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Minutes of a Meeting of the Worthing Planning Committee held in the Council Chamber, Worthing Town Hall on 22 September 2021

Councillor Noel Atkins (Chair)
Councillor Karen Harman (Vice-Chair)

**Councillor Daniel Coxhill
Councillor Jim Deen
Councillor Helen Silman

**Councillor Edward Crouch
**Councillor Martin McCabe
Councillor Steve Wills

** Absent

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

WBC-PC/30/21-22 Substitute Members

Councillor Lionel Harman substituted for Councillor Edward Crouch.
Councillor Kevin Jenkins substituted for Councillor Daniel Coxhill.

WBC-PC/31/21-22 Declarations of Interest

Councillor Kevin Jenkins declared an interest in item 6.1, Buckingham Road, Multi Storey Car Park, Buckingham Road, as Executive Member for Regeneration, in that 'On and off-street car parking' came under his portfolio. However, he advised the Chair he came to the meeting with an open mind to hear the representations for or against the matter.

Councillor Noel Atkins, as an elected member of WSCC, declared an interest in all applications that referred to highways matters.

WBC-PC/32/21-22 Public Question Time

There were no questions raised under Public Question Time.

WBC-PC/33/21-22 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 25 August 2021 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/34/21-22 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/35/21-22 Planning Applications

The application was considered, see attached appendix.

WBC-PC/36/21-22 Planning Appeals

None to report since the last meeting.

The Chairman declared the meeting closed at 9.23 pm, having commenced at 6.30 pm

Chairman

Application Number: AWDM/1240/21	
Site:	Buckingham Road, Multi Storey Car Park, Buckingham Road, Worthing
Proposal:	Installation of a new facade system and clearer signage to the car park building. Architectural cladding to significantly improve the car park's edge protection and fall prevention barrier. Enhancements to the existing street level public realm beneath the car park overhang, by refreshing the decoration, lighting and flooring.

The Head of Planning and Development introduced the application and began his presentation by showing Members an aerial view of the site, together with a number of other relevant images, for Members' consideration.

The Officer advised a number of representations had been received in relation to the colour, design and anti-social behaviour experienced within the Multi Storey Car Park (MSCP), and since publication of the agenda, the Officer stated further updates had been received, and referred Members to the addendum that had been circulated shortly before the meeting.

With regard to concerns raised with regard to anti-social behaviour, the Officer advised Environmental Health Officers had raised no objection to the proposal and had stated that as a car park the land was well established. As the proposal was for refurbishment, land management issues fell outside the determination of the application. However, he advised Members that the application had flushed out some concerns raised by neighbouring residents, and discussions would take place to address issues.

The Officer outlined details of the proposal, and advised Members that, despite concerns raised, neighbouring residents had been supportive of upgrading the car park.

The Officer's recommendation was to grant permission.

Some Members raised queries on the presentation for clarification, which were answered in turn by the Officer.

There were further representations made by objectors and a supporter.

During the debate, a Member recognised the need for refurbishment and for the various safety aspects to be undertaken, partly due to the potential removal of one central MSCP, however, he was against the cosmetic use of the 'fins' and for that reason, felt he could not support the proposal. The Officer reminded Members that consideration of the proposal had to be on planning grounds and should not be influenced by cost.

Following further discussion, the majority of Members agreed with the Officer's recommendation to approve the application, using colour option 1 for the fins (as set out in the addendum).

Decision

The Planning Committee agreed to **APPROVE** the application, subject to the amended plans, and the following conditions:-

1. Adherence to approved final plans
2. Standard time limit of 3 years for implementation
3. Sample of cladding materials and finishes for approval, including deployment of colours (clusters and dispersal) and angle of fins
4. Larger scale details of entrance doors and screens for approval, including materials, finishes and profiles.
5. Details of external lighting to be submitted, including measures to minimise light pollution

Application Number: AWDM/1270/20	
Site:	Guest House, 6 Windsor Road
Proposal:	Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary)).

An appeal has been lodged by the applicant against non-determination of this application for a Lawful Development Certificate. The report outlined the case and sought to reach an indication as to what the decision of the Planning Committee would have been if determining the application, which would assist the Council to defend the appeal.

The Head of Planning and Development advised Members that this was an unusual situation whereby the Committee were not strictly making a decision on the matter, as the final decision would be for the Planning Inspectorate. He advised Members would need to consider whether there was sufficient evidence to support the contention that the building had been used continuously, for the last ten years, for the use of emergency and temporary accommodation.

The Officer advised that during the course of the application, a number of correspondence had been received from residents, the former owner of the premises, and housing colleagues.

In conclusion, the Officer advised he was happy to take Members' questions on the report and added that if Officers had been able to determine it, they had not been completely satisfied with the evidence available, and would have refused for the reason set out in the report.

Members raised queries on the Officer's presentation for clarification only and these were answered in turn to their satisfaction .

There were further representations from 3 objectors and two supporters.

During debate, Members agreed it was an unfortunate situation which needed resolving, particularly for neighbouring residents, and therefore supported the Officer's recommendation.

Decision

The Planning Committee had considered their decision if they could still determine the application and agreed to **REFUSE** for the following reason:

The applicant has failed to prove to the Local Planning Authority, on the balance of probability, that the use of the property “for the provision of housing for those in need of emergency accommodation (temporary)”, has been carried out continuously throughout the relevant 10-year period. In reaching this decision, the Local Planning Authority has had due regard to the conflicting evidence of the use of the property over the relevant 10-year period, including the evidence provided by the previous and current owners. The applicant has failed to discharge the evidential onus placed upon them under section 191(4) of the Town and Country Planning Act 1990 (as amended).

The meeting was adjourned at 8.05pm, and reconvened at 8.10pm.

Application Number: AWD/0655/21	
Site:	Unit 1A, Ivy Arch Road, Worthing
Proposal:	Construction of storage building (Use Class B8), including vehicle parking and associated works.

The Head of Planning and Development began his presentation by showing Members an aerial photograph of the site and outlined the proposal for a new storage building.

The Officer said there were a number of mature trees to the west of the fence boundary, (indicated to Members on the plan), which provided screening to residential properties and that the applicant had negotiated with Officers to reduce the size of the building, re-locate it further south, and plant trees to provide some extra screening. No comments had been received on the revised plans.

The Officer's recommendation was for approval.

There was further representation from a supporter.

The Committee Members unanimously agreed the Officer's recommendation to grant permission, to include an extra condition for sustainability measures to be submitted.

Decision

The Planning Committee agreed to **GRANT** planning permission, subject to the following conditions:-

1. Approved Plans.
2. Full Permission.
3. Use of units limited to 7.00am to 10.00pm Monday to Friday, 7.00am and 7.00pm Saturday and 10.00am and 4.00pm Sunday and Bank Holiday
4. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted
Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.
5. Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by

the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

If any fork lift trucks are to be used on site they should be electrically powered with a white noise reversing alarm.

6. Details of the proposed lighting scheme for the development shall be provided and approved by the planning authority before installation.
7. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the local planning authority for attenuating noise from the grilles/louvres serving the mechanical plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.
8. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
9. Submission of Air Mitigation Assessment.
10. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

11. Prior to the commencement of the development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service and installed prior to the first occupation of the building.
12. Approval of Materials.
13. Landscaping details to be submitted and approved on the northern boundary.
14. No windows...northern elevation...
15. Sustainability measures to be submitted.

Application Number: AWD/0550/21	
Site:	Garage Site South Of Heene C Of E Primary School Norfolk Street, Worthing
Proposal:	Demolition of existing storage buildings. Construction of replacement building comprising 4no. one-bedroom flats and 2no. two-bedroom flats, bin and bike storage and associated landscaping.

The Head of Planning and Development reminded Members that the matter was deferred at the last committee meeting, primarily to address concerns about accessibility to the site, and the report had concentrated on that aspect of the proposal.

The Officer advised that since the last committee meeting, the applicants had advertised the certificate D in an effort to determine who owned the access road and to advise it was their intention to carry out repairs.

The aerial photograph of the site showed the extent of the access and the Officer advised it was often used as a cut through to Victoria Park. At the last meeting, Members had been concerned about disabled access and, even though a car free development, there could be use for deliveries and potential construction of the site. After further discussion with the applicant, the Officer said they had recognised the need to improve the access and were happy to accept planning condition 14 outlined below.

The Officer also advised discussions had been held with the applicant around meeting the higher sustainability requirements and it had been agreed they would meet those standards in terms of additional energy efficiency.

Before ending his presentation, the Officer briefly outlined the application for the courtyard development.

There were further representations from 3 objectors and 2 supporters.

During debate, the majority of Members were in support of the application, as the proposal was sited in a sustainable location, and assisted towards housing need in the Borough. Other Members were unhappy with the scale, bulk and massing of the proposal which they felt did not fit in with the character of the area. It was also felt the developers should have held discussions with neighbouring residents regarding the access issues.

Following further discussion, the majority of the Members were in support of the application and agreed the Officer's recommendation.

Decision

The Planning Committee agreed to **APPROVE** the application, subject to the expiry of the delegation period relating to the ownership certificate, and the following conditions :-

1. Approved Plans
2. Full permission
3. Submission of details of materials of the building, external areas and gates
4. cycle building provided
5. Construction method statement
6. Hours of construction work
7. Sprinkler system to be provided in accordance with standards
8. Surface water drainage details submitted
9. Maintenance of surface water drainage system
10. Submission of details of risks from contaminants on site
11. Refuse and waste facilities provided in accordance with the plans
12. Details of the landscaping of the communal amenity area and the green roof on the cycle store including maintenance.
13. Details of measures of sustainability including use of renewable energy
14. Prior to occupation of the dwellings hereby approved the access track serving the development shall be improved in accordance with details first submitted to and approved in writing with the LPA.

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