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Minutes of a Meeting of the Worthing Planning Committee 16 November 2022 at 6.30 pm

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

*Councillor Noel Atkins
Councillor Russ Cochran
*Councillor Dan Flower

Councillor Helen Silman
Councillor Emma Taylor
Councillor Andy Whight

*Absent

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

WBC-PC/39/22-23 Substitute Members

Councillor Richard Nowak substituted for Councillor Noel Atkins
Councillor Kevin Jenkins substituted for Councillor Dan Coxhill

WBC-PC/40/22-23 Declarations of Interest

Cllr John Turley declared an interest in planning application 1 and 2 as an elected member of West Sussex County Council for Worthing Pier Division. He also declared an interest in planning application 3 as the applicant had informed him about the application. Councillor Turley had confirmed he was using the correct channels but had offered no other support.

Cllr Kevin Jenkins declared an interest in planning application 2 as he had had email exchanges in the past with the applicant regarding the grants available during Covid. With regards to this application he stated that he had not offered advice and kept an open mind.

WBC-PC/41/22-23 Public Question Time

There were no questions received from the public.

WBC-PC/42/22-23 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 19 October 2022 be confirmed as a correct record and that they be signed by the Chair.

WBC-PC/43/22-23 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

The Chair took this opportunity to update members on a previous planning application (AWDM/0605/22, HM Revenues and Customs, Barrington Road, Worthing) that was

considered at the Planning Committee meeting on 21st September 2022. He informed members that, since the meeting, he had spent time with the Planning Officer going through the conditions and ensuring that the concerns raised by members had been addressed. The significant conditions concerned were as follows -

- The developers had confirmed that those properties to be fitted with gas boilers would be designed with the upsized pipes and radiators to facilitate the conversion to air source heat or exhaust pumps in the future.
- The steps the developer needed to take to find an affordable housing provider had now been made explicit. In addition the legal agreement requirement was added that the developer must liaise with the Council's Housing Team to approach Homes England to explore if they might add funds to increase the number of affordable homes in the development.
- The informative now made it clear that the developer must liaise with residents regarding the timing of footpath works and concerning the connections and barriers to neighbouring streets to the site.

WBC-PC/44/22-23 Planning Applications

The applications were determined as set out in the attached appendix.

The meeting ended at 9.20 pm

Chair

Application Number:	AWDM/0905/22	Recommendation - APPROVE
Site:	Footprints Children And Family Centre 40 Crescent Road, Worthing	
Proposal:	Change of Use to Children's Day Nursery (60 children)	
Applicant:	Mr Roger O'Hara	Ward: Central
Agent:	N/A	
Case Officer:	Gary Peck	

The Planning Services Manager presented the application to the Committee clarifying that there was one comment to make on the report since it had been published. This was with regard to the comment on page 12, where the proposal was deemed to have less than substantial harm to the Conservation area, under paragraph 202 of the National Planning Policy Framework, the public benefits should also be taken into account.

Members of the Committee had questions for the Officer regarding -

- Parking issues and traffic concerns
- Tree removal and future trees to be planted
- The acoustic fence
- Noise impact on neighbours

There were two registered speakers who gave representations in objection to the application. The issues they raised included -

- The acoustic fence and its impact within the Conservation area
- Noise impact of children using the external space on neighbours
- The amount of other nurseries in the nearby vicinity
- Parking issues and traffic concerns

There was one registered speaker, the applicant, who gave a representation in support of the application. He addressed issues including -

- The reason they had applied to increase the number of nursery places was because of viability issues
- Arrivals and departures at the nursery would be staggered
- Parents would not be entering the nursery on drop off and pick up
- Highways had raised no concerns with the application
- Staff would be asked to park further away from the premises
- The external space would be a highly staffed education area and not a letting off steam area

Members had questions for the applicant regarding -

- Planned amount of staff and facilities for them
- Toilet facilities
- Total amount of nursery places planned
- Parking spaces

- Sustainability measures
- Tree planting
- Storage space

During debate members discussed a possible reduction in numbers permitted as concerns were raised about the size of the building being appropriate for the numbers sought. Noise was a major concern along with road safety and parking issues. Sustainability issues and loss of amenity to neighbours were also discussed.

A proposal was put forward to agree with Officers recommendation and approve the application. This was seconded and voted upon with an outcome of 2 in favour, 5 against and 1 abstention so this proposal was not carried.

The chair adjourned the meeting at 7:50 pm to enable a discussion with the Planning and Legal Officers about the options open to members.

The meeting was reconvened at 8:00 pm

A proposal was put forward to amend the conditions in the following way -

- Amend condition 4 to delete 'measures to ensure adequate noise prevention to neighbouring properties including the provision of additional planting where required' and add a separate condition stating 'Prior to the first use of the premises the existing fence shall be resited at a height and in a position to be agreed with the Local Planning Authority to enable landscaping to take place in front of and behind the fence in accordance with details to be agreed with the Local Planning Authority and the approved details maintained thereafter'
- Existing Condition 5 reason to be amended to refer to correct policies
- Additional condition stating that if traffic offences are found to occur as a result of the use of the building, the applicant shall enter into a TRO with the Highways Authority

This proposal was seconded and voted on with an outcome of 7 in favour, 0 against and 1 abstention so this proposal was carried.

A proposal was put forward to accept the Officers recommendation and approve the application with the amended and added conditions. This proposal was seconded and voted on with an outcome of 7 in favour, 0 against and 1 abstention so this proposal was carried.

Application **APPROVED** subject to the following conditions and the amendments -

1. Approved Plans
2. Full Permission
3. Upon the first commencement of use, the Applicant shall implement the measures incorporated within the approved Travel Plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

4. Prior to first use of the premises a Management Plan dated shall be submitted including details of, but not restricted to, the use of outdoor spaces (including the areas and times of such spaces to be used), measures to ensure adequate noise prevention to neighbouring properties including the provision of additional planting where required, and details of measures to be sent to all nursery users to encourage alternative forms of transport to the site and ensuring that a staggered drop off and pick up system is in place. The approved details shall be maintained thereafter.

Amendment - to delete 'measures to ensure adequate noise prevention to neighbouring properties including the provision of additional planting where required' and add separate condition stating 'Prior to the first use of the premises the existing fence shall be resited at a height and in a position to be agreed with the Local Planning Authority to enable landscaping to take place in front of and behind the fence in accordance with details to be agreed with the Local Planning Authority and the approved details maintained thereafter'.

5. The number of children attending the premises for the purposes hereby permitted, shall at no time exceed a total of 60 including no more than 34 in any external space at any one time without the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity, having regard to policies 15, 17 and 33 of the Adur Local Plan.

Amendment - to be amended to refer to correct policies.

6. The use hereby permitted shall not be open for business other than between the hours of 8am and 6pm Monday to Friday and arrival/departure times for children shall be staggered in accordance with the approved Management Plan.

Reason: In the interests of highway safety and residential amenity

7. **Amendment** - Additional condition stating that if traffic offences are found to occur as a result of the use of the building, the applicant shall enter into a TRO with the Highways Authority.

Application Number:	AWDM/0408/22	Recommendation - REFUSE
Site:	6 New Street, Worthing (The Last Melon)	
Proposal:	Application to vary condition 7 of approved WB/05/0225/FULL (Change of use from retail to restaurant) to allow outdoor seating	
Applicant:	Mrs Carla Pankhania	Ward: Central
Agent:	Debbie Marriage	
Case Officer:	Gary Peck	

The Planning Services Manager delivered the presentation explaining that there had been 3 further representations received since the report had been published, one from a new objector and 2 from previous objectors reiterating their earlier objections. They stated that the antisocial behaviour issues at the site were continuing, the premises was not being used as a restaurant and if the permission were to be granted the existing problems would be made worse. There was also adequate space inside the premises for additional seating if needed.

There was one registered speaker who delivered a representation objecting to the application and this focused on issues of noise nuisance and antisocial behaviour.

There were two registered speakers, the applicant and the agent, presenting representations in support of the application. Their representations covered issues as follows -

- There was no proof that noise nuisance and antisocial behaviour originated from the application premises. The area was a busy town centre with many other restaurants, bars and clubs in the vicinity
- The forecourt was already used as a smoking area
- The premises had controls in place to avoid disturbances to the neighbours, such as a decibel metre and security staff and these controls would continue
- It was planned that there would be a cut off of 9pm for the seating of new diners on the patio and the outside area would be cleared of customers at 10 pm
- The premises were always planned to be used as a restaurant but Covid and staffing issues had meant that for the business to survive they had to start operating as a bar that offered food. The applicant felt that now was the time to try and change the mindset of customers so that they perceived the premises as a restaurant rather than a bar. The applicant felt that the sight of tables laid up for dining on the patio would help this.

Members had questions for the applicant regarding -

- The security staff and antisocial behaviour issues
- Smoking areas
- The number of proposed outside tables

- The hours of outside space use

During debate Members discussed a possible compromise over hours and days of use and how many tables should be placed outside. It was considered that maybe a Wednesday to Sunday, temporary 1 year permission for 16 outside covers may be a favourable option. The need for a 1 am closing time for a restaurant was also debated.

A proposal was put forward to **DEFER** the application to consider the overall use of the premises in discussion with the applicant. This proposal was seconded and voted on with an outcome of 6 in favour, 0 against and 2 abstentions and so the proposal was carried.

Application Number:	AWDM/1210/22	Recommendation - REFUSE
Site:	Land East Of 120 And 122 Durrington Lane Salvington Road Worthing West Sussex	
Proposal:	Retrospective planning application for change use of land to a builders/storage yard including 2 no shipping containers	
Applicant:	Mr Jake Maplesden	Ward:Durrington
Agent:	N/A	
Case Officer:	Jackie Fox	

The Planning Services Manager presented the application explaining that this was a retrospective application for 2 shipping containers to be situated on the site.

There was one registered speaker who gave a representation in objection to the application. He addressed issues as follows -

- The appearance of the application site
- The impact on wildlife
- The current use of the site countered a large number of local plan provisions
- The impact on the enjoyment of the local area by those occupying adjacent properties

During debate members concurred that the site was in a very poor condition and was badly maintained. It was noted that there had been a significant change in use in recent months and that the site should be returned to the condition it was in before any building materials were deposited there.

It was proposed that members accepted the Officers recommendation to refuse the application. This was seconded and voted on with a unanimous outcome of all in favour and so the application was **REFUSED** for the following reasons -

1. The proposed use as open storage for builders materials and the erection of two shipping containers for further storage on this green open site outside a designated employment area would introduce inappropriate development and would have an impact on the character of the area and the conservation area. The proposal is therefore contrary to Policies 3 and 16 of the Worthing Core, policies DM5, DM10 and DM24 of the Submission Draft Worthing local Plan (as modified) and the relevant policies of the National Planning Policy Framework.

2. The use of the site for storage of builders materials and equipment by reason of the siting and buildings and activities associated with the use would cause unacceptable harm to the amenity of the neighbouring residents in terms of visual impact, general noise and disturbance and the potential for overlooking. The use is therefore contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy, policy DM5 of the Submission Draft Worthing local Plan (as modified) and the relevant policies of the National Planning Policy Framework.

3. The proposed development would result in the loss of an open green space which would have an unacceptable impact on the local environment and biodiversity to the detriment of the character and visual amenities of the area contrary to policies 13 and 16 of the Worthing Core Strategy and policies DM5 and DM18 of the Submission Draft Worthing local Plan (as modified) and the relevant policies of the National Planning Policy Framework.

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