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Minutes of a meeting of the Worthing Planning Committee 26 July 2023 at 6.30 pm

Councillor Andy Whight
Councillor Ödül Bozkurt

Councillor Helen Abrahams
Councillor Noel Atkins
Councillor Russ Cochran

Councillor Samuel Theodoridi
*Councillor Dan Coxhill
Councillor Rosey Whorlow

*Absent

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

WBC-PC/16/23-24 Substitute Members

Councillor Richard Nowak substituted for Councillor Dan Coxhill.

WBC-PC/17/23-24 Declarations of Interest

Cllr Noel Atkins declared an interest as an elected member of West Sussex County Council in relation to any issues that may affect West Sussex. He also declared that, with regards to the first application, he had received an email from the applicant but had not replied to it.

Councillor Russ Cochran declared that in relation to the first application on the agenda, he was the Northbrook Ward Councillor and that he had met with both residents and the applicant.

Councillor Richard Nowak declared that, in relation to the first application, he had previously been a governor of Northbrook College.

WBC-PC/18/23-24 Public Question Time

There was one pre submitted question received from a member of the public.

Question -

Given the rise in the number of AirBNB establishments, the effect on local communities and the potential impact on the available housing stock, does the Council have any plans to licence AirBNB establishments and to require owners to apply for a change of use for the property?

The Head of Planning replied -

This issue of short term lets (Air bnb) is a complicated area of planning law. If your house is rented out occasionally this does not involve a change of use but if it's a permanent situation

then a change of use can occur but it is a grey area in planning law. As a result of this the Government is looking at whether air bnb and short term lets should be identified as a specific use class which would give Councils the option to serve Article 4 Directions to control number and location of such uses.

The Consultation below closed on the 7th June and proposes the new use class and a registration scheme for these short term lets:

<https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england/consultation-on-a-registration-scheme-for-short-term-lets-in-england>

Copied below is the section on the new use classes order.

4. New national permitted development rights

30. High volumes of short term lets are concentrated in some locations and are not considered to be problematic in all areas. Therefore, we are considering whether to introduce new national permitted development rights to provide flexibility where short term lets are not a local issue, and areas would only see a change where the rights have been removed by making an Article 4 direction. This model will provide local areas with tools that they can apply, or not, depending on local circumstances. We do not want to add unnecessary process, and therefore in many areas the changes will appear seamless and people will not see a change unless an Article 4 direction is in place to remove one or more of the permitted development rights. Separately, we are considering confirming on all homeowners (C3 dwellinghouse) a limited flexibility to let out their home (set out from paragraph 40 below).

31. It is proposed that the GPDO could be amended to introduce permitted development rights to allow:

a. The change of use from a C3 dwellinghouse to a C5 short term let. This would allow for continued flexibility to use a property as a home or short term let where there is no local issue

b. The change of use from a C5 short term let to a C3 dwellinghouse. This would allow short term let properties to be made available to rent or to buy without the need for a planning application for the change of use.

32. Where there is evidence of a local issue, the permitted development right for the change of use to a short term let (a) may be removed by making an Article 4 direction in line with national policy. This should apply to the smallest geographical area possible and could therefore be focussed on those areas or streets that see the highest numbers of short term lets, or individual properties.

33. A second right, (b) could allow the change of use from a short term let to a C3 dwellinghouse. This would allow those premises that fall into the short term let use class when the changes are introduced to return to use as dwellinghouse for rent or to buy without the need for a planning application. This approach may be important where there are already concentrations of short term lets as it would facilitate their move to provide more sustainable housing for the community. Those areas where there is a local issue may choose therefore to retain this permitted development right, even where they remove the permitted development right for the change of use from a dwellinghouse to a short term let (a).

A supplementary question was asked -

Will the Environmental health Officers be asked to assess suitability and safety of these properties especially in regards to smoke alarms?

The Head of Planning answered -

Environmental Health and Housing Officers currently have no capability in this area at present and to afford them this power would require a change of legislation.

WBC-PC/19/23-24 Members Questions

There were no pre submitted questions from Members.

WBC-PC/20/23-24 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions

WBC-PC/21/23-24 Planning Applications

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

The meeting ended at 9.09 pm

Chair

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Application Number:	AWDM/1444/22	Recommendation - APPROVE
Site:	Greater Brighton Metropolitan College, Littlehampton Road, Worthing, West Sussex, BN12 6NU	
Proposal:	Temporary change of use to bus depot (incorporating college car parking during the day) and erection of an ancillary building and associated facilities adjacent to the southern boundary of the site and the erection of a 2 metre fence separating the bus depot from the remainder of the car park.	
Applicant:	Compass Travel (Sussex) Ltd	Ward: Northbrook
Agent:	Wayne Gander MCIAT	
Case Officer:	James Appleton	

The Head of Planning presented the report explaining to Members that this was the second time this application had been brought to the Committee. It had been deferred at the meeting in May 2023 to allow engagement between Officers, the applicant and members of the public.

The Officer outlined the amendments that had been applied to the application in an attempt to address some of the residents' concerns. These included the addition of CCTV with audio to the site, stricter site management practices and a revision of the current parking arrangements.

The Officer also clarified that since the May Committee meeting the applicant had unsuccessfully continued to search for other alternative sites and had re-engaged with commercial agents. The applicant would continue to do this. In addition the application had been altered to a temporary permission for 18 months. This would allow 3 months for the applicant to apply the agreed changes to the site and a further 15 months to evaluate if the changes had successfully addressed the residents' concerns. A noise monitoring plan would also be in place during this period.

Conditions had been added to the permission to control the use of the site outside the agreed hours of use for such aspects as replacement bus services on a Sunday and contracts with schools.

Members had questions for the Officer regarding -

- Light pollution
- Noise monitoring
- The suggested acoustic fence
- The applicants continued search for an alternative site.

There were two registered speakers who gave representations in objection to the application. They raised issues regarding -

- Buses with idling engines presenting a noise issue
- The large amount of buses being kept on the site
- Lack of contact and consultation between the applicant and residents.
- Titnore Lane being unsuitable for PSVs.

There were two registered speakers, the agent and the applicant, who gave representations in support of the application. They provided information regarding -

- Environmental Health's concerns over air quality had been resolved.
- The applicants continued search for alternative sites.
- The applicants desire to continue to engage with residents to ensure any problems were addressed.
- Changes already initiated following the engagement with residents in June 2023.

During the debate members acknowledged the concerns of the residents and the efforts already made by the applicant to address these. Members concurred that this was an extremely difficult application to deliberate and recognised that the supply of the buses to our community and the jobs provided by the bus company needed to be weighed with the concerns of the residents. It was agreed that the temporary permission was necessary to allow the applicant time to make the changes needed and for residents to monitor the effect of them. It was also considered imperative that the applicant continued to engage with the residents and the Committee expressed a desire to be kept updated on the progress of this engagement so that any breach of conditions could be immediately addressed.

A proposal was made to approve with conditions attached. This was seconded and voted on with an outcome of 7 in favour and 1 abstention

Decision - APPROVE - temporary planning permission for 18 months with an additional condition relating to regular liaison meetings between the applicant and local residents and the additional conditions recommended by the highway authority. **Note** the landscaping scheme should investigate the scope for landscaping to the rear of residential properties. Also subject to the satisfactory comments of the Highway Authority and the following planning conditions (and any additional conditions recommended by Environmental Health) and subject to conditions:-

1. Approved Plans
2. Temporary planning permission to expire on the 31st January 2025
3. Within 3 months of the date of this permission the new southern access point shall be installed and the 2 metre screen fence erected. Thereafter, the use of the site shall be strictly in accordance with the revised layout plan with all buses accessing and egressing from the site via the southern access.
4. All bus movements should be in accordance with the revised layout to avoid movements adjacent to residential properties in Red Kite Way with movements in accordance with the 4th Issue Noise Assessment report.

5. No bus movements shall be undertaken other than between the hours of 05:45 hrs – 20:30 hrs on each day and from Monday to Saturdays other than in cases of exceptional circumstances where buses have to provide replacement cover for other operators (for instance Rail Operators) or in connection with private hire for local schools. In such circumstances any movements outside the permitted hours shall be limited to only 4 buses.
6. The site shall be closed between the hours of 2300 and 0500 other than in connection with any administrative work or cleaning within the modular building.
7. The operation of the site shall be in accordance with a noise management plan which should be submitted to and approved in writing with the LPA within 3 months of the date of this permission. The Management Plan shall provide details of management controls to ensure the use of the site in accordance with the approved 4th Issue Noise Assessment report.
8. A landscaping plan shall be submitted within 3 months of this permission and agreed in writing with the LPA. The approved landscaping plan shall be implemented in the following planting season.
9. Provision of covered cycle storage in accordance with the approved plans prior to the first use of the approved offices.
10. No external washing of buses between 2100 hours and 0900 hours.
11. No reversing beepers to be used on site unless non-tonal.
12. *Construction Management Plan - 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. 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,*
 - *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.*

Reason: In the interests of highway safety and the amenities of the area.

13. *Visibility (details approved) - No part of the development shall be first occupied until visibility splays of 2.4 metres by 106 metres to the north and 2.4 by 80 metres have been provided at the proposed site vehicular access onto Titnore Lane in accordance with the approved planning drawings. 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.

Reason: In the interests of road safety.

14. Travel Plan (to be approved) - 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: To encourage and promote sustainable transport.

15. During the temporary permission the applicant shall set up a regular liaison meeting with local residents to address areas of concern

Application Number:	AWDM/0855/23	Recommendation - APPROVE
Site:	Public Conveniences Block, Multi Storey Car Park, High Street, Worthing	
Proposal:	Reconfiguration and refurbishment of existing public conveniences located in the High Street multi storey car park to provide new public conveniences and changing places including introduction of 7 no. new doors into west wall.	
Applicant:	Adur and Worthing Councils	Ward: Central
Agent:	Mr Tavis Russell	
Case Officer:	M. O'Keeffe	

The Head of Planning presented the report, explaining that the application had been amended from 6 unisex toilets to 1 male, 2 female and 3 unisex toilets. There was also an Improvement in the changing place and dedicated disabled toilets.

Members suggested that the order of the toilets be altered so that the female cubicles were the furthest away from the male cubicles. The Officer explained that this was not a planning matter but that he would pass the comment back to the applicant.

During debate Members commented that it would have been favourable to have had someone representing the applicant, Adur and Worthing Councils, here to answer some of the questions that couldn't be answered by the Officer but all concurred that this facility would be a great improvement to worthing.

In response to the members request, the Officer agreed to add an informative, encouraging the applicant to comply with the recommendations of Sussex Police.

A proposal was made to approve. This was seconded and voted on with a unanimous outcome in favour.

Decision - APPROVE with an informative encouraging the applicant to implement the recommendations of Sussex Police and to consider relocating the female cubicles to a position adjacent to the accessible toilet.

Subject to Conditions:-

1. Development to be undertaken in accordance with approved plans
2. Full Permission

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