



WORTHING BOROUGH COUNCIL

19 December 2023

Worthing Planning Committee	
Date:	20 December 2023
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Ödül Bozkurt (Chair), Noel Atkins, Russ Cochran, Samuel Theodoridi, Rosey Whorlow, Cathy Glynn-Davies, Richard Nowak and Helen Abrahams (Vice-Chair)

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 noon on Tuesday 19 December 2023.

Agenda

Part A

7. **Planning Applications** (Pages 3 - 12)

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 REPORT

Application Number:	AWDM/0693/23	Recommendation - APPROVE: Delegate to the Head of Planning and Development to grant planning permission subject to completion of a satisfactory section 106 Agreement, Revised Development Framework Documents and responses from the drainage consultee.	
Site:	Land North of Beeches Avenue, Worthing		
Proposal:	Outline planning application for residential development of approximately 90 dwellings, associated car parking, open spaces and landscaping, with primary access from Lyons Way and approximately six of these dwellings accessed via Beeches Avenue and improved pedestrian footpath link to Charmandean Lane; also rationalisation of car parking provision at the existing football ground		
Applicant:	Hargreaves Residential Developments Ltd	Ward: Offington	
Agent:	Rob Huntley Planning Consultants		
Case Officer:	Stephen Cantwell		

Amended Plans and Additional Supporting Information

The Planning Agent has responded to the report and additional representations and comments as follows:

Traffic

Table 2 of the Committee Report unfortunately, and inadvertently, presents data that does not correctly summarise traffic movements associated with the proposed development. Although the data presented in Table 2 have been extracted from the agreed traffic model, the values laid out are not as the table heading suggests the “Comparative Predicted Peak Flows at Lyons Way/A27 Junction 2036”. They are a partial set of one of the traffic model statistics used within the model to forecast junction operation. The numbers listed in Table 2 cannot be used in a comparative measurable sense.

The applicants Transport Consultants, DTA, have prepared a replacement for Table 2 of the Committee Report, and this is attached below. Its content has been agreed by the Highway Authority who have confirmed:

“The LHA are satisfied that the table clearly shows the impact on Lyons Way to A27 in 2036 in the scenarios of both with and without this proposed development and that the total percentage traffic flows increase on Lyons Way of 13% in the AM and 2% in the PM is not considered to be ‘severe’ and

therefore the proposals accord with para. 111 of the National Planning Policy Framework.”

The right-hand column of the table shows the forecast percentage change in traffic levels heading in differing directions from Lyons Way at the A27 junction in 2036 based on the agreed model data. Base traffic levels are predictably higher in the evening peak – when traffic from the retail park is higher. The forecast increase in traffic leaving Lyons Way from the proposed residential development is 15 vehicles (one every 4 minutes) and represents about a 2% increase. In the morning peak, retail flows are lower, proposed residential flows are higher (43 vehicles) and the overall increase is around 13%.

The forecast modelling agreed with the highway authorities shows that the impact on the ground in both peaks is very limited.

Coach manoeuvring

In response to a suggestion that the proposed development could make manoeuvring more difficult for coaches attending at the Worthing United Football Club ground, further coach swept path analyses have been run by the applicant’s transport consultants. These confirm that coaches can reverse into an aisle, allowing drop off within the improved car park layout proposed, and then to exit in forward gear.

In this regard, the local highway authority has confirmed that;

“This demonstrates that a coach could drop off within the site if required, though as per my previous comments these matters could be refined at the reserved matters stage.”

Noise

A representation made on behalf of the freehold owner of the Downlands Business Park suggests that the proposed development could suffer from undue noise impact.

The distance from the nearest part of the application site where dwellings would be constructed is around 130 metres from the closest part of the Downlands Business Park. The reference to 30 metres in the representation is misleading as this represents the distance to the junction of the proposed access road with Lyons Way rather than the location of any proposed dwellings. Existing dwellings in Pines Avenue lie significantly closer to the Business Park than any dwellings that would be constructed on the application, and it does not appear that these experience undue noise impact. The prevailing noise climate of the application site is relatively quiet.

The Council’s Environmental Health service has confirmed that there is a low risk of dwellings at the site being subject to adverse noise impact. In such circumstances

the NPPF does not advise that a formal noise survey is an essential requirement prior to a grant of planning permission.

Compliance with the thermal insulation and air-tightness requirements of the mandatory Building Regulations will also ensure high standards of acoustic performance of proposed buildings at the site. Proposed condition 29 included in the report’s recommendation would, in any event, further ensure that no adverse noise impact would be experienced at the proposed development.

Parameter plans etc

The application seeks outline planning permission, with all matters except the details of the access from Lyons Way being reserved for subsequent approval. A substantial level of design detail has, nevertheless, been provided in support of the application. This includes a series of parameter plans, revised and updated versions of which have been prepared following extensive discussions with your officers. These are included in the Postscript at the end of the report.

Recommended condition 4 provides that the detailed proposals to be submitted at reserved matters stage should conform broadly with the submitted parameter plans and design guide. This will ensure that, at the reserved matters stage, a high-quality development would be able to be delivered, meeting the requirements of the adopted local plan.”

REPLACEMENT FOR TABLE 2 INCLUDED ON PAGE 30 OF THE REPORT

**Comparative Predicted Peak Traffic Flows
Leaving Lyons Way at the A27 Junction in 2036**

	Base Traffic (2036) incl Lidl traffic		Proposed Application Residential Development Traffic		Base Traffic incl Lidl Plus Proposed Application Traffic (2036)		% Traffic Change With Residential Development	
	AM	PM	AM	PM	AM	PM	AM	PM
Lyons Way to A27W	144	324	31	11	175	335	22%	3%

Lyons Way to Upper Brighton Road	30	76	0	0	30	76	0%	0%
Lyons Way to A27E	151	207	12	4	163	211	8%	2%
Lyons Way Combined	325	607	43	15	368	622	13%	2%

An addendum to the Energy Statement has been submitted stating that the site would substantially exceed the requirements of the Local Plan in terms of onsite renewable and carbon emissions reductions. This would be achieved by exploiting the south facing orientation of the site enabling the use of highly efficient solar energy and meeting current Building Regulations which significantly exceed the Local Plan requirements for reducing carbon emissions. In addition the applicant states that,

‘The new Regulations envisage electric systems, combined with renewable energy capture, being the principal enablers of the enhanced performance in energy and carbon emissions terms that they require. The use of air source heat pumps, together with high levels of thermal insulation and airtightness, would be a prime feature of the detailed design of development at the site pursuant to the outline planning permission.

The new Regulations also address more expressly any potential for overheating from excess thermal gain. The detailed design of south-facing facades within the development will therefore be required explicitly to address the potentially conflicting aspects of maximising renewable solar energy usage and managing unwanted solar heating.’

Additional Representations

A further letter of objection has been received from CBRE acting on behalf of the freehold owner of the Downlands Industrial Estate raising the following points:

- At its nearest point the site is only 30 metres away from the Industrial Estate where noise is generated from various occupiers operating on shift patterns through the night and weekends.
- Noise from these activities as well as heavy goods movements loading and unloading operations and the activity of Sainsburys has the potential to have a negative acoustic impact on residential development at the site.
- NPPF and the Council's own validation requirements seek noise assessments to be submitted with applications if close to existing sources of noise. It is not

considered that submitting these assessments at the Reserved Matters stage is acceptable and would be contrary to national guidance.

- The additional Transport Technical Note is welcomed and addresses a number of the technical concerns (it is strongly suggested that conditions should be imposed requiring a Travel Plan and Construction Management Plan).
- It is noted that the comments of the Local Lead Flood Authority (LLFA) are also awaited and given the scale of the development these comments should be received ahead of reaching any decision on the application.

A representation has also been received on behalf of **Worthing United Football Club** commenting that the ground is used for matches and training nights including the floodlights until 10.30 pm. Parking is often full with overspill parking taking place at Sainsburys and B&Q. However on matchdays the club expects 100 plus cars and 1/2 coaches and for training and 20 - 49 cars for training sessions. It is submitted that current parking is inadequate and the development leaves the club with less spaces. It is also submitted that one of our sponsors also uses the facility for the training of motorcycle riders generally 7 days per week during daylight hours.

A local Ward Councillor has submitted photographs of recent flooding into adjoining gardens from the site and suggesting that the application should not be determined until the comments of WSCC as the Local Lead Flood Authority (the photographs are attached to this addendum).

Additional Consultation Responses

Environmental Health: raises no objection to the findings of the air quality report and states that the proposals for EV charge points for all residential dwellings and the use of ASHP's over gas fired boilers is welcomed.

WSCC Highways has reviewed the comments from the Football Club and state that,

'In regard to the weekday movements from the football club, the below confirms that these are outside of the traditional highway network peak hours of 08:00-09:00 and 17:00-18:00. Whilst it may be useful to know the hours of other ad-hoc movements such as the motorcycle training, it is presumed these will also be spread throughout daylight hours and not concentrated to the traditional peak hours.

I note the comment re match days: 100+ cars and 1 or 2 coaches from visiting teams. Where will the coaches stop to drop off/pick up? This doesn't appear to be catered for within the site without potentially impacting movements from the residential development. Ideally the layby/pullover area within the site could address this.

Whilst there is car parking space for approx.. half the estimated cars on match day what will the arrangements be for the other cars? I note the comment re Sainsbury/B&Q car park being used as overspill but vehicles may still attempt to

enter the site and turn around before realising no parking is available. Whilst I appreciate this may be more of an operational issue for the football club and is an existing situation, with the proposed residential development now included there could be impact. I would not anticipate a severe highway safety impact however you might want to consider the potential of vehicles backing up and turning around within the site on residential amenity.'

WSCC Legal response to the lockable gate across Lyons Way:

'The yellow gate is there to enforce the existing traffic regulation order (TRO) prohibiting driving along the northern length of Lyons Way. When that TRO was proposed, an objection was received and only withdrawn following the completion of an agreement between the relevant parties. The agreement stated that the Council would, once written notice that a planning application had been made was received from the owner, *"give full and proper consideration to appropriate methods of enforcement of the traffic regulation orders such consideration to include alternative traffic orders and revocation of the traffic regulation order..."*.

I have made some enquiries, and confirmed that such a letter was received and responded to. The Council's Traffic Order Officer wrote back to confirm that it is standard practice to review any local TROs as part of the planning process, and inviting them to contact the Highway Manager if they have any queries in the meantime.

I should point out however, that whilst the application may state that the gate is being removed (and this does seem the most obvious answer), a decision has not yet been made as to the way forward to comply with the terms of the Agreement. Furthermore, any amendment, revocation or new TRO will need to go through a democratic process whereby it is advertised and objections considered, before it can be implemented. Having said that, I am hopeful that my colleagues will be able to put forward a solution which will be agreeable to all, in due course.'

Planning Assessment Update

The late representations received have prompted appropriate responses from the applicant and Consultees and these seek to address the additional comments received as set out above.

The additional concerns raised about parking and the impact on the local highway network has not changed the views of the Highway authorities that this development is acceptable and will not have a severe impact. These matters were tested at the Local Plan stage and similar conclusions were reached hence the site was allocated for development. The applicant has corrected the transport table in the report and has highlighted the National Highways conclusion that traffic movements generated by the development would not have a material increase in traffic and congestion at peak hours. There is one further correction in the report in that the monitoring fee should be £3,500 rather than the £1,500 stated.

The applicant has been keen to engage with Sainsburys to provide a footpath link and they are in discussions with Sainsburys to secure this off site improvement and this would be covered by the s106 agreement.

Regarding noise the Council's Environmental Health Officer does not consider that noise sources are close to the proposed housing and therefore is content with conditions requiring noise surveys and assessments to be undertaken at the Reserved Matters stage. The proposed housing is not much closer than existing housing at Pines Avenue and therefore your Officers accept the Agents view that a proportionate approach has to be taken to the need for detailed noise surveys at this outline stage of the application.

The one missing consultation response has been from WSCC as the Local Lead Flood Authority. This is disappointing as the application has been with the Council since May. Nevertheless, the site was allocated on the basis that there was no adverse flood risk identified in the Strategic Flood Risk Assessment and the applicant is committed to delivering a sustainable urban drainage system(SUDs) for the site. The photographs submitted do highlight some of the existing surface water issues even as a green field at periods of high rainfall and run off across the sloping site. However, the proposed developments and implementation of a SUD's would help to address some of these existing issues and a detailed drainage solution would be required by way of planning conditions. The LLFA has been encouraged to respond during the delegation period and any adverse comments would require the application to be reported back to Committee for reconsideration.

As stated in the report the applicant has worked hard with Officers and the National Park to amend the indicative layout to minimise any harm to the setting of the National Park. The amended Parameter Plans appended to the original report will ensure that this outline permission provides some key guiding principles for subsequent Reserved Matters applications.

Revised Recommendation

As per the main report.

Photographs of Flooding



ADDENDUM REPORT

Application Number:	AWDM/1439/23	Recommendation - APPROVE
Site:	Multi Storey Car Park, High Street, Worthing	
Proposal:	Proposed two storey Energy Centre, Thermal Store, electrical sub-station, car-park rooftop plant, and riser pipework	
Applicant:	Hemiko	Ward: Central
Agent:		
Case Officer:	James Appleton	

Additional Consultation Responses

The **Worthing Society** comment that,

“Thank you for requesting our comments in respect of the aforementioned application seeking full planning permission for the construction of an Energy Centre housing equipment to generate and distribute low carbon heat across Worthing Town Centre using the Worthing Heat Network. There will be an associated sub-station also on site with additional equipment on the upper storey of the car park.

I have now had the opportunity to discuss the scheme with our Heritage Team. Whilst we appreciate the Council declaring a Climate Emergency in 2019, and has the long term aims to decarbonise Worthing’s building stock, we are concerned about the proposed location. If approved the scheme will introduce a two storey industrial unit together with an associated sub-station into one of the oldest and most historic area of the early town centre. Although the layout of the High Street was compromised to facilitate the construction of the Guildbourne Centre and associated car park, the character of the area still survives.

This is illustrated by the fact that the High Street Car Park building is within an area identified by the Council as an ‘Area of Special Environmental Interest ‘ in Appendix 6 of the Council’s Local Interest Study of the Worthing Local Plan 2003 and published currently in 2023.

Please see the following description:

APPENDIX 6

‘HIGH STREET/CHARLECOTE ROAD (I) Character derives from isolated group of small historic buildings of varying but sympathetic architectural quality; a remnant of original High Street, Nos. 40, 42 and 44 High Street (all statutorily listed buildings) together with 46 High Street contribute to the area’s special character.’

Furthermore the development site is opposite the Steyne Gardens Conservation Area (CA) and in close proximity to the Warwick Gardens CA which is Edwardian in character. Located in the southwest corner of High Street is the historic Colonnade, (circa 1810) and the associated group of Georgian buildings (numbers 5 and 7 High Street). These have group value forming a link to the South Street CA and Warwick Street. High Street is one of the main routes into Worthing for visitors and offers 'key views' to these heritage assets with the elegant Steyne Gardens beyond

The additional equipment on the roof of the car park, the riser piping and the sub station will ensure the scheme appears incongruous and seriously out of context in this location. The introduction of the Energy Centre and its design will not enhance the setting of the three proximate Conservation Areas. In addition we have noted that the east facing elevation of the proposed development at the Union Place site seeks in part to 'repair' the 'street scene' which is welcome. This aspect could unfortunately be compromised by the introduction of this scheme .

Even with greening and landscaping this will not disguise the fact that the Energy Centre is a sizeable, modern industrial unit in a town centre setting. There would also be the issue of ongoing maintenance and the possibility of vandalism. A better alternative would perhaps have been to contain the equipment in a proper building which could then have been designed to complement the characteristics of the neighbouring heritage buildings .

Summary.

For the reasons stated, the Society objects to this application. We consider the location is unsuitable and the development would not in our opinion be consistent with the Planning (Listed Buildings Conservation Areas) Act 1990 together with Policies DM 23 and DM24 of the recently adopted Worthing Local Plan."