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Minutes of a meeting of the Worthing Planning Committee 25 January 2023 at 6.30 pm

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

Councillor Russ Cochran
Councillor Andy Whight
*Councillor Noel Atkins

*Councillor Helen Silman
*Councillor Emma Taylor
*Councillor Dan Coxhill

*Absent

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

WBC-PC/55/22-23 Substitute Members

Cllr Richard Nowak substituted for Cllr Noel Atkins

Cllr Rosey Whorlow substituted for Cllr Helen Silman

Cllr Sam Theodoridi substituted for Cllr Emma Taylor

Cllr Kevin Jenkins substituted for Cllr Dan Coxhill

WBC-PC/56/22-23 Declarations of Interest

Cllr Andy Whight declared that he had received advice from the Legal Office and would be removing himself from the Committee for application 2 and 3.

Cll John Turley declared that as the Cabinet Member for Resources he would be removing himself from the Committee for application 2.

WBC-PC/57/22-23 Public Question Time

There were no pre submitted questions received from the public.

WBC-PC/58/22-23 Members Questions

There were no pre submitted questions from Members.

WBC-PC/59/22-23 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 14 December 2022 be confirmed as a correct record and that they be signed by the Chair.

WBC-PC/60/22-23 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

WBC-PC/61/22-23 Planning Applications

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

The meeting ended at 9.30 pm

Chair

Application Number:	AWDM/1472/22	Recommendation - APPROVE
Site:	Windsor House Hotel, 14 - 20 Windsor Road, Worthing, West Sussex	
Proposal:	Change of use from hotel (C1) to 44 ensuite bedroom shared living accommodation with associated kitchens, dining and living spaces (sui generis). External alterations to the building and forecourt, provision of soft landscaping and amendments to doors and windows to reinstate appearance of individual properties.	
Applicant:	Rob Crossan	Ward:Selden
Agent:	Matt Brewer Urbanspace Planning Ltd	
Case Officer:	Jackie Fox	

The Head of Planning and Development delivered the presentation explaining the term of Sui Generis. He also explained that the applicant had previously worked for Worthing Borough Council for approximately 18 months in the capacity of Head of Estates but clarified that none of the Committee Members had had dealings with him during that period. In consequence this fact held no bearing on their consideration of the application.

Members had questions for the Officer regarding -

- The planned end user of the proposed shared accommodation.
- How much weight should be given to the draft local plan regarding this application.
- Clarification of the WSCC report regarding parking for the proposed facility.
- Cycle storage.

The Officer responded clarifying that -

- With many applications it is not known who the occupier will be. In this case the applicant had stated that they hadn't secured any particular end user yet.
- The Local plan, although still not adopted, had been found sound by the Planning Inspector and should be afforded the same weight as an adopted plan.
- The WSCC had standards of suitable parking ratios which varied for different developments. Houses of multiple occupation had less parking spaces allocated as census information showed that there was less car ownership amongst the residents of these types of residence. In addition government guidance also encouraged less car parking provision to promote more sustainable forms of travel.
- The Officer clarified that although there was cycle storage for 20 cycles there was room for additional storage to be provided with some loss of amenity space.

There were 3 registered speakers who gave representations in objection to the application. They addressed concerns including -

- A suitable viability study with regards to the building remaining a hotel.
- The unsociable behaviour residents had experienced in the past which has been attributed to HMO's already in the area, and how another 44 rooms housing similar residents may increase this problem.
- A large amount of entrance and exit points proposed for the development would lead to increased disturbances.
- Most local authorities try to maintain the amount of HMO's in an area of 100 sq metres to be 10% but this area is currently at 35%. If the proposed 44 bed dwelling were to go ahead that would increase to 58%.
- Biodiversity studies regarding the removal of existing planting were incomplete.
- Overdevelopment and lack of parking for the 7 planned staff members.

There was a representation from the Ward Councillor who reiterated points that the objectors had raised. In addition he addressed the fact that the applicant planned to staff the facility 365 days a year, 24 hours a day with trained staff who were DBS checked and that this could suggest that, although no current end user had been identified, it was likely to be residents who needed this type of constant care.

The agent and applicant gave representations supporting the application. They clarified that they had adhered to policy requirements in relation to sustainability with regards to the conversion of the hotel. They stated that they would be amiable to a post agreement restricting them to no short term or out of area lets.

The Chair requested a 10 minute adjournment to digest this new information.

Meeting adjourned at 7.55 pm.

Meeting reconvened at 8.08 pm

The Head of Planning and Development advised members that if they wished to consider the applicant's proposal of local resident, local connection and minimum tenancy conditions then a Planning Obligation may be a more suitable route than conditions. He clarified that the option to defer was open to members to allow further consideration of these issues.

A member then proposed that the application be rejected as the applicant had failed to identify a targeted end user which would be a key factor in the Committee's assessment of the development's impact on the community and that the application was contrary to policy DM1 and DM2 of the emerging Local Plan.

This proposal was seconded and voted upon with an outcome of 7 Members in support of rejecting the application and 1 Member against rejecting the application.

DECISION- Application **REJECTED** on the grounds that it would represent an over-concentration of HMO accommodation and would adversely affect the character and amenities of the area as a result of an increase in anti-social behaviour, noise and disturbance contrary to policies DM 1 and DM 2 of the emerging Local Plan.

Application Number:	AWDM/0056/22	Recommendation - Delegate to Head of Planning and Development to APPROVE subject to further comments
Site:	Former EDF Car Park, Southdownview Road, Worthing	
Proposal:	Construction of 3no. buildings providing 11no. light industrial units (Class E(g)) with associated car parking, landscaping and acoustic fence to north side of access road.	
Applicant:	Worthing Borough Council	Ward:Broadwater
Agent:	ECE Planning Ltd	
Case Officer:	Jo Morin	

Cllr John Turley and Councillor Andy Whight left the room due to interests in this item.

The Head of Planning and Development delivered his presentation explaining that there had been discussion during the application addressing concerns regarding the possible impact on adjacent residents.

Members had questions for the Officer regarding -

- Consultation with neighbours.
- The size of the proposed units.
- Environmental Health's concerns regarding noise.

There was one registered speaker, the applicant, who delivered a representation in support of the application.

A member proposed that the officer's recommendation to approve be supported. This was seconded and voted on with an outcome of 3 votes in favour, 0 votes against and 3 abstentions.

DECISION - APPROVED subject to the following conditions:-

1. Standard time limit
2. Approved plans
3. Unless otherwise agreed in writing by the LPA the materials and finishes of external walls and roofs (including windows and doors) of buildings shall consist of those annotated on the approved plans
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order the use of the buildings shall be limited to light industrial use (Class E(g)) of the Town and Country Planning Use Classes Order
5. Agree tree protection plan and measures

6. Agree hard and soft landscaping scheme to include not less than 9no replacement (heavy standard) trees
7. No external lighting or floodlighting other than agreed in writing by LPA
8. No external working or storage outside of buildings
9. Details of finished floor/site levels to be approved
10. Remove permitted development rights for extensions and external alterations
11. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details approved by the LPA.
12. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
13. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA
14. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials, and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - 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),
 - details of public engagement both prior to and during construction works.
15. Agree and Implement the Travel Plan
16. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
17. No development shall be occupied until a footway from the site entrance on Southdownview Road to the eastern end of the access road has been provided in accordance with details of its alignment, design and construction which have been submitted to and approved in writing by the LPA.
18. No development shall be occupied unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan should specifically include measures to restrict the size of delivery vehicles to 7.5 tonnes, restrict Forklift trucks used on the site to a low noise electric type, require reversing alarms on Forklift trucks to be a white / pink noise signal and a digital speed indicator sign on the access road. Thereafter the Noise Management Plan shall be adhered to at all times the light industrial units hereby permitted are in use.

19. No external fixed plant necessary for the implementation of the development hereby permitted shall be installed, fitted to any building or constructed on the site unless a noise attenuation scheme for the external fixed plant has been submitted to and approved in writing by the LPA. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance. Thereafter no external fixed plant shall be installed, fitted to any building or constructed on the site other than in an application on that behalf.
20. No working, trade or business (including arrival, reception or despatch of deliveries) shall take on the premises except between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.
21. Full investigation/remediation of potential contamination
22. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.
23. 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 in consultation with Southern Water. 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 as well as acceptable discharge points, rates and volumes, 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 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.
24. 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.
25. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
26. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and

- approved in writing by, the Local Planning Authority in consultation with Southern Water.
27. Agree and implement not less than 21 active EV charging spaces and associated infrastructure.
 28. Agree and implement boundary treatments to include details of fencing and hedging along the northern side of the access road adjoining the site boundary with Broadwater Apartments.
 29. Agree and implement sustainability and energy efficiency measures to achieve a BREEAM rating no lower than 'Very Good'.
 30. Not less than 10% of predicted total energy requirements of the development to be met from renewable and low carbon energy production in accordance with details to be submitted and approved in writing by the LPA
 31. No development works other than site survey and investigation shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA in consultation with Southern Water which shall include the following components:
 - A Hydrogeological Risk Assessment shall be completed and this information shall be instilled within all required design reports and CEMP. This should not be a contaminated land report.
 - A Foundation Assessment and/or Piling Risk Assessment to address cross contamination, contamination, and turbidity issues. A piling methodology shall be agreed in consultation with Southern Water and no piling shall be permitted until turbidity water quality issues are fully mitigated. The adopted piling methodology requires approval from Southern Water.
 - All other construction to take place at least 5 m above the water table. The Developer is advised that this will need to account for seasonal groundwater level fluctuation and winter peaks. The only method to accurately collect this data is continuously. At least one winter season should be monitored and this is defined as October to March of any given year.
 - The CEMP to address turbidity impacts to the Chalk and contamination safeguarding. All mitigation and management plans should be included in this document.

Note The recommendation referred to delegation but this was not required as there were no outstanding matters to be resolved

3.

Application Number:	AWDM/1585/22	Recommendation - APPROVE
Site:	7 Douglas Close, Worthing	
Proposal:	Proposed single storey side extension (part retrospective amendment to AWDM/1691/19)	
Applicant:	Mr Shaun Tester	Ward: Marine
Agent:	Mr Ben Whitby	
Case Officer:	Gary Peck	

Cllr John Turley returned to the room to hear the third application. Cllr Andy Whight remained absent due to interests in the application.

The head of planning and development explained that this was a part retrospective application recommending the door at the side of the extension be glazed with obscure glazing.

There was one registered speaker objecting to the application. He presented his concerns regarding overlooking issues and clarifying that the original approved application stated that it should be a small fixed window with obscure glass and not a door with clear glazing.

There was one registered speaker, the applicant, who gave a representation in support of the application.

During debate members discussed the possibility of adding a condition to increase the height of the fence for a section to avoid overlooking and that the degree of the obscurity of the glazing be prescribed.

At this point the meeting had reached the length of 3 hours and members were obliged to vote on continuing the meeting rather than adjourning and continuing another day. They voted unanimously to continue at this time.

A proposal was made to agree to the recommendation with the added conditions mentioned. This was seconded and voted on with a result of 7 in favour, 0 votes against and 1 abstention.

DECISION - APPROVED subject to conditions (with condition 1 amended and condition 2 added)

1. Within 2 months of the date of the permission hereby granted, the door to the side of the extension shall be glazed with obscure glass in accordance with details to be submitted and approved by the Local Planning Authority and the approved details maintained thereafter. The degree of obscurity must be specified and that the glass needs replacing rather than adding an applied finish.

2. Within 2 months, the height of the boundary fence is to be increased in height to 2 metres to avoid overlooking the neighbours windows with details first to be agreed in writing with the LPA.

Reason: In the interests of the amenities of the neighbouring property in accordance with policy 16 of the Worthing Core Strategy.