



# WORTHING BOROUGH COUNCIL

7 October 2024

| <b>Worthing Planning Committee</b> |  |
|------------------------------------|--|
| <b>Date:</b>                       | <b>16 October 2024</b>                 |
| <b>Time:</b>                       | <b>6.30 pm</b>                         |
| <b>Venue:</b>                      | <b>Gordon Room, Worthing Town Hall</b> |

**Committee Membership:** Councillors Noel Atkins, Samuel Theodoridi, Richard Nowak, Helen Abrahams (Vice-Chair), Andy Whight (Chair), Henna Chowdhury, Dom Ford and Hilary Schan

**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 **midday on Tuesday 15 October 2024**.

## **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 **Friday 11 October 2024**.

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. Members Questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **Friday 11 October 2024** to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

*(Note: Member Question Time will operate for a maximum of 30 minutes.)*

### 5. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on **Wednesday 18 September 2024**, which have been emailed to Members.

### 6. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

### 7. Planning Application (Pages 5 - 12)

To consider the report by the Assistant Director for Regenerative Development, attached as Item 7.

## Part B - Not for publication - Exempt Information Reports

None.

#### **Recording of this meeting**

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain 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<br>Democratic Services Officer<br>01903 221006<br><a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a> | Caroline Perry<br>Senior Lawyer & Deputy Monitoring Officer<br>01903 221081<br><a href="mailto:Caroline.perry@adur-worthing.gov.uk">Caroline.perry@adur-worthing.gov.uk</a> |

**Duration of the Meeting:** Three 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  
C O U N C I L

Planning Committee  
16 October 2024

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

**Report by the Assistant Director for Regenerative Development**

## **Planning Applications**

**1**

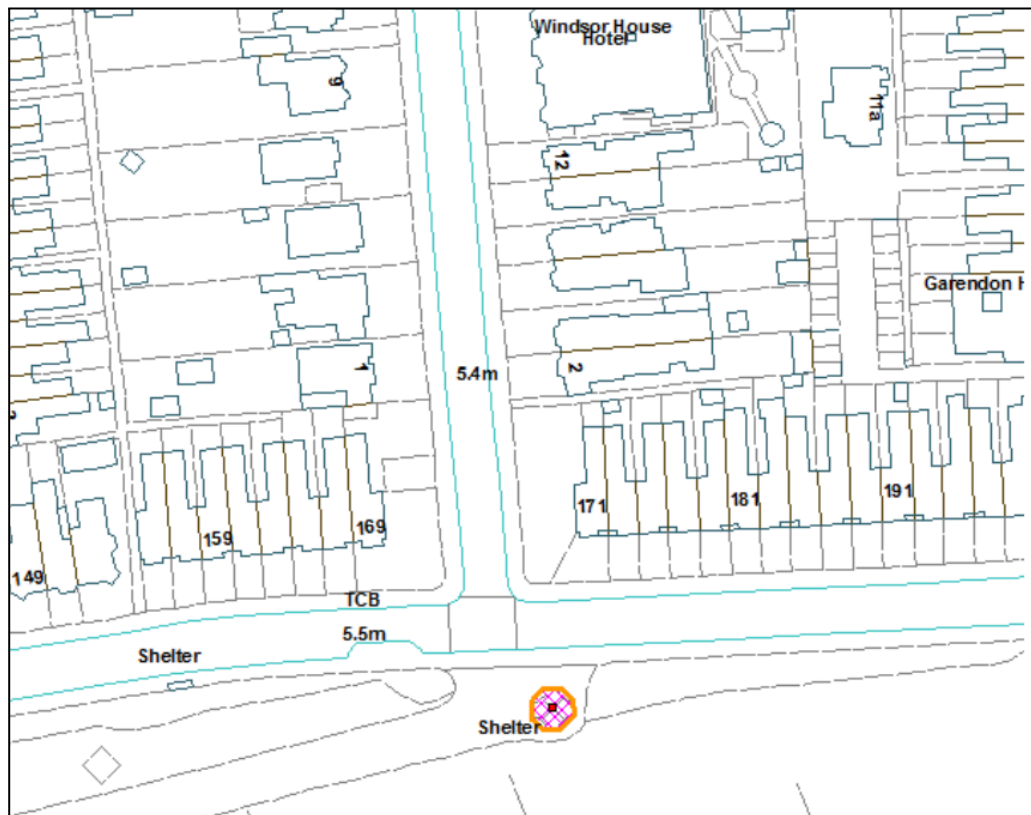
**Application Number: AWDM/1201/24      Recommendation – APPROVE**

**Site:            Shelter South Of Windsor Road, Opposite 171 Brighton Road, Worthing**

**Proposal:    Change of use of public shelter to one retail unit and one unit for facility for Worthing Beach Fleet fishermen to provide cold storage, toilet and ice making facilities plus associated alterations. The principles of the design to follow planning permission AWDM/1306/13 now time expired but to have enclosure on south side of Rotunda which is fully enclosed yet built within and expressing the existing frame structure.**

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|                            |   |                                 |
|----------------------------|---|---------------------------------|
| <b>Application Number:</b> | <b>AWDM/1201/24</b>   | <b>Recommendation - APPROVE</b> |
| <b>Site:</b>               | <b>Shelter South Of Windsor Road, Opposite 171 Brighton Road, Worthing</b>  |                                 |
| <b>Proposal:</b>           | <b>Change of use of public shelter to one retail unit and one unit for facility for Worthing Beach Fleet fishermen to provide cold storage, toilet and ice making facilities plus associated alterations. The principles of the design to follow planning permission AWDM/1306/13 now time expired but to have enclosure on south side of Rotunda which is fully enclosed yet built within and expressing the existing frame structure.</b> |                                 |
| <b>Applicant:</b>          | <b>Technical Services, Adur &amp; Worthing Councils</b>   | <b>Ward: Selden</b>             |
| <b>Agent:</b>              | <b>Mr Julian Church</b>   |                                 |
| <b>Case Officer:</b>       | <b>Gary Peck</b>  |                                 |



**Not to Scale**

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*This application is presented to the Committee for determination as the applicant is the Technical Services department of the Council and any such application must be decided by the Committee.*

## **Proposal, Site and Surroundings**

This application seeks full permission for the change of use of the existing public shelter to one retail unit (potentially for shell specification) and one unit for a facility for beach fishermen to provide cold storage, toilet and ice making facilities. Each part of the development will occupy about half of the structure.

It is stated that the southern part of the enclosure would be enclosed and the exterior cladding will be timber clad to match the local beach huts in appearance and will be painted magnolia to match the existing structure. The new enclosure has been positioned behind the front boundary so as to allow the feature of the main columns to be maintained. New doors will be timber and painted. The retail unit, depending on the precise nature of the use, could also be enclosed by new windows and doors.

Planning permission was granted in 2013 for the sub division of the building into 2 units but never implemented. Subsequently the building has become the focus for complaints regarding anti social behaviour to the extent it has been boarded up since 2021.

The application site is to the south of Brighton Road, east of the town centre and almost opposite Windsor Road to the north. The building is a local interest building. The cycle path curves around the northern side of the building and the beach is immediately to the south.

## **Relevant Planning History**

AWDM/1306/13 - Change of use of public shelter to two retail units and associated alterations. Application permitted but not implemented

## **Consultations**

**Environmental Health:** No objection

## **Representations**

No comments received

## **Relevant Planning Policies and Guidance**

Worthing Local Plan 2020-2036:  
DM5 Quality of the Built Environment

Worthing Local Interest Study February 2023

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)



## **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 the effect of the proposal upon the character of the area and its impact upon the local interest building.

The subject building has been boarded up since 2021 since being subject to complaints of anti social behaviour. The re-use of the building has long been considered acceptable in principle as evidenced by the previously unimplemented permission in 2013.

The dual use as a retail area and a fisherman storage area is considered to serve both a practical purpose for the fisherman (it is understood that the shell life of the local catch of the building could be extended as a result of the proposed facilities) and will increase footfall and activity in the area because of the proposed retail space. In principle, the proposal is therefore considered to be acceptable.

The key remaining issue is therefore the effect of the proposal upon the building itself. The building is a local interest building and is an attractive seafront shelter in a rotunda shape. Unfortunately, its architectural qualities have not been able to be appreciated in recent years due to anti social behaviour problems with the building being boarded up and it could be argued that its position, with the northern half of the building facing Brighton Road, means that its function as a seafront shelter is not as obvious as those on the promenade for example. Nonetheless, care needs to be taken to ensure that any enclosure of the building respects its original character. The Design and Access Statement outlines that the enclosure is to be inside of the columns that flank the outside of the building, which is to be welcomed, but it is considered that final details of any such enclosure should be controlled by planning condition, especially as the retail use is to be confirmed. It is appreciated that because of a funding deadline, the application has had to be submitted and determined quickly to ensure such funding is secured and in the circumstances it is therefore reasonable to confirm the final details at the conditions stage.

The proposal represents an opportunity to revitalise the building and assist with the operations of local fishermen and therefore is considered acceptable.

## **Recommendation**

**APPROVE**

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

1. Approved Plans
2. Full Permission
3. Approval of Materials

16 October 2024

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

Gary Peck  
Interim Head of Planning & Development  
Town Hall  
01903 221406  
[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@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.