



WORTHING BOROUGH  
C O U N C I L

15 March 2022

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>23 March 2022</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

**Committee Membership:** Councillors Noel Atkins (Chairman), Karen Harman (Vice-Chairman), Dan Coxhill, Jim Deen, Martin McCabe, Helen Silman, John Turley 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](mailto:democratic.services@adur-worthing.gov.uk) before Tuesday 22 March 2022.

**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 21 March 2022.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services – [democratic.services@adur-worthing.gov.uk](mailto: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 February 2022, 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 5 - 18)

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

### 7. Planning Appeals

None to report.

## Part B - Not for publication - Exempt Information Reports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:
Katy McMullan Democratic Services Officer 01903 221006 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	Laura James Solicitor 01903 221045 <a href="mailto:laura.james@adur-worthing.gov.uk">laura.james@adur-worthing.gov.uk</a>

**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  
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Planning Committee  
23 March 2022

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

**1**

**Application Number: AWDM/0025/22      Recommendation – APPROVE**

**Site:            Telecommunications Site Wtg004, Broadwater Road, Worthing**

**Proposal: Upgrade and replacement of existing 15m street-pole style telecommunications mast with 16m street-pole style telecommunications mast. Addition of 1no. ground-based equipment cabinet.**

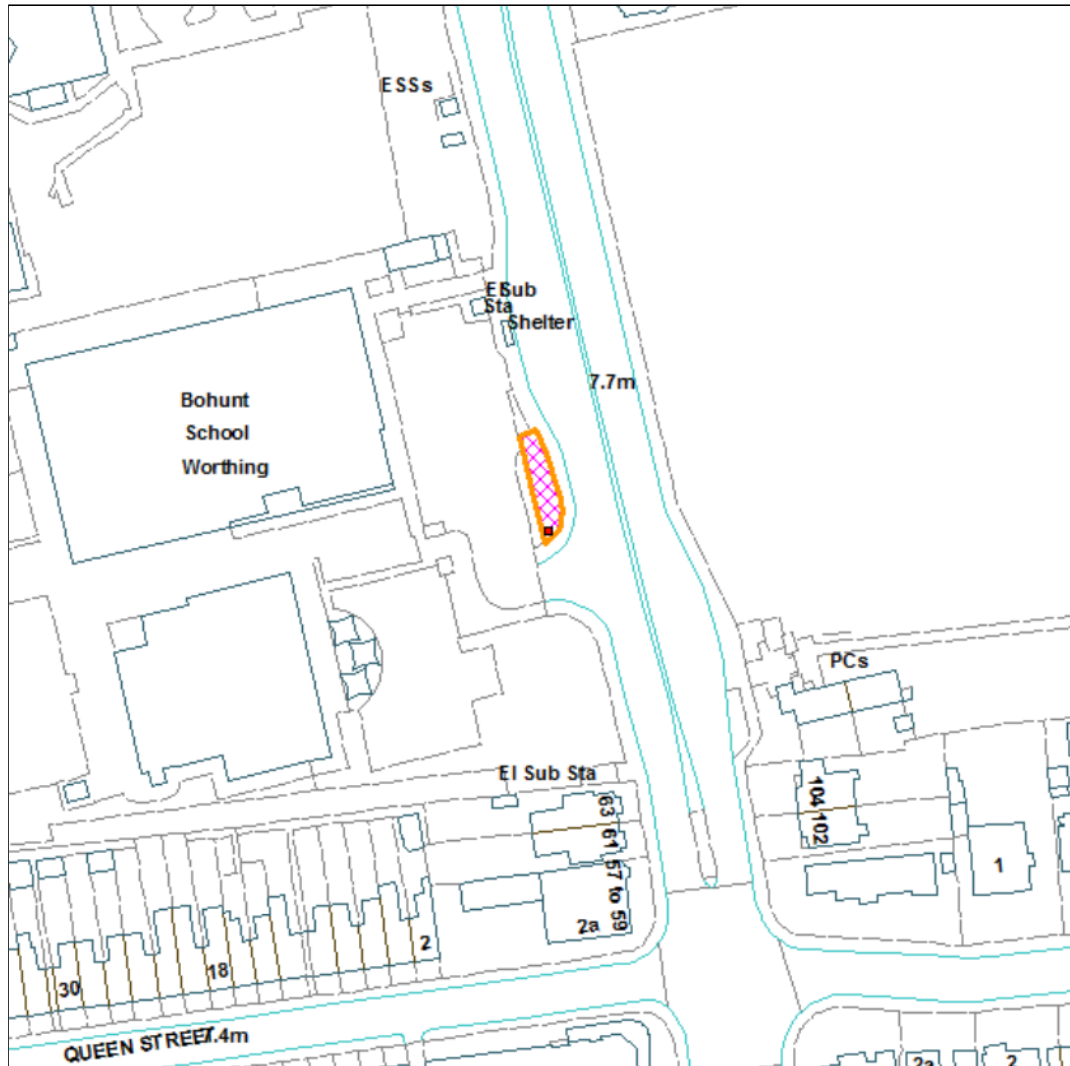
**2**

**Application Number: AWDM/2317/21      Recommendation – APPROVE**

**Site:            Assembly Hall And Richmond Room, Stoke Abbott Road, Worthing, West Sussex**

**Proposal: Listed Building Consent for installation of a solar photovoltaic system on the roof**

<b>Application Number:</b>	<b>AWDM/0025/22</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Telecommunications Site Wtg004, Broadwater Road, Worthing</b>	
<b>Proposal:</b>	<b>Upgrade and replacement of existing 15m street-pole style telecommunications mast with 16m street-pole style telecommunications mast. Addition of 1no. ground-based equipment cabinet.</b>	
<b>Applicant:</b>	<b>EE Ltd</b>	<b>Ward: Gaisford</b>
<b>Agent:</b>	<b>Ms Esther Valencia</b>	
<b>Case Officer:</b>	<b>Gary Peck</b>	



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## **Proposal, Site and Surroundings**

This application seeks full planning permission for the replacement of an existing 15m street-pole style telecommunications mast with a 16m street-pole style telecommunications mast with the addition of 1no. ground-based equipment cabinet.

While the vast majority of telecommunications applications are subject only to a prior notification, planning permission is required for this proposal as the width of the new mast would be more than  $\frac{1}{3}$  greater than the existing. However, members may wish to note that following a consultation undertaken last year, the government has now confirmed an intention to remove the requirement for planning permission in the future for the increased width proposed under this application. Amendments will therefore be made to the relevant part of the General Permitted Development Order '*via secondary legislation, when parliamentary time allows.*'

The application site is on the western side of Broadwater Road close to the main vehicular entrance to Bohunt School. The proposed mast would be almost immediately adjacent to the existing mast to the south. A bus stop is just to the north. Because of the length of the time the mast has been in situ, when originally erected, it was screened by trees from the then College buildings, but the screening was removed when Bohunt was constructed.

## **Relevant Planning History**

A mast has been in place at the site since before 2009 and was upgraded under permitted development rights between 2015 and 2017.

## **Consultations**

### **West Sussex County Council Highways**

This proposal is for the Upgrade and replacement of an existing 15m tall telecommunications mast with 16m tall telecommunications mast, and the addition of ground-based equipment cabinets.

The site is located on Broadwater Road, an A-classified road subject to a speed restriction of 30 mph. From inspection of local mapping, the proposed mast and cabinet will be located within private land, owing to a recent Stopping Up Order in this location extinguishing highways rights. Therefore, the applicant is advised to contact the landowner to obtain formal permission for the proposed works and ensure that the proposed works do not impact existing or planned utility works in this location.

The proposed positioning of the equipment is not anticipated to affect pedestrian or vehicular visibility for those travelling along Broadwater Road, or those using the school access.

In 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 111), and that there are no transport grounds to resist the proposal.

### **Environmental Health (Public Health)**

With reference to the above application, this site is situated in relatively close proximity to land which has been identified as potentially contaminated. I would therefore recommend a precautionary condition.

### **Representations**

40 letters of objection have been received. A number of these have been received from addresses outside of the area including Hemel Hempstead, Polegate, Tiverton, Torquay, Stroud, Steyning, Bristol, Hastings, Rodmell, Storrington & Stanmore.

The objections are made on the following grounds:

- health, primarily due to the proximity of the proposed mast to the school and that the safety of 5G installations has not been proven.
- a more suitable site should be found
- contrary to development plan policy
- overbearing impact adversely affecting the visual character of the area

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011): Policy 16 Built Environment and Design

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

### **Planning Assessment**

The main issues in the determination of the application are whether the principle of development is acceptable and the effect of the development upon the character and appearance of the area.

Government policy is supportive of telecommunications development with the National Planning Policy Framework supporting high quality communications. This policy has been reflected by the continual expansion of permitted development rights for such developments and as mentioned at the beginning of this report while the current proposal requires planning permission by virtue of the increase in width of the proposed mast as compared to the existing one, a recent government announcement has confirmed that the General Permitted Development Order will be



amended so that a development of this nature would no longer require planning permission in the future.

In that respect, therefore, the principle of development can be considered to be acceptable.

As is required with telecommunications developments, the applicant had approached the Council prior to the submission of the application to seek pre-application advice and at that point your officers pointed out that since the original mast was erected, the Bohunt Academy had been opened with its entrance close to the application site and it was requested that the applicant consider alternative sites.

In the supporting information submitted with the application, the request for alternative siting was addressed with the applicant stating that a mast further to the north near an existing tree screen would need to be significantly higher than that currently proposed. Further to the north beyond that would be within the Broadwater Conservation Area and members will be aware that the Council has already refused a mast application opposite Cricketers Parade which attracted a very significant level of objection. On the eastern side of the road, the applicant points out that the footpath is narrower as while the application site is on a grass verge, there is no such verge adjacent to the Manor Sports Ground for example. Even if other sites were feasible, they would also likely be much closer to residential properties.

Your officers are satisfied, therefore, that there is not a feasible alternative site to that proposed. It remains the fact, though, that the application site is adjacent to a school and a number of objections have been raised on the health effects of the proposal as a result.

Government advice has consistently been that health safeguards are not something for the decision maker to determine, providing that the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The National Planning Policy Framework states that '*Local planning authorities must determine applications on planning grounds only. They should not...set health safeguards different from the International Commission guidelines for public exposure.*' There is no evidence to suggest that the required guidelines will not be met and furthermore both the applicant at the pre-application stage, and the Council during the application itself, have consulted Bohunt School and Northbrook College and not received an objection.

It is not considered that there would be sufficient grounds to resist the application on health grounds, therefore, and the above conclusion has been reached without consideration of the existing mast which is already on site. If the current application is refused, there is no reason to assume that the existing mast would be removed and therefore there would still be a telecommunications structure in front of the school. While concerns have been raised regarding 5G specifically, there is no distinction in planning policy between the respective technologies and hence there would be no grounds either to resist the proposal simply because it is 5G.

The presence of the existing mast is considered to be of some weight in the consideration of the proposal. It would be replaced by a mast 1 metre higher supported by a wider frame. There will be some impact upon the street scene, therefore, but your officers do not consider it would be sufficient to justify a refusal. In particular, it is noted that telecommunications schemes at Ham Road (by East Worthing Railway Station), Goring Road and Worthing Football Club, all of which were refused on the grounds of visual impact, have all been recently allowed on appeal. The Ham Road decision in particular, where the proposed mast was 7.5 metres higher than the existing on slightly higher ground on the railway bridge, is notable as the Inspector concluded that:

*'any harm arising from the additional visual prominence of the mast is outweighed by the benefits accruing from the provision of advanced, high quality and reliable communications infrastructure.'*

It appears difficult to conclude that the limited height increase proposed here would be likely to have a greater impact than that considered at appeal.

The Inspector further indicated *'The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. For this reason, the potential effect on health is not a determining issue in this case.'*

Accordingly, and mindful that the existing mast will remain if the application is refused and also that it is quite possible that the proposed works will be able to be carried out without the need for full planning permission in the future in any case, it is considered that the application is acceptable.

## **Recommendation**

### **APPROVE**

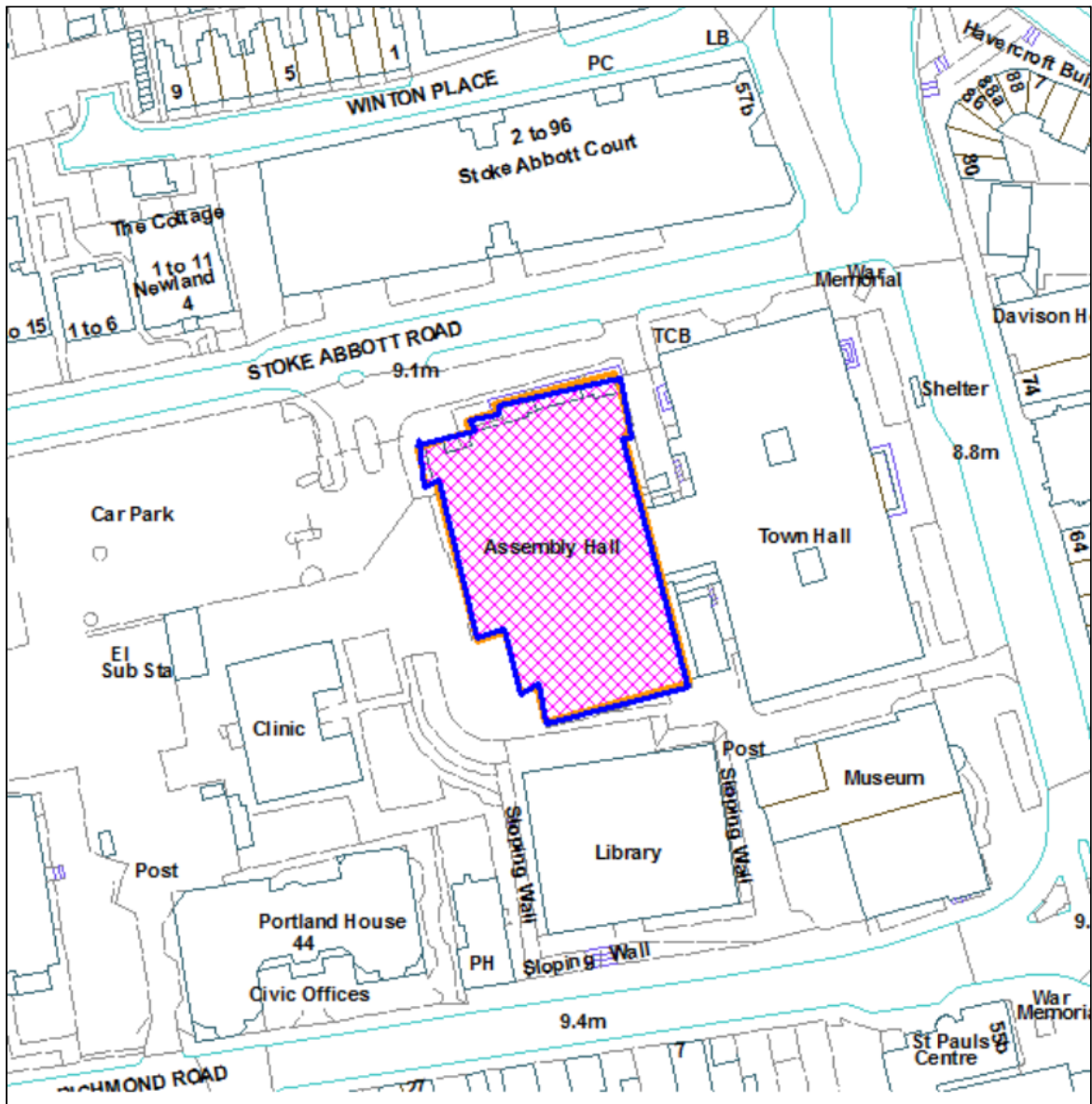
#### **Subject to Conditions:-**

1. Approved Plans
2. Full Permission
3. 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.

4. The existing mast and associated equipment shall be removed from the site within a timescale to be agreed in writing and the land restored to a condition as agreed with the Local Planning Authority.

Reason: To ensure timely removal of the existing mast in the interests of the visual appearance of the site

Application Number:	AWDM/2317/21	Recommendation - APPROVE
Site:	Assembly Hall And Richmond Room Stoke Abbott Road Worthing West Sussex	
Proposal:	Listed Building Consent for installation of a solar photovoltaic system on the roof	
Applicant:	Carol Murphy WBC	Ward:Central
Agent:	Mark Stevenson	
Case Officer:	Jackie Fox	



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## **Site and Surroundings**

The site is located to the south of Stoke Abbott Road and to the west of the Town Hall within Worthing Town Centre and the Chapel Road Conservation Area. The Assembly Hall and Richmond Room are located within the single storey element of the building attached to the west side of the Town Hall. The building is attached to the grade II listed Town Hall and therefore forms part of this listed building.

## **Proposal**

Listed Building Consent is sought on behalf of Worthing Borough Council for the installation of Solar Photovoltaic panels on the roof of the Assembly Hall as part of Adur & Worthing Councils' response to the declared Climate Emergency in 2019.

The proposal is to install the solar photovoltaic panels on a specialist slate roof mounting system in two arrays aligning and just below the existing skylights on the Assembly Hall roof on the east and west elevations. The panels and mounting kit will be matt black.

## **Relevant Planning History**

AWDM/1964/20 and AWDM/0004/21 - Listed Building Consent and Regulation 3 application for new increased height felt flat roof- APPROVED

## **Consultations**

### ***Adur & Worthing Councils:***

***The Design and Conservation Architect-*** No objects to this, being a well considered project to mount solar panels on what is currently quite an exposed roof scape. Minimising the coverage, keeping it low on the roof plane and aligning it with the existing patent glazing helps to minimalism the visual harm.

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

### **Worthing Core Strategy (2011):**

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

## **Submission Draft Worthing Local Plan**

DM5 - Quality of the built environment

DM16 - Sustainable design

DM24 - The historic environment

Chapel Road Conservation Area Appraisal

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

For LB/CA

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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**

#### ***Principle***

The application property is attached to the Grade II listed Town Hall and great weight is given to protecting these buildings from harm or loss that would affect their special interest and character. It is important that the original features of the building are retained or repaired where necessary. The primary considerations are whether the proposed works are acceptable in terms of their impacts on the historic character and appearance of this heritage asset.

#### ***Visual amenity***

The pitched roof element of the assembly hall is set back from the front elevation. The existing rooflights particularly to the western elevation are visible in views from Stoke Abbott Road and surrounding public realm but due to the existing building and surrounding development, the roof is not unduly prominent. The proposed Solar Photovoltaic panels would sit below the rooflights and would be black. The siting and colour would ensure that the proposed panels would not have any adverse impact on the character of the building or the wider street scene.

### ***Conservation Area and Listed Buildings***

The proposed solar Photovoltaic panels will have limited impact on the appearance of the building, the panels and fixings will be black and slate hoods are dark grey to blend with the existing slate roof. Minimising the coverage, keeping it low on the roof plane and aligning it with the existing patent glazing helps to minimise the visual harm.

The proposed solar photovoltaic system is also a removable system and as such the building can be returned to its current state. Any slate tiles removed will be retained and stored on site.

There would be no harm to the historic character or integrity of the listed building or the conservation area setting as a result of this proposal.

### ***Residential Amenity***

No residential properties would be affected by this development.

### ***Sustainability***

The proposal is part of Adur & Worthing Councils' response to the declared Climate Emergency in 2019. These works are included in the Carbon Neutral 2030 programme and funded by a successful bid to the Public Sector Decarbonisation Scheme.

The works will help the building to meet the Council's carbon reduction targets, therefore supporting sustainable development.

### **Recommendation**

#### **Subject to Conditions:-**

1. Approved Plans
2. LB Time Limit

23rd March 2022

### **Local Government Act 1972**

#### **Background Papers:**

As referred to in individual application reports

#### **Contact Officers:**

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Jackie Fox  
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Town Hall  
01903 221312  
[jacqueline.fox@adur-worthing.gov.uk](mailto:jacqueline.fox@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.