

**Minutes of a Meeting of the Worthing Planning Committee
held in the Worthing Town Hall, Committee Rooms on
25 May 2022
At 6.30pm**

Councillor Jim Deen (Chair)
Councillor John Turley (Vice-Chair)

Councillor Noel Atkins
**Councillor Dan Coxhill
**Councillor Emma Taylor

Councillor Russ Cochran
Councillor Helen Silman
Councillor Andy Whight

** Absent

Officers: Planning Services Manager, Planning Policy Manager, Senior Legal Officer, and Democratic Services Officer

WBC-PC/1/22-23 Substitute Members

Councillor Nigel Morgan substituted for Councillor Dan Coxhill
Councillor Sally Smith Substituted for Councillor Emma Taylor

WBC-PC/2/22-23 Declarations of Interest

Cllr Atkins declared an interest in items 6 and 7 as a resident of Heene Ward. He also declared an interest in item 8 as a Salvington Councillor and as an elected member of WSCC.

Cllr Cochran declared an interest in item 7 as he was on the Licensing Committee at which the Karma Lounge licensing application was heard.

Cllr Silman declared an interest in item 7 as a Heene Councillor.

Cllr Whight declared an interest in item 8 as a Marine Councillor.

WBC-PC/3/22-23 Public Question Time

There were no public questions.

WBC-PC/4/22-23 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 23 March 2022 be confirmed as a correct record and that they be signed by the Chairman.

WBC-PC/5/22-23 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/6/22-23 TPO 7 of 2021 The Swallows 1 Browning Road Worthing

The Chair stated that this item had been removed from the agenda as, on the advice of Officers, the TPO was no longer being confirmed.

The Chair explained to the members and gallery that when the report was originally prepared Officers were unaware that the Tree Officer had identified evidence of fungal infection within the tree which would result in the tree dying prematurely. However, the Tree Officer would be able to continue to monitor the tree as it was within a conservation area.

WBC-PC/7/22-23 Planning Enforcement Report

The Planning Services Manager delivered an Enforcement Report on Karma Lounge, 171-173 Tarring Road, Worthing, clarifying that there were no further additions to the report and explaining the background and development of the site.

There were three representations from registered speakers, one in objection to the Enforcement Report from a director of the company that owned Karma Lounge. There were two in favour of the Enforcement Report, one from the Ward Councillor and one from a resident, living adjacent to the site.

The comments of those speaking in favour of the Enforcement Report encompassed aspects of noise and disruption due to the site having an outside drinking area with some fixed seating, excessive noise due to two recent events held at the premises, the remodelling of the business to reflect demand in the area and required planning permission.

Members raised questions to the speakers including issues about the wall around the outside seating area, the fact that some of the seating was fixed and so unable to be removed when the premises were shut and the fact the original intended use of the site was a bakery / pizzeria but that it now appeared to be a bar with some food served.

The Senior Legal Officer clarified for the committee that they should be certain to focus on planning matters alone in respect of this item and to avoid any aspect which was a licensing concern.

The Planning Services Manager noted that it had become evident to him that the Karma Lounge was a premises that required planning permission but in the absence of such an application the Enforcement Report had become necessary.

The Senior Legal Officer explained that not all breaches of planning control are necessarily included within an Enforcement notice and that the ethos of enforcement was expediency, (i.e. necessity) and proportionality. In addition there was a right of appeal against an Enforcement notice if the steps were considered excessive for example. She explained that the recommendation to the committee was to delegate authority to the Head of Legal Services to serve the Enforcement notice but that he and the Officers would use their discretion to look at all the evidence and decide whether any of the steps recommended within the Enforcement Notice were excessive or readily enforceable.

The Senior Legal Officer clarified for the committee that 30 days' notice is usually given before an Enforcement notice comes into force (there is a statutory period) and if an appeal is lodged the Enforcement notice would not take effect until the appeal had been considered.

An adjournment was held at 7.24 pm for a discussion between the Chair and Officers.

The meeting was reconvened at 7.35 pm.

Following the adjournment, the applicant committed to submitting a planning application by 30 June.

The Chair advised the committee that the Officers had a proposed revision to the recommendation which the Senior Legal Officer read out -

The committee was recommended to delegate authority to the Head of Legal Services to serve an enforcement notice which would not take effect until the 1st July 2022 in connection with the unauthorised use and associated operational development to ensure that the use could only continue in accordance with the following matters to make it acceptable in planning terms to the local planning authority.

The Planning Services Manager explained that this postponement would allow for a planning application being offered by the owner of Karma Lounge to be forthcoming by 30th June 2022 which would then render the Enforcement Notice unnecessary if granted.

Councillor Silman requested that it be on record that she had requested that the wording on item 2 of the recommendation be changed from chairs to seating.

The Committee agreed to defer to the Officers revised recommendation and voted unanimously in favour of it.

WBC-PC/8/22-23 Planning Appeals

The Planning Services Manager gave a verbal update on the outcome of four recent appeals which had all been upheld. These were-

Broomhill, Mill Lane

32 Central Avenue, Offington

45 Hurston Close

The Dovecotes, 55 Pembroke Avenue

WBC-PC/9/22-23 Worthing Local Plan Briefing paper May 2022

The Planning Policy Manager presented the Worthing Local Plan Briefing paper to the committee and provided a verbal update on the 19 representations that had been submitted during the Worthing Local Plan Modifications Consultation. He also delivered a verbal update on the status of the Chatsworth Farm appeal explaining that the council had lodged an appeal at the High Court to challenge the appeal decision. He advised that the Council had been given an indication that they had passed the first stage of the process, in that it had been decided there were grounds for the challenge. A decision now needed to be taken as to whether the Council would progress to the next stage and discussions were ongoing to that regard.

The Chairman declared the meeting closed at 8.05 pm

Chairman

