

**Minutes of a Meeting of the Worthing Planning Committee
held in the Remote meeting on
22 April 2020**

Councillor Paul High
Councillor Noel Atkins

Councillor Paul Baker
Councillor Jim Deen
Councillor Karen Harman

Councillor Helen Silman
Councillor Steve Wills

Absent

Councillor Martin McCabe

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

As the Worthing Planning Committee meeting was the first Council meeting to be held remotely, the Chairman read out the 'Chairman's Notice for Remote Meetings' and the Senior Lawyer read out the 'Legal Adviser's Procedure'.

WBC-PC-74-19-20 Substitute Members

Councillor Bob Smytherman substituted for Councillor Martin McCabe.

WBC-PC-75-19-20 Declarations of Interest

Councillor Noel Atkins and Councillor Bob Smytherman declared an interest in each of the items as members of West Sussex County Council.

Councillor Paul High declared an interest in each of the items as a member of West Sussex County Council and advised item 5.4 fell within his County Council Division.

Councillor Paul Baker declared an interest in item 5.2 as Ward Councillor, but had not discussed the application and came to the meeting with an open mind.

Councillor Jim Deen declared an interest in item 5.4, as he had held a number of discussions with neighbouring residents but came to the meeting with an open mind.

WBC-PC-76-19-20 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 26 February and 4 March 2020 be confirmed as a correct record and that they be signed by the Chairman.

A vote was taken by roll call. The Committee Members voted unanimously to agree the minutes of 26 February and 4 March 2020.

WBC-PC-77-19-20 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC-78-19-20 Planning Applications

Application Number: AWDM/0427/20	
Site:	The Wheatsheaf, Richmond Road, Worthing
Proposal:	Demolition of Wheatsheaf Public House and construction of 7no.flats set over three floors with associated bin and cycle storage (Re-submission of AWDM/1865/19).

The Chairman advised a change to the order the applications would be considered:-

The Head of Planning and Development would present Item 5.1 AWDM/0427/20, The Wheatsheaf, and Item 5.4 AWDM/1827/19 Roshni, 19 Reigate Road, and the Planning Services Manager would present Item 5.3 AWDM/0108/20 Nursery Cottage, 12 Hurston Close, and Item 5.2 AWDM/ 1008/19 Former EDF Car Park.

The Head of Planning and Development presented the application to the Committee Members who were shown a number of plans and photographs to assist in their consideration. The submission followed a refusal of the application at the Worthing Planning Committee meeting held on 26th February 2020.

The revised proposal had essentially removed the previously proposed fourth floor in its entirety, limiting the building to three storeys. A further minor change from the 2019 application was the removal of a strip of land along the western boundary of the site adjacent to the footpath that belongs to the Council.

The Officer's recommendation was for approval.

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

There were further representations from two objectors. One member of the public joined the remote meeting, whilst the other had provided a written representation which was read out by the Head of Planning and Development. The applicant's planning agent spoke in support of the application.

During the debate it was apparent the majority of Members were still opposed to the development despite the changes proposed.

A vote was taken by roll call, and there were two votes on the item. The proposal to approve was considered first and was lost -

For: Councillors Baker, Smytherman and Wills

Against: Councilors Atkins, Deen, Harman, High and Silman

Abstentions: None

There followed a proposal to reject the application and the vote was as follows:
For: Councillors Atkins, Deen, Harman, High, and Silman
Against: Councillors Baker, Smytherman and Wills
Abstentions: None

Decision

The Committee Members overturned the Officer's recommendation to approve, and **REFUSED** the application on the grounds that the proposal due to its size, mass, density and site coverage is considered to represent an overdevelopment of the site, which would appear cramped and would be harmful to the appearance of this prominent location and character of the area, which immediately adjoins the Chapel Road Conservation Area and setting of List Buildings. It is, therefore, contrary to Policy 16 of the Worthing Borough Core Strategy 2011 and Paragraphs 190 and 192 of the NPPF 2019.

Application Number: AWDM/1827/19	
Site:	Roshni 19 Reigate Road Worthing
Proposal:	Change of use from residential care home (Use Class C2) to 6no. flats (Use Class C3) comprising 1no. 1-bedroom flat and 5no. 2-bedroom flats. Including rear single storey extension to north east elevation with associated external alterations. (Re-submission of AWDM/1102/19).

The Head of Planning and Development presented the application to the Committee and Members were shown a number of plans and photographs to assist in their consideration.

The Officer's recommendation was for approval of the proposal.

Some Members raised queries on the presentation for clarification and these were answered in turn by the Officer to the Members' satisfaction.

Three written representations in objection were received and these were read out by the Head and Planning and Development. Councillor Edward Crouch, the Ward Councillor for Marine, joined the meeting to make his representation to the Committee.

Following the representations, the Members began their debate on the application.

A Member felt the development would have a detrimental effect on neighbouring properties and cause overdevelopment however, the Officer clarified the proposal was a more modest use of existing floorspace in terms of the previous proposal and measures had been taken by the applicant to mitigate any overlooking. The Officer then referred to concerns from neighbours, in particular the potential access to the green roofs, and confirmed they would not provide additional amenity space. The Officer advised he would be happy for an additional condition to be added to prevent that type of use.

Following further discussion, the majority of Members agreed with the Officer's recommendation, which would include the additional condition in respect of green roofs and another condition in relation to the submission of sustainability measures.

A vote was taken by roll call. The proposal put forward was to approve the application and the vote was as follows:

For: Councillors Atkins, Deen, Harman, Silman, Smytherman and Wills

Against: Councillors Baker and High

Abstentions: None

Decision

That the application be **APPROVED**, subject to the following conditions:-

1. Time to implement
2. Approved plans and documents
3. Materials of extensions and alterations to match

4. Obscure glazed and half obscure glazed windows to north east and south west elevations
5. Agree and implement alterations and extension to the front boundary wall
6. Agree and provide cycle storage
7. Hours of construction
8. Agree, implement a sound insulation scheme between floors
9. Agree, implement and retain balcony details
10. Agree implement boundary treatment
11. Agree and implement communal TV aerial/reception
12. Agree surface water disposal including details of green roofs
13. Implement and retain refuse storage provision
14. The submission of sustainability measures
15. To ensure that there is no use of the green roof areas as outside amenity space.

Informatives

1. Pro-active amendment
2. New Address
3. Southern Water
4. Minor works license to close existing access
5. Asbestos

The Chairman adjourned the meeting at 8.20pm, and reconvened at 8.25pm.

Application Number: AWDM/0108/20	
Site:	Nursery Cottage, 12 Hurston Close, Worthing
Proposal:	Retrospective application for retention of proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. Access off Hurston Close between no. 4 and 5. Associated parking and landscaping. (Amendment of AWDM/0676/18 to include: 2no. rear dormers and steps to 2no. rear ground floor balconies to west elevation, front porch to east elevation and additional external and fascia amendments).

The Planning Services Manager presented the application to the Committee Members who were shown a number of plans and photographs to assist in their consideration. The application sought retrospective permission for the retention of a substantially completed 3 bedroom chalet bungalow. The amendments were as listed above.

The Officer advised the Officer's recommendation was for approval.

A couple of Members raised questions on the presentation with the Officer for clarification, and there were further representations from an objector and a supporter, who had joined the meeting.

Members considered the retrospective application and some expressed sympathy for the neighbour's frustrations and felt the applicant in this instance had shown no respect for the planning process.

At the Chairman's request, the Officer clarified the two conditions highlighted to Members in his presentation i.e. preventing the insertion of windows in the dormers without permission and the requirement of a trellis to be added to the fence on the southern boundary to mitigate any harm to properties to the south. The Officer stated should the conditions not be complied with the Council would have suitable grounds to take enforcement action.

A vote was taken by roll call. The proposal put forward was to approve the application and the vote was as follows:

For: Councillors Atkins, Deen, Harman, High, Silman, Smytherman and Wills

Against: None

Abstention: Councillor Baker

Decision

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

1. Approved Plans

2. 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 proposed dwelling shall not be extended or enlarged or any incidental building over 5 cubic metres in volume erected within its curtilage.

Reason: In the interests of amenity and the environment having regard to the nature of the site and saved policy H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.

3. The garage building shall be used only as a private domestic garage for parking vehicles and cycles incidental to the use of the dwelling hereby permitted and for no other purpose.

Reason: In the interests of amenity and highway safety and having regard to saved policies H18 and TR9 of the Worthing Local Plan.

4. 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), no windows, rooflights or other openings (other than as hereby approved) shall be formed at first-floor level in the north, south, or west walls, within the west facing dormers, or roof slopes of the dwelling.

Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.

5. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 09.00 and 13.00 hrs on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.

6. The dwelling hereby permitted shall not be first occupied unless and until a water sprinkler or mist system has been installed in adherence to BS 8458:2015 Fixed Fire Protection Systems: Residential and Domestic Watermist System - Code of Practice for Design and Installation.

Reason: To ensure satisfactory fire protection measures are in place having regard to Policy 16 of the Worthing Core Strategy.

7. Within 3 months of the date of this permission, details of a trellis to be erected on top of the existing fence on the southern boundary shall be submitted to and approved by the Local Planning Authority and a timescale agreed for its erection. The approved details shall be maintained thereafter.

Reason: To prevent overlooking to neighbouring properties in accordance with policy 16 of the Worthing Core Strategy.

Informatives / Notes to Applicant

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS.
Telephone Number: 01903 221479.
Email: llpg@adur-worthing.gov.uk
3. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk
4. Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

5. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to subject a CIL Commencement Notice at least one day before the development commences.
Further information can be found on the Council's website via the link <https://www.adur-worthing.gov.uk/planning-policy/infrastructure/>

Application Number: AWDM/1008/19	
Site:	Former EDF Car Park Southdownview Road Worthing
Proposal:	Construction of 5 no. buildings providing 22no. light industrial units (Class B1c) with associated car parking and landscaping.

Prior to his presentation the Planning Services Manager referred Members to the penultimate paragraph on page 31 of the report which requested the inclusion of cable-ducting to be provided at all remaining car park spaces, where appropriate, should provide 'passive' provision for these spaces to receive electric vehicle charge points in future. The Officer confirmed that the applicant had agreed to the provision and therefore condition 26 would be amended to reflect that.

The Planning Services Manager outlined the application for Committee Members who were shown a number of plans and photographs to assist in their consideration.

The Officer's recommendation was for approval of the application.

There were no further representations at the meeting.

Members raised queries on the presentation which were answered in turn by the Officer.

Following discussion, the Members voted unanimously in favour of the application, with the inclusion of an amendment to condition 26 to ensure passive provision by way of cable ducting to ensure that parking spaces could receive electric vehicle charge points in the future.

The vote was taken by roll call. The proposal put forward was to approve the application and the vote was as follows:

For: Councillors Atkins, Baker, Deen, High, Harman, Silman, Smytherman and Wills

Against: None

Abstentions: None

Decision

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

1. Standard time limit
2. Approved plans
3. Unless otherwise agreed in writing by the LPA the materials and finishes of external walls and roofs (including windows and doors) of buildings shall consist of those annotated on the approved plans
4. Notwithstanding the provisions of the Town and Country Planning Act the use of the buildings limited to light industrial use (Class B1c) of the Use Classes Order
5. Agree tree protection plan and measures

6. Agree hard and soft landscaping scheme to include not less than 5no. replacement trees
7. No external lighting or floodlighting other than agreed in writing by LPA
8. No external working or storage outside of buildings
9. Details of finished floor/site levels to be approved
10. Remove permitted development rights for extensions and external alterations
11. Prior to first occupation of the development, the revised access road shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed priority working system, including signs and road markings.
12. No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for maximum 97no. cars and minimum 20no. cycles to be parked (and for the loading and unloading of number vehicles) (and for vehicles to turn so that they may enter and leave the site in forward gear). The parking/turning area shall be used and retained exclusively for its designated purpose.
13. Prior to the commencement of the development the applicant shall:
 - (a) Submit for the written approval of the Local Planning Authority a travel plan in accordance with the aims and objectives of the National Planning Policy Framework and in general accordance with West Sussex County Council guidance on travel plans;
 - (b) The applicant shall then implement the approved travel plan thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.
14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
15. No development shall be occupied until a footway from the site entrance on Southdownview Road to the eastern end of the access road has been provided in accordance with details of its alignment, design and construction which have been submitted to and approved in writing by the LPA.
16. No development shall be occupied unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. The Noise Management plan should specifically include measures to restrict the size of delivery vehicles to 7.5 tonnes, restrict Forklift trucks used on the site to a low noise electric type, g require reversing alarms on Forklift trucks to be a white / pink noise signal. Thereafter the Noise Management Plan shall be adhered to at all times the light industrial units hereby permitted are in use.
17. No external fixed plant necessary for the implementation of the development hereby permitted shall be installed, fitted to any building or constructed on the site unless a noise attenuation scheme for the external fixed plant has been submitted to and approved in writing by the LPA. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance. Thereafter no external fixed plant shall be installed, fitted to any building or constructed on the site other than in an application on that behalf.

18. No working, trade or business (including arrival, reception or despatch of deliveries) shall take on the premises except between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.
19. No development shall be occupied unless and until an acoustic grade fence of no less than 2 metres high has been erected along the north side of the access road adjacent to the south elevation of the neighbouring residential flat in accordance with details of its construction, siting and design that has been submitted to and approved in writing by the LPA.
20. Full investigation/remediation of potential contamination
21. Agree and implement a construction management plan
22. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.
23. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
24. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
25. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
26. No development shall be occupied unless and until not less than 49no. active EV charging points on the site have been implemented and shall thereafter be retained. To ensure passive provision by way of cable ducting to ensure that parking spaces can receive electric vehicle charge points in the future.
27. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

28. No development shall be first occupied unless and until the 2.4 metre high palisade fence has been erected on the western site boundary as shown on the approved plan. Development shall not progress beyond slab or foundation stage unless details/drawings of all other boundary treatments with neighbouring sites/land have been submitted to and approved in writing by the LPA.
29. There shall be no vehicle access between the development and the residential development to the north. No development shall be first occupied unless and until details of the physical measures to prevent vehicle access have been submitted to and approved in writing.

WBC-PC-79-19-20 Public Question Time

There were no questions raised under Public Question Time.

The Chairman declared the meeting closed at 9.27 pm, having commenced at 6.30 pm

Chairman