



WORTHING BOROUGH
C O U N C I L

12 January 2021

Worthing Planning Committee	
Date:	20 January 2021
Time:	6.30 pm
Venue:	Remote Meeting via Zoom

Committee Membership: Councillors Paul High (Chair), Noel Atkins (Vice-Chairman), Paul Baker, Jim Deen, Martin McCabe, Helen Silman, Paul Westover and Steve Wills

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 January 2021.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such as interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Monday 18 January 2021.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

Questions should be submitted to Democratic Services –
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will last for a maximum of 30 minutes)

4. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 16 December 2020, which have been emailed to Members.

5. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

6. Planning Applications (Pages 1 - 18)

To consider the reports by the Director for the Economy, attached as Item 6.

7. Infrastructure Funding Statement (IFS) (Pages 19 - 24)

To consider the report by the Director for the Economy, attached as Item 7.

Appendix - Item 7

8. Local Development Scheme (Pages 61 - 66)

To consider the report by the Director for the Economy, attached as Item 8.

Appendix - Item 8

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view 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:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Sally Drury-Smith Lawyer 01903 221086 sally.drury-smith@adur-worthing.gov.uk

Duration of the Meeting: Four 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.

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WORTHING BOROUGH
COUNCIL

Planning Committee
20 January 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1711/20

Recommendation – Approve

Site: 26-28 Madeira Avenue, Worthing

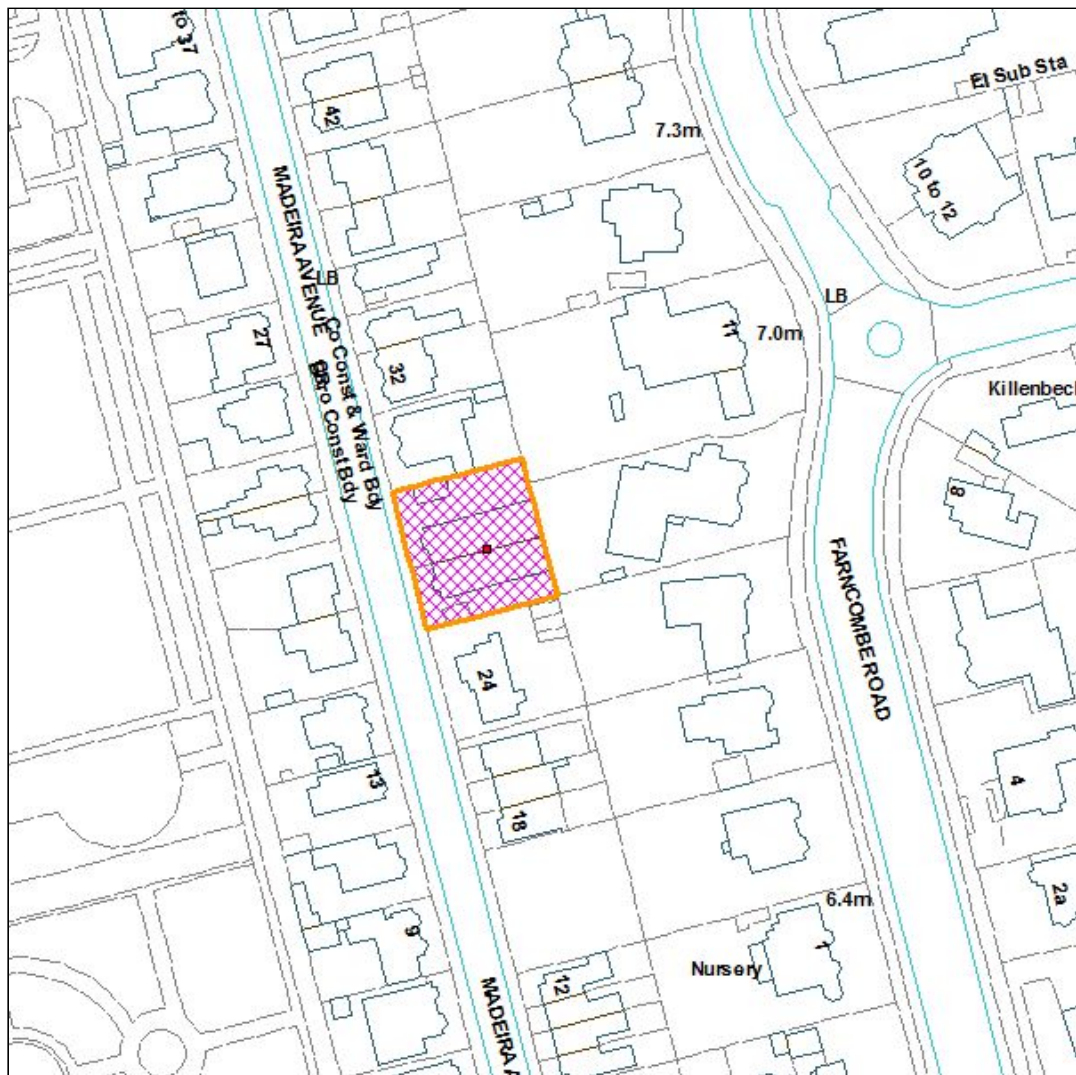
Proposal: Change of use and sub division of existing single residential dwelling (Class C3) to Independent Psychology & Psychiatry practice (Class E) (number 28) and as a single dwellinghouse (Class C3) (number 26).

Application Number: AWDM/1711/20 Recommendation – APPROVE

Site: 26 - 28 Madeira Avenue, Worthing

Proposal: Change of use and sub division of existing single residential dwelling (Class C3) to Independent Psychology & Psychiatry practice (Class E) (number 28) and as a single dwellinghouse (Class C3) (number 26).

Applicant: Dr Jessica Christie-Sands Ward: Selden
Case Gary Peck
Officer:



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission for the subdivision and change of use of 26-28 Madeira Avenue, which is currently a 14 bed single residential dwelling, to use as an Independent Psychology & Psychiatry practice (number 28) and number 26 being used as a single residential dwelling.

The supporting information submitted with the application states that the proposed practice would provide a total of six consulting rooms together with an office, a reception room for Clients and a staff room/kitchen area. The hours of use are proposed to be between Mondays to Fridays and between the hours of 08:00 and 18:30 and staffing would be made up of 1 full-time Adult Psychologist, 1 Adult Psychiatrist working 2 days per month, 2 Psychologists each working 3 days per week, 1 full-time Clinical Services Manager, 1 Cognitive Behavioural Therapist working 1-2 days per week, 1 Senior Administrator working 4 days per week and 1 Clinical co-ordinator working 2 days per week.

It is further stated that the use of number 26 as a residential dwelling would not require any external alterations and can be formed just by internal alterations - blocking connecting doors.

The application site consists of a pair of Victorian semi-detached dwellings on the eastern side of Madeira Avenue that, it is stated, were combined in 1972 to form a single unit following their change of use to a care/nursing home operated by the owner, although it is not apparent that permission was granted for change of use at the time.

It is further stated that the care home was closed in 2006 and has subsequently been occupied by the owner solely as a private dwellinghouse, which is the approved planning use of the building therefore. It is further stated that internally, the property remains as converted to its previous use as a care/nursing home and while externally the building appears as a pair of semi-detached residential dwellings, it is noted that its built footprint extends almost fully to the rear boundary. The external amenity areas are therefore to either side of the building. Each property also has a single storey garage.

The Practice currently operates from a previously residential property, No 88 Bramley Road, which was granted a temporary permission in 2018 by the Committee expiring in March 2023 under application reference AWDM/1957/17.

The application site is not within a Conservation Area, although the Conservation Area boundary is immediately to the rear of the property and includes Farncombe Road where plot sizes are generally more spacious.

Madeira Avenue consists of largely detached or semi-detached residential properties with some smaller terraces also located within the street. The application building appears noticeable as having a larger building footprint within its site than the vast majority of buildings in the area. On street parking provision is restricted to the western side of the road for permit holders only.

Relevant Planning History

There have been no recent planning applications relating to the building although as stated above it was believed to be used as a care home from the 1970s until 2006.

Consultations

Environmental Health

No objection in principle, but the layout of the retained residential dwelling (No.26) appears problematic when sealed off from No.28. The access appears to be through the side elevation into a lounge, which is a risk room for fire, and so the first floor bedrooms are inner rooms (the usual front door is blocked by a lift). If this is not covered through building control consent, then it should be brought to the attention of the applicant as an informative

West Sussex Highways

Summary

This proposal is for the change of use of 28 Madeira Avenue from residential dwelling (Class C3 Use) to psychology and psychiatry practice (Class E Use). The site is located on Madeira Avenue, an unclassified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application, subject to the below comments and conditions.

Access and Visibility

The applicant proposes no alterations to the existing vehicular access arrangements. There are no apparent visibility issues with the existing points of access onto Madeira Avenue. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking

Whilst not demonstrated in the plans, the applicant has stated that two car parking spaces will be made available for use. Given the anticipated number of staff and number of consultation rooms, any overspill parking that may result from this development would have to be accommodated on-street. The Planning Statement states that the site will operate Monday-Friday 08:00-18:30, which is mostly outside of network peaks where demand for on-street parking will be higher.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that could be considered a detriment to highway safety. The LHA does not anticipate that this proposal would result in a detrimental impact on highway safety. The LHA does advise the Planning Authority to consider the potential impacts on on-street parking from an amenity point of view.

Weight is given to the fact the site is situated in a sustainable location, within walking distance of public car parks (Beach House Park, Worthing Beach House East, Union Place) and regular bus services (Pulse service on Lyndhurst Road and Coastliner service on Brighton Road). Worthing Train Station is within cycle distance, approximately 1.4km northwest of the site.

The LHA does advise the applicant to provide secure and covered cycle parking provision for staff and visitors. The inclusion of cycle parking will help promote the use of sustainable transport methods.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

Cycle parking

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 to be 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.

Representations

16 letters of objection were received, all apart from 1 are from addresses in Madeira Avenue. A further 8 objections were received from those who had already written in responding to the Highways response outlined above and comments from the applicant's agent.

The reasons for objection are summarized as:

- Parking is already oversubscribed in the area
- Class E can be used for any commercial use which would not be appropriate in the area
- Increased traffic
- Loss of a family home
- Change in the character of a residential road

- The practice could have in excess of 50 patients visiting a day
- Parking in the road is currently more difficult as frontline NHS workers are now allowed to park in the road
- Noise and disruption from hours of use proposed
- Precedent if this application is allowed
- There are more appropriate locations for the use within the Town Centre
- Ambulances use the road and will be hindered by additional parking
- Still waiting for a permit after living in the road for a number of years
- The clinic is much larger than the existing in Bramley Road

In response to the comments from WSCC Highways

- An accident has recently taken place opposite to the application site (photograph supplied)
- Parking restrictions are constantly abused and illegal parking takes place (photographic evidence supplied)

Barker Parry Planning Consultants (on behalf of residents)

- This application lacks a comprehensive approach, there are no existing or proposed elevations or proposed plans for no. 26, the existing floor plans are a photograph of the sales particulars that are not to scale, and there is no indication as to how the layout of the site will change as a result of the sub-division.
- The proposal is contrary to Core Strategy policy 9 which seeks to retain family housing, either the existing dwelling could be retained or the 2 family sized houses could be retained.
- There is no justification for the proposed use as required by the above policy
- The number of staff employed and visiting the site is not clear at all and therefore the extent of the impact of the development cannot adequately be assessed
- Existing car parks nearby are inadequate hence NHS staff being granted permits to park on the street and hence the probability of illegal parking increases
- As no details have been provided regarding the residential conversion of number 26, it is not possible to assess whether the use of the building would comply with residential/space standards

In conclusion, the planning consultant considers that the application should be refused on the following grounds:

The Applicant has failed to demonstrate that there is a local community need for the proposed facility, which would result in the loss of a large family dwelling, contrary to Policies 9 and 11 of the Core Strategy.

- The Applicant has failed to demonstrate that there is no need for the large family house that would be lost as a result of the development, contrary to Policy 11 of the Core Strategy.

- The Applicant has failed to demonstrate that the proposal will not have an adverse impact on parking provision and highway safety within Madeira Avenue, contrary to the adopted Parking Standards 2019.

- The Applicant has failed to demonstrate that adequate cycle parking provision is available for use, contrary to the adopted Parking Standards 2019.

- Due to a lack of information regarding the nature of the use proposed, the Applicant has failed to demonstrate that the proposal will not have a detrimental impact on the amenities of local residents.

The agent for the planning application made the following response to the above comments:

- The chances of finding a buyer to occupy the dwelling as a single 14 bed unit are extremely small
- The proposal will result in a community facility as required by Core Strategy policy 9
- As well as the provision of the 26 Madeira Avenue as a family dwelling, 88 Bramley Road will also be returned to residential use as a result of the proposal
- The previous use of the building as well as its proximity to Worthing Hospital makes the site ideal for the applicant
- The application site is in a sustainable location with other parking locations available
- There is anticipated to be a maximum of 14 patients per day on 3 days of the week and a maximum of 6 on the other 2 days
- The applicant is willing to accept a condition that the premises could be used for the purposes applied for only and for no other purpose within Use Class E

The planning consultant further responded:

- The agent has still not demonstrated the need for the facility
- The new integrated care centre in Stoke Abbott Road would appear to reduce the demand for the proposed facility
- There is no clarity in the extent of movements to the proposed facility
- The reversion of 88 Bramley Road to residential use should be disregarded as the permission for the current use was only temporary

The planning agent further responded with supporting information from the applicant:

- There are significant differences between the type and scope of the services that are proposed here and what will be provided at the Integrated Care Centre
- It is a matter of fact that 88 Bramley Road will revert to residential use
- The use is low key which will not adversely impact surrounding residents

As a result of the agent's comments, 3 residents that had already written in, reiterated their objection on the basis that the activity associated with the proposed use would adversely affect the amenities of the surrounding area.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011):

Relevant policies include: Policy 9 Existing Housing Stock, Policy 11 Protecting and Enhancing Recreation and Community Uses, Policy 12 New Infrastructure Policy 16 Built Environment and Design and Policy 19 Sustainable Travel

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

It is considered that the main issues in the determination of the application are:

- i) whether the principle of the development is acceptable having regard to development plan policies,
- ii) the impact upon highway safety and
- iii) the impact upon the amenities of neighbouring residential properties.

The Principle of Development

Policy 9 of the Core Strategy states that it will seek to ensure the retention of the existing housing stock unless the loss would facilitate the delivery of a needed community use.

At present, the application site consists of a single 14 bed dwelling. This is clearly an unusual situation seemingly borne out of the previous use of the building as a care home and it is understood that the building is currently occupied by the previous owner of the care home rather than a family. It would seem unlikely that the building would fulfil the function of a family home, and were the property divided into 2 units it is considered that both units would still provide the function of family homes. The key issue is therefore whether it is preferable that the building should be retained wholly for housing purposes rather than as part housing, part

community use. Given the size of the residential dwelling there could be pressure to convert to other institutional uses and or a House in Multiple Occupation (HMO) which has been the case for other former Care Homes

The agent and planning consultant differ on whether the use of the existing premises at Bramley Road should be taken into account as part of the assessment. It is relevant that the use was previously accepted as a community use that justified the loss of residential and the relocation of the health use would enable No. 88 Bramley Road to be returned to residential use. It is also a material consideration that part of the reason for granting a temporary permission at Bramley Road was to determine whether concerns raised by local residents (similar to some of those made under this application albeit on a much lesser scale) would come to fruition during the temporary permission. Since the grant of permission for the use of the Bramley Road property, no further concerns have been raised with the Council and it can be assumed therefore that the proposal has been operating without detriment to the amenities of the area.

It is considered, therefore, that the relocation of the use from Bramley Road and its potential return to residential use is a relevant consideration in determining this application.

Policy 11 relating of the Core Strategy relates to community facilities and states:

Protecting and Enhancing Recreation and Community Uses

Indoor and outdoor recreation facilities, sporting facilities, open spaces, cultural and community facilities contribute to the well-being of residents, workers and visitors. The current supply of such sites and facilities in the borough justifies a strategy that seeks to retain and enhance all existing provision.

Development will not be permitted which would lead to the loss of, or prejudice the use of, land / premises used, or last used, for community purposes unless:

- the land / premises or their location are unsuitable for such uses*
- adequate alternative accommodation is available locally that is as accessible and at least equivalent in terms of quality*
- replacement facilities are proposed, or*
- it has been demonstrated that there is no need for the existing use and that the potential to deliver an alternative community use where there is an identified need has been explored.*

In appropriate circumstances the dual use of community facilities will be encouraged.

The commentary for this policy also states:

The Core Strategy can contribute to improved health care provision as part of a broader strategy by providing an enabling policy framework for new facilities to come forward and helping to deal with pressures placed on existing health care and related services. The overarching aim is to improve health and the quality of health care provision by working closely with partners to identify suitable and accessible sites for new modern health care initiatives to meet the needs of all present and future communities

Officers are aware from the previous submission that the practice offers a specialized mental health service, for which opportunities of such provision are relatively scarce. An ability to widen access to such services is, therefore, welcomed in principle.

Referring back to policy 9, the commentary for that policy states that the loss of housing can only be justified if other spatial objectives are met. In this case, it is considered that the provision of a new health facility is such an objective and given that the 'loss' of a dwelling is not straightforward for the reasons outlined above, it is not considered that an objection can be raised to the proposal in principle. The provision of such community facilities remains an aim of the emerging Worthing Local Plan.

Highway Safety

A number of residents have raised concerns regarding the increase in traffic as a result of the development and in particular the potentially increased pressure upon parking.

Members are reminded that paragraph 109 of the National Planning Policy Framework states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The comments of the Highways Authority are reported above and they conclude that there is no highways objection made against the development proposed. Residents have questioned the Highways Authority's assertion that there have been no recent accidents and photographic evidence has been received of damage to a parked car in the road as a result of an accident possibly caused by illegal parking on the eastern side of the ride. Separate photographic evidence has been provided of illegal parking taking place on the eastern side of the road on other occasions.

The road is for permit holders only and therefore there is no likelihood of visitors to the application site receiving such a permit and hence there will not be any availability in the road for such visitors to park. It is not considered, therefore, that a case can be made for the application to be refused on the grounds of additional parking in the street. Because of the illegal parking that is apparently taking place already, the point has been raised that the lack of parking available in the street for visitors would only make it likely that further such illegal parking will take place. However, as the Highways Authority states that there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that could be considered a detriment to highway safety. It is not the function of the planning system to prevent development on the grounds of a potential conflict with other legislation as it is open to the relevant authority to take action against illegal parking.

In any case, the assessment of a planning application must take account of the proximity of the development to places where a visitor could legally park and other modes of transport. In this respect, it is a matter of fact that the site is in close proximity to existing car parks, being approximately 300 metres from the Beach House car park, where parking provision was extended onto a previous tennis court in recent years. It is well known that there is often significant pressure on that car

park because of its proximity to the hospital, but both the Union Place and multi storey car park are about 800 metres from the application site and in close enough proximity to the site to be used if necessary. The site is also in close proximity to bus routes to the north and south of the site, so that alternative modes of transport are also available.

In such circumstances, and in the absence of any objection from the Highways Authority, there is no justification to resist the development solely on highways grounds. At the applicant's current premises in Bramley Road, a Patient Management Plan was required under one of the conditions imposed upon the development and a similar plan could be required under a similar condition if permission were granted for this proposal. This plan would be expected to demonstrate that all visitors to the site that are not able to park in Madeira Avenue should seek to either use existing car parks or alternative modes of transport.

Effect upon the amenity of neighbouring residents

Your Officers consider this to be the key issue in the determination of the application. A significant number of residents in the road have objected to the application which is a material consideration in its consideration. Many of the objections cite the fact that Madeira Avenue is a residential road and that the provision of any commercial use would unavoidably detract from its character. It does need to be taken into account that unlike some other roads in the area, there is not a mix of uses in the vicinity and indeed in recent times the only change of use allowed in the road was the reversion of a former Nursing Home back to residential use in 2015.

Equally, it should be taken into account that the premises has been operating in an existing residential location without detriment to the amenities of that locality. It is understood that one of the reasons stated for the need to move premises is that separate office and reception areas are required for patient confidentiality and it is recalled that a previous concern expressed during the determination of the application at Bramley Road (the practice was already operational when the application was submitted) was that visitors may have to wait outside the premises in a residential road before they could enter the building for such confidentiality reasons. It is assumed that this would no longer be a potential issue with expanded facilities. It cannot be considered surprising, either, that demand for the services provided by the applicant have increased in recent years.

The nature of the subject building is also of relevance. Its layout appears related to its previous use as a care home and to that extent would seem to lend itself more practically to the proposed use than other properties.

Nonetheless, it remains that the use proposed will differ from how the building is used at present and the nature of use in the remainder of the street and therefore the application hinges on whether such use is acceptable or could justify a refusal of the application. Again, there has been some disagreement between the applicant and objectors regarding the actual or potential number of visitors to the property and given the size of the building were all of the rooms to be used on a full time basis then the use would appear as intensive in this location.

The supporting information submitted by the applicant by way of an appendix to her agent's planning statement outlines the following:

The objections raised by the residents of Madeira Avenue suggest that there has been a fundamental misunderstanding of the nature of the therapeutic services we provide. We are not a 'medical' practice but a therapeutic and assessment service that serves the local community, notably vulnerable adults, families and children. Perhaps the footfall quoted in various objections relate more to a medical centre where a revolving door of appointments run in 10min cycles. While we have a range of specialists (psychologists, psychiatrists, psychotherapists and paediatric occupational therapists) in our team we do not have the ratio of patients raised in these objections, primarily because there are only a few of us that actually work regularly within the clinic setting during the week. Currently that consists of myself, another psychologist (3 days) and psychotherapist (1-2day) but all working different and overlapping days. In terms of office staff we only have one team administrator (4 days) and a clinical services manager (currently working from home and from next year 3 days home and 2days clinic).

The supporting information goes on to state:

A large part of our service is dedicated to more specialist assessment and therapeutic support work with looked after and adopted children. However, a great deal of therapeutic support offered by this service is conducted outside of the clinic (in schools or family homes). Similarly, specialist assessments linked to this work takes place both at school and the family home environment as well as specialist centres. Whilst we generally don't see looked after and adopted children in the clinic we nevertheless provide a wide range of services to them which takes considerable planning, management and administration.

On the basis outlined above, as well as being the type of medical service that appears to be of a wider benefit to the community, it would not appear that the amount of usage of the building would be sufficient to warrant a refusal of planning permission. It would appear difficult to justify refusing planning permission on the basis that there will be visitors to the building in itself. The seemingly unusual occupation of such a large building has contributed to its low key use at present, but the subdivision of the property to multiple residential units would be similarly difficult to resist in light of the building's central location and such sub division could quite feasibly result in an even greater number of movements proposed under the planning application.

The Bramley Road site has operated without complaint to the Council. The number of consulting rooms increases from 2 there to 6 under this application so it is a valid point to make that the level of potential usage is not comparable to the current use at Bramley Road, but equally that site is more constrained in size and has unrestricted parking outside the site where the potential impact upon neighbours could be greater than in a road restricted to permit holders only.

Similar concerns were addressed previously by the submission of a Patient's Management Plan. There is no reason to suggest that the provisions of that Plan were not adhered to, nor that the applicant does not take account of the environs that surrounds her practice.

The planning system operates in a manner that if the potentially adverse impacts of an otherwise acceptable development can be controlled by condition that is the approach that should be taken. In this instance, therefore, it would seem that the scenario outlined by the applicant should be controlled by condition by way of a Management Plan that will confirm the methods of working at the site, maximum patient numbers as well as outlining measures that makes it clear to visitors to the Practice that there are no parking or drop off facilities available in the road, the proximity of nearby parking as well as the alternative methods of transport available in the area. Should there be a significant variation from this Management Plan, for example approaching the number of patients that a number of the residents suggest and fear, then a further application would be necessary for the Committee to consider any changes.

Other matters

The planning consultant suggests that the application is not a valid submission primarily due to a lack of information regarding the use of number 26 as a residential property. While the planning agent contends that there are no external physical alterations proposed to number 26 and hence there is no need to provide additional information, the use of number 26 does require permission in its own right and therefore a plan outlining the nature of the sub division has been requested and is anticipated to be received prior to the meeting. While it has been suggested in representation that the residential use of number 26 will be linked to the medical use of number 28, it is understood that the occupier of 26 will be a separate party.

Conclusion

This is an application which has generated significant concern from residents in the immediate vicinity. The concerns regarding parking and traffic are appreciated, but national planning guidance does not indicate a refusal could be justified on such basis, especially when there is no objection from the Highways Authority. Matters of illegal parking are outside of the planning system.

There is not an objection in principle to providing a community related use in a road otherwise occupied by residential properties but it is essential that such use occurs without material detriment to the amenities of neighbouring properties. It is considered that the imposition of a condition can satisfactorily control such matters and accordingly, on balance, it is recommended that the application be approved.

Recommendation

To GRANT permission

Subject to Conditions:-

- 01 Approved Plans
- 02 Full Permission
- 03 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to

and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

- 04 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 to be 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.

- 05 The premises shall be used as a psychology practice only and for no other purpose within any other Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity

- 06 No patients are to be seen at the premises outside of 0800 hours to 1830 hours Monday to Fridays.

Reason: In the interests of the amenities of surrounding residential properties.

- 07 Within 1 month of the date of the permission hereby granted a management plan shall be submitted to the Local Planning Authority specifying the number of staff and patients to work and visit the premises and measures to be taken to limit the impact of the use of the premises upon the surrounding residential area, which include details of methods undertaken to ensure that all staff and visitors are aware that no parking is available on Madeira Avenue, the location of alternative parking locations and encouraging the use of other modes of transport. The approved details shall be maintained thereafter unless otherwise agreed in writing with or by way of an application to the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity

20th January 2021

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officer:

Gary Peck
Planning Services Manager (Development Management)
Portland House
01903 221406
gary.peck@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.

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WORTHING BOROUGH
C O U N C I L

Ward: All

Infrastructure Funding Statement (IFS)

Report by the Director for the Economy

1.0 Summary

- 1.1 The purpose of this report is to provide an update to Members on the Worthing Infrastructure Funding Statement (IFS) which has been published on the Council's website, in accordance with the Community Infrastructure Levy (CIL) Regulations, as amended in 2019.

2.0 Background

- 2.1 The amendment to the CIL Regulations in 2019 introduced the Infrastructure Funding Statement (IFS), the first of which must be published by each Local Planning Authority by 31st December 2020, and by each 31st December in subsequent years. This IFS relates to the CIL & section 106 (s106) data of the previous financial year 2019-20. The aim of the IFS is for Local Authorities to provide greater transparency on how the CIL and Section 106 receipts are collected and spent in their area.
- 2.2 The IFS comprises the following —
- (a) A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL ("the infrastructure list");
 - (b) A report about CIL, in relation to the previous financial year ("CIL report");
 - (c) A report about planning obligations, in relation to the reported year, ("section 106 report").
- 2.3 Guidance produced by MHCLG recommends that Local Authorities also publish the raw data that forms the IFS. This data is split into 3 csv files

(spreadsheets) which give policy makers and communities a better insight into how developer contributions are supporting new development and local infrastructure.

3.0 Proposals

3.1 The Worthing Infrastructure Funding Statement 2019/20 can be found on the Council's website;

www.adur-worthing.gov.uk/planning-policy/worthing/worthing-developer-contributions/developer-contributions-data-worthing/

3.2 This report has been brought to the Planning Committee as an information item to provide an understanding of the process that is now being followed to report the collection of developer contributions.

4.0 Legal

4.1 Schedule 2 of the Community Infrastructure Levy Regulations (as amended in 2019) outlines the requirements of the Infrastructure Funding Statement. The first annual infrastructure funding statement for all local authorities must be published by 31st December 2020.

4.2 The Council has ensured that it has met the requirements outlined in the Regulations, and has also provided additional information that it considers stakeholders may find useful related to CIL & s106 in the financial year.

5.0 Financial implications

5.1 There are no cost implications associated with the production of the Infrastructure Funding Statement.

6.0 Recommendation

6.1 The recommendation to the Planning Committee is to note the publication of the Worthing Infrastructure Funding Statement 2019-20 and the accompanying Developer Contributions Data on the Council's website.

Local Government Act 1972

Background Papers:

- [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#)
- [Worthing Infrastructure Funding Statement 2019-20](#)

Contact Officer:

David Attmore

Community Infrastructure Officer

Planning & Development, Portland House, 44 Richmond Road, Worthing, BN11 1HS

01903 221493

david.attmore@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 The Infrastructure Funding Statement helps to meet Platform 4 of 'Platforms for our Places - Going Further' by providing a good quality service and ensuring transparency around the Community Infrastructure Levy (CIL) and section 106 (s106) data which the Council holds.

2.0 Specific Action Plans

- 2.1 In line with Government requirements the Council has published the Infrastructure Funding Statement (IFS) to report on CIL & section 106 (s106) data of the previous financial year 2019-20. The IFS will be updated and published in December each year.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 The amount of money that is held by the Council which is yet to be spent may be seen as quite large. However, the amount held by Worthing Borough Council is lower than the majority of other authorities. Also, the IFS includes the reasons why sometimes funds are held by the authority until enough money has been collected to fund larger, more expensive items of infrastructure. Also, the Council has just implemented its Infrastructure

Investment Plan (IIP) for the period 2020-23, outlining the spending priorities of 70% of the CIL funds collected.

8.0 Consultations

8.1 The Executive Member for Regeneration has been informed of the process of producing the Infrastructure Funding Statement, along with the other members of the Joint Officer Member Board (JOMB) for CIL. The IFS was also considered by Worthing Informal Cabinet on 16th December 2020.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Work to produce the Infrastructure Funding Statement has involved positive collaboration with West Sussex County Council and other neighbouring authorities to share ideas and concerns around how to produce the statement and associated spreadsheets. The same reporting process has been prepared for Adur DC.

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WORTHING BOROUGH COUNCIL

Infrastructure Funding Statement (IFS)

2019 - 2020



WORTHING BOROUGH
COUNCIL

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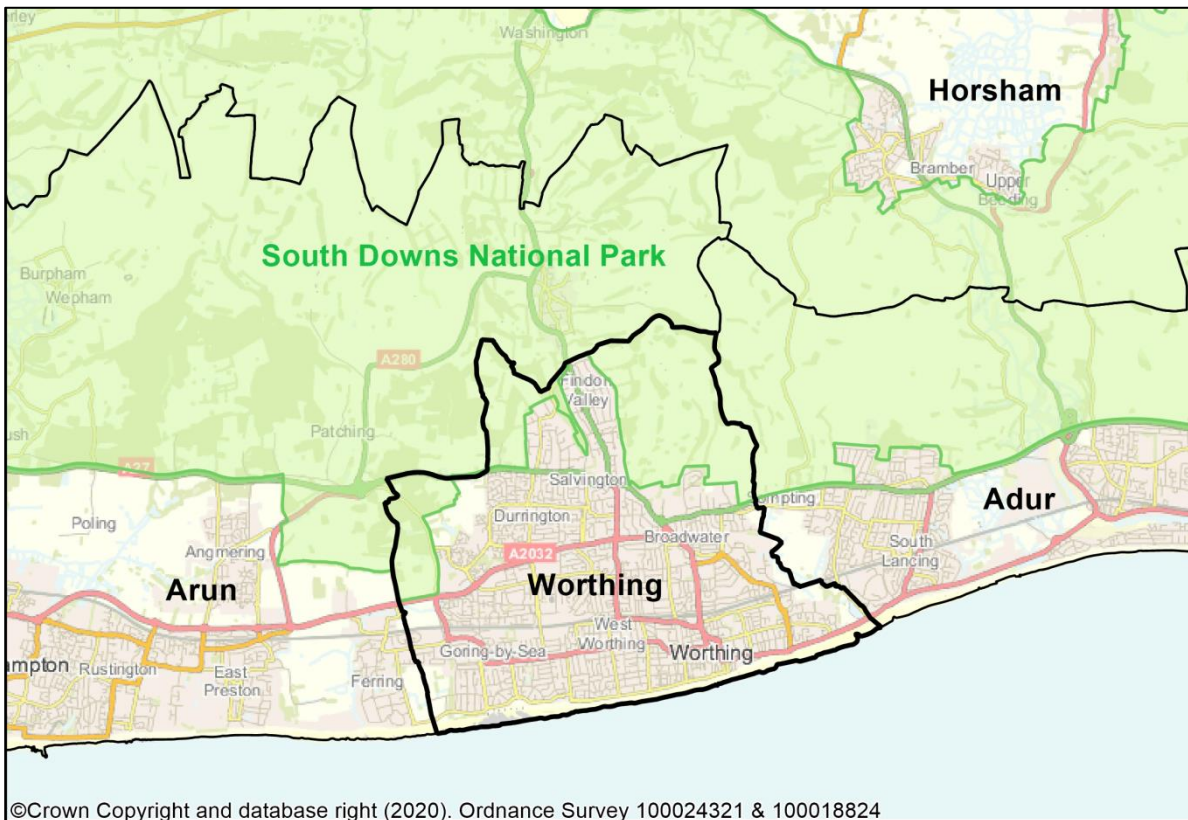
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Introduction

The Infrastructure Funding Statement (IFS) is an annual report typically published in December, which provides a summary of all financial and non-financial developer contributions relating to section 106 Legal Agreements (s106) and the Community Infrastructure Levy (CIL) within Worthing Borough¹ for a given monitoring year. This is the first infrastructure funding statement, which must be published by 31st December 2020. Subsequent statements must be published at least annually thereafter. This report reflects the monitoring year from 1st April 2019 to 31st March 2020.

Following a brief overview of developer contributions, the first section of the IFS includes a statement of infrastructure projects that Worthing Borough Council intends to be, or may be, wholly or partly funded by CIL. The statement then provides further details on CIL and then s106 planning obligations for the monitoring year.

Figure 1: Map of Worthing Borough



Throughout the IFS there will be references to the following definitions:

- **Agreed** – Contributions that have been agreed within a signed legal document. These contributions have not been collected/ delivered and if the planning applications are not implemented they will never be received

¹ Excluding the area covered by the South Downs National Park – that area is covered by the SDNP Infrastructure Funding Statement

- **Secured** - Contributions which have been ‘triggered’ in accordance with the signed legal agreement
- **Received/collected** – Contributions received, either non-monetary or monetary, by Worthing Borough Council (WBC)
- **Transferred** – Contributions received that have been received by WBC and transferred to another agency (e.g. West Sussex County Council)
- **Allocated** – Contributions that have been received by WBC and committed to specific projects
- **Spent/ Delivered** – Monetary or non-monetary contributions that have been spent on specific infrastructure projects, or used to deliver infrastructure projects
- **The monitoring year 2019/20 (the last monitoring year)** - this refers to the period 01/04/2019 – 31/03/2020
- **CIL Regulations** – this refers to the Community Infrastructure Levy Regulations 2010 (as amended)

The government recently published a White Paper which includes plans to replace the current developer contributions (s106 and CIL) with a new ‘infrastructure levy’, which would be the means by which developers would contribute towards the cost of the additional infrastructure needs to the local area caused by the development. Until such a time that it is in place, the Council has an obligation to report on planning obligations and CIL for the last financial year.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a fixed, tariff-based planning charge, which allows Local Planning Authorities (LPAs) to require developers to pay a levy on liable development (per square metre). CIL is designed to recognise the costs in providing infrastructure to support the cumulative impact on infrastructure from development. It is a mechanism to secure financial contributions from developers on certain viable developments and CIL monies can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area.

LPAs can determine whether or not to introduce the levy and the rates used for different development types, informed by viability of development in the area. CIL Rates must be set out via a published charging schedule. Worthing Borough Council (WBC) has been charging CIL on liable new development, detailed in the WBC CIL Charging Schedule, which have been granted planning permission from the 1st October 2015.

Given the need to keep the CIL charging schedule up-to-date and to reflect changing market conditions, Worthing Borough Council has been undertaking a review of the CIL charging schedule, which was adopted in 2015. The CIL Review undertaken by our consultants considered there to be justification to revise the current approach to CIL in the borough. The recommendations of the

review suggest a possible revised CIL draft charging schedule (DCS). Worthing Borough Council consulted on the revised CIL draft charging schedule between Tuesday 30th June and Tuesday 25th August 2020. The Council submitted the revised draft charging schedule for examination in October 2020. More information on the examination can be found on the Worthing CIL Examination 2020 webpage;

www.adur-worthing.gov.uk/worthing-cil-examination/

The CIL Regulations state that CIL receipts may be allocated in the following proportions:

- 80% for the strategic infrastructure needs of the Borough
- 15% for Neighbourhood funding (25% where a Neighbourhood Plan is in place)
- 5% for the cost of administering CIL

More information on the community infrastructure levy is available on the Council's website;

www.adur-worthing.gov.uk/planning-policy/worthing/worthing-developer-contributions/worthing-cil/

Section 106 Planning Obligations

Planning obligations under section 106 of the Town and Country Planning Act 1990 (as amended) are commonly known as section 106 (s106) agreements. S106 contributions can either be provided on-site, for example through the provision of affordable housing, or off-site in the form of financial payments. Obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms, in accordance with Regulation 122 of the CIL Regulations (as amended). S106 agreements should be focused on addressing the specific mitigation required by a new development, whereas CIL has been developed to address the broader impacts of development. For a number of reasons developers do not implement all planning permissions and therefore if a planning permission lapses, the associated section 106 agreement will not be implemented.

Financial planning obligations contained in an s106 agreement tend to include details on the specific purpose the money can be spent on. A timeframe for the spend of s106 funds is often set in the agreement, meaning that the LPA will have to pay back any unspent financial contributions at the end of the timeframe. County Council contributions, for the provision of services such as education, highways, fire and libraries will be collected by West Sussex County Council. Contributions relating to WSCC will not be reported on in the WBC IFS, but can be found in the IFS produced by WSCC;

www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/

Section 278 Highways Agreements

Additional legal agreements that can fund infrastructure are section 278 Agreements (s278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. S278 agreements are required to secure alterations or improvements to the highway. The works may include minor highway realignments, roundabouts, traffic signals, passing bays etc. Contributions towards mitigation on the Strategic Road Network by individuals or groups of developments are dealt with via section 278 of the Highways Act 1980, not via CIL or s106. Information on section 278 highways agreements can be found on the West Sussex County Council (WSCC) webpage;

www.westsussex.gov.uk/roads-and-travel/information-for-developers/road-agreements/

It has been agreed that West Sussex County Council will report on the section 278 agreements entered into in Worthing.

The infrastructure list

Infrastructure needs of the Borough

The infrastructure needs of the Borough are outlined in the Infrastructure Delivery Plan (IDP). The latest version of which is available on the Council's website;

www.adur-worthing.gov.uk/planning-policy/worthing/worthing-developer-contributions/worthing-infrastructure/

Whilst there are a large number of infrastructure needs within Worthing to support growth, in the main, these are not strategic in nature. It is also known that developer contributions, whilst helping to fund the infrastructure needs of Worthing, will not be able to cover all the costs and therefore certain infrastructure projects will have to be prioritised. Additional funding for infrastructure projects will be needed from additional sources.

Anticipated funding from CIL

The figures set out in this receipts trajectory table are based on a number of assumptions (set out below). It represents a running total that assumes 'no spend'. The table is included as an appendix in the Infrastructure Investment Plan (IIP) and will be updated and revised in future iterations of the IIP, particularly once money has been allocated to priority projects.

Table 1: Anticipated CIL receipts trajectory (Feb 2020)

Monitoring Year	Total CIL receipts	Strategic Pot (70%)	Neighbourhood Pot (15%)	'Other Services' Pot (10%)	Admin Pot (5%)
Carried f/wd	£788,800	£568,400	£121,800	£81,200	£17,300
2020/21	£1,981,800	£1,403,500	£300,750	£200,500	£76,950
2021/22	£3,161,800	£2,229,500	£477,750	£318,500	£135,950
2022/23	£7,019,800	£4,930,100	£1,056,450	£704,300	£328,850
2023/24	£10,099,800	£7,086,100	£1,518,450	£1,012,300	£482,850
2024/25	£10,690,800	£7,499,800	£1,607,100	£1,071,400	£512,400

2025/26	£10,887,800	£7,637,700	£1,636,650	£1,091,100	£522,250
2026/27	£11,084,800	£7,775,600	£1,666,200	£1,110,800	£532,100
2027/28	£11,281,800	£7,913,500	£1,695,750	£1,130,500	£541,950
2028/29	£11,478,800	£8,051,400	£1,725,300	£1,150,200	£551,800

These projections are based on the following assumptions:

- They are aligned to the housing land supply trajectory set out in the most recently published Annual Monitoring Report (AMR) – which is published each December to cover the preceding monitoring year
- An affordable housing rate of 30% has been applied to all major developments
- For previously developed sites (with existing buildings) an adjustment for existing floorspace (50% discount) has been made
- A 30% discount has been applied to the ‘windfall’ allowance – as some of the dwellings delivered will be self-build and a significant proportion will involve the redevelopment of existing buildings
- Greenfield sites will deliver 3 bed houses @ 90 sqm
- Apartment schemes will deliver 2 bed flats @ 66sqm
- Windfalls will deliver 2 bed houses @ 77 sqm
- Payments have been calculated/phased in line with the Council’s adopted Instalment Policy
- No index linking has been applied to account for inflation over time

How the authority will use CIL contributions

Worthing Borough Council has produced an [Infrastructure Investment Plan \(IIP\)](#) which will focus on which projects should be prioritised to receive funding from the Community Infrastructure Levy (CIL). The IIP prioritises infrastructure via a three year rolling programme, which is updated each year to reflect the most up-to-date housing trajectory and infrastructure requirements across the plan area.

The ‘strategic pot’ (80% of all CIL funds collected) forms the main focus of the IIP. For clarity, Worthing Borough Council has agreed to ‘top slice’ this proportion, so that 70% of all CIL money received is spent on Worthing Borough Council and West Sussex County Council projects. The

remaining receipts (10% of total CIL money collected) is allocated to 'other service providers' (such as NHS partners, Police, Ambulance Trust) once that part of the 'pot' has reached £100,000.

The greatest single priority of both WBC and WSCC is responding to the impacts of climate change whilst at the same time managing and supporting growth. Informed by this overarching objective, for the 3-year period 2020-2023, two main 'themes' have been identified to be the focus for infrastructure funding from the CIL strategic pot (70% of total CIL), these are 'A Healthy Town Centre' and 'Managing Strategic Growth'.

A wide range of infrastructure projects come under the two themes above. However, to achieve the most significant impact it has been agreed by the Joint Officer Member Board (JOMB) that the CIL money collected should be used to fund 'large' infrastructure projects that provide a clear and tangible range of benefits to the town and the people who use it. The projects listed below have been identified as key infrastructure projects to be delivered in the next 3 years:

- **Railway Approach to town centre public realm scheme:** The recent approval for the redevelopment of Teville Gate House to provide a new 5 storey office accommodating 800 staff and the current proposals for the redevelopment of Teville Gate for 370 homes, hotel, retail and commercial floorspace provides an opportunity to deliver significant improvements to the public realm from the railway station through Teville Gate (Station Square) and into the town centre.
- **South Street public realm scheme:** The main route into the town centre and seafront finishes in South Street and feasibility work has assessed 3 options for enhancing both the north and south end of the street to enhance the primary shopping areas and gateway to the pier and seafront.
- **Portland Road public realm scheme:** As well as the main access into the town centre (via Chapel Road/South Street) the public realm strategy has identified Portland Road as a key pedestrian route into the primary retail area of Montague Street and an opportunity to provide a shared surface enhancing pedestrian access and assist businesses in the area. The scheme has significant support from retailers and the Town Centre Initiative.
- **Delivery of public Wi-Fi to the town centre and seafront:** Worthing is one of 14 areas to join CityFibres Gigabit City programme, a £2.5billion investment plan to bring full-fibre broadband to at least five million homes. The Council in partnership with the County Council has also secured funding to help deliver additional benefits and in particular to create public Wi-Fi to support key town centres and the seafront. Maximising the digital benefits to the public, businesses and residents is part of an integrated approach to promote healthy town centres.
- **Implementation of the Brooklands Masterplan:** Brooklands is an important area of public open space which is identified as a priority area for investment. It is Worthing's largest area of open space and provides an important role in the local community providing a wide range of formal and informal recreational activities. Whilst it is anticipated that private sector investment will deliver the formal recreational facilities proposed for the site, the provision of a large play area would help to pump prime investment into the site and therefore there is a need for a contribution of CIL money.

The table below shows the projects which have been selected to be funded from the ‘Strategic pot’ of the CIL income over this three year IIP period (2020-2023), by year the project will receive the funding. Each project is given a unique code in the title to ensure consistency with reporting.

Table 2: Infrastructure projects to be funded from the CIL ‘strategic pot’ (2020-23)

	2020/2021	2021/2022	2022/2023
1 st April b/fwd	£753,000	£364,200	£271,400
Income			
Estimated CIL income	£711,200	£907,200	£2,571,800
Funds available	£1,464,200	£1,271,400	£2,843,200
Expenditure			
IIP001 – Public Realm Enhancements Railway Station to the Town Centre	£650,000	£1,000,000	£2,000,000
IP002 - Public Wi-Fi for Town Centre(s)/ Seafront	£300,000		
IIP003 – Brooklands Masterplan	£150,000		
Total Expenditure	£1,100,000	£1,000,000	£2,000,000
31st March c/fwd	£364,200	£271,400	£843,200

Note - figures for the amount of CIL funding for each project are only estimates at this stage as projects are still being developed and costed. The IIP and progress on the projects would, in any event, be reviewed on an annual basis.

Community Infrastructure Levy (CIL) report

The following information is presented in order to comply with the CIL Regulations (as amended 2019) on the reporting of CIL for the monitoring year 2019/20. It sets out how much CIL has been collected, where it has been allocated to and how it has been spent. In the monitoring year 2019/20, 27 CIL demand notices were issued (although some supersede previously issued demand notices). The CIL liability does not become due until a demand notice has been issued upon commencement of the development. Most CIL payments must be made within 60 days of the issue of a demand notice. However, some developments will meet the criteria to pay the CIL charge in instalments, meaning that some of the CIL receipts set out in demand notices in this monitoring year won't appear as received until future versions of the IFS.

Table 3: Overview of CIL receipts and expenditure in 2019/20

Description	Amount	Further Information
The total value of CIL set out in all demand notices issued in the 2019/20 ²	£1,250,816.40	This figure does not include any Demand Notices which were suspended/superseded.
The total amount of CIL receipts for 2019/20 ³	£374,358.31	See more in the 'CIL receipts' section below.
The total amount of CIL receipts, collected by the authority, before 1st April 2019 which have not been allocated ⁴	£415,851.25	See more in the 'Total amount of CIL retained' section below.
The total amount of CIL receipts, collected by the authority, before 1st April 2019 which have been allocated in 2019/20 ⁵	£0	The Infrastructure Investment Plan (IIP) has recently been adopted stating the prioritisation of projects to receive CIL funding for the period 2020-2023.

² CIL Regulations 2010 (as amended) Schedule 2, Paragraph 1(a)

³ Schedule 2, Paragraph 1(b)

⁴ Schedule 2, Paragraph 1(c)

⁵ Schedule 2, Paragraph 1(d)

The total amount of CIL expenditure for 2019/20 ⁶	£18,717.92	This figure includes amount spent on administrative expenses.
The total amount of CIL receipts, collected since it was introduced, which were allocated but not spent in 2019/20 ⁷	£0	The Infrastructure Investment Plan (IIP) has recently been adopted stating the prioritisation of projects to receive CIL funding for the period 2020-2023.

CIL receipts

A total of £374,358.31 was received from 13 CIL liable developments in Worthing between 1st April 2019 and 31st March 2020. A total of £155,754.88 was granted in Self Build relief and Social Housing relief during the monitoring year.

Table 4: Breakdown of WBC CIL receipts in 2019/20

Ward	Planning Ref	Address	Amount received
Central	AWDM/1409/17	Angel Apartments, 49A Chapel Road	£27,900.00
	AWDM/1909/16	12 Chapel Road	£7,489.77
	AWDM/1176/17	133 Park Road	£12,346.38
	AWDM/1174/16	44 South Street	£10,880.00
	AWDM/1520/17	26 Clifton Road	£9,046.73
	AWDM/0870/17	15 Bedford Row	£5,500.00

⁶ Schedule 2, Paragraph 1(e)

⁷ Schedule 2, Paragraph 1(f)

	AWDM/1633/16	The Aquarena, Brighton Road	£188,579.36
Goring	AWDM/0827/15	Anchor Court, Marine Crescent	£14,941.16
Heene	AWDM/0556/18	Bedford House, 5 Mill Road	£17,081.63
Marine	AWDM/1351/19	65 Wallace Avenue	£15,649.54
Offington	AWDM/0418/16	32A Vale Avenue	£10,950.00
	AWDM/1042/18	59 Warren Road	£28,153.75
Salvington	AWDM/0038/18	Land East of 1-6 Walton Lodge, Walton Close	£25,839.99
Total			£374,358.31

Figure 2: Map showing development sites which have paid CIL in Worthing in 2019/20



CIL expenditure

In relation to CIL expenditure for 2019/20, summary details of the CIL which has been spent, and the amount of CIL spent on each item⁸:

i) Amount spent on items of infrastructure	£0
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Note that the [Infrastructure Investment Plan \(IIP\)](#) has recently been adopted stating the prioritisation of projects to receive CIL funding for the period 2020-2023.

ii) Amount spent on repaying money borrowed	£0
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⁸ Schedule 2, Paragraph 1(g)

Note that no money has been borrowed to finance CIL expenditure.

iii) Amount spent on administration	£18,717.92
-------------------------------------	------------

This is 5% of the total amount of CIL collected in the financial year 2019/20 and is being used towards CIL administration and staff costs.

Amount passed to any person (includes any 3rd party infrastructure providers) ⁹	£0
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CIL allocations

In relation to CIL receipts, which have been collected since it was introduced, and were allocated but not spent during 2019/20, below are the summary details of the items of infrastructure on which CIL has been allocated, and the amount of CIL allocated to each item¹⁰:

Table 5: Summary of infrastructure projects allocated CIL funding in 2019/20

Summary details of items of infrastructure which have been allocated CIL funding	Amount of CIL allocated
N/A	N/A

Note that no CIL has been allocated to items of infrastructure. However, the [Infrastructure Investment Plan \(IIP\)](#) has recently been adopted stating the prioritisation of projects to receive CIL funding for the period 2020-2023.

⁹ Schedule 2, Paragraph 1(i)(ii)

¹⁰ Schedule 2, Paragraph 1(h)

CIL passed to local councils

Regulation 50A of the CIL Regulations 2010 (as amended) states that a charging authority must pass to every local council within its area, 15% of CIL receipts to the relevant parish or town council. This increases to 25% of CIL receipts where a neighbourhood development plan is in place. However, as Worthing consists of wards, rather than parishes, Regulation 59F applies¹¹. The charging authority has wider spending powers in relation to this area and may use the CIL to support the development of the relevant area by funding:

- A. the provision, improvement, replacement, operation or maintenance of infrastructure
- B. anything else that is concerned with addressing the demands that development places on an area

Summary details of the expenditure of CIL to which regulation 59F applied during 2019/20¹²:

i) Amount of expenditure to which regulation 59F applies	£0
--	----

Table 6: Summary of infrastructure projects receiving CIL neighbourhood funds in 2019/20

ii) Summary details of items of infrastructure which have been allocated CIL neighbourhood funding, under regulation 59F	Amount of CIL allocated
N/A	N/A

No items of infrastructure have been allocated or spent CIL receipts from the Neighbourhood Pot. However, the authority is currently drawing up plans for spending the 'neighbourhood pot' (15%).

The amount of CIL that has been collected and is available in each neighbourhood pot (15% of all CIL funds), at the end of the 2019/20 financial year, is as follows:

¹¹ Schedule 2, Paragraph 1(i)(i), 1(k)(i) - (ii) are not applicable

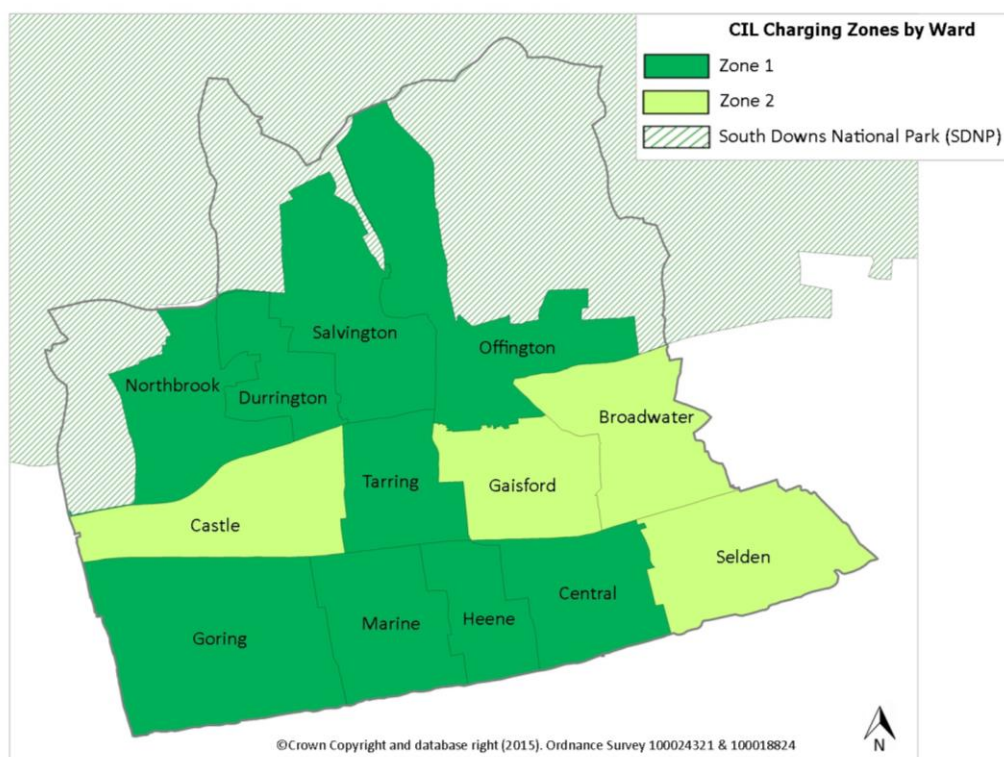
¹² Schedule 2, Paragraph 1(j)

Table 7: Amount of CIL funds available in each ward of the Neighbourhood Pot (15%) at the end of 2019/20

Ward	Amount received in n'hood pot in 2019/20	Funds carried over from previous years	Expenditure for the reported year	Available funds at the end of reported year
Central	£39,261.34	£25,406.72	£0	£64,668.06
Durrington	£0	£20,199.60	£0	£20,199.60
Goring	£2,241.17	£2,794.50	£0	£5,035.67
Heene	£2,562.24	£1,447.50	£0	£4,009.74
Marine	£2,347.43	£3,165.00	£0	£5,512.43
Northbrook	£0	£1,290.00	£0	£1,290.00
Offington	£5,865.56	£180.00	£0	£6,045.56
Salvington	£3,876.00	£0	£0	£3,876.00
Tarring	£0	£11,177.40	£0	£11,177.40
Total	£56,153.74	£65,660.72	£0	£121,814.46

It should be noted that Worthing currently has four wards, forming Zone 2, which have a £0 residential CIL charge; Broadwater, Castle, Selden, Gaisford (see below).

Figure 3: Worthing CIL residential charging zones by ward



Total amount of CIL retained

Table 8: Amount of CIL funds retained by WBC at the end of 2019/20

Description	Amount	Further Information
The total amount of CIL receipts for 2019/20 retained at the end of the reported year (excluding those to which regulation 59F applied) ¹³	£299,486.65	The Infrastructure Investment Plan (IIP) has recently been adopted stating the prioritisation of projects to receive 'strategic' CIL funding for the period 2020-2023.
The total amount of CIL receipts from previous years retained at the end of	£350,190.53	The Infrastructure Investment Plan (IIP) has recently been adopted stating the prioritisation of projects to receive 'strategic'

¹³ Schedule 2, Paragraph 1(l)(i)

2019/20 (excluding those to which regulation 59F applied) ¹⁴		CIL funding for the period 2020-2023.
The total amount of CIL receipts for 2019/20, to which regulation 59F applied, retained at the end of the reported year ¹⁵	£56,153.75	The authority is currently drawing up plans for spending the 'neighbourhood pot' (15%).
The total amount of CIL receipts from previous years, to which regulation 59F applied, retained at the end of the reported year	£65,660.72	The authority is currently drawing up plans for spending the 'neighbourhood pot' (15%).

CIL funded projects - Case Studies

Currently no infrastructure projects have received CIL funding. However, the [Infrastructure Investment Plan \(IIP\)](#) has recently been adopted stating the prioritisation of projects to receive CIL funding for the period 2020-2023. In future Infrastructure Funding Statements this section will be used to highlight the projects that have benefited from CIL funding.

¹⁴ Schedule 2, Paragraph 1(l)(ii)

¹⁵ Schedule 2, Paragraph 1(l)(iii)

Section 106 report

The following information is presented in order to comply with the CIL Regulations (as amended in 2019) on the reporting of section 106 Agreements (s106) for the monitoring year 2019/20. It sets out how much s106 has been collected, where it has been allocated to and how it has been spent. It includes both monetary and non-monetary contributions. **Please note that education, libraries, fire and some transport contributions are paid to and are spent by West Sussex County Council (WSSC) and are therefore not included in this report. This information can be found at:**

www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-106-planning-obligations/

Table 9: Overview of section 106 contributions agreed, received and spent in 2019/20

Description	Amount	Further Information
Total amount of money which may be provided under any planning obligations which were entered into during 2019/20 ¹⁶	£639,085.00	Details are set out in the 'Monetary contributions agreed' section below. The monies are not a guaranteed income source and should therefore not be relied upon for forecasting purposes as the payment is contingent upon relevant triggers set out in the section 106 agreement.
The total number of affordable housing units agreed under any planning obligations which were entered into during 2019/20	77 affordable housing units	These will be secured and delivered at agreed points before, during or after the completion of the relevant developments.
Total amount of money under any planning obligations which was received during 2019/20 ¹⁷	£125,934.96	Details are set out in the 'S106 received' section below.

¹⁶ Schedule 2, Paragraph 3(a)

¹⁷ Schedule 2, Paragraph 3(b)

Total amount of money under any planning obligations which was received before 2019/20 which has not been allocated ¹⁸	£745,450.04	Of the 'unallocated funds', almost £500,000 are required to be used to deliver transport/highways projects – but is waiting to be formally 'allocated' for spending or passed on to an infrastructure provider.
Total amount of money under any planning obligations which was allocated, but not spent, in 2019/20 ¹⁹	£188,309.96	Details are set out in the 'S106 allocated and unspent' section below.
Total amount of money (received under any planning obligations) which was spent by the authority in 2019/20 ²⁰	£354,259.08	Includes transferring it to another body to spend (e.g. West Sussex County Council)
Total amount of money received (under any planning obligations) during any monitoring year which was retained at the end of 2019/20	£1,324,220.60	Of this amount, £474,128.96 has been 'allocated' to infrastructure projects.

Monetary contributions agreed

In the monitoring year 2019/20:

- 660 applications were determined, of which 9 were major applications.
- Six applications contained a signed section 106 agreement (including one Deed of Variation) in 2019/20
- This is an increase from the three section 106 agreements signed in 2018/19

¹⁸ Schedule 2, Paragraph 3(c)

¹⁹ Schedule 2, Paragraph 3(e)

²⁰ Schedule 2, Paragraph 3(f)

Table 10: Details of monetary contributions included in section 106 agreements entered into by WBC in 2019/20

Planning Ref	Site Address	Date of s106	Contribution	Purpose of contribution
AWDM/1480/18	Columbia House	23/05/2019	£300,000.00	Provision of affordable housing within council's administrative area.
			Up to £297,000.00 ²¹	Provision of affordable housing within council's administrative area.
AWDM/0303/19	32-36 South Street	20/06/2019	£8,085.00	Provision of Affordable Housing off-site within the Borough.
AWDM/1882/16	Land To The South And East And West Of The Coach And Horses Arundel Road	18/12/2019	£30,000.00	Emissions Mitigation contribution - towards additional measures to improve local infrastructure.
			£4,000.00	Inspections of the elements of the Public Open Space Works during the course of their construction.

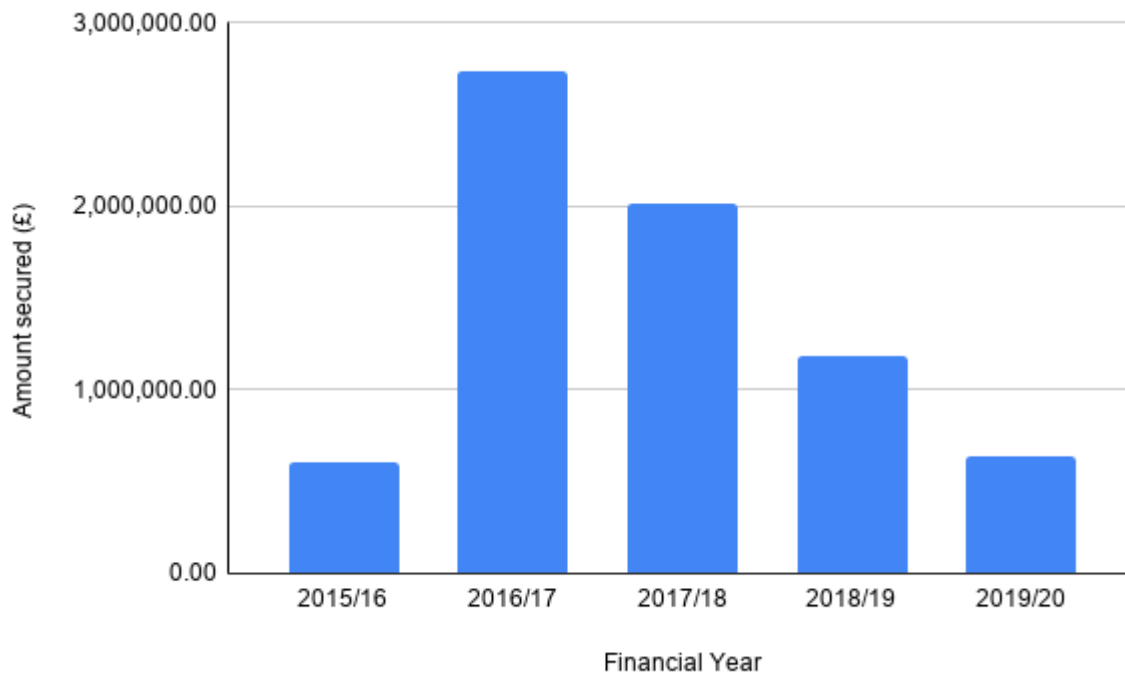
During the last monitoring year:

- A total of up to £639,085 was secured through s106 agreements by WBC
- Around 95% of the monetary contributions secured relate to affordable housing provision

²¹ Conditional contribution - dependent on owners profit reassessment

The graph below indicates the amount of money secured through s106 agreements by WBC in previous years²².

Figure 4: Total value of section 106 financial contributions included in agreements entered into by WBC in each monitoring year



Non-monetary contributions agreed

The table below sets out the non-financial contributions which have been included in s106 agreements entered into during 2019/20²³. These will be secured and delivered at agreed points before, during or after the completion of the relevant developments.

²² Note that some of the contributions may appear in multiple years where agreements have been varied under a Deed of Variation in subsequent years

²³ Schedule 2, Paragraph 3(d)(i) - (ii)

Table 11: Details of non-financial contributions included in section 106 agreements entered into by WBC during 2019/20

Planning Ref	Site Address	Date of s106	Contribution	Details
AWDM/1480/18	Columbia House	23/05/2019	5 affordable housing units	3 affordable rent units and 2 shared ownership units to be provided as part of the development.
			Car Club	Operated by car rental company which provides at least one vehicle, for a minimum period of 3 years, along with £50 credit for each Car Club membership.
			EV Charging Points	20% of all car parking spaces to provide operational charging equipment rated at least 7kW. The remaining 80% to be 'passive' (to be upgraded in the future).
			Management Company	Private management company to carry out a range of duties.
			Travel Plan	Including a Travel Plan Coordinator responsible for the implementation, monitoring and review of the Travel Plan. Provide £150 of vouchers for each occupier of the development for use towards the sustainable transport measures

				identified in the Travel Plan.
AWDM/1763/18	105 - 109 Montague Street	01/05/2019	Car Club	Club operated by a car rental company which provides at least one car club vehicle for use at any time by residents of the dwellings, with a car club parking space to be provided. Provide a Driving Credit (£25) for each Car Club membership.
			Travel Plan	To appoint a Travel Plan Co-ordinator. Provide £50 of vouchers per year (for a min of 3 years) for each occupier of the dwellings for use towards the sustainable transport measures identified in the Travel Plan.
AWDM/1882/16	Land To The South And East And West Of The Coach And Horses Arundel Road	18/12/2019	72 affordable housing units	50 affordable rent and 22 shared ownership to be provided as part of the development.
			Play Area	Children's play space.
			Public Open Space	Open Space area for recreation use.

Other site or development specific requirements, including net proceeds of sale, occupancy restrictions, provision of street furniture, schedule of specific works, highways and general estate management matters are not listed within the table above.

SI06 received

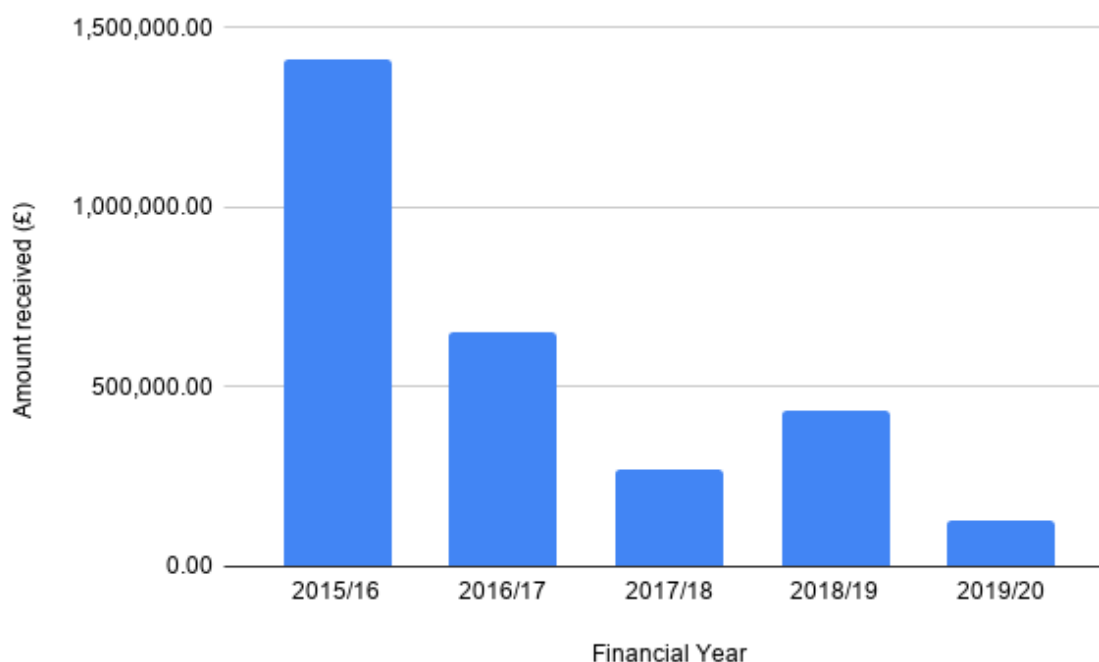
The Council received a total of £125,934.96 in s106 contributions during 2019/20, which came from three developments. 75% of the contributions received relate to the provision of off-site affordable housing in Worthing.

Table 12: Section 106 contributions received by WBC during 2019/20

Planning Ref	Site Address	Amount of s106 received	Category of expenditure
WB/09/0732/FULL	12 Littlehampton Road	£30,934.96	Open Space and Leisure
AWDM/1542/16	(Bunces) 112 - 114 Chapel Road	£25,000.00	Affordable Housing
AWDM/1075/17	Irene House, 1 Parkfield Road	£70,000.00	Affordable Housing

The amount of s106 contributions received vary each year according to the number of agreements signed and how many obligations have reached a trigger point for payment.

Figure 5: Total value of section 106 financial contributions received by WBC in each monitoring year



S106 allocated and unspent

The total amount of money received (under any planning obligations) which was allocated but not spent during 2019/20 for funding infrastructure was £188,310²⁴. A summary of the infrastructure projects and amount of money allocated to it are set out in the table below²⁵. The 's106 funded projects - Case Studies' section below includes more information on some of the projects which have been allocated or received s106 funds.

Table 13: Summary of infrastructure projects allocated section 106 funds during 2019/20²⁶

Scheme Allocated to	Amount Allocated	Further Information
Goring Cycle Scheme	£103,292.00	

²⁴ Schedule 2, Paragraph 3(e)

²⁵ Schedule 2, Paragraph 3(g)

²⁶ Please note that some of these projects are joint WBC/WSCC projects and therefore may also be recorded in the WSCC IFS

Palatine Play Area	£28,326.00	A further £36,439.60 has already been allocated
WSCC Public Transport Improvements	£20,000.00	
SRTS - Proposed controlled crossing - The Downsbrook	£14,365.00	
Bus Shelter in Heene Ward	£12,000.00	
School Crossing Patrol - Thomas A Becket School	£7,718.00	
West Park Outdoor Fitness Equipment	£2,609.00	A further £25,058 has been spent, with a further £12,333 already allocated

S106 spent

The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another body to spend) in 2019/20 was £354,259.08²⁷. These funds were spent from obligations secured across several monitoring years. A summary of the infrastructure on which money has been spent is set out in the tables below²⁸. The 's106 funded projects - Case Studies' section below includes more information on some of the projects which have been allocated or received s106 funds.

Table 14: Expenditure of section 106 funds by WBC during 2019/20, by category on infrastructure type

Category	Amount Spent
Flood and Water Management	£15,545.00

²⁷ Schedule 2, Paragraph 3(f)

²⁸ Schedule 2, Paragraph 3(h)(i)

Open Space and Leisure	£304,531.75
Other ²⁹	£3,543.37
Transport and Travel	£30,638.96

Table 15: Summary of infrastructure projects receiving section 106 funds during 2019/20

Planning Ref	Address	Category	Scheme	Amount Spent
WB/06/1121/FULL	Land at Eirene Road, Eirene Avenue and Sea Place	Open Space and Leisure	Outdoor Fitness Equipment at West Park	£20,000.00
WB/07/0780/FULL	3 Queens Road	Transport and Travel	Cycle Improvement Measures	£4,713.00
WB/07/0916/FULL	Garage Block North East Of 55 Station Road	Transport and Travel	Easit Travel Discount Scheme	£8,987.00
WB/09/0732/FULL	12 Littlehampton Road	Transport and Travel	Easit Travel Discount Scheme	£7,051.96
			New cycle hub	£9,887.00
WB/10/0895/FULL	223 Brighton Road	Flood and Water Management	Maintenance of local flood defences, CPW works	£15,545.00

²⁹ Environmental Clerk of Works

WB/11/0275/OUT	West Durrington Development, Land East Of Titnore Lane	Other	Environmental Clerk of Works	£3,543.37
		Open Space and Leisure	Splashpoint Swimming Pool	£250,813.00
AWDM/0055/13	Land at Lower Northbrook Farm, Titnore Lane	Open Space and Leisure	HLF External Funding Bid for Highdown Gardens	£33,718.75
Total				£354,259.08

Note that these projects received S106 funds between 1st April 2019 and 31st March 2020, however the exact date is not recorded.

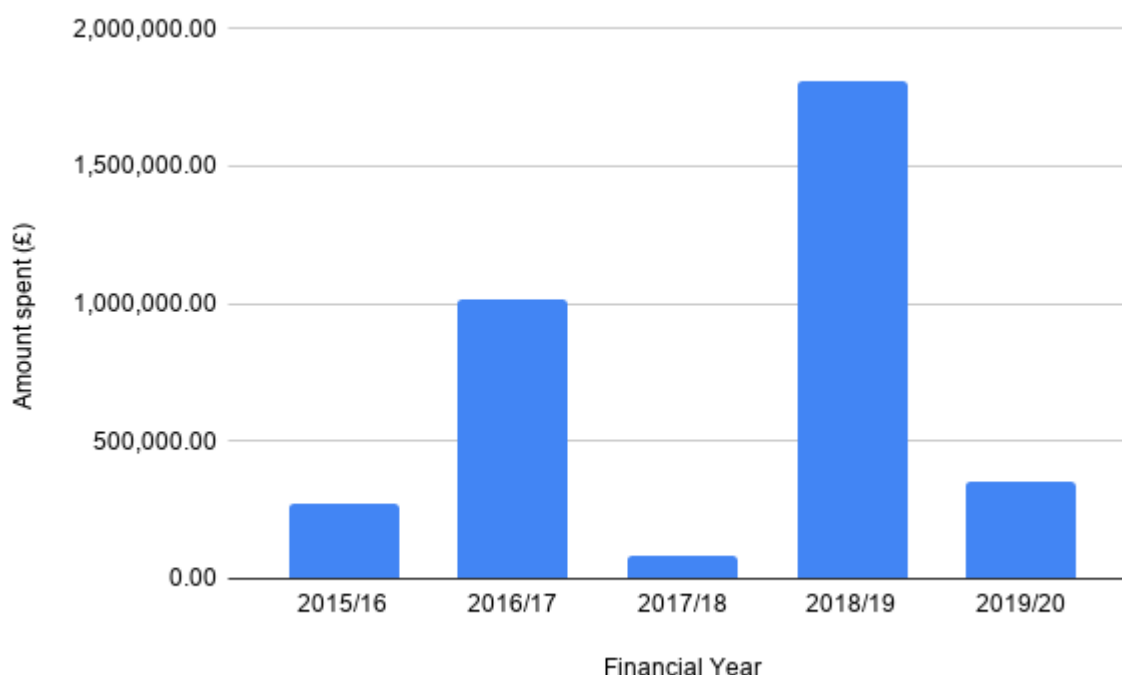
ii) Amount of s106 money (received under planning obligations) which has been spent on repaying money borrowed, including interest ³⁰ .	£0
--	----

iii) Amount of s106 money (received under planning obligations) which has been spent in respect of monitoring ³¹ .	£0
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³⁰ Schedule 2, Paragraph 3(h)

³¹ Schedule 2, Paragraph 3(h)

Figure 6: Total value of section 106 financial contributions spent by WBC in each monitoring year



SI06 retained

The total amount of money received (under any planning obligations) during any year which was retained at the end of 2019/20 was £1,324,220.60. Of this, £3,000 has been retained for the purposes of longer term maintenance (known as a commuted sum)³².

Table 16: Total value of section 106 financial contributions retained by WBC at the end of 2019/20

Contribution Type	Amount of money retained and unallocated at the end of 2019/20	Amount of money allocated but unspent at the end of 2019/20
Affordable Housing	£135,272.34	£0
Air Quality	£2,585.43	£0
Economic Development	£81,814.07	£0

³² Schedule 2, Paragraph 3(i)

Green Infrastructure	£50,000.00	£8,938.26
Highways	£129,570.00	£44,379.00
Open Space and Leisure	£52,498.65 ³³	£185,713.66
Other ³⁴	£16,986.85	£0
Public Art	£15,000.00	£0
Transport and Travel	£366,364.30	£235,098.00
Total	£850,091.64	£474,128.96

Often when section 106 funding is received in smaller amounts, the Council will combine these contributions over time to invest in larger projects which have a greater impact in the community.

SI06 funded projects – Case Studies

Below are case studies of some of the infrastructure projects which have received or been allocated section 106 funds.

Open Space and Leisure - Outdoor Fitness Equipment at West Park

West Park and playground, near to Worthing Leisure Centre on Shaftesbury Avenue, contains a range of play equipment as well as a Multi Sports area.

The play area was completely refurbished in summer 2018, funded using £75,000 of section 106 developer contributions. The work involved the installation of new play equipment aimed at children between 3 and 12 years of age.



³³ Of this amount, since March 2020, £9,641.60 has been allocated to the 'Brooklands Park Redevelopment'

³⁴ Environmental Clerk of Works

The next stage of improvements was the installation of the outdoor gym. The range of gym style fitness equipment was installed by Wicksteed Leisure Limited and was part funded using £40,000 of section 106 developer contributions.

More details on West Park and playground can be found on the Council's website;

www.adur-worthing.gov.uk/parks/find/worthing/west-park/

Transport and Travel - Easit Travel Scheme

In January 2019 Adur & Worthing Councils developed & launched 'easit Adur&Worthing' to council staff and businesses across Adur & Worthing with national not for profit organisation, EASIT. This offers discounted travel on public transport, reduced cost cycle and low emission car hire and many other green travel benefits to help local staff and residents shift to greener travel. The aim is to make sustainable travel options more attractive for commuting and business travel, with the benefits also being used for leisure purposes.



The establishment of easitADUR & WORTHING was funded by over £21,000 of s106 payments from Adur and Worthing as part of the Councils' sustainability programme Sustainable AW.

In January 2020, over 25 organisations, representing approximately 26,000 staff had signed up to 'easit Adur&Worthing', including: Brighton & Hove Albion F.C; Colonnade House; GSK; Mosaic Online Systems; Sussex Partnership NHS

Foundation Trust; The Proto Restaurant Group; West Sussex County Council; Western Sussex Hospitals NHS Foundation Trust (Worthing and Southlands Hospitals).

**Worthing Borough Council
Planning Policy
Portland House
44, Richmond Road
Worthing
West Sussex
BN11 1HS**



**WORTHING BOROUGH
COUNCIL**



Local Development Scheme

Report by the Director for the Economy

1.0 Summary

- 1.1 Planning Regulations require Local Planning Authorities to produce and keep up to date a Local Development Scheme (LDS) which sets out details relating to local planning policy documents and the programme for producing these. The LDS acts as a public statement which establishes a three year management plan for the Planning Policy Team.
- 1.2 The existing LDS for Worthing adopted in 2019 needs to be updated to ensure that the Council has an up-to date public 'project plan'.
- 1.3 The Council is working towards the adoption of a new Local Plan which, when in place, will form the key Development Plan for the Borough. Given the resources required to prepare and adopt a new Local Plan this will be the key priority for the Planning Policy team over the next year. However, importantly, this version of the LDS also establishes the work programme for the Planning Policy Team following the adoption of the Local Plan.
- 1.4 The Planning Committee is asked to consider and comment on the work programme set out in the revised Local Development Scheme (Appendix A). It covers the period 2021/23 and, when adopted, it will supersede the previous version published by the Council in 2019.

2.0 Background

- 2.1 Planning Regulations require the preparation of the Local Development Scheme (LDS). The LDS is a document which identifies and describes the Local Development Documents to be produced, and prescribes the timetable

for their preparation and revision. Although Local Planning Authorities are required to produce a LDS, there is no longer a requirement to submit it to Government for formal endorsement. However, the LDS must be made publicly available so that the local community and stakeholders are clear about the preparation of the Local Development Framework (the collection of planning documents, which includes the Local Plan).

- 2.2 The current LDS for the Borough that was adopted in April 2019 clarified that the main objective for the Planning Policy Team was to get a new Plan in place. Although the key stages established in that LDS have been met these have taken longer than previously envisaged, primarily due to the impacts of Covid-19 when most of the Policy Team were redeployed to other Council services to support the community during the pandemic. As such the LDS has been revised to provide a realistic timeframe for the progression and adoption of a new Local Plan. It also sets out a work programme for the progression of planning policy documents over the period 2021 and 2023.

3.0 Proposals

- 3.1 The revised LDS shows that the key priority for the Planning Policy Team will continue to be work to progress and adopt a new Local Plan. After a number of years of preparation the Local Plan is nearing the 'home straight'. The Council has approved the Regulation 19 version of the Plan for publication at the end of January 2021. An eight week consultation period will then follow during which interested parties can comment as to whether the Plan meets the 'tests of soundness' as set out in the NPPF. These relate to whether the Plan is: positively prepared, justified, effective, and consistent with national policy. Following this, the Plan will be submitted for formal Examination.
- 3.2 The LDS indicates that the Council may be in a position to adopt the Local Plan in winter 2021/22. It is considered that the timeline for the progression of the new Local Plan to adoption established within the revised LDS is realistic. However, it should be noted that the timeline during these latter stages can only be indicative as much will depend on the Planning Inspectorate and their availability to host and then report on the Examination.
- 3.3 Whilst the primary aim over the next 12 months is to adopt the Local Plan the LDS is a three year work programme so needs to look beyond this period. Therefore, the revised version of the LDS also includes a clear understanding of the local development documents that will be progressed. These will: support the delivery of the Local Plan; update key documents; respond to

Council priorities; and reflect the key themes and areas of interest raised during Local Plan consultation stages.

- 3.4 As set out within page 8 of the LDS, resources will be used to progress new documents and update existing guidance. This includes SPDS to cover the following topic areas: Green Infrastructure Strategy; Developer Contributions; Sustainable Economy; and the Guide to Residential Development. Further work will be undertaken on 'Climate Change' and 'Health' to provide greater understanding as to how the Council's policies should be applied.
- 3.5 To meet the Council's commitment set out in Local Plan Policy DM23 (the Strategic Approach to the Historic Environment) the LDS also demonstrates how resources will be used to establish a work programme to undertake Conservation Area Appraisals and produce other local heritage guidance.
- 3.6 Local Planning Authorities are required by Government to review their Local Plans and policies at least every 5 years from the date of adoption. With this requirement in mind, the LDS indicates that the review of the Local Plan (If adopted in 2021/2) will commence towards the end of 2023.
- 3.7 The implementation of the LDS will be monitored with the Council's Annual Monitoring Report which is published each December to cover the preceding financial year.

4.0 Legal

- 4.1 The LDS has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012. As a result of the Localism Act 2011, Local Planning Authorities no longer have to submit Local Development Schemes to the Secretary of State. However, Section 15(7) Planning and Compulsory Purchase Act 2004 (substituted by the Localism Act 2011) requires that there is a relevant Council resolution before an authority's LDS may be put into effect; and that the resolution must state the date in which the Scheme will come into effect.
- 4.2 Section 15(9A) of the Planning and Compulsory Purchase Act 2004, also requires the Local Planning Authority to make the following available to the public:
 - (a) the up-to-date text of the scheme,
 - (b) a copy of any amendments made to the scheme, and
 - (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable mentioned

in subsection (2) (f) being the timetable for the preparation and revision of the development plan documents.

5.0 Financial implications

5.1 There are no specific costs in relation to the drafting and adoption of a revised LDS. However, there are some significant costs attached to the progression of a new Local Plan. Most of these costs relate to the evidence base required to make informed decisions within the Plan but there are also costs associated with consultation stages and the Examination. The production of the Local Plan is to be funded by the existing service budget.

6.0 Recommendation

6.1 Prior to its approval by the Executive Member for Regeneration, the Planning Committee is asked to consider and comment on the work programme as outlined in the report and as set out in the revised Local Development Scheme (Appendix A).

Local Government Act 1972

Background Papers:

- Appendix A – Revised Local Development Scheme (January 2021)
- Worthing Local Plan - Regulation 19 Publication Version

Contact Officer:

Ian Moody
Planning Policy Manager (Worthing)
01273 263009
ian.moody@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 When adopted, the Local Plan will be a key tool for meeting the ambition for our communities' prosperity and wellbeing as set out in Platforms for our Places (in particular, Platforms 1,2,3 and 5). The Local Plan and the planned update and preparation of Local Development Documents will also help deliver a number of corporate objectives such as responding to the climate emergency and responding to the objectives established in 'And Then ...' (Bouncing Back in Post-Pandemic Adur and Worthing).

2.0 Specific Action Plans

- 2.1 Planning Regulations require Local Planning Authorities to produce and keep up to date a Local Development Scheme (LDS) which sets out details relating to local planning policy documents and the programme for producing these.

3.0 Sustainability Issues

- 3.1 The Government requires that all Development Plan Documents (including Local Plans) be subject to a formal sustainability appraisal. The Local Plan will aim to promote sustainable development. In addition, an up to date planning framework for Worthing will provide a clear platform for the future development of our places and the protection of key environmental assets.

4.0 Equality Issues

- 4.1 The Local Plan will be the subject of an Equalities Impact Assessment. It will aim to ensure that all groups have equal access to the opportunities offered by the new Development Plan. For example, the provision of affordable housing, open spaces and sustainable transport initiatives are key issues to be addressed through the new plan to help promote equal opportunities.

5.0 Community Safety Issues (Section 17)

- 5.1 The emerging Local Plan considers community safety issues and requires development to incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 The delivery of a new Local Plan (and a complimentary suite of planning policy documents) in line with the timetable established in the revised LDS will help to meet the spatial needs of the borough and therefore have a positive impact on the reputation of the Council. It will also ensure that the Council has an up-to-date Plan in place in line with Government requirements.

8.0 Consultations

8.1 The cross-party Local Plan Working Group have discussed key priorities and the work programme and this has informed the drafting of the revised LDS. The work programme has also been informed by comments on particular themes received during the consultation stages on the Worthing Local Plan.

9.0 Risk Assessment

9.1 Failure to adopt a new Plan could impact on a number of this Council's priorities including economic and social regeneration. In addition, failure to get a new Development Plan in place in a timely manner may impact on local control when determining applications and increase the risk of speculative development proposals.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Any consultancy support that might be required to inform the drafting of Local Development Documents will be procured in line with the Council's procedures.

12.0 Partnership Working

12.1 A number of the evidence studies that have been put in place to inform the Worthing Local Plan were prepared jointly with Adur DC. In addition, officers have worked across both local authority areas so have been able to learn from the experience of the Adur Local Plan as it went through Examination.

**WORTHING
BOROUGH
COUNCIL**

**WORTHING
LOCAL
DEVELOPMENT
SCHEME**

JANUARY 2021



**WORTHING BOROUGH
COUNCIL**

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I Introduction

- 1.1 Local planning authorities are required to prepare a Local Development Scheme (LDS). The LDS is a public 'project plan', or in other terms, a timetable identifying which planning policy documents will be produced and when. It establishes a three year work programme that allows stakeholders to understand the current and proposed planning policy framework for the area and the associated resource implications. This version of the LDS, when adopted, will cover the period 2021-2023 and will supersede the previous version published by the Council in 2019.
- 1.2 This LDS sets out an up-to-date work programme for the progression of the Worthing Local Plan to adoption. Given the resources required to prepare and adopt a new Local Plan this will be the key priority for the Planning Policy team over the next year. Whilst the Worthing Local Plan is the only Development Plan Document programmed within this LDS other areas work will be progressed by the Planning Policy Team. Therefore, this version of the LDS also establishes the work programme for the Planning Policy Team following the adoption of the Local Plan.

2 What is the current Development Plan?

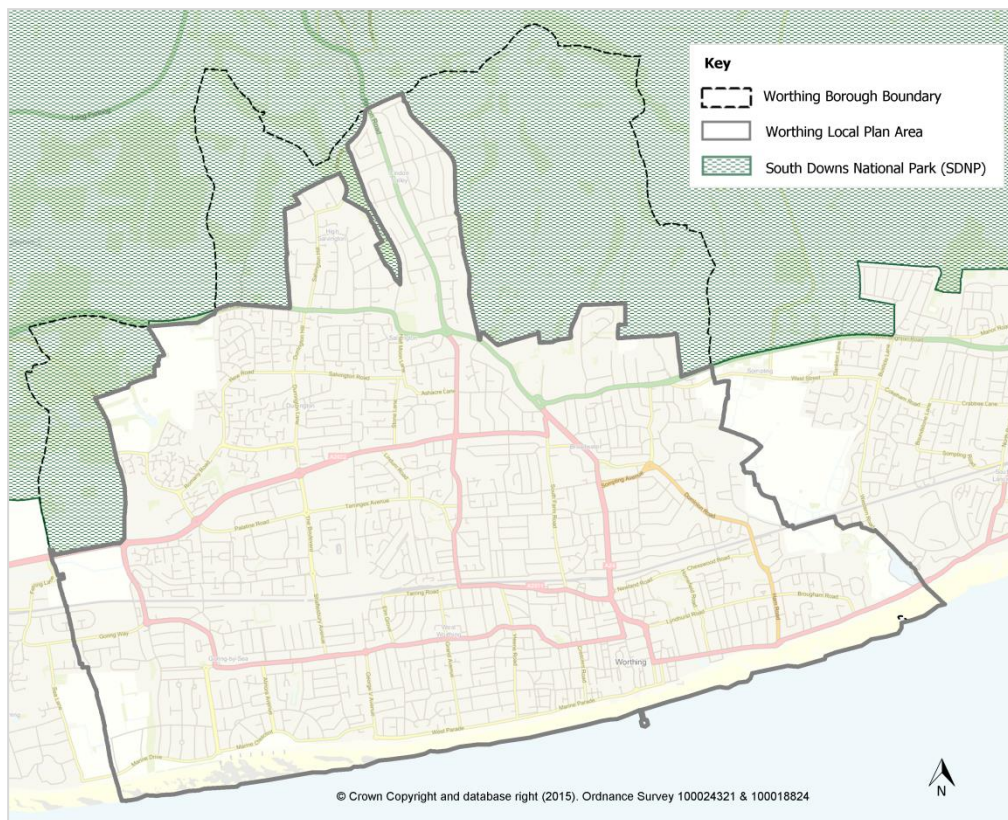
- 2.1 At the time of publishing this LDS the Development Plan for Worthing consists of:
- Worthing Core Strategy 2011
 - Saved policies from the Worthing Local Plan 2003 (see appendix 6 of the Core Strategy)
- 2.2 In addition to the above, the Council has published a number of non-statutory planning guidance documents which have been produced to support planning policies. These will continue to be material planning considerations as long as the principles are in general conformity with national policy.
- 2.3 West Sussex County Council is the Minerals and Waste local planning authority and the policy framework for these matters is contained in:
- West Sussex Joint Minerals Local Plan – 2018 (WSCC & South Downs National Park Authority)
 - West Sussex Waste Local Plan – 2014

3 The New Local Plan

- 3.1 The Council adopted its Core Strategy in 2011. Following on from this, the Council established a work programme to support and deliver the Vision, Strategic Objectives and policies that had been established. A number of documents to support these aims were put in place. However, in response to changes to the planning system, the Council committed to a review of the Core Strategy and thus the preparation of a new Local Plan for Worthing.
- 3.2 The new Worthing Local Plan, when adopted, will become the primary basis upon which all planning decisions are made in the Borough. It will contain strategic policies, spatial policies, site allocations and development management policies and site allocations for a range of uses including housing and employment.

- 3.3 The Local Plan will cover Worthing Borough excluding the area within the South Downs National Park (see map below). The South Downs National Park Authority is the local planning authority for the South Downs National Park area.

Area to be covered by the Worthing Local Plan



The Plan Making Process

- 3.4 The process of preparing and adopting Development Plans is set out in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. A summary of this process is set out below and then incorporated within the work programme.

Evidence

- 3.5 Plans must be prepared within the context of national policy. They should be in accordance with this unless strong local evidence indicates that variation from this would provide better outcomes in the specific local context. As reported within the Council's Annual Monitoring Report a number of background studies have been published (or are being progressed) to ensure that the evidence base is up-to-date.
- 3.6 A key part of the evidence base is the sustainability appraisal. The appraisal is a systematic, iterative process, integrated into each phase of Plan production to ensure that the Plan proposes the most sustainable pattern of future development possible.
- 3.7 A statutory Duty to Co-operate has formalised working arrangements between Councils and service providers. This ensures partners are fully engaged in the plan preparation

process. Work to address the requirements of the Duty to Co-operate will continue and is reported within the Annual Monitoring Report and the Duty to Co-operate statement.

- 3.8 The Council has prepared an Infrastructure Delivery Plan (IDP) to ensure that the emerging Worthing Local Plan can be supported by necessary infrastructure provision. The delivery of the right levels and type of infrastructure is essential to support new homes, economic growth and to protect the environment. The IDP is a 'live' evidence base document that will be regularly reviewed and updated as the Local Plan progresses.

Public Participation and Engagement

- 3.9 Community involvement is a key component in shaping the content of the Local Plan. This is an iterative process involving several rounds of engagement in addition to ongoing discussions with interested parties. Public participation is guided by the Councils' Statement of Community Involvement (2019) and the scale and nature of community involvement has varied according to the stage reached.

Progress to Date

- 3.10 The process of preparing a new Local Plan is made up of a number of specific stages. The first stage of consultation, the 'Issues and Options' stage was undertaken in 2016 when the Council sought views on how Worthing should grow and develop. The responses received helped to inform the drafting of the next version of the draft Plan (Regulation 18 - Preferred Approach) which was subject to public consultation between October and December 2018. This consultation identified the need for additional evidence work to be carried out.
- 3.11 Good work been made on the progression of the new Local Plan and the previous version of the LDS indicated that Plan was expected to be submitted for Examination towards the end of 2020. However, although the key stages established in that LDS have been met, these have taken longer than previously envisaged, primarily due to the impacts of Covid-19 when most of the Policy Team were redeployed to other Council services to support the community during the pandemic. As such the timeline has been revised to provide a realistic timeframe for the final stages of Local Plan production.

Submission and Examination

- 3.12 Worthing Borough Council has approved the Regulation 19 Publication version of the Local Plan. It will be published on January 26th 2021 for an eight week period when representations will be invited on issues of soundness and legal compliance. The Council can make limited, minor amendments to the published document at this stage before submitting it (and the representations made) to the Secretary of State and the Planning Inspectorate.
- 3.13 Once the Local Plan, its sustainability appraisal and all other supporting documentation have been submitted they will be examined by an independent Inspector. The Inspector is charged with examining whether the document complies with legislation; the duty to co-operate has been met; and whether the proposed plan is sound. If found to be 'sound' the Council can then adopt the Local Plan.
- 3.14 The timeline set out on page 7 below indicates that the Submission of the Plan will be in the spring 2021 with the Examination hearings to be held in the summer / autumn. If this

timeline is met the Council may be in a position to adopt the Local Plan in winter 2021/22. However, it should be noted that the timeline during these latter stages can only be indicative as much will depend on the Planning Inspectorate and their availability to host and then report on the Examination (which is likely to be further complicated by Covid-19 restrictions which may still be in place).

- 3.15 Local Planning Authorities are required by Government to review their Local Plans and policies at least every 5 years from the date of adoption. With this requirement in mind, the LDS indicates that the review of the Local Plan (if adopted in 2021/2) will commence towards the end of 2023.

4 Supplementary Planning Documents

- 4.1 Supplementary Planning Documents (SPDs) provide greater detail on policies within the Council's Development Plan and support decisions on planning applications. The Council has in place a number of SPDs covering a range of topic areas. These, and other guidance documents, can be viewed using the link below.

www.adur-worthing.gov.uk/worthing-ldf/spd-and-guidance

- 4.2 A number of SPDs are programmed within this LDS, the majority of which will be progressed following the adoption of the Local Plan. However, work on one SPD, the Green Infrastructure Strategy, has already commenced and it is expected that this will be in place before the end of 2021. This will include the Councils' approach to biodiversity net gain, green infrastructure provision, site selection and off-site contributions.
- 4.3 Following the adoption of the Local Plan prioritisation will be given to the updating of existing SPDs so that they reflect the latest policy position. This includes: the Developer Contributions SPD; Sustainable Economy SPD; and the Guide to Residential Development SPD.
- 4.4 To help interpret and support the policy position to be established in the Local Plan the policy team will prepare an update to the existing 'Climate Change' Position Paper and will provide new guidance on the application of Health Impact Assessments. To meet the Council's commitment set out in Local Plan Policy DM23 (the strategic approach to the historic environment) the LDS also demonstrates how resources will be used to establish a work programme to undertake Conservation Area Appraisals and produce other local heritage guidance.
- 4.5 The indicative timetable for these areas of work is included below on page 8. As work commences on these documents the Council's website will be used to provide more detail on the timetable for each project, particularly when interested parties can be involved. The Annual Monitoring Report will also be used to provide an update on the work programme and any new areas of work that may be advanced over the lifetime of this LDS.

5 Other areas of Work

Community Infrastructure Levy (CIL) and Developer Contributions

- 5.1 The Community Infrastructure Levy is a mechanism through which Councils can collect financial contributions from developers toward identified infrastructure needs. The Council adopted CIL in February 2015 with implementation of the CIL Charging Schedule

coming into effect in October 2015. A full review of Worthing CIL has since been undertaken and a consultation on the proposed revised charging rates was held in autumn 2020. The Council submitted its Revised Charging Schedule for Examination in October 2020 and the hearing sessions are scheduled to be held on January 28th 2021. It is hoped that the revised charges will be in place by spring 2021. CIL operates in conjunction with the Council's Developer Contributions SPD.

- 5.2 Further detail relating to CIL, S106 Developer Contributions and the Infrastructure Funding Statement can be found on the Council's website:

<https://www.adur-worthing.gov.uk/planning-policy/worthing/worthing-developer-contributions/>

Neighbourhood Plans

- 5.3 Neighbourhood Plans (NP) give communities the opportunity to come together through a local Parish Council or a Neighbourhood Forum (where there is no Parish Council - as is the case in Worthing) and state where they think new development should go. The matters to be addressed in a NP must be in line with national policies and also the strategic policies in the Local Plan. The creation of NPs is a partnership between the local community and the Council who can advise and support the process. There are currently no NPs currently being progressed in Worthing.

6 Resources

- 6.1 Worthing Borough Council has committed to the adoption of a new Local Plan. Whilst the Planning Policy Team will take the lead in this work, other teams within the Council will be involved at appropriate stages as the Plan is progressed. There are strong project management arrangements and reporting structures in place to coordinate and monitor progress. Key issues are discussed at regular meetings of the cross-party Member Local Working Group and, at appropriate times, progress on the Local Plan has been (and will be) reported to all elected Members and other stakeholders.
- 6.2 Expertise will be sought where relevant from other partners such as the County Council. Consultants may also be engaged on specific projects where there is a lack of capacity in-house, or specialist research is required. The existing Planning Policy budget makes allowance for anticipated costs of Local Plan production, including funding for specialist consultancy work. Public consultation on the Pre-Submission Draft will be delivered within previously approved budget allocations and existing resources. Additional money will be required to fund Examination and funding would need to be met as a one off cost during 2021/22.

7 Risk Assessment and Monitoring

- 7.1 Whilst the timetable for the Local Plan review and other key documents set out in this LDS provides the best indication of the work programme there will always be a level of uncertainty associated with work of this nature. The following arrangements will help to reduce risks and will ensure that planning documents are progressed in line with this LDS:
- Project management and reporting arrangements will ensure that the Local Plan and other key documents are advanced in a transparent manner and that any risks / issues are identified and considered in a timely manner
 - Additional resources may be required in periods of heavy workload

- Consultants may be appointed on short-term contracts to undertake specialist technical studies
- Joint working will take place with neighbouring authorities when appropriate
- Advice on procedural matters and any changes to legislation will be sought from the Planning Inspectorate and the Planning Advisory Service

7.2 The LDS will be continually monitored and regular updates will be provided on the Council's website and through the Planning Policy Newsletter. A more formal review of progress will be set out in the Council's Annual Monitoring Report. Any significant amendment to the timetable proposed may mean that this LDS will need to be reviewed.

Timetable for the Worthing Local Plan

Stages Undertaken																	
Local Plan Stage	2016	2017				2018				2019				2019			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Updating of evidence & engagement with key stakeholders																	
Issues and Options Consultation																	
Regulation 18 Draft Worthing Local Plan Consultation																	
Approval of Regulation 19 Pre Submission version of Local Plan																	

Timetable 2021/2022								
Local Plan Stage	2021				2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Regulation 19 Pre Submission Consultation								
Submission								
Examination								
Receipt of Inspectors Report								
Adoption								

Indicative Timetable for Supplementary Planning Documents (SPD) and other Policy Documents

Timetable 2021 - 2023												
Supplementary Planning Document	2021				2022				2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Green Infrastructure Strategy SPD												
Developer Contributions SPD												
Sustainable Economy SPD												
Guide to Residential Development SPD												
Other Planning Policy Documents												
Healthy Communities Guidance												
Climate Change Position Paper (Update)												
Conservation & Heritage (Assessment of proposed new Conservation Areas and appraisal of exiting areas)												
Joint Statement of Community Involvement (update)												
Worthing Local Plan (commence review of adopted Local Plan)												

Note – the Council's website will be used to provide more detail on the detailed timetable for the progression of these documents, particularly when interested parties can get involved,

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Worthing Borough Council
Planning Policy
Portland House
44, Richmond Road
Worthing
West Sussex
BN11 1HS



WORTHING BOROUGH
COUNCIL