



WORTHING BOROUGH  
C O U N C I L

14 January 2020

Worthing Planning Committee	
Date:	22 January 2020
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

**Committee Membership:** Councillors Paul High (Chair), Noel Atkins (Vice-Chairman), Paul Baker, Jim Deen, Karen Harman, Martin McCabe, Helen Silman and Steve Wills

**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 noon on Tuesday 21 January 2020.

## 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. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 18 December 2019, which have been emailed to Members.

### **4. Items Raised Under Urgency Provisions**

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

### **5. Planning Applications (Pages 1 - 42)**

To consider the reports by the Director for the Economy, attached as Item 5.

### **6. 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 Monday 20 January 2020.

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)

### **7. Public Speaking Protocol - For Consideration of the Teville Gate Application reference AWDM/0325/19 (Pages 43 - 48)**

To consider the report by the Director for the Economy, attached as Item 7.

## **Part B - Not for publication - Exempt Information Reports**

None

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

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. 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:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Mustafa Khan Lawyer 01903 221358 mustafa.khan@adur-worthing.gov.uk

**Duration of the Meeting:** Four 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  
COUNCIL**

**Planning Committee  
22<sup>nd</sup> January 2020**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: ~~Yes~~ / No**

**Report by the Director for Economy**

## **Planning Applications**

**1**

**Application Number: AWDM/1131/19**

**Recommendation – Approve**

**Site: Palatine Park, Palatine Road, Worthing**

**Proposal:** Application under Regulation 3 for creation of an artificial 3G grass pitch with 8no. floodlight columns at 16m high with 16no. LED luminaries (2 per column), plus pathway lighting consisting of two (2no.) columns at 6.0m high with two luminaries (one luminaire per column); increase in height of natural pitches by 500mm and bund to South; 1.2m and 4.5m high fences with 1.2m wide and 3.0m wide gates, storage and maintenance container; erection of acoustic barrier and hard surfacing of existing 'overspill' car park.

**2**

**Application Number: AWDM/1925/19**

**Recommendation – Approve**

**Site: Shelter South Of West Buildings The Promenade, Marine Parade, Worthing**

**Proposal:** Application under Regulation 4 of Town and Country Planning General Regulations 1992 to vary condition 7 of previously approved AWDM/1303/19 to be open for the public between the hours of 8:00 until 00:30 Monday to Sunday inclusive.

**3**

**Application Number: AWDM/1703/19**

**Recommendation – Approve**

**Site: Brooklands Park North, Western Road, Worthing**

**Proposal:** Two 4.03m aerator windmills and scaffold platforms, with associated piping and air stones to north and central islands on Brooklands lake.

Application Number: AWDM/1131/19

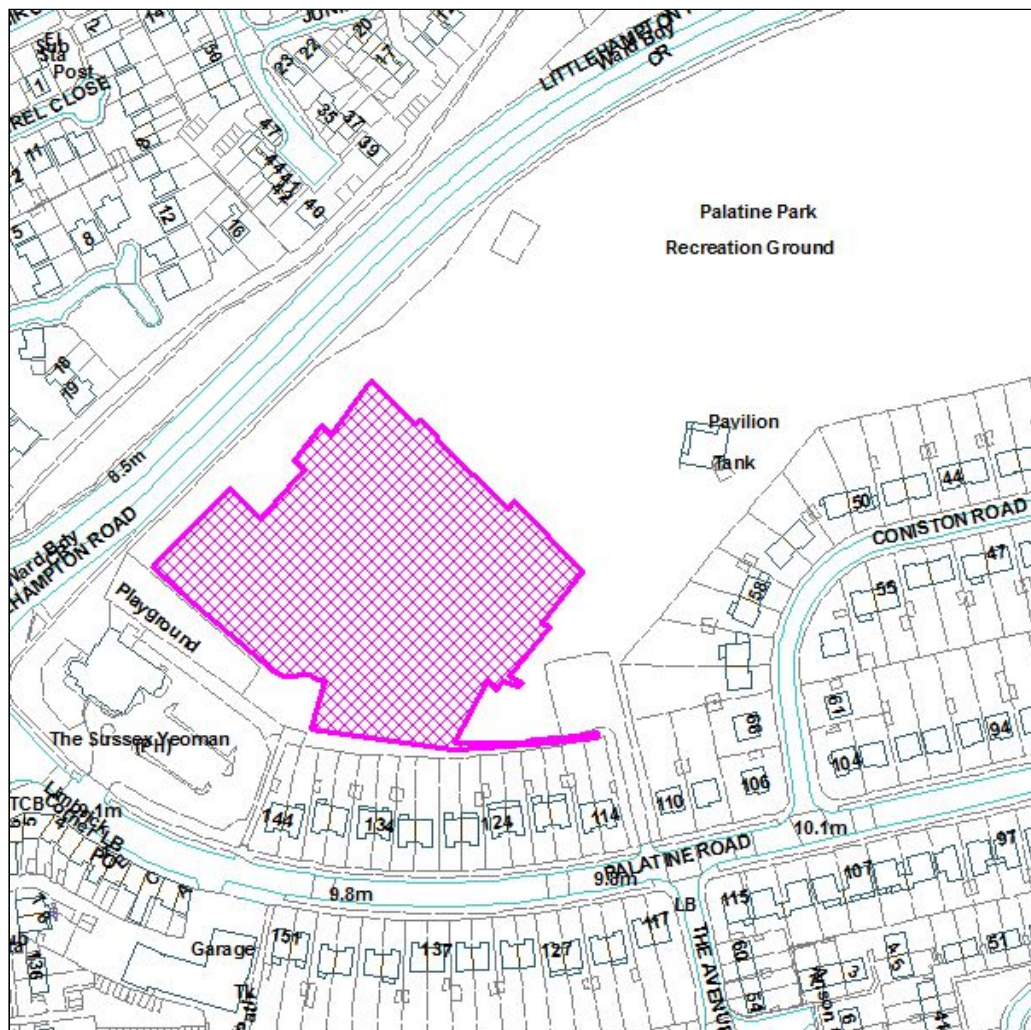
Recommendation – APPROVE

Site: Palatine Park Palatine Road Worthing West Sussex

**Proposal:** Application under Regulation 3 for creation of an artificial 3G grass pitch with 8no. floodlight columns at 16m high with 16no. LED luminaries (2 per column), plus pathway lighting consisting of two (2no.) columns at 6.0m high with two luminaries (one luminaire per column); increase in height of natural pitches by 500mm and bund to South; 1.2m and 4.5m high fences with 1.2m wide and 3.0m wide gates, storage and maintenance container; erection of acoustic barrier and hard surfacing of existing 'overspill' car park

Applicant: Worthing BC  
Case: Jo Morin  
Officer:

Ward: Castle



Not to Scale

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## Site and Surroundings

The application site comprises of grass playing pitches within Palatine Park, an area of public open space consisting of an extensive playing field with several natural grass football pitches, a children's play park, a tarmac basketball area, a football pavilion and changing facilities used by Worthing Town Football Club, together with a tarmac car park with 44 formal parking spaces (including 3 no. disabled access spaces), plus an additional approximate 40 spaces within an adjoining unmarked 'grasscrete' reinforced 'overspill' parking area, and 20 no. cycle spaces, all accessed via a private drive from Palatine Road.

To the north the site is bounded by a dense tree line forming the highway margin of Littlehampton Road (A2032), with residential properties in Foxglove Walk and Cypress Close beyond. To the south and south-east of Palatine Park are residential properties in Coniston Road and Windermere Crescent. To the south, beyond the above-mentioned car parking areas are residential properties in Palatine Road. To the south-west is The Sussex Yeoman Public House. An asphalt footpath runs along the west side of No.144 Palatine Road and the car park belonging to The Sussex Yeoman PH providing pedestrian access to the park.

## Proposal

The application seeks permission to create a new 3G artificial grass pitch (AGP) with associated features to contribute to the improvement of sporting facilities for match play and training for Worthing Town Football Club and the wider community.

The detailed proposals consist of:-

- Installation of an artificial grass pitch sized 106 x 70 metres to accommodate a variety of football pitches, mini soccer pitches and training areas and replacing an existing 11v11 grass pitch;
- Installation of new 4.5 metre high ball stop steel open mesh fencing to the AGP perimeter, polyester powder-coated in RAL 6005 'Dark Green';
- Installation of floodlights comprising 8 no. 16 metre high galvanized columns mounted with a total 16 no. LED lamps along the east and west longitudinal sides of the proposed AGP, plus 2 no. 6 metre high floodlights to illuminate the footpath between the building and the pitch;
- Installation of pitch perimeter barrier (1.2 and 2.0 metres high) internally within the pitch enclosure to segregate the pitch playing area from the adjoining 'Respect' spectator area, polyester powder-coated in RAL 6005 'Dark Green';
- Installation of new hard standing areas in grey/black-coloured porous asphalt adjoining the AGP perimeter complete with associated porous asphalt surfacing and matching ball stop fencing for pedestrian access, goal storage, spectator viewing space and vehicular maintenance and emergency access;
- Installation of new steel maintenance equipment store with ramps finished in 'Dark Green' located within the fenced enclosure;

- Formation of 2 metre high shaped bund to south-west of AGP using topsoil removed from the site during construction and raising of adjacent 7v7 natural grass pitch to west side of AGP by 500mm.

Following discussion the application has been amended to also include:-

- Installation of hard landscaped surface in grey/black-coloured porous asphalt to the existing 'overflow' car park area;
- Installation of an acoustic barrier of a finished height 1.8 metres above the car park ground level to the south of the car park areas consisting of a natural timber construction containing planed tongue and groove board, associated posts and capping with a minimum surface density of 10Kg/sqm.

The design of the proposed AGP facility is in accordance with the technical recommendations published in the FA Guide to 3G Football Turf Pitch Design Principles and Layouts and will offer a variety of football pitches and training areas within the same enclosed playing space, with multiple pitch markings to gain the maximum benefit from the site footprint and capable of supporting the following formal pitch arrangements:-

<b>Age grouping</b>	<b>Type (Players)</b>	<b>Pitch Size</b>	<b>Quantity</b>
Under 18 and Adult football	11v11	100 x 64m	1
Youth U11/U12	9v9	63.8 x 45.9m	2
Mini Soccer U9/U10	7v7	55 x 37m	2
Mini Soccer U7/U8	5v5	37 x 27m	4
Training Areas	Various	48 x 30m	4

The proposed hours of use of the floodlit 3G pitch (AGP) has been amended during the course of the application to the following:-

Between September and April: Monday to Friday 09.00 to 22.00hrs  
Between September and April: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs.

Between May and August: Monday to Friday 0900 to 21.00hrs  
Between May and August: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs.

The existing permanent on-site car park provides for 44 no. spaces (including 3no. DDA spaces). It is proposed to hard-surface the existing 'overspill' car park to provide a further 44 no. permanent spaces.

It is intended that the proposed 3G AGP facility will be managed and operated by South Downs Leisure who would implement a community management plan to ensure the facility is correctly operated, providing a structure for day to day management, overall responsibilities, direct reporting systems, maintenance and security, community use of the facilities, community booking procedures, training, staffing and staff development and local resident communication.



It is anticipated usage of the facility will change as a result of market forces, but initially Monday and Tuesday evenings will be reserved for community usage through pre-arranged bookings, with Wednesday to Friday evenings reserved for the various age groups of Worthing Town FC. Saturdays and Sundays until 16.00hrs will be used for matches and training for the various age groups of Worthing Town FC with afternoon and evening time-slots for community pre-arranged bookings. The facility will not be open access with usage only through pre-arranged bookings. Weekday evening matches are not planned to take place regularly as there are currently no leagues with that 'kick-off' time. However, towards the end of the football season occasional weekday evening matches may be required to alleviate fixture congestion and cancelled matches during the season.

A Noise Impact Assessment by Acoustic Consultant Ltd (Oct 2019) has been submitted to support the application. The assessment considers the predicted noise emissions from the proposed AGP at nearby noise-sensitive properties based on noise level data from activities measured at existing AGPs.

### **Relevant Planning History**

Permission was granted in 2010 (WB/10/0228/WBR3 refers) for demolition of the existing pavilion with erection of a new clubhouse and changing rooms, re-grading of grass pitches and extended car parking and over-flow car parking at the site. A condition of the planning permission restricts opening of the clubhouse to between 09.00 and 22.00 hrs on Monday to Friday, 09.00 and 23.00 hrs on Saturdays and 09.00 and 19.00 on Sundays and Bank Holidays.

Planning permission was granted in 2012 (AWDM/0859/12) for the provision of 2 no. trailer mounted portable floodlights to enable evening football training for a temporary period of 12 months. Permanent permission was subsequently granted for 2 no. trailer mounted floodlights under AWDM/0216/15. A condition of that planning permission stipulates that the floodlights be switched off by 21.30 hours on Monday to Friday, and not to be used on Saturdays or Sundays.

### **Consultations**

**West Sussex County Council:** The Local Highway Authority initially commented:-

*"This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request."*

#### Summary and Context

*This proposal is for the creation of an artificial 3G grass pitch with associated floodlights, fencing and storage maintenance container. The site is located on Palatine Road, a C-classified road subject to a speed limit of 30 mph.*

*WSCC in its role as Local Highway Authority (LHA) were previously consulted regarding highway matters for this site under application 10/0228/WBR3, raising no objections. This application was permitted by the Planning Authority.*

### Content

No alterations are proposed for the existing access onto Palatine Road. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals 1 collision within the vicinity of the access. This was not attributed to the road layout. Therefore there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing concern. This proposal is not anticipated to result in a material intensification of use of the access.

No additional parking provision is to be provided. An existing car park at the site has 41 parking spaces, with an additional 40 available in overflow parking. Furthermore, 20 cycle spaces are also available for secure cycle parking. Representation letters make reference to overspill parking on match days. Whilst the LHA does not anticipate that highway safety will be detrimentally affected by this proposal, the Planning Authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

The site is situated in a sustainable location within walking distance of Durrington-on-Sea and Goring-by-Sea Train Stations. Nearby bus stops offer regular connections in and around Worthing as well as hourly services towards Shoreham and Arundel.

### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."

Following re-consultation on the amendments, WSCC has further commented:-

### "Summary and Context

This proposal is for the creation of an artificial 3G grass pitch with associated floodlights, fencing, storage maintenance container and surfacing of overspill car park.

The site is located on Palatine Road, a C-classified road subject to a speed limit of 30 mph. WSCC in its role as Local Highway Authority (LHA) previously provided comments for this application, dated 15/08/2019, raising no objections. The applicant has submitted revised plans; consequently, the LHA can provide an updated response.

### Access

No alterations are proposed for the existing access onto Palatine Road. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

### Parking

An existing car park at the site has 44 parking spaces, with an additional 44 space to be made available by surfacing of the overspill car park. 20 cycle spaces are also available for on-site secure cycle parking. The car parking spaces meet the minimum specifications set out in Manual for Streets (MfS).

As WSCC does not have a parking standard for football pitches, the LHA has undertaken an in-house assessment on similar sites using the TRICS database. This has provided three sites of a similar size to the Palatine Park grounds. The findings show that the parking available to the site is comparable to that used by other training grounds. Of the three sites observed, two sites had ten 5-a-side pitches which were all 3G all-weather surfaced and lit with floodlights. Parking allocation for these sites was 106 and 118 spaces. The third site contained seven 3G all-weather pitches and was served by 62 parking spaces. Given that in this proposal only one of the pitches (which can function as either 1 x 11-a-side or 4 x 5-a-side) would be a 3G all-weather pitch, it would seem that the parking provision would be sufficient.

Representation letters make reference to overspill parking on match days. There are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered detrimental to highway safety. Whilst the LHA does not anticipate that highway safety will be detrimentally affected by this proposal, the Planning Authority may wish to consider the potential impacts on on-street parking from an amenity point of view. Although the junction onto Palatine Road does not benefit from junction protection, any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 –(leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

### Sustainability

The site is situated in a sustainable location within walking distance of Durrington-on-Sea and Goring-by-Sea Train Stations. Nearby bus stops offer regular connections in and around Worthing as well as hourly services towards Shoreham and Arundel. Cycling is a viable option in the area.

It may be an option for the applicant to provide a Travel Plan Statement; this would outline how alternative, more sustainable transport means can be advertised and encouraged to parents, visitors and members of the ground and may alleviate some of the reliance on the use of car. This can include providing details of bus timetables and car sharing.

### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."

If the planning authority are minded to approve the application, the Local Highway Authority recommends a condition requiring a Travel Plan Statement (to be completed in accordance with latest guidance and good practice) to be submitted and approved in writing prior to commencement of use of the development.

**Sport England** has raised no objection to the application which is considered to meet exception 5 of Sport England's adopted Playing Fields Policy, as set out below:-

*"It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.*

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:- "Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field;

*unless in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions."*

#### The Proposal and Impact on Playing Field

The site is home to Worthing Town FC. The proposed 3G pitch and associated ancillary facilities will result in the loss of playing field in the south west section of the site currently used and marked out with a full size adult grass pitch. Palatine Park is a large site and has been used and marked out with a variety of pitch sizes and configurations over the years. Latest aerial imagery taken from Google Earth indicates that the playing field has been used and marked out with the following grass pitches:

- 1no. full size 11x11 adult pitch
  - 1no. 11x11 youth pitch
  - 3no. 9x9 junior pitches
  - 3no. 7x7 mini-soccer pitches
  - 2no. 5x5 mini-soccer pitches
- Sport England notes Brief summary of the proposal and its impact on existing/proposed playing field.*

*The proposed site plan following construction of the new 3G pitch would result in:*

- 1no. full size Artificial Grass Pitch (AGP) with line markings for 1no. 11x11 adult/senior pitch; 2no. 9x9 pitches; 2no. 7x7 mini-soccer pitches; 4no. 5x5 mini-soccer pitches
- 1no. full size 11x11 adult grass pitch
- 1no. 11x11 youth pitch (U15/16)
- 1no. 11x11 youth pitch (U13/14)
- 2no. 9x9 junior pitches

- 1no. 7x7 mini-soccer pitch (subject to level raising)

Sport England notes that there was formerly a cricket pitch on the site around 9-10 years ago. However, it appears this has lapsed some time ago and cricket is no longer played at the site.

Sport England has consulted the relevant National Governing Bodies for sport and has received the following comments. The Football Foundation on behalf of the FA comments that Worthing Town FC initiated the project for a 3G pitch that would greatly benefit their club. The playing fields cover an extensive area and grass pitches will remain. Worthing Town FC are the main users of the site with 46 teams, from under 5's through to veterans, with male, female and mixed gender teams. The club is the only FA Charter Standard Community Club in Worthing; and have over 600 members. The FA Charter Standard Award is in recognition that there club is:

- Well Established and Organised
- Compliant with Child Protection policies
- Making Child Safety and Enjoyment Paramount
- Offering a High Level of Coaching
- Focused on Player Development
- Committed to Coaching Development
- Helping to Raise the Standards of Behaviour in the Game
- Maintaining the High Standards set by the FA

The Local Football Facility Plan for the council area identifies the need for an additional 3G in the area with Palatine Park as the only option. Not only is this a high priority for the Worthing area it is also a very high priority project for Sussex. The Playing Pitch Strategy is at Stage C and recognises the need for 3Gs and that one is planned for Palatine park.

The Football Foundation goes on to comment that the design fully complies with their technical requirements and has been designed via FA/FF AGP Framework. The Football Foundation, on behalf of The FA fully supports this project.

Sport England also received comments from the ECB concerning cricket on the site. The ECB comment that they are not aware of any clubs currently who are looking to relocate to another ground or require an additional ground. The ongoing Playing Pitch Strategy indicates that demand is being met. Therefore, we do not believe that the proposal will have an impact on cricket.

#### Assessment against Sport England Policy

This application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

“The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.”

*Sport England notes that the site is identified as a priority for additional 3G artificial pitch provision within the emerging Playing Pitch Strategy and by the Football Foundation which will help to address the shortfall in AGP provision within the district. The new artificial pitch supports greater intensity and frequency of use than traditional grass pitches and will enable mini and junior football in particular to be moved off the grass pitches. The size of the club, Worthing Town FC, is large with 46 teams. This will help ensure long term sustainability of the facility.*

*It is also notable that the proposed design and specification is fully compliant with the Football Foundation/FA's design guidance/standards.*

*Further, there is no adverse effect on other sports at the site.*

#### **Conclusions and Recommendation**

*Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet the Sport England E5 exception policy.*

*Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.*

*The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement."*

#### **Adur & Worthing Councils:**

The **Environmental Health Officer** (EHO) notes that the proposals relate to an existing sports facility which is being upgraded, and highlights the main points of contention as being noise from the extended hours of use into the evenings and the lighting.

The EHO had no adverse comments to make on the proposed lighting scheme.

With reference to the Planning Noise Advice Document Sussex July 2015 (Chapter 4 Sports and Recreation); it is recognised that in some circumstances, the noise levels generated from these types of activities are likely to be higher than would normally be accepted for other development consents, such as industrial processes, because of the characteristics of the noise generated, the controls that are possible, and the pattern of use. For these activities, the Local Planning Authority will need to take account of how frequently the noise will be generated and how disturbing it will be.

With regard to noise the EHO commented: *"It is inevitable that noise from this type of activity will be audible. We are tuned to hear the character of human voices even when they exist at background levels. It will therefore be noticeable and disruptive and will create a low observable effect level. National Planning Policy Guidance 2014 (Noise) suggests in such circumstances that the noise should be mitigated and reduced to a minimum."*

In the absence of an acoustic report as initially submitted the EHO sought further information on the expected use of the facility.

In response to the receipt of further information the EHO commented that although the use may be audible from time to time, he did not anticipate noise from the use of the facility in the evening would be significant given the distance from the edge of the pitch to the nearest residential property and because of the existing ambient noise levels in the area. It is anticipated that the main increase in noise will be from the car park when players and spectators arrive and leave the site, particularly as the club house is licensed and visitors may stay on after training or matches. For this reason, the EHO recommends a 1.8m acoustic fence is installed along the boundary of the car parks and residential property that back onto these car parks, which he considers would mitigate 2no. of the aims of the Governments Noise Policy to:

- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

The EHO does express some concern however over the potential noise impact of competitive evening matches, particularly cup games, which may have spectators; and the potential for a build-up of such fixtures at the end of the season. In the absence of precise details or an acoustic assessment a suggested solution was put forward to seek to limit the number of evening matches, with the football club keeping a record of evening matches including approximate numbers of spectators.

The applicant has advised that a restriction on the number of matches would not meet funding requirements. However, the application was subsequently amended to include the 1.8m high acoustic barrier as recommended and a Noise Impact Assessment submitted to provide a more thorough assessment of predicted noise emissions from the proposed AGP at nearby noise-sensitive properties.

The EHO subsequently commented: *“As previously discussed, it is the unknown quantity of the spectators watching competitive games that has been my main concern. Training and matches have different atmospheres and although I appreciate you may have more people using the facility for training, the vocal response of friends and family watching a competitive match will be different to those watching or participating in a training session. This has not been considered in the acoustic report.*

*As I have already mentioned the use of the facility will be audible and in my opinion will be noticeable and intrusive during competitive matches. We are more responsive to human voices and we will tune into shouts, cheers and whistles more than we would to steady traffic noise in the distance. This in my opinion may cause residents backing on to the park to close windows. It is this change in behaviour, to keep out noise, that would define the noise impact as a Lowest observable effect level and In such circumstances the planning policy is to mitigate and reduce to a minimum.*

*It is difficult to mitigate noise from such facilities because of the characteristics of the noise generated and the controls that are possible. From a noise control point of view, we are trying to prevent annoyance that if not controlled could amount to a*

*statutory nuisance. The activity itself on the land is not unreasonable as it is an existing park used extensively for sport. What is changing is the ability to extend the sites use into the evening. The acoustic report demonstrates that this extended use into the evening should not have any significant impact on residents from normal training activity. However, competitive matches, with spectators, in the evening could have an impact and it is for this reason I have recommended that we limit the amount of such games. It is the excessiveness of such disturbance that we need to balance."*

Following on from this a further assessment was carried out by the noise consultant to specifically model the noise effects of matches with spectators.

The EHO further commented: *"I have now reviewed the further acoustic assessment of spectator noise. This assessment differs from the previous assessment as it does not use actual measurements of the noise source under investigation, but instead is based on an educated guess of what the noise created by the crowd, may look like. It concludes that the predicted noise level from the crowd will be 38dB LAeq 1 hour, at the nearest sensitive receptor, compared to 46dBLAeq 1 hour, from the use of the AGP. The maximum noise level from all spectators shouting simultaneously at the nearest noise sensitive receptor is 64dB(A)."*

*It is not clear from the report whether they have combined the crowd and pitch noise, to simulate a match, in their modelling. However, the lower figure presented would suggest they haven't. If they have it would be useful to see the pitch figures they have used in this scenario, as they are not reported.*

*I agree that the worst case figure for maximum noise levels, created by all individuals shouting simultaneously, is unlikely, as the crowd will be made up of supporters from both teams and they are unlikely to be cheering for the same thing. We can conclude from the figures provided in both assessments that maximum noise levels from the crowd, players shouting on the pitch and whistle blowing could be anywhere between 50dB(A) and 60dB(A) at the nearest properties. The frequency and upper limits of these maximums noise incidents will vary from match to match, and will be affected by the actual distance the sound is travelling and the wind direction at the time. No acoustic assessment will be able to provide a definitive answer. We can also conclude that the activity will be audible at the receptors property and the barrier, included in the modelling, will not protect first floor bedrooms that have dormer windows overlooking the facility.*

*I appreciate the difficulty that will be created if a condition limiting evening matches is included on any permission. To overcome this, I would recommend that the Noise Management Plan that is being proposed should include steps the club and any other party will take to prevent a nuisance being caused from the use of the site. If the site can be managed to avoid a nuisance, then No Observable Effect will occur. This plan should consider how competitive matches are scheduled, so where possible, the sensitive evening time is avoided. The use of a designated marshal during competitive games would be helpful to steward the crowd and to stamp out any bad language that may be shouted. I would advise that the management plan*



*remain dynamic so that any changes required as a result of a complaint investigation can be incorporated, where necessary.*

*The Design Guidance from Sports England does briefly cover some aspects of potential noise problems that may occur at such facilities.*

*With good neighbour liaison, I am satisfied that the potential for excessive noise impact can be mitigated and managed by a noise management plan. A plan similar to that agreed for the mixed use games area, at the Sir Robert Woodard Academy in Lancing, would be a good basis for this facility. This plan includes having designated staff on hand to deal with any neighbour complaints and marshal any rowdy behaviour at the time of occurrence."*

The **Parks Manager** has confirmed that the location of the existing children's play area is under review as part of a separate project to enhance the play value and overall amenity value of the park as a whole. The consultation and discussions around this will be held separate to this project.

The **Senior Engineer** comments that insufficient details of the proposed levels and drainage design have been provided, stating: *"In previous discussions with the designers they were made aware of the ground water conditions on the site and the need to undertake soakage testing in the winter months, as it is known soakaways do not work at this site. Flooding and saturated ground on this site is known and the current football club are aware of this due to the loss of pitch usage. The options discussed regarding surface water removal have been:*

- A piped connection to the water course to the north of Littlehampton Road, this would also benefit the rest of the site.*
- A tanked facility with storage to release surface water at an acceptable rate into a local surface sewer."*

The following condition is recommended:-

*"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. 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, 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. The information submitted shall include details of proposed and existing levels. No building / No part of the extended 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."*

## Representations

13 representations have been received from residents of Foxglove Walk (5 no.), Palatine Road (6 no.), Windermere Crescent (1 no.), Coniston Road (1 no.) raising the following concerns and/or objections:-

- Strenuously object on grounds of the light pollution that will be caused by the flood lights shining into gardens and properties.
- The columns are very tall and will be intrusive to all residents of nearby properties, particularly in Winter when the trees lose their leaves.
- Noise pollution will also increase in Winter evenings if the floodlit pitch is used for matches;
- There is insufficient parking within the park to accommodate larger crowds of footballers and spectators and this will increase parking problems on nearby roads;
- The development will be intrusive, severely impacting all nearby homes and affecting the value of the properties affected;
- We had fencing installed at the end of the garden when the new pavilion was built and the car park extended as the mounds created enable people to look into gardens. The current height of the fence will not be tall enough to block out the light and provide privacy.
- The design of the artificial pitch with high fences and maintenance container will be out of character for the park. It will look like a Category A prison.
- The artificial pitch in place of natural grass will have an environmental impact. Where will the run-off drain to? There are already problems with water-logging in parts of the park usually in the Winter months and the proposals will compound this;
- Money for the community will be used for the development but it will only be open to football club members. Will the children's play area and basketball provision be up-dated with the community money as well? Palatine park should remain a public park for the well-being of the whole community. There used to be benches and daffodils. It is important to keep our green spaces;
- More football tournaments will result in increased noise disturbance and increased traffic congestion and air pollution raising health and safety issues for local residents;
- Concerned that existing pedestrian/cycle footpath may in due course become another vehicle access;
- Additional parking on the road, speed bumps, close to driveways and junctions and on yellow lines will result in further highway safety issues and inconvenience for nearby residents making it difficult to reverse out of driveways or even cross the road;
- The roads round here are busy enough already without adding a more or less 24/7 facility with only limited parking;
- More parking must be provided on-site;
- It is disappointing a meeting hasn't been held at the pavilion to explain the proposals in more detail and discuss the impact on the local community;
- Insufficient neighbour notification letters have been sent to properties in Foxglove Walk and there has been no advert in the local press;
- Why is there no acoustic assessment submitted with the application?

- Details of the supportive business plan embracing positive and negative outcomes should be published;
- There should be an alternative site review including enhancements to other sites such as Highdown, floodlighting being intrusive;
- The proposal will obviously increase activity and the car parking available is far below that required leading to more on-street parking chaos along Palatine Road;
- Details of operational hours should be made know, particularly as Foxglove Walk will lose the partial sound blockage as the trees lose their foliage in Winter;
- There should be an extended period of consultation with all relevant information made available otherwise local residents may use the Ombudsman procedure to seek 'compensation without limit' particular with regard to sound and light penetration reduction installation to homes and compensation for noise, stress, loss of value of property, lack of sleep and environmental nuisance during both construction and subsequent operation;
- We already have a problem with the existing car park lights being left on, shining into our windows and nobody turning them off;
- Not looking forward to the noise from the cars late at night;
- The additional noise generated later into the evenings will be disturbing for neighbours, especially shift-workers, causing detriment to sleep; noise will travel further when the trees lose their leaves; the noise of people screaming and shouting until 22.00 hrs will be awful a totally unacceptable way to live, noise travels so much further at night;
- The height of the floodlights is intrusive especially when the trees shed their leaves and will shine directly into bedrooms which face the park; there will be no respite from the lighting; the lighting masts are too tall – around 6-storey high and will destroy the view;
- The proposed days/hours of operation are too late; how be much happier if floodlight use was limited to 20.00 hrs on certain days, and not used on every day.
- Support the provision of local leisure facilities and activities, particularly for youngsters, but concerned that the proposed hours of floodlighting until 22.00 hrs is excessive 7 days a week. After finishing and changing it can be assumed cars will be leaving at any time up to 23.00 hrs. The permission for the portable lights was only granted until 21.30 hrs on Monday to Friday.
- Although referred to, no details of the Noise Management Plan have been provided;
- The information submitted suggests the lamps will point directly downwards so minimizing light spread, but this won't be known until they have been installed; there has been previous problems with lights in the car park shining into peoples' houses;
- I can't recall when the overflow car park was last used and have been told that it is currently unusable as the plastic mesh has sunk into the ground;
- The original scheme promised planting/hedge to the south side of the car park but this has never materialised;
- Is this proposal even commercially viable? There is a floodlit facility nearby at the Council's leisure centre; is it used? And also Rustington Golf Centre obtained consent for a floodlit facility only for it to be dropped due to lack of interest from any commercial operator;

- Do not object in principle but concerned about the impact of this development on the roads around Palatine Road which become inaccessible for residents and emergency vehicles; the parking needs to be sorted out;
- We already put up with a lot of daytime noise, over-parking and litter during the football season but at night-time as well is going a bit far.

66 representations in support of the proposals have been received from local residents making the following observations:-

- The proposal will bring much benefit for the local community, including Worthing Town FC, the only FA community chartered status club in the town. There are no such facilities for the community to use elsewhere locally; an excellent addition to Worthing and the surrounding area;
- There will be no detriment to existing park-users or dog-walkers; the park will be kept open for access to all; I support the application more-so knowing the park will remain open to the public;
- The all-weather pitch will be a massive bonus to the Club and members. No more abandoned games due to health and safety issues, or angry groundsmen;
- This is a much-needed facility for the community; We need to make sure we have facilities that meet the needs of a growing town and this pitch will help;
- My children have played at Worthing Town FC and the clubhouse facility already in place will be enhanced by this proposal which will see other groups able to make use of it; Worthing Town FC are an incredible club that have provided fantastic opportunities for my son as the only FA chartered club in the town; there a lot of children, girls and boys of all ages that enjoy playing for the club and benefit from the exercise provided and the social element; the local Council should look to support children spending time out of the house keeping fit;
- Proposal will benefit future generations, young and old. It is in a central location to a lot of housing where there is a lack of community facilities for children and adults to access. It could take a lot of children off the streets and give them something to focus on; a great opportunity to develop leisure space promoting sport for children and the community;
- My daughters play for Worthing Town FC and this development will be of enormous benefit to them and other groups able to use it; it will improve the sporting environment with a more professional feel and raise the aspirations of those using it;
- There seems to be plenty of parking in the area with great road links to the rest of town making is very easily accessed by the community;
- The development will also benefit other groups such as Scouts, fitness clubs and other sports clubs such as hockey and rugby, providing all year round all-weather training facilities;
- I have been a resident in Foxglove Walk for 19 years and have seen the new additions to the park, I walk the dog there and the children use the play park. Even with the building of the clubhouse we have never had any problems with litter or noise. The clubhouse offers excellent facilities. My daughter has experience the benefits of having a football close to home. I hadn't realized how many children benefit from the facilities offered and the 3G pitch can only be described as a positive addition, with even more groups being able to

make use of the pitch. It will benefit the community in general in an area of the town where more accessible sporting facilities are needed. With low impact lights I cannot see any negative effects on us as a neighbourhood;

- This is needed in the community; the football club supports local children, all you need to do is visit on a Saturday or Sunday morning. Please move with the times and build more of these pitches;
- As a neighbour to the club in Coniston Road I feel that the area should improve with added lights, putting youths off from hanging around and with extra parking should improve the situation outside our homes. It is helping the area, I'm all for it as long as it is monitored properly.
- The Club is a key asset in the community and does an amazing job of helping hundreds of local children grow and develop. These facilities will help the Club grow and prosper by providing useable facilities throughout the year;
- The development inherently bolsters the ability of the community to engage in activities that support exercise and therefore the health and well-being of local people, particularly in the wet, dark Winter months; Anything that helps getting people, especially young people active is a good thing;
- There is a lack of all-weather facilities in Worthing and this facility will enable football to be enjoyed all year whereas currently flooded pitches at the park frequently prevent this;
- Long overdue, it will be a great addition;
- The park is heavily used, well-maintained and a safe environment for all users. The new pitch will only enhance the park and give so many more opportunities for local community use;
- This facility will help local youth to keep focused and interested in sport; In an age where youngsters are supposedly getting lazier and less active let's do something to encourage activity and fitness;
- The park is used by many people but when it rains a lot some of the pitches cannot be used due to water-logging and games are often cancelled. Having the proposed pitch would mean that football could be played every week of the year. Synthetic pitches are vital to the continuation of training and fixture schedules through the Winter months
- Great infrastructure for the area; brilliant plan, just what the area needs, hopefully the first of many;
- I support this as a parent of a WFC Juniors player; the work and professionalism of the Club deserve all the parental support possible. My son is a keen footballer but had very little confidence, now just a few months after signing he is a very confident defender and we cannot believe how much he enjoys being part of his team. We cannot tell you how much a proper pitch would mean to all the Club members. Now is it darker and evening sessions have had to be suspended as there is no proper lighting, imagine the achievement of the players even if they had one extra session a week during Winter time;
- Worthing Town FC have shown their commitment to football in the wider area by hosting Cup Finals and Play-Off matches for the Arun & Chichester Youth Football League and have expressed their intention to make the facility available to other groups beside their own Club;

- As a non-driving parent this is a very important site as it is close to home and accessible; the quality of community life will be improved, I can only see positives.
- This will be an excellent opportunity for local people to benefit from; Palatine park is one of the town's largest parks and has the advantage of being safe and secure within its boundaries, there is nothing similar in Worthing. It is ideal and leaves plenty of space left for dog-walkers to use;
- The scheme seems well thought out and sympathetic with every consideration taken to minimize the impact on neighbouring properties. I appreciate local residents may have concern - that is human nature - but surely they can see that the benefits of this proposal will vastly outweigh the negative impacts;
- I feel confused as to why anyone would oppose such an application;
- The Council has a duty of care to approve this plan. It seems we are very quick to berate youngsters for excessive 'screen' time but there is a golden opportunity here to do something that will have a wholly positive effect which cannot be thrown away through NIMBYism, red tape and unimaginative and uncaring public servants. The 3G pitch will bring joy, fitness, pride and an increased sense of community spirit and send a message to our children that the 'people in suits' actually care about them. The countless volunteers who give so much time to make Worthing Town FC as successful as it is deserve recognition by giving them what they need and deserve, they deserve medals not rejection;
- This facility is essential for the development of grassroots football which appears to be decline in this country with children taking up the sport but then dropping out in their teenage years, seemingly to nothing relating to physical exercise or team-related sport;
- It's not just about supporting the football run so excellently by Worthing Town FC but this facility would give the whole community somewhere to play in all weathers throughout the year.

A letter of support has also been received from the Sussex County Football Association commenting that Worthing Town Football Club is one of the largest clubs in Sussex playing football for all ages, regardless of race, gender, sexuality or ability. The Club is extremely well run and administered and is a great asset to Worthing and the people of West Sussex. Football is our national sport and a new facility such as this will only strengthen the Club's ability to offer more football and more coaching to the people of Worthing.

Following re-notification of the amended plans, 2 further letters have been received from local residents in Windermere Crescent and Foxglove Walk commenting:-

- There is no mention about the hours of use of the new pitch and what restrictions are in place, if any, to protect local residents from noise interference; this is quite apart from the impact of new floodlighting on neighbouring gardens. I have no means of knowing what area the implications of the height and intensity of the proposed lights – can this be explained.
- There is on course the on-going problem of anti-social parking, particularly on Sundays which may also now happen on weekday evenings although I

acknowledge the Club has made more effort to prevent dangerous parking in the immediate area on weekend tournaments which attract a lot of visitors with large 4x4s and vans;

- I shall be contacting neighbours who like myself may have been unaware of the application and now have only limited time to comment;
- Whilst the proposed amendments will reduce the impact to some site-adjacent properties when one considers the main winds affecting the site blow from the south-west, it still fails to provide adequate sound blockage from playing and social events to properties in Foxglove Walk. Our concerns remain in terms of sound and light penetration;
- Should this development go ahead, local residents have already discussed the requirement for ongoing monitoring of sound, light and social nuisance with the need for robust action to be taken by the appropriate compliance agency to enforce satisfactory standards.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 11, 12, 13, 15, 16

Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18

WSCC Guidance on Parking at New Developments (2019)

National Planning Policy Framework (2019)

National Planning Practice Guidance

### **Planning Assessment**

#### ***Principle***

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the provisions of the Development Plan where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Paragraph 96 of the NPPF identifies access to a network of high quality open spaces and opportunities for sport and physical activity as important for the health and well-being of communities. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:-

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Core Strategy Policy 11 seeks to retain and enhance all existing recreation, sporting and community provision in recognition that such facilities contribute to the well-being of residents, workers and visitors. Core Strategy Policy 12 states that development proposals for high quality and accessible infrastructure which meets the needs of the existing community will be supported.

In October 2018 Worthing Council consulted on its Draft Worthing Local Plan and of particular relevance is emerging CP8 'Open Space, Recreation and Leisure' which seeks to resist the loss of existing open space or sports facilities unless the development is for alternative sports and recreation provision, the need for which clearly outweighs the loss; *or* an assessment has been undertaken which clearly shows the open space or land to be surplus to requirements and not required to meet any other shortfall in open space types; *or* the loss resulting from the proposed development would be replaced by equivalent or improved provision in terms of quantity and quality in a suitable location. It states that proposals for built sports facilities and formal sports provision will be supported where they are in accordance with policy in the [emerging] Plan.

In 2014 the Council commissioned the Open Space, Playing Pitch and Indoor Sports Study to help provide a clear picture of the existing and future open space, sport and recreation needs in the Adur and Worthing area, and the current ability to meet those needs in terms of quality, quantity and accessibility.

In an assessment of existing provision, the Playing Pitch Strategy records the variety of different sized football pitches available at Palatine Park but identifies the youth (11v11) pitch as being overplayed by three match equivalents per week at that time. It goes on to identify a sport-specific objective for football as meeting 'identified deficiencies at peak times and ensure there is a range of football facilities across the sites to service all levels of the game'. The Strategy sets out a number of key priorities to be addressed from the assessment report including a shortfall of 2 no. AGPs in the local area as identified in the Sport England Facilities Planning Model, noting that football clubs in Adur and Worthing expressed a demand for additional training time on AGPs (unavailable due to lack of provision). Demand for 3G AGP pitches for football continues to increase and it is important to ensure that access to AGP provision is maximised and community use agreements are in place.



The Strategy notes that a number of important sites in Adur and Worthing that have the most popular pitches (including Palatine Park) need to be of high quality so they can accommodate a significant number of matches per week.

This Study is currently being updated as part of the Local Plan review.

The application site has a number of different sized natural grass football pitches, a football pavilion and changing facilities used by Worthing Town Football Club. There is also a basketball area on the site. The proposed development will result in the loss of a full-size 11v11 natural grass pitch and replacement with a floodlit 3G Artificial Grass Pitch (AGP) capable of multi-pitch use for Junior/Youth football and training. It will allow for increased usage which will help contribute to the improvement of sporting facilities for match play and training and will also contribute to the FA's strategic objectives.

It is considered that the proposal can be supported in principle in accordance with Core Strategy policies 11 and 12. The key relevant considerations are:-

- Effect of the proposals on the visual amenity of the surrounding area;
- Impact on residential amenity
- Parking and highway safety
- Other issues.

### ***Visual amenity***

The AGP would be sited at the southern end of the park to the north-west of the pavilion building, parallel to its main north-west facing aspect which overlooks the existing 11v11 grass pitch. It would be sited at an angle to the rear of the semi-detached bungalows on the north side of Palatine Road and the rear of semi-detached bungalows on the north-west side of Coniston Road. The AGP would extend north-west almost to the tree line which marks the boundary of the park with the highway margin of Littlehampton Road. The raised natural grass 7v7 pitch would be sited in-between the west side of the fenced AGP and the children's play, with the tree-lined highway margin to the north. The proposed grassed wedge-shaped bund of topsoil 'spoil' would be sited to the south of the raised 7v7 pitch (north of the existing overspill car park).

The proposed AGP would be enclosed by 4.5 metre high open-mesh perimeter ball-stop fencing (and other associated lower barrier fencing) together with a maintenance store on the west side. The 2 no. 6 metre high footpath lights would be sited on a new footpath along the south edge of the AGP (outside the perimeter fence) linking it to the pavilion/changing rooms. These facilities would be clearly visible from the vast majority of the residential properties which back onto the park, including those further to the east in Windermere Crescent, but would have little if any impact on public views from outside the park, other than brief glimpses through the gaps between the frontage properties in Palatine Road. Views from the north along Littlehampton Road and beyond will be largely obscured by trees in the highway margin (on both sides of the dual carriageway) at least when the trees are in leaf, with filtered views more likely in the Winter months when they are not.

On the other hand the proposed 8 no.16 metre high floodlight columns (each topped with 2 no. luminaires) will be clearly visible from outside the site, even at distances of 70-80 metres, being notably taller than the roof ridges of the bungalows in Palatine Road and Coniston Road (approximately 6-7 metres high). To the north and north-west the floodlight columns will be largely screened by the tree line, which along the boundary of the park is made up of mature trees up to 16-19 metres tall although the tops of the floodlights will be visually apparent during the Winter months. Even though the surrounding built environment includes other vertical structures such as street lighting and telegraph poles there are none as tall as the proposed light columns and these will be a conspicuous addition to the suburban townscape. The external finish of the tapered columns and lamps will be a natural galvanized (grey) colour which seen against the backdrop of the sky at the height proposed is considered preferable to green (or any other colour).

There is no intention to provide additional soft landscaping in conjunction with the proposals.

### ***Residential amenity – Noise***

Paragraph 170 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 180 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (decisions) should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The NPPF refers to the Noise Policy Statement for England (NPSE, 2010) which introduces the concept of identifying the observable impacts of noise (NOEL – No Observed Effect Level; LOEAL – Lowest Observed Effect Level and SOEAL – Significant Observed Adverse Effect Level). The NPSE refers to situations where noise impact lies somewhere between LOEAL and SOEAL. It requires that all reasonable steps should be taken to mitigate and minimize adverse effects on health and quality of life whilst also taking into account the guiding principle for sustainable development. This does not mean that adverse effects cannot occur but emphasizes a balanced approach to noise in considering the benefits of development as against the adverse effect which arise. Paragraph 2.18 of the NPSE states:

*“There is a need to integrate consideration of the economic and social benefits of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation i.e. not focusing solely on the noise impact without taking into account other related factors.”*

National Planning Policy Guidance (NPPG) on noise states that noise need to be considered when development may create additional noise and provides generic guidance on how to determine noise impact and what factors could be a concern. It provides a 'noise exposure hierarchy table' which identifies the effect level and examples of effect relating to the impact effect levels provided in the NPSE.

The nearest residential properties are Nos 106-144 Palatine Road (including the recently completed new dwelling at No.112), and Nos.50-66 Coniston Road.

The south-west corner of the proposed AGP will be sited approximately 32 metres from the site boundary with the rear of the nearest bungalows in Palatine Road comprising Nos. 124 and 126. The existing car park lies in-between the proposed AGP and rear of the properties in Palatine Road with the tarmac car park situated behind Nos.114-128 at a distance of approximately 7-9 metres from the common boundary and the overspill car park to the rear of Nos.130-144 at a similar distance from the boundary. The boundary with the rear of these properties is made up of open chain-link fencing (approximately 4 metres high) allowing views into the gardens other than in one or two instances where individual properties have erected their own timber panel fencing inside the chain-link fence. There is a low earth mound within the grassed area between the southern edge of the car park and the site boundary.

The south-east corner of the proposed fenced AGP will be sited approximately 37 metres from the site boundary within the rear of the nearest bungalows in Coniston Road, Nos.60-62.

To the north and north-west, the nearest houses in Foxglove Walk (Nos.14-16 cons), and Cypress Avenue (No.40) will be some 55-70 metres distant, on the opposite side of Littlehampton Road.

The proposal will result in a more intensive use than the existing natural grass pitch owing to the more durable nature of the 3G surface, the multi-pitch size layout/markings enabling use by more than one team at a time (e.g. for junior matches/training) and the longer hours of use facilitated by floodlighting up to 22.00 hrs.

The main sources of noise are likely to be shouting from players and supporters, impact from footballs and whistles from referees, as well as from additional vehicle movements and prolonged use of the car park later in the evening.

The EHO's initial suggestion of a limitation on the number of evening matches would not be a realistic workable solution or meet funding objectives for the AGP facility. A Noise Impact Assessment has therefore been prepared which models anticipated noise levels based on noise measurements taken at other existing AGP facilities (including measurements from football, hockey and rugby with men, women and children participating in different sessions). The 1.8 metre high acoustic barrier recommended by the EHO is included in the modelling.

Results from the modelling conclude the highest predicted noise level from the AGP at the facades of the nearest residential properties will be 46dB LAeq (1 hour) and in the gardens will be 48 dB LAeq (1 hour) and therefore will be within the criterion of 50dB LAeq(1hour) derived from the World Health Authority (WHO, 1999) guidelines as the relevant threshold for the onset of moderate community annoyance. The WHO guidelines provide a sound reduction through an open window of 15dB(A) which in this case results in the highest predicted internal equivalent noise level of 31dB LAeq (1 hour). WHO guidance states: *“To enable casual conversation indoors during daytime, the sound level of interfering noise should not exceed 35dB LAeq.”* British Standard 8233:2014 provides the same noise criteria for a bedroom during the daytime period.

The report also considers the transient noise levels generated by AGP activity which includes noise generated by whistles, voice and ball impact. This is on the basis that consideration of the maximum noise level parameter as well as the equivalent noise level will address the overall character of the noise.

Modelling based on measurement taken over a typical session at other AGP facilities predicts the highest maximum noise level at nearby properties to derive from whistles being blown, at a level of 65dB L<sub>Amax</sub>(fast).

The noise data is compared against WHO Community Noise Guidelines for the outside space and BS:8233:2014 for the internal space. BS:8233:2014 provides a maximum night time noise level to protect sleep criteria of 45dB L<sub>Amax</sub>(fast), but does not include a maximum daytime figure. With sound reduction through an open window this would equate to 60dB L<sub>Amax</sub>(fast) outside a dwelling. The report extrapolates that during the daytime a higher maximum noise level would likely be permissible (but is not definitively stated in relevant guidance documents). As the difference between the daytime and nighttime equivalent noise criteria in both WHO and BS:8233:2014 is 5 decibels the report concludes that a 5 decibel increase to the maximum noise level would be an appropriate gauge. Based on this assumption the report concludes maximum noise level at existing residential properties from transient activity (i.e. voice, whistle and ball impact) would be within the criteria and would not be expected to have a significant adverse effect.

Based on the assessment of equivalent and maximum noise and the noise mitigation measures recommended (including the acoustic barrier; neoprene washers fitted to the ball-stop fence post/panel fixings to reduce panel rattle and vibration from the ball impacting on the perimeter ball-stop fencing and playing lines permanently marked a minimum 3 metres from the pitch perimeter to mitigate balls impacting onto the fenced enclosure), the submitted noise impact report concludes that perceptions of noise emanating from the proposed development would be ‘noticeable but not intrusive’ resulting in No Observed Adverse Effect’ as defined in the NPPG as *‘Noise can be heard, but does not cause any change in behavior or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life’*. This falls below the ‘lowest observable adverse effect’ level of the NPPG and would comply with the aims of the Noise Policy for England requirements.

The noise report goes on to recommend the implementation of a Noise Management Plan as part of the development to manage behaviors (such as swearing and other anti-social behavior) which can generate complaints but is not necessarily related to noise. This would include measures to ensure bookings do not exceed the maximum user capacity of the facility; a clear reliable mechanism is in place whereby noise complaints can be made, logged and acted upon by way of a formal procedure; a nominated noise-monitoring supervisor regularly monitoring activity on the facility; only pre-booked lettings under a signed lettings agreement to be permitted to use the facility; and liaison with stakeholders and interested parties to ensure the noise management plan remains effective as a 'live' document with any necessary revisions applied.

Although broadly in agreement with the methodology and conclusions the Council's Senior EHO's main concern is that the report does not address the unknown quantity of spectators watching competitive games bearing in mind training and match play will have different atmospheres. The vocal response of friends and family watching a competitive match will be different to those watching or participating in a training session. Moreover, the human ear is more responsive to human voices and will 'tune in' to shouts, cheers and whistles more than other type of noise, such as steady traffic noise in the distance. Because of the characteristics of the noise generated this may cause nearby residents to close windows to keep the noise out. This change in behavior would define the noise impact as a 'Lowest Observable Effect' level which in planning policy terms would require mitigation to reduce the effect.

In response to this concern, the noise consultant has provided a number of additional predictions to further assist in the assessment of noise impact. This is in response to evidence on the Worthing FC website of competitive matches generating up to 50 spectators. The predicted equivalent noise level based on assumptions of different types of speech (including normal, raised, shouting) over a 2 hour period (before and during a competitive match including half-time) based on up to a total number of 50-persons, is 38dB LAeq (1 hour) at the nearest noise sensitive property, which compares to 46 dB LAeq (1 hour) from the use of the AGP (described within the above-mentioned report). Predictions of the maximum noise level have also been provided based on a scenario of all spectators shouting simultaneously, calculated at 64dB LAeqmax (fast). This also falls within the criteria suggested within the submitted Noise Impact Assessment and is lower than the predicted noise level from a whistle and would have 'no observable adverse effect'.

The Senior EHO notes that these latest predictions are based on a 'educated guess' rather than based on actual measurements of the noise source, but agrees that the worst case figure for maximum noise levels created by the all individuals shouting simultaneously is unlikely as the crowd will be made up of supporters from both teams and therefore unlikely to be cheering for the same thing. From the figures provided it can be reasonably assumed that the maximum noise level from the crowd, players shouting on the pitch and the whistle blowing will be somewhere between 50-60dB(A) at the nearest properties. The frequency and upper limits of these maximum noise incidents will vary from match to match, and will be affected by the actual distance the sound is travelling and the wind direction at the time. The activity will be audible at the rear of the nearest noise-sensitive receptors in Palatine

Road. The acoustic barrier will provide some mitigation, but will not protect the first-floor bedrooms of properties with dormer windows overlooking the facility.

Clearly there is a balance to be achieved in terms of maximizing use of the enhanced facilities for the benefit of the wider community and safeguarding the residential amenity of the nearest residential occupiers. The application has been amended to introduce the above-mentioned 1.8 metre high acoustic barrier positioned along the southern edge of the parking area and to adjust the proposed hours of use with an end time of 21.00hrs at weekends and Bank Holidays and on weekdays between May and August. Moreover, although the maximum efficient use of the proposed AGP facility will be promoted it is unlikely that it will be in use up to 22.00hrs on every weekday between September and April.

### ***Residential amenity - Light***

The Design and Access Statement states that the proposed AGP facility requires flood lighting to satisfy the necessary and planned weekly usage for community participation.

In designing a suitable floodlighting solution consideration has been given to the illuminance level required (Lux) the environmental zone category for the site (established by The Institution of Lighting Professionals (ILP) Guidance Notices for the Reduction of Obtrusive Light), the minimum mast height and the type of floodlights.

The performance of the lighting system has been designed in accordance with the Football Association (FA)(FIFA Class II) lighting requirements for varying types of play including competition use which requires not less than 200 Lux maintained average illuminance.

The site is considered to fall within Environmental Zone E3 of the ILP Design Guidance, which is medium district brightness appropriate to a suburban location.

The system consists of 16 no. Philips Optivision LED luminaires, which are an asymmetric down lighting luminaire using 'flat glass' technology and having a zero upward light ratio without the use of additional accessories (baffles/cowls/hoods) to limit light overspill.

The mast (or column) design has been calculated using the Chartered Institute for Building Services Engineers (CIBSE) guide LG04 'Sports Lighting'. This uses angles projected from the centre of the pitch and the touchlines to produce a headframe location zone. In this case the optimum mast height ranged between 12 to 18 metres. The 16 metre mounting height was chosen as the most efficient solution as it will allow the luminaires to be mounted (vertical alignment) with 2° above the horizontal plane. The proposed 16 metre high mast height will result in a low vertical overspill and good uniformity on the playing surface to ensure that artificial lighting:-

- Is directed fully downwards towards the playing pitch surface;
- Avoids sky glow;

- Achieves full cut-off as recommended by the British Astronomical Association's Campaign for Dark Skies.

Based on design calculations and modelling, the proposed lighting system for the proposed AGP would achieve a maintained average illuminance value of 221 Lux.

With regard to the assessment of obtrusive (or unwanted) light, Lux contour diagrams have been submitted to illustrate the light spillage beyond the AGP playing surface. The submitted 'Football Table luminance and Iso Spillage' diagram shows the 2 Lux contour contained wholly within the site boundaries whilst the 'Environmental Spillage at 0.00m Height' diagram shows the 2 Lux contour extending slightly beyond the boundary of the park encroaching the rearmost parts of the gardens of 116-138 Palatine Road and 60-64 Coniston Road. However, light impact on the windows of the closest residential properties is calculated at less than 2 Lux 'vertical illuminance' when the floodlights are in operation, and would meet the ILG's pre-curfew threshold for Environmental Zone E3.

Luminaire intensity whilst the floodlights are in operation is calculated at less than 10,000 candelas and below the threshold for Environmental Zone E3.

It is stated that upward waste light will be minimized and with the floodlight elevations used 0% will be projected into the atmosphere and will meet the recommendations of The Campaign for Dark Skies.

Control gears for the floodlight system would include photocell units and time clocks to ensure artificial lighting does not illuminate before dusk and lighting does not exceed the permitted curfew hour. During the Winter it is anticipated that the floodlights will be in operation from 15.00 and up to 22.00hrs on any weekday between September and April (up to 21.00hrs on weekends and weekdays between May and August) with flood lights turned on later in the Spring, Summer and Autumn seasons taking account of the longer daylight hours.

It is worthy of note that floodlighting of the Astroturf at Worthing Leisure Centre in Shaftesbury Avenue, is permitted under the planning permission granted in 1997 up to 23.00hrs daily (WB/97/0510/WB3 refers) and floodlighting of the athletics field up to 22.00hrs (WB/00/00545/WB3 refers). On the other hand, floodlighting of the synthetic turf pitch at Durrington High School is restricted to 21.30hrs on Monday to Friday and up to 21.00hrs on Saturdays and Sundays (WSCC/0049/14/WB); and floodlighting of the artificial Multi-Games pitch at Sir Robert Woodard Academy is restricted to 20.30hrs on Monday to Friday and between 10.00 and 16.00hrs on Saturdays and Sundays

A number of third parties have expressed concern about the potential nuisance of the proposed flood lighting in terms of light pollution, in particular the occupiers of properties in Palatine Road backing on the park and the occupiers of properties in Foxglove Walk which have an aspect facing south towards the park across Littlehampton Road. However, the Council's EHO has raised no objection to this aspect of the proposals based on the submitted technical details. Although the occupiers of the nearest properties will likely be aware of the floodlighting when in use, the lighting scheme has been designed to minimize impacts on the surrounding

area and it is considered there would be no significantly harmful impacts on residential amenity or the environment to warrant refusal.

### ***Accessibility and parking***

The site is located within an outer residential suburb of the town. It is not especially conveniently located in terms of walking distances from Goring or Durrington rail stations, but is very close to a bus route (Stagecoach 9) linking Arundel/Littlehampton and Shoreham-by-Sea. That said, it can be expected that the majority of individuals and groups making use of the proposed AGP facility will travel by car, walk or cycle.

Palatine Road is a residential road subject to a 30 mph limit with traffic calming measures in the form of speed tables along its length. There are no parking restrictions in place in the immediate vicinity of the site access and vehicles can park on both sides of the road.

No specific details have been provided within the applicant's Planning Statement of the likely number of trips or vehicle movements that would result from the proposed development. It concludes that *"Traffic movement to and from the proposed AGP will be such that the new pitch use will overlap with existing site activities and will not create undue congestion within the surrounding vicinity and will not result in an increase in demand for off-street parking or have a detrimental impact on highway safety."*

There are currently 44 no. marked spaces in tarmac car park within the site and a further approximate 44 (unmarked) spaces in the overspill car park. However, anecdotal evidence suggests that the gated overspill car park is largely unused as it is prone to water-logging (the reinforced plastic mesh having failed). Initially no improvements to the existing parking arrangements were proposed. One of the main objections raised by local residents is the highway impact of the development, namely the likely increase in traffic and lack of off street parking facilities to cater for the users of the proposed facility. In response to this concern the application has been amended to formalize the use of the 'overspill' car park by hard-surfacing it and providing marked spaces.

Although the local Highway Authority (LHA) did not raise any formal objection to the initial application submission on highway safety grounds, the officer acknowledged that hard-surfacing the 'overspill' car park would be a benefit in making the parking area a more desirable arrangement for visitors and further commenting:-

*"Any parking restrictions on the road would be subject to a traffic regulation order (TRO) and further advice has been sought from the Area Office team responsible as to whether this would likely be supported. However I advise that the inclusion of yellow lines either side of the access merely adds to the pressures on parking by removing available on-street parking and it is unlikely that our Area Office team would support such a proposal to remove public parking. We are unable to control how people decide to use their vehicles, whether they drop off, park on-site or park on-street. Parking on the street as an option is considered reasonable. There are*



*measures that can be taken to report unsafe parking on the highway and these can be enforced by Sussex Police.*

*It may be an option for the applicant to provide a Travel Plan Statement, this would outline how alternative more sustainable transport means can be advertised and encouraged to parents, visitors and members of the ground and may alleviate some of the reliance on the use of a car. A Travel Plan Statement could be conditioned alongside any formal approval of this application and would assist in mitigating some of the additional on street parking that may occur.”*

### **Other issues**

The comments of the Council Engineer regarding the lack of details relating to the proposed surface water drainage system whilst disappointing can be dealt with as a pre-commencement condition of planning permission in the event of approval.

### **Conclusion**

The proposed 3G AGP will replace an existing grass pitch with better quality provision and provide access to a greater quantity of provision resulting from the more durable surface, multi-pitch size layout/makings and longer playing hours facilitated by floodlighting. The facility would be available for use to the wider community through agreements with partner organisations and community groups managed by South Downs Leisure and would make a significant contribution to meeting an identified need for additional AGP provision in the Adur/Worthing area.

The 8 no. 16 metre high floodlighting columns will be a conspicuous addition to the townscape, particularly in views from the south and south-east taking into consideration the modest scale of the bungalow development adjoining the site. However, this impact should also be weighed in relation to design parameters of the lighting scheme. The proposed lighting columns in conjunction with the LED luminaires comprise the optimum design to fulfill the necessary FA/FIFA lighting requirements for competitive match play whilst minimizing effects of obtrusive light on residential amenity and the environment. Typically the taller the lighting column the more accurately light can be directed onto the playing surface whilst minimizing light spill.

It can be expected that more intensive use associated with the enhanced AGP facility will result in increased noise and activity compared to the use of existing pitches. Modelling within the submitted impact assessment concludes that noise will from the AGP facility be audible to the nearest residents but will have ‘no observable adverse effect’. Although querying the basis of some of the modelling, specifically in relation to noise levels associated with competitive evening matches where spectators are likely to be present, the Senior EHO has not raised a formal objection subject to a pre-commencement condition requiring a Noise Management Plan. This will need to be agreed and implemented prior to commencement of the use, and should comprise of a ‘live’ document with specific measures to manage any noise issues, such as having designated staff on hand to deal with any neighbour complaints and marshal any rowdy behaviour at the time of occurrence. It is also relevant that the application has been amended to curtail the hours of

evening use on weekends and Bank Holidays throughout the year and weekdays between May and August.

Taking all the mitigation measures into consideration, including the operation of a robust and reactive Noise Management Plan, it is considered the considerable public benefits to the football Club and the wider community of the proposed AGP facility will outweigh the visual, environmental and amenity effects of the development.

## **Recommendation**

### **APPROVE**

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

1. Approved Plans
2. Standard time limit
3. The AGP hereby permitted shall not be floodlit except as follows:  
Between September and April: Monday to Friday 09.00 to 22.00hrs  
Between September and April: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs.  
Between May and August: Monday to Friday 0900 to 21.00hrs  
Between May and August: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs
4. The footpath lighting shall only be permitted between the hours stipulated in Condition 3 above.
5. Details of a Noise Management Plan to be submitted and agreed (Pre-commencement)
6. Details of the siting and design of a 1.8m high acoustic barrier to have a minimum surface density of 10 kilograms per metre squared to southern edge of car park and overspill car park to be agreed and implemented (Pre-commencement)
7. Prior to commencement of use of the AGP the existing overspill car park to be hard-surfaced and marked out with parking bays in accordance with surfacing details to be agreed.
8. 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. 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, 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. The information submitted shall include details of proposed and existing levels. No building / No part of the extended 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. (Pre-commencement)

9. The AGP hereby permitted shall not be used except as follows:  
Between September and April: Monday to Friday 09.00 to 22.00hrs  
Between September and April: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs.  
Between May and August: Monday to Friday 0900 to 21.00hrs  
Between May and August: Saturday, Sunday and Bank Holidays 09.00 to 21.00hrs
10. Agree and implement Travel Plan Statement
11. Agree and implement Construction Management Plan
12. Hours of construction
13. Agree and implement tree protection (Pre-commencement)
14. Raised 7v7 pitch and earth bund to be grassed/landscaped prior to first use of the AGP
15. Ball-stop fencing, pitch perimeter fencing, barriers and gates and maintenance equipment store to be finished in 'dark green' RAL 6005

22<sup>nd</sup> January 2020

Application Number: AWD/1925/19

Recommendation – APPROVE

**Site:** Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing

**Proposal:** Application under Regulation 4 of Town and Country Planning General Regulations 1992 to vary condition 7 of previously approved AWD/1303/19 to be open for the public between the hours of 8:00 until 00:30 Monday to Sunday inclusive.

**Applicant:** Nextcolour Ltd  
**Case:** Gary Peck  
**Officer:**

**Ward:** Central



**Not to Scale**

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**Proposal, Site and Surroundings**

This application seeks to vary condition 7 of the decision granted under reference AWDM/1303/19 for the demolition of an existing public shelter and redevelopment to provide a new restaurant. The condition stated:

*The premises shall only be open for the public between the hours of 07:00hrs until 22:30 hrs, Monday to Saturday and 07:00hrs to 22:00 hrs on Sundays and Bank Holidays unless otherwise agreed by way of an application to the Local Planning Authority.*

**Reason:** *In the interests of the amenities of nearby residential properties.*

The supporting information submitted with this application states that prior to the determination of the previous application, a Premises Licence had been obtained granted permission for the sale of alcohol at the site as well as authorisation for the restaurant to operate between the hours of 0800 hours to 0030 hours each day. Despite this, the planning application for the original application had indicated the hours eventually imposed under condition 7. It is understood that at the time of submitting the original planning application, the exact requirements of the end user were not known and while these had become apparent subsequently, the planning application had not been altered to reflect this.

The application site is located immediately south of Marine Parade in Worthing, located on the Promenade. The site is situated opposite the junction of Marine Parade and West Buildings, approximately 200 metres west of the Lido, and 400 metres west of the Pier. The site is also about 400 metres east of Heene Terrace.

The site partly comprises an existing shelter (although the proposed building would extend further to the south onto the beach) which has been previously identified as a Local Interest building but at present has fallen into disrepair.

The application site is within the Conservation Area (the boundaries of which include the beach) and is almost directly opposite the listed building at 83 Marine Parade (on the corner of West Buildings). There are further listed buildings fronting the seafront to the east (73 to 79) as on the western side of West Buildings, the nearest being number 9. Development nearest the application site is typically 4 stories, some with a basement, although the listed building directly opposite is a storey lower.

### **Relevant Planning History**

AWDM/1303/19: Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace – granted permission in October 2019.

### **Consultations**

### **Environmental Health**

With reference to the above application to vary condition 7 of previously approved AWDM/1303/19 to be open for the public between the hours of 8:00 until 00:30

Monday to Sunday. I have concerns about the potential noise disturbance these extended opening hours could have on the existing residential dwellings opposite the site.

However, the main area of concern lies with the outside seating area. I believe it would be reasonable to allow the extended opening hours but specify a condition to ensure the outside seating area is not used (with external tables and chairs removed or rendered inaccessible to customers) after 23:00hrs Mon - Sat and 22:00hrs Sundays and bank holidays. In addition, all doors and windows and the retractable roof should be closed after these hours. To prevent smokers lingering outside, I would also advise a condition prohibiting drinks to be taken outside after these hours.

## **Representations**

2 letters of objection have been received on the following grounds

- The immediate vicinity is residential and peace for residents will be broken beyond acceptable norms
- Noise and light impacts upon residents close to their homes
- If permission is granted it will suggest undue concern for commercial ambitions over a concern for ratepayers
- This is meant to be a restaurant not a late night 'boozier'
- The previous hours are viable

1 letter of support has been received stating:

- As a resident living directly opposite, I support the change of use as there are several other businesses nearby which have extended opening hours and do not seem to cause noise or disturbance
- Any disturbance will be less troublesome as it will be more secure, better staffed and have CCTV
- Clientele will be better behaved than the current shelter seems to attract

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policy 3 Providing for a Diverse and Sustainable Economy; Policy 5 The Visitor Economy; Policy 12 New Infrastructure; Policy 15 Flood Risk and Sustainable Water Management; Policy 16 Built Environment and Design; Policy 17 Sustainable Construction; Policy 18 Sustainable Energy; Policy 19 Sustainable Travel

Worthing Seafront Investment Plan 2018

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the

National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

The main issue in the determination of the application is the effect of the proposal upon the character of the area and the amenities of neighbouring properties.

As stated in the previous committee report, while Bistrot Pierre was known as the potential occupier of the proposed building, the company was not specifically mentioned in the previous application submission and the hours of use applied for did not reflect the requirements of the proposed user. Accordingly, the future user has instructed its agent to submit this application to amend the condition.

The previous report set out the justification for the principle of development citing Core Strategy policies and the Seafront Investment Plan both of which outlined the need for a positive approach to new visitor attractions in the town. The hours of use previously permitted, until 2200 hours, were not considered unusual for a town centre/seafront location and hence were accepted by Officers and the committee. Such an acceptance does not preclude consideration of further alterations to the permitted hours which must then be considered on their own merits.

It is noted that the Environmental Health Officer commented:

*...the main area of concern lies with the outside seating area...it would be reasonable to allow the extended opening hours but specify a condition to ensure the outside seating area is not used (with external tables and chairs removed or rendered inaccessible to customers) after 23:00hrs Mon - Sat and 22:00hrs Sundays and bank holidays. In addition, all doors and windows and the retractable roof should be closed after these hours. To prevent smokers lingering outside, I*

would also advise a condition prohibiting drinks to be taken outside after these hours.

The agent confirmed that the above restrictions would be acceptable.

The previous report noted the proximity of residential properties close to the application site but stated that the *nearest residential building is about 35 metres from the front of the proposed building, so the Council's overlooking standard is well exceeded. In any case, few of the covers face directly to the north, especially at first floor level.* Taking in conjunction with the Environmental Health comments above, therefore, it is considered that little objection could be made to the internal areas being used during the extended hours proposed. Equally, it is also quite appropriate to restrict the use of the outside area until 2300 hours, (still representing an increase of an hour than that previously permitted) but beyond that time to require customers to move inside, when due to the later hour, it is quite likely that there will be more than sufficient capacity left to accommodate those still at the premises.

Your Officers therefore feel that with the restriction to the use of the outside of the external area as suggested by the Environmental Health Officer, an appropriate compromise has been reached which will meet the needs of the future user as well as adequately protecting the amenities of nearby residential properties and accordingly it is recommended that permission is granted on such basis.

### **Recommendation**

To GRANT permission

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

1. The premises, excluding the external seating area, shall only be open for the public between the hours of 08:00hrs until 00:30 hrs, Monday to Sunday. The external seating area shall only be used between 0800 hours and 23:00hrs Mon - Sat and 0800 to 22:00hrs on Sundays and Bank and Public holidays, with external tables and chairs removed or rendered inaccessible to customers, all doors, windows and the retractable roof closed and no drinks to be taken outside of those times).

22<sup>nd</sup> January 2020



Application Number: AWD/1703/19

Recommendation – APPROVE

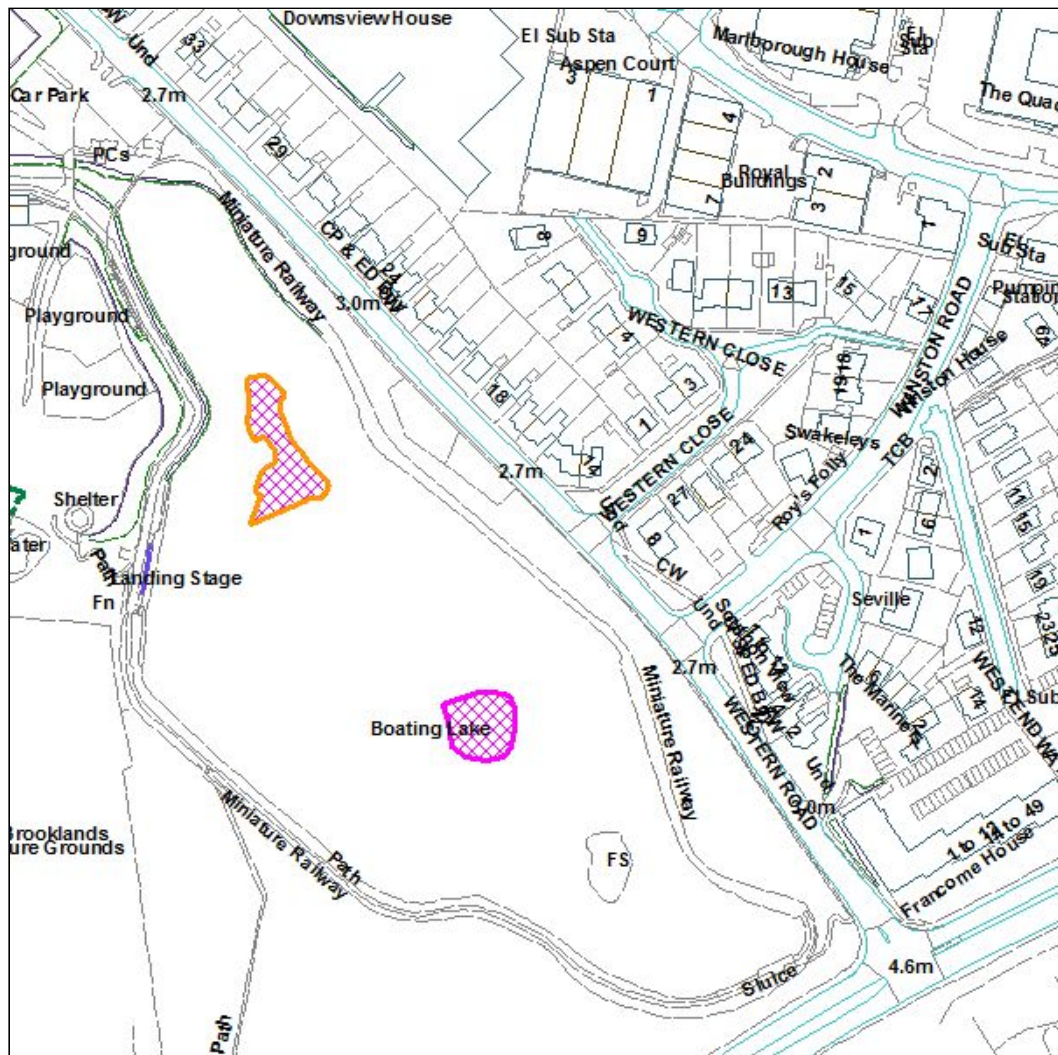
Site: Brooklands Park, Western Road, Worthing

Proposal: Two 4.03m aerator windmills and scaffold platforms, with associated piping and air stones to north and central islands on Brooklands lake.

Applicant: Mr Gary Prescod,  
Worthing Borough Council

Ward: Selden

Case Officer: Gary Peck



Not to Scale

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## **Proposal, Site and Surroundings**

This application seeks full permission for 2 aerator windmills, one each of which would be sited on the central and northern islands of Brooklands Lake. Each windmill would be just over 4 metres in height (13 feet). The windmills would be supported by scaffold pole foundations with associated piping and air stones to increase oxygen levels within the water contained in the lake.

Brooklands Lake is located in the south eastern corner of Brooklands Pleasure Park, immediately bounded by the seafront road (Brighton Road) to the south and Western Road to the east. Residential properties are across Western Road, with a nearest distance of about 70 metres to the proposed siting of the windmills.

## **Relevant Planning History**

None directly relevant to the determination of the application.

## **Consultations**

No comments received.

## **Representations**

1 letter of objection has been received on the grounds that the design of the windmills is not in keeping with the park and a lower level solar powered one could be used instead.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policies 5 The Visitor Economy, 11 Protecting and Enhancing Recreation and Community Uses, 13 The Natural Environment and Landscape Character, 14 Green Infrastructure and 16 Built Environment and Design

National Planning Policy Framework (CLG 2019)  
Planning Practice Guidance (CLG 2014)

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

The main issue in the determination of the application is the impact of the proposal upon the visual character of the area and the amenities of neighbouring properties.

Under permitted development rights, local authorities can construct any small ancillary building, works or equipment up to 4 metres in height without the need for planning permission. At a proposed height of 4.03 metres, the proposed aerator windmills only very marginally exceed what could be built without planning permission and this 'fallback' position is also a material consideration in the determination of the application.

The immediate vista over the islands in the lake where the proposed aerators are to sited is quite open at present and therefore the aerators will have some visual impact, but from longer views Brooklands is framed by trees especially to the north and east which means that any visual impact is not considered significant. The tree screen to the east will also limit any impact upon the residential properties across Western Road to the east which, in any case are sufficiently distant at in excess of 50 metres from the proposed structures.

It is understood that the aerators will improve oxygen levels to the lake which in turn will provide a healthier ecosystem to the lake as a whole. Brooklands is identified as a recreation area in the Core Strategy and any proposal which will benefit the lake should therefore be welcomed. Accordingly, it is recommended that permission is granted.

### **Recommendation**

To GRANT permission

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

1. Approved Plans
2. Full Permission

22<sup>nd</sup> January 2020

**Local Government Act 1972**  
**Background Papers:**

As referred to in individual application reports

**Contact Officers:**

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## **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.



WORTHING BOROUGH  
C O U N C I L

Worthing Planning Committee  
22 February 2020  
Agenda Item no. 7

Ward: N/A

## **Public Speaking Protocol - For Consideration of the Teville Gate Application Reference AWDM/0325/19**

### **Report by the Director for the Economy**

#### **1.0 Summary**

- 1.1 The public speaking procedures used at Planning Committee form part of the Council's Constitution. From 1st January 2020 the Protocol has been amended to provide members of the public, speaking for or against an application, with the opportunity to make representations for a maximum of 3 minutes each, rather than 2 minutes which was the previous provision. The Protocol therefore now accords with the Guidance Note on the Planning pages of the Council's website, and with the well established practice of the Planning Committee to allow 3 minutes per speaker.
- 1.2 The Council has also, on occasions, in exceptional circumstances, agreed different procedures for larger more controversial applications, allowing up to 5 minutes per person. This report recommends this approach for consideration of the forthcoming Teville Gate planning application.

#### **2.0 Background**

- 2.1 The current practice of allowing 3 minutes per person works well for most planning applications but the Planning Committee has, in the past, extended these time periods for the larger more controversial developments and extended the time period for 5 minutes. This has been with the agreement of the Committee and/or Committee Chairman. This report seeks agreement on the use of this revised protocol for the consideration of the Teville Gate planning application due to be considered on the 4th March 2020.
- 2.2 The Guidance Note allows for Chairman's discretion to amend the Public Speaking Procedures, but this is not currently reflected in the Protocol. The

Chairman's discretion has been useful on a number of occasions when, for instance, an additional speaker wishes to address the Committee or when there has been a desire to extend the time period in connection with large controversial applications. The Constitution also does not allow other Councillors other than Ward Councillors to speak and again, in practice, the Chairman has agreed variations to this in particular to allow the Executive Member for Regeneration to speak in connection with larger controversial applications.

- 2.3 The Protocol has not been reviewed since 2015 and is now due for a review. A separate report will be taken to the Joint Governance Committee for their consideration of a revised Protocol to be adopted as part of the Council's Constitution in due course. Members of the Planning Committee will have the opportunity of considering and commenting upon the proposed amendments to the Protocol before it is considered by the Joint Governance Committee.

### **3.0 Proposals**

- 3.1 It is proposed that the Protocol be varied for the Teville Gate Planning application, which is a larger more controversial planning application, which allows for 5 minutes per speaker and also allows residents' groups, societies and other organisations to speak either in favour or against a particular development proposal.
- 3.2 Normally the Council deals with public speaking on a first come first served basis but in connection with recent larger developments, with a considerable amount of public interest, a ballot system has been used which gives all those wishing to speak a fair chance of being nominated to speak at the meeting. The revised procedure would give each person a unique number and prior to the meeting the names of the registered speakers and some reserves will be selected by a random number generation process.
- 3.3 The procedure proposed for the Teville Gate planning application is appended to this report.

### **4.0 Legal**

- 4.1 The constitution and the public speaking protocol set out procedure to be adopted at planning committees. Where the council intends to amend its procedure for a particular committee meeting, it should adopt a procedure that is fair and gives both sides the opportunity to make their representations to the committee. The alternative procedure to be used must be publicised to those



who may wish to speak at the committee meeting so that they are aware of the process and how speakers are to be selected.

## **5.0 Financial implications**

5.1 There are no financial implications with the proposed change to public speaking procedures.

## **6.0 Recommendation**

6.1 That the Committee agree to:

- i) vary the Council's Protocol on Public Speaking at Planning Committee when considering the planning application relating to the Teville Gate site, to allow 5 minutes for each public speaker as set out in Appendix I and,
- ii) delegate authority to the Chairman of the Committee in consultation with the Head of Planning to make any other appropriate variations to the public speaking arrangements in connection with the determination of the Teville Gate planning application.

## **Local Government Act 1972**

### **Background Papers:**

Probity in Planning - Advice for Councillors and Officers making Planning Decisions  
Guidance | December 2019.

Public Speaking Protocol Worthing Constitution

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## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 To deliver efficient customer services and allow effective consultation and engagement with the public.

### **2.0 Specific Action Plans**

- 2.1 The Council's public speaking procedures seek to ensure fair and transparent opportunities for the public to make representations at the Planning Committee meeting.

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

- 4.1 Extending public speaking for larger developments ensures greater public involvement in the planning process.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

- 6.1 Extending public speaking for larger developments, as proposed, ensures greater public involvement in the planning process and therefore assists ensuring that the public's human rights are considered as part of the planning process.

### **7.0 Reputation**

- 7.1 The proposed revisions to the public speaking procedures are considered to enhance the Council's reputation.

## **8.0 Consultations**

- 8.1 Internal consultation with Legal and Democratic Services and Planning Committee Chairman.

## **9.0 Risk Assessment**

- 9.1 By note extending the speaking time for the public in connection with the larger more controversial cases there is a risk of reputational damage. Where times have not been extended this has caused difficulties at the meeting and requests for additional speakers and/or more time for the public to get their points across to the Committee.

## **10.0 Health & Safety Issues**

- 10.1 Matter considered and no issues identified.

## **11.0 Procurement Strategy**

- 11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

- 12.1 Matter considered and no issues identified.

**WORTHING PLANNING COMMITTEE MEETING - WEDNESDAY 4 MARCH 2020**

**TEVILLE GATE REDEVELOPMENT - GORDON ROOM - 6.30PM**

Draft Public Speaking Protocol to be discussed at the Worthing Planning Committee meeting held on Wednesday 22 January 2020.

**5 speakers for and 5 speakers against, with speaking limited to  
5 minutes per speaker**

**For speakers against the application:**

Societies/organisations/resident groups initially limited to **2** speakers

Members of the public - **3** speakers

(If not taken up by the public, any other society/organisation or residents group not registered to speak will be allowed to speak to the limit of **5 minutes**)

**For speakers in support of the application:**

Applicant/agent initially limited to **2** speakers

Members of the public (including societies/organisations/residents groups) - **3** speakers

(If not taken up by the public or groups the applicant/agent can nominate another speaker and will be allowed to speak to the limit of **5 minutes**)

**Ward Councillors and/or other Councillors (total of 3):**

(3 Central - Cllrs J Deen, S Smith and P Westover)

**5 minutes each**

**Deciding who speaks - Monday 2 March 2020**

Those registered to speak will be chosen via a ballot system. Each person will be given a unique number and on **Friday 28 February 2020** the names of the registered speakers and some reserves will be selected by a random number generation process.

Anyone wishing to speak needs to register by **12 noon** on **Friday 28 February 2020** via email [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) or 01903-221006.