the general public shall be used for the sale of comparison goods.

Reason: The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

6. Any food and drink sold on the premises hereby approved shall be consumed off the premises.

Reason: The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

8. No part of the retail store hereby approved shall be first occupied until such time as until a Servicing Management Plan for has been submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason – to safeguard the operation of the public highway.

9. Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

10. The development hereby approved shall not be brought into use until such point as the parking layout, as shown on plan number 2227-02-P09-A;, has been laid out in full.

Reason: To provide satisfactory parking arrangements for future users of the proposed development.

11. No part of the development hereby permitted shall be occupied until a lighting framework has been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). The lighting framework shall include details of the impact of lighting on driver safety on the A27 trunk road. The development shall thereafter be undertaken in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To ensure that any proposed lighting will not have an adverse impact on driver safety on the A27 Trunk Road and that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

12. The development hereby approved shall not be brought into use until the measures set out in the sustainability statement (including air source heat pumps and PV panels) have been implemented in full and once installed these features shall be retained for the lifetime of the development.

Reason: In the interests of sustainability and to help address the climate emergency.

13. The development hereby approved shall not be brought in to use until further details of a programme of ecological and landscape enhancements to the wider retail park, based on the details set out in the design and access statement, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved detail.

Reason: In the interests of sustainability and to help address the climate emergency.

14. The development hereby approved shall not be brought into use until the acoustic enclosure to the plant at the rear of the site has been constructed in accordance with the specifications set out in the approved plans. Once it has been built it shall be retained for the lifetime of the development.

Reason: To provide a satisfactory standard of development and to ensure that adjacent premises are not adversely affected by noise

Informatives

1. The Council have dealt with the application in a positive and proactive manner.
2. Your attention is drawn to the consultation response from Sussex Police. This directs you to the website at www.securedbydesign.com where the Secured by Design (SBD) Commercial Development 2015 Version 2 document can be found. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g., factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings. This document will be able to provide the applicant with in depth crime prevention advice pertinent to the design and layout.
3. Your attention is drawn to the consultation response from Southern Water which sets out information about water infrastructure in close proximity to the site. You are advised to liaise with Southern Water to determine the exact location of any relevant infrastructure that may be affected by the approved works prior to carrying out the development.
4. National Highways - The CEMP required under condition 3 shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
5. For the avoidance of doubt, the limitation relation to the sale of hot food as set out in condition 4 does not apply to hot food prepared in an on-site bakery sold for consumption off the premises.

Revised Recommendation

To APPROVE the application subject to the completion of a planning obligation to secure contributions to mitigate air quality (£30k), to enable improvements to pedestrian crossing points and alterations to the Lyons Way junction to ease congestion during peak times (up to the value of £75k) and to use reasonable endeavours to improve signage and the prominence of existing footway links between the existing Retail Parks.

Application Number:	AWDM/0711/22	Recommendation - APPROVE subject to the completion of a Planning Obligation including contributions towards off site affordable housing and open space provision.
Site:	Columbia House, 4 Romany Road, Worthing	
Proposal:	Erection of a new block to provide 78 residential dwellings with associated secure cycle storage provision, vehicle parking, bin storage and landscaping.	
Applicant:	Columbia House Development Limited	Ward: Northbrook
Agent:	Savills	
Case Officer:	Stephen Cantwell	

Additional Consultation Responses

Council's Viability Consultants (DSP)

Overall approach to viability assessment appears appropriate with the following differences of opinion:

- Likely higher sales values could be achieved
- Professional fees are £200,000 more than in the 2022 assessment.
- Financing could cost approximately 0.5% less
- A lower developer profit of 17% instead of 20% is reasonable

The resulting 'residual land value' of the peer review gives a deficit of -£870,111. This is better than the applicant's predicted £2.3m deficit, but is still unable to support provision of affordable housing, although NPPF expects the provision of 10% 'affordable home ownership' units.

Future construction cost rises may level off and demand (sales) appear to remain high in Worthing. Therefore a viability review could be undertaken at a later stage in the development.

Additional Representations

4 letters: Object

- Inadequate parking and road network for average of 2.1 cars per household
- Inadequate local school and doctor's surgery capacity
- Over-population of flats at Columbia House

- Unhappy at height and number of floors, which would greatly affect mine and other residents experience
- Proposal is too high and infrastructure inadequate
- No notice received of plans, residents of Whitebeam Road have only just heard of this (respondent does not give their address)

Applicant's Further Information:

Commercial Space:

The previously approved commercial spaces are not included in the current application, as they would further affect viability, negatively. The site is no longer in the Flood Risk Area where residential uses at the ground floor would have been precluded.

Fire Safety:

The worst-case scenario, hose-laying distance is 34m from the main outlet of the rising main (within the 45m limit required by the County Fire And Rescue Team). Fire rating information has also been provided for consideration by the Health & Safety Executive, whose final comments are due to follow.

Housing Mix

In the Housing Mix section of the officer report (repeated here), '*local residents*' means buyers from Worthing and the surrounding areas: postcodes: BN11, BN12, BN13, BN14, BN15, & BN16.

'He reports that 75% of sales were to first time buyers and 80% were *local residents* (the term 'local' is not defined). In his opinion this reflects the relative affordability of Columbia House, by comparison with other recent flatted developments in the town'.

Heating & Ventilation

The applicant confirms that a communal Air Source Heat Pump (ASHP) system will be used. Units will be located within the plant room on the ground floor and on the roof. (details of the roof plant have been requested to check for external impact.

Mechanical Ventilation and Heat Recovery is proposed for each apartment. Details would be secured via planning condition no 24

Balconies

Balconies to the rear of the building have now been correctly shown on amended drawings

Neighbour notifications

These were sent to over 40 residential and commercial addresses in Romany Road,

Shelley Road and Columbia Drive, northwards from Poplar Road and Faraday Close. Site notices were also posted along the site frontage.

Drainage.

Information concerning surface water drainage for high magnitude rainfall events is awaited and can be received and consulted with the Council's Drainage officer under delegated Authority

Recommendation - This is unchanged

