

Public Document Pack

Minutes of a Meeting of the Worthing Planning Committee held in the Council Chamber, Worthing Town Hall on 15 December 2021

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

**Councillor Daniel Coxhill
Councillor Martin McCabe
Councillor Steve Wills

Councillor Jim Deen
Councillor Helen Silman
Councillor John Turley

****Absent**

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

WBC-PC/52/21-22 Substitute Members

Cllr Lionel Harman substituted for Cllr Daniel Coxhill

WBC-PC/53/21-22 Declarations of Interest

Councillor Noel Atkins declared an interest as an elected Member of WSCC and as a governor of Durrington Infant and Junior School.

Councillor Martin McCabe declared an interest as an acquaintance of one of the registered speakers.

WBC-PC/54/21-22 Public Question Time

There were no questions raised under Public Question Time.

WBC-PC/55/21-22 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 24 November 2021 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/56/21-22 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/57/21-22 Planning Applications

The applications were considered, see attached appendix.

WBC-PC/58/21-22 Planning Appeals

None to report since the last meeting.

The Chairman declared the meeting closed at 9.55 pm, having commenced at 6.30 pm

Chairman

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Application Number:	AWDM/1459/21	Recommendation - Approve subject to a planning obligation and the receipt of comments from the HSE
Site:	Land At Former Gas Works Site, Park Road, Worthing	
Proposal:	Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping	
Applicant:	St William Homes LLP	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	

The application site measured 1.1 hectares in size, was located on the corner of Lyndhurst Road and Park Road and formed part of a larger gas works site which incorporated 3 large gas holders and associated buildings. The application proposed a total of 209 dwellings providing a mix of studio, 1, 2, and 3 bed apartments, designed around a central courtyard amenity space with 3 storey blocks on both road frontages with blocks increasing in scale and height towards the centre where there was a taller element of 7 stories. A separate 4 and 5 storey block was located in the section of the site that projected into the adjacent Waitrose car park

The Head of Planning and Development presented the proposal, offering the rationale for the layout and varying heights across the site designed to ensure that the development had due regard to the local context and the lower scale adjoining dwellings. Officers agreed with the applicant's Heritage assessment that the development would have a less than substantial impact on the setting of the Warwick Gardens Conservation Area and little or no impact on other conservation areas and listed buildings in the vicinity of the site.

The Officer referred to the estimated low viability of the development and clarified that as a result no affordable housing was not included in the proposal. He explained that as an alternative the Council had recommended that £400,000 of the S106 contribution would go towards off site affordable housing. A member enquired after the status of the Borough Drainage Engineers holding objection and the Officer responded that the applicant had demonstrated that the scheme was policy compliant with the current and emerging Local Plan.

There were five representations from registered objectors encompassing concerns regarding contamination, density, height, noise, odours and appearance of the proposed development. A further representation from a Ward Councillor outlined similar concerns. A final representation by the applicant made reference to the consultations held with the community and consequent alterations to the plans. The applicant demonstrated how they intended to minimise the impact of the excavations on the community with regards to noise, odour and contamination. They addressed questions of viability, sustainability and affordable housing. The Officer also offered clarification on sustainability questions.

During the debate Members discussed the issues that had been identified within the representations. Points were raised including whether there had been appropriate consultation, concerns over viability and affordable housing. Further consideration was given by members to national space standards, scale of the development, appearance and sustainability. The Officer provided guidance surrounding national space standards and the impact of challenging the assessment produced by the Council's viability consultants. Continued consultation with residents was identified by Members as highly desirable.

A revised recommendation was agreed as follows - permission to be granted subject to the completion of a s.106 Agreement, as summarised in the Draft Heads of Terms table in the report, and subject to consideration by the Head of Planning and Development, under delegated authority, of responses awaited from the NHS, Southern Gas Network and from the Health & Safety Executive (in relation to the Fire Statement) and subject to the following conditions (amended to take into account representations from the applicant).

Decision

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

1. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. **Standard 3 year time limit**

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

3. Materials

Prior to commencement of any works above slab level the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes,
- ii) large scale drawings (typically 1:20 scale) and cross sections where necessary of details including windows and doors, balconies and balustrades / rails, roof intersections, soffits and eaves, rainwater goods and decorative brickwork and features.

Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

Highways & Access

4. Provide site accesses and visibility

No dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas serving it, have been completed in accordance with the approved plans. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 12 of the Worthing Core Strategy 2011 and paras 92 & 110 of the NPPF, 2021.*

5. Parking spaces - including car club, wheelchair user and visitor space

No dwelling shall be occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles and visitors, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 110 -113 of the NPPF, 2021.*

6. Electric vehicle charging points to be approved (including power rating)

No dwelling shall be occupied until the live charging points for electric vehicles to serve that dwelling have been provided in accordance with details including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of sustainable transport and air quality, in accordance with and paras 110 -113 of the NPPF, 2021 and policy 19 of the Worthing Core Strategy 2011 and Saved policy RES7 of the Worthing Local Plan 2003.*

7. Cycle Stores and Bin Stores

No dwelling shall be occupied until secure cycle parking stores and bin stores have been provided in accordance with the details, including plans, elevations and materials details, including plans, elevations and materials, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003.*

8. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

Land Remediation

9. Investigation and Scheme

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 in consultation with the Environment Agency:

- i) 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.

- ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal, a detailed Remediation Method Statement (RMS) giving full details of the remediation measures required and a Remediation Implementation Plan (RIP). The RIP shall detail how the RMS will be implemented and incorporate strategies detailed within the approved Odour Management Plan. A Materials Management Plan (MMP) written in accordance with the CL:aire DoWCoP should also be provided.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

10. Precautionary Approach

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

11. Odour Management Plan

The development hereby permitted shall not be carried out unless and until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall include the following:

- i) A risk assessment to identify potential sources of vapours and odour and how it may be released;
- ii) Identification of the most sensitive receptors, both residential and commercial, where assessment and monitoring of vapours and odours will be undertaken by an independent consultant before commencement of works (to establish baseline conditions) and as work progresses;
- iii) A suitable and efficient means of monitoring and suppressing vapours and odours, including where necessary the use of suppressants, deodorising agents and adequate containment including the use of a fully enclosed system where appropriate so as to prevent nuisance.

The Plan shall have regard to the Environment Agency H4 Odour Management (2011) and the IAQM Guidance on the assessment of odour for planning 2018. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

12. Remediation Communications Strategy

Prior to the removal of structures from the site, demolition, remediation or commencement of development, a Communications Strategy shall be submitted to and approved in writing by the Local Authority. This shall include measures for communication with people in the local area, to be undertaken by a communications specialist during the site clearance, remediation and construction phases of the development. The Communications Strategy shall thereafter be fully implemented and adhered to for the full duration of the site clearance, remediation and construction phases of the development.

Reason: *To ensure effective communication and management of remediation works in the interests of neighbouring amenity and to minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

13. Safeguarding of groundwater/ approval of piling

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *Piling or deep foundation using penetrative methods has the potential to mobilise contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies RES7 & RES9 of the Worthing Local Plan, 2003 and paras 174 & 183 - 185 of the NPPF, 2021.*

14. Decommissioning of redundant boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: *To manage risk of mobilisation of contamination which could impact on groundwater resources beneath the site, controlled waters are sensitive in this location. To minimise and manage risks associated with existing site contamination to protect the water environment including groundwater and to prevent harm to human health or nuisance and in accordance with policies RES7 & RES9 of the Worthing Local Plan, 2003 and paras 174 & 183 - 185 of the NPPF, 2021.*

Site Management

15. Construction Management Plan

No development shall take place, including any works of demolition, site remediation or preparatory works associated with the development until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- a) the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- b) the method of access and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
- e) the location of any site compound, office, welfare facilities

- f) the location of storage of plant and materials used in construction of the development,
- g) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
- h) site lighting, including measures to minimise light nuisance,
- i) a commitment to no burning on site,
- j) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- k) details of public engagement both prior to and during construction works to advise residents and workers of neighbouring land of works and possible emissions and noise from the scheme during remediation work,
- l) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
- m) methods to control dust and fumes from the site, including from engines
- n) methods to manage the impact or noisy activities,
- o) construction waste management strategy,
- p) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site.
- q) details of how vehicles transporting contaminated waste that leave the site (including wheel washing and covering of loads) will be managed to prevent any contaminants from entering the environment,

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater. In the interests of highway safety and the amenities of the area, to minimise traffic generated by the development and noise and pollution during the construction phase in accordance with Policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

16. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

Drainage

17. Surface Water – SUDS Drainage

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the drainage design. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. Details shall be supported by an assessment of the risks to controlled waters. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with policies 12 & 15 of the Worthing Core Strategy 2011, Saved Policies RES7 & RES9 of the Worthing Local Plan 2003 and paras 167, 169 & 174 of the NPPF 2021.*

18. Drainage Maintenance

Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

19. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

20. Foul water drainage

No development shall take place until details of the foul drainage have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: *To ensure appropriate foul drainage, in accordance with policy 12 of the Worthing Borough Core Strategy, 2011.*

Sustainable Design and Energy

21. Sustainable Construction & Energy

The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy Assessment dated 4th June 2021 (Reference:200156-SDP-xx-xx-RP-ES-Energy Assessment Version 3.1) submitted with the current application:

- i) Energy efficient building fabric and mechanical ventilation with heat recovery
- ii) Community boiler / Air-source heat pump boiler system (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
- iii) LED internal & external lighting,
- iv) Efficient water goods and fixtures to achieve <105L/Person usage/day.
- v) Operational waste management,

Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target of 32 percent CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy Assessment and confirming the installation of water goods and fixtures to achieve a target of <105L/Person usage/day.

The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

22. District Heating

With the exception of any demolition works and excavations, no development shall take place until a strategy to facilitate the connection of the development to a future district heating network, have been submitted to and approved in writing by the Local Planning Authority. This shall:

- i) identify potential routes for connecting pipework between the buildings and public highway;
- ii) identify plant room space for the future installation of heat interface equipment, and/or other plant, which may be required for future connection to the network;
- iii) Include a strategy to facilitate the connection of the network to the development and adaptation / transition to the supply of heat from the network into each building

The development shall be carried out in accordance with the details approved under this condition.

Reason: *To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

Other Matters

23. Landscaping & Biodiversity

With the exception of any demolition works or works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping in accordance with the submitted Landscape Masterplan LLD2236-LAN-DWG-001 Rev P08 dated 8th March 2021 and Landscape Design Strategy LLD2236-LAN-REP-001 dated 28th July 2021, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity, including brown roofs,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 174 of the NPPF, 2021.*

24. Means of Enclosure & Gates - Provision

No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

Reason: *To ensure appropriate means of enclosure and accessible gateways, in the interests of safety and the amenities of the area and for residual management of surface water in accordance with Policies 15 & 16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 92 of the NPPF, 2021.*

25. Means of Enclosure & Gates - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

26 Balcony Screens

No development shall be occupied until balcony screens of not less than 1.7m in height have been fitted to the southern face of all balconies on the east and west sides of blocks A & E [*insert flat numbers*], in accordance with details, including design and degree of obscuration (which shall not be less than Pilkington Level 4 or similar index of obscuration), so as to minimise risk of overlooking of neighbours to the south. The screens shall be permanently retained and maintained in accordance with the details thereby approved.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Saved Policy 18 of the Worthing Local Plan 2003.*

27. Use of Flat Roofs

No part of any roof to blocks A or E shall be used at any time for the purposes of a terrace or balcony without the prior written approval of the Local Planning Authority.

Reason: *To safeguard neighbouring amenities and privacy in accordance with Saved Policy 18 of the Worthing Local Plan 2003.*

28. External Lighting – Provision and Limitation

No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.*

29. Secure by Design

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to in the development of the relevant phase.

Reason: *To ensure a well-designed, good quality and safe environment in accordance with policies 16 & 19 of the Worthing Borough Core Strategy, 2011 and section 17 of the Crime & Disorder Act 1998 and paragraph 92 of the NPPF, 2021*

30. Levels & Access

With the exception of any demolition works development shall not commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

31. Aerials

Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

Reason: *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

32. Noise Mitigation and Ventilation - Provision

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. These details shall accord with the Noise Assessment of July 2021 (reference: 10130 NV WGW (v6) Final), submitted with the current application, and shall include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.*

33. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [32] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: *To protect residents of the flats and surrounding area from noise and vibration in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.*

34. External plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

Reason: *To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

35. Fire Hydrants

In the event that the need for additional fire hydrants or stored water supply are required as part of the Building Regulations Approval process, the following details shall be submitted

1. Prior to the commencement of the development, or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or stored water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), 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.
2. Prior to the first occupation of any dwelling forming part of the development the applicant shall install the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

Reason: *To safeguard the residential amenities of the area in accordance with policy 12 the Worthing Borough Core Strategy 2011 and in accordance with The Fire & Rescue Service Act 2004.*

36. Any other appropriate conditions.

Application Number:	AWDM/1853/21	Recommendation - Approve
Site:	Land South Of Peony Grove And Thistle Spinney, Worthing, West Sussex	
Proposal:	Application for public service infrastructure project: Construction of a part one, part two storey school building to serve as a two form of entry primary school and nursery, with associated parking, landscaping and hard and soft play areas. Erection of associated boundary fencing up to 2.4m in height and formation of access and associated highway works.	
Applicant:	Spatial Initiative Ltd / Dept for Education	Ward: Northbrook
Agent:	Nicholas Taylor + Associates	
Case Officer:	Graeme Felstead	

The application site was situated in the centre of the new West Durrington housing development of 700 homes in north-west Worthing. It sat within the heart of the new development with housing to the north and west. This application proposed the construction of a new school building over 2 storeys with surfaced playground areas, an open Multi Use Games Area and a playing field, suitable for up to U11/12 (9v9) football.

The Head of Planning and Development gave his presentation explaining the background to this application. The application site was part of the land that was granted planning permission for a new school with the West Durrington development in 2012. The housing development and surrounding infrastructure had been delivered in phases over the last decade, with much of the development occupied. As a reserved matters application had not been submitted within the requisite time period following the grant of outline planning permission in 2012, the West Durrington Consortium had agreed for the site to be transferred to the Dept for Education. This full planning application now sought permission for the 2 form primary school and nursery.

There were representations from two registered objectors, which focused around the lack of need for an additional school in the area. Points were raised within the representations regarding the fact that there were already several schools in the area, two of which were within walking distance of the West Durrington development and that there was a surplus of vacant school spaces in all of them. It was stated that the arrival of another school would result in an even larger surplus and may cause some schools to become unviable and face closure.

Two Ward Councillors made representations also communicating concerns over the consequences a new school could have on existing ones. One of the Councillors voiced an opinion that a deferment should be agreed to enable current education statistics to be taken into account to properly ascertain the need and effect of an additional school.

There were representations from three registered supporters which encompassed details of the current residents having purchased their properties with the promise of a new school within the development. They addressed the question of the current excess of school places and explained the new school was not expected to be at full capacity until 2030. That families should have access to a school without the need of a car journey to encourage sustainable modes of transport was also communicated.

During the debate Members considered the need for the new school and observations were made about the requirement for a new SEN school to serve the Borough. Views were exchanged regarding the possibility of a three month deferment to enable further investigation and discussion. The Head of Planning and Development gave Members guidance over the deferral proposition and explained that the Committee should consider the application on planning grounds alone and other considerations in connection with educational need and the type of school delivered were for the relevant education authorities.

A three month deferment was proposed, seconded and was subsequently voted against.

The substantive proposal was then voted on.

Decision

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

1. Approved Plans.

The development hereby permitted shall be carried out in accordance with the approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990. Standard time limit (3 years)*

3. Materials

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.*

Highways, Access and Construction

4. Access to be provided prior to first occupation

No part of the development shall be first occupied until such time as the vehicular access serving the development (including visibility splays at the vehicular access), and works in Sunflower Street have been constructed in accordance with the details shown on drawing number [*Insert*]. These works shall be permanently maintained and the visibility splays shall thereafter be kept permanently free of obstructions to visibility in accordance with the approved plans.

Reason: *In the interests of road safety and the free flow of traffic.*

5. Parking spaces - including wheelchair user and visitor space

No part of the development shall be first occupied until such time as the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, visitors and Electric Vehicle charging,, which shall be marked out and identified on site in accordance with the approved plans. The parking spaces and turning space shall thereafter be permanently retained for their identified purposes.

Reason: *In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 110 -113 of the NPPF, 2021.*

6. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: *In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

7. Construction Management / Traffic Management Plan

Development works shall fully adhere to the Construction Management Plan [*insert reference and submission date*]. Prior to commencement of development, a Traffic Management Plan shall also be submitted to and approved in writing by the Local Planning Authority, including the control and management of traffic and deliveries

during the period of development works and shall be adhered to during the development works.

Reason: *In the interests of highway safety, the free flow of traffic and to minimise risk of nuisance from the development works.*

8. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on not at any time on Sundays or Public Holidays. 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.

Reason: *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

9. Contaminated Land

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health or nuisance and to protect the water environment including groundwater in accordance with paras 183 - 185 of the NPPF, 2021 and Saved Policies RES7 & RES9 of the Worthing Local Plan 2003.*

Drainage

10. Surface Water - Design

Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish

highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No part of the building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate foul and surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and to ensure that detailed drainage design does not harm groundwater resources in accordance with policies 12 & 15 of the Worthing Core Strategy 2011, Saved Policies RES7 & RES9 of the Worthing Local Plan 2003 and paras 167, 169 & 174 of the NPPF 2021.*

11. Drainage Maintenance

Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

12. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: *To ensure an accurate record of drainage in accordance with policies 12 & 15 of the Worthing Core Strategy 2011 paras 167 & 169 of the NPPF 2021.*

Sustainable Design, Energy & Biodiversity

13. BREEAM

Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall achieve the BREEAM Very good standard (or the equivalent standard required by the Dept. For Education). Confirmation of this, including evidence, shall be provided to and approved in writing by the Local

Planning Authority within 3 months of building first coming into use, including any remedial measures to be undertaken for any shortfall, and which shall thereafter be fully implemented.

Reason: *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

14. Landscaping & Biodiversity

With the exception of any works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping and biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: *To enhance the character and appearance and biodiversity value of the site in accordance with Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 & 174 of the NPPF, 2021.*

15. Means of Enclosure & Gates - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the building hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

Reason: In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 126 - 135 of the NPPF, 2021.

16. External Lighting – Provision and Limitation

No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local

Planning Authority. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

Reason: In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.

17. Levels

Development shall accord with the details of existing and proposed levels hereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity and accessibility and because changes in levels may materially affect the impact of the development.*

18. Any other appropriate conditions.