



**WORTHING BOROUGH  
C O U N C I L**

**Planning Committee  
26 July 2023**

**Agenda Item 6**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1444/22      Recommendation – APPROVE**

**Site:            Greater Brighton Metropolitan College, Littlehampton Road, Worthing,  
West Sussex, BN12 6NU**

**Proposal: Temporary change of use to bus depot (incorporating college car parking during the day) and erection of an ancillary building and associated facilities adjacent to the southern boundary of the site and the erection of a 2 metre fence separating the bus depot from the remainder of the car park.**

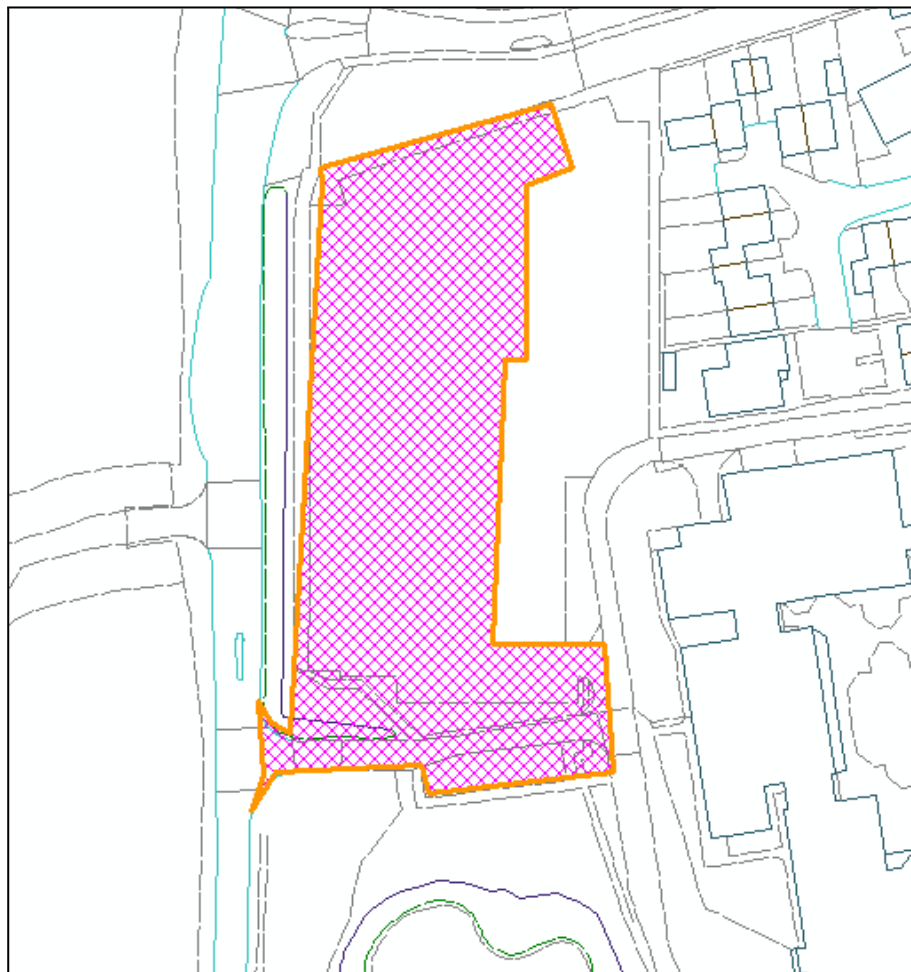
**2**

**Application Number: AWDM/0855/23      Recommendation – APPROVE**

**Site:            Public Conveniences Block, Multi Storey Car Park, High Street,  
Worthing**

**Proposal: Reconfiguration and refurbishment of existing public conveniences located in the High Street multi storey car park to provide new public conveniences and changing places including introduction of 7 no. new doors into west wall.**

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<b>Proposal:</b>	<b>Temporary change of use to bus depot (incorporating college car parking during the day) and erection of an ancillary building and associated facilities adjacent to the southern boundary of the site and the erection of a 2 metre fence separating the bus depot from the remainder of the car park.</b>	
<b>Applicant:</b>	<b>Compass Travel (Sussex) Ltd</b>	<b>Ward: Northbrook</b>
<b>Agent:</b>	<b>Wayne Gander MCIAT</b>	
<b>Case Officer:</b>	<b>James Appleton</b>	



**Not to Scale**

This application was deferred at the May Planning Committee meeting to allow Officers to discuss with the applicant the scope for a temporary permission to test the alternative bus parking layout with a new southern access point. Members also noted during a debate on a subsequent application that an alternative site at Dominion Road could be available and should be explored by the applicant.

### **Revised Proposal**

Following the May Planning Committee the applicant met with some of the adjoining residents to discuss a number of their concerns. During this meeting residents expressed concern about the level of noise generated late at night and the applicant agreed to impose specific time limits for certain activities and to enforce stricter on site management practices. The applicant also agreed to install CCTV cameras (potentially with audio as well) so that noise or parking infringements can be identified and appropriate action taken. The applicant also agreed to immediately revise the current parking arrangements so that buses reverse against Titnore Lane to reduce noise and emissions and to ensure that no vehicles should be parked or run their engines anywhere near the houses, at any time.

At the residents' meetings a number of other matters were discussed and it was agreed that a 2 metre high fence down the centre of the car park would assist in providing a visual and noise barrier. The applicant also agreed to reconsider the size and location of the buildings.

Following discussions with your Officers the application has now been amended to a temporary change of use without the permanent workshop and Office buildings. To support the temporary use a smaller office building is proposed adjacent to the previously proposed southern access.

In support of the revised application the agent submits that:

- “1. The applicant has re-engaged with commercial agents (at least six) as requested by the members. No alternative sites have been highlighted but we remain on their mailing lists to see if any other sites become available.*
- 2. Members mentioned the site in Dominion Way which was also heard at committee the same evening to see if this was suitable. We have been in contact but the landlord is not keen to explore any variations to the approved consent; mainly starter warehouse units and small areas of open-storage, which would be nowhere adequate for Compass' needs. The landlord would consider selling the whole site to Compass but with the figures involved it would be totally cost prohibitive in the current market.*
- 3. The environmental health objections regarding the Air Quality test have been addressed and were sent to you 22/6/23.*
- 4. The applicant has engaged with the neighbouring residents and had a public consultation meeting 16/6/23 to discuss their concerns. Whilst there may not have been a complete consensus by both parties on all the issues raised, we*

*believe it was constructive and progress was made. Compass continue to address those concerns.*

5. *The applicant has carefully considered the members recommendation for a temporary consent and through discussions with the planning department and Compass, we believe there is a workable solution to be found. Whilst a temporary consent does not give the applicant the complete certainty it requires for the long term future, a temporary consent would allow for Compass to implement some of the works to improve the current on-site situation. Clearly a temporary consent would mean not as much investment in the site can be carried out as not financially viable at this time and therefore permanent buildings would not be possible. However a temporary consent would allow the new southern access to be formed from the service road off Titnore Lane to allow vehicular access to and from the site purely from that southern point.*

*Most importantly this would stop the movement of vehicles passing around the rear of the residential properties in the north east corner of the main carpark. So as part of a 'Phase 1' temporary consent the applicant would be looking to create the new southern access, erect a 2m high acoustic fence through the middle of the college carpark site and alter the parking configuration of the buses so backing up to the western boundary. It would also be necessary to enlarge the current drivers temporary building and reposition this adjacent to the new southern access point. It would not make commercial sense for the applicant to invest any further in the site; for instance with the permanent office/workshop buildings, without a permanent consent being in place but can I put on the record it would be Compasses intentions to submit a further planning application for permanent consent in due course. We believe this temporary consent should be set for a period of approximately 18 months from the date once the enabling works have been carried out; i.e. new access/fence/drivers building/revised parking.*

6. *The noise consultant has advised there are little benefits of an acoustic fence unless it is directly adjacent to the noise source; in this instance the bus engines which are at the rear of the vehicles. If the buses are to reverse up against the west boundary there is limited effectiveness of an acoustic fence however Compass are willing to commit to this aspect as part of the Phase 1 enabling works as, psychologically and aesthetically, it may provide more comfort for the concerned residents.*
7. *The applicant would seek to carry out regular monitoring of works on site and if necessary, sound testing to substantiate their operational side of the business as part of any subsequent application for a permanent planning consent.*
8. *Operating hours still to be agreed.*
9. *It may be necessary to relocate a number of lighting lamp posts and CCTV cameras to suit the revised parking layout so do let me know if we need to agree those details now or if this can be subject to a planning condition."*



meeting. The applicant has also consulted with adjoining residents following his meeting with them.

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

Worthing Local Plan 2020-2036:

DM5 Quality of the Built Environment;  
DM8 Delivering Infrastructure  
DM15 Sustainable Transport & Active Travel  
DM18 Biodiversity:  
DM20 Flood Risk and Sustainable Drainage:  
DM22 Pollution

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

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**

Since the last meeting the applicant has pursued alternative sites but none are either available or at a price that would be viable for the Company. However, whilst the company would prefer to have all facilities on one site, the applicant has indicated that one option might be to separate the workshop and office requirements from the bus depot.

The revised application recognises the concerns of Members and residents and is now seeking a temporary change of use to demonstrate the noise reduction benefits of the revised parking layout and proposed southern access. The application also proposes a small office building now relocated onto the southern boundary of the site and a fence dividing the depot from the rest of the car park.

During the temporary period the applicant has committed to explore alternative sites which may be located further away from residential properties. In addition, the applicant has confirmed that the bus company would continue to look at the scope for a workshop on an industrial estate to deal with any necessary bus repairs.

In terms of any temporary permission the applicant has indicated that he would need a timescale that allowed the investment necessary to create the new southern access and erect the new dividing fence. A period of 18 months has been agreed which would allow an appropriate period to monitor the use and impact on adjoining residents. As the fence will have a limited effect in terms of reducing noise levels; it would not be an acoustically designed fence but as the agent indicates it would have benefits in terms of a visual screen. This approach has been agreed with the Environmental Health Officer.

Residents have expressed concern about the visual impact of the previously proposed workshop and office buildings. The landowner has indicated a preference for these buildings to be located to the north side of the car park. However, if the temporary period proves that the use is acceptable and an alternative off site solution is not found, a location adjacent to the southern boundary would be preferable in amenity terms. A workshop building in this alternative location would be further away from adjoining residents and more effectively screened by the proposed fencing and boundary landscaping. This alternative location would also have less visual impact when viewed from Highdown Hill being set more against the backdrop of the existing College buildings.

As with the previous proposal The Council's Environmental Health Officer is satisfied that the alternative parking arrangement would address his previous concerns about noise disturbance to residents. The removal of the workshop and office would further improve the application in terms potential noise and disturbance to residents. The temporary permission is a practical approach and will enable the applicant to implement a far more beneficial layout and use of the site and allow a monitoring period. It is positive that the applicant has met the residents and it is hoped that the Company continues to liaise with the residents to ensure that if any issues arise they can be quickly addressed to avoid any ongoing problems.

In terms of planning conditions these are still being negotiated with the applicant. Whilst, the applicant recognises the need for conditions to be precise to provide residents certainty he comments that he provides a public service which will mean that occasionally buses need to leave beyond any permitted hours. An example of this would be providing a rail replacement service which often means that some buses would need to leave on a Sunday. The recommended conditions seek to impose some parameters to control any out of hours activity.

Regarding other matters the applicant has revised the air quality report in line with the EHO advice. As this is not a major development there is not a need for an Air Quality mitigation strategy. The applicant stressed at the meeting his desire to ensure that all his fleet are replaced by Euro 6 vehicles which are more efficient as indicated below:

*A Euro 6 bus delivers a 67% reduction in NOx. The Euro 6 reduced emissions are achieved by a SCRT system (selective catalyst regeneration trap) and a DPF (diesel particulate filter) both designed to reduce NOx levels.*

In terms of biodiversity net gain as this is now primarily a change of use application there is not a need to demonstrate a net gain. Nevertheless, the applicant has indicated that he is happy to provide landscaping along the southern boundary to further help reduce the visual impact of parked buses and this would provide some biodiversity enhancement.

## **Conclusion and Recommendation**

It is considered that this alternative proposal for a temporary change of use with the provision of a southern access point and a screen fence will enable the new layout to be monitored before consideration is given to a permanent use of the site. It will also provide the applicant with some breathing space to continue to look for an alternative site and or off site workshop facilities.

It is therefore recommended that temporary planning permission be granted subject to the following conditions:

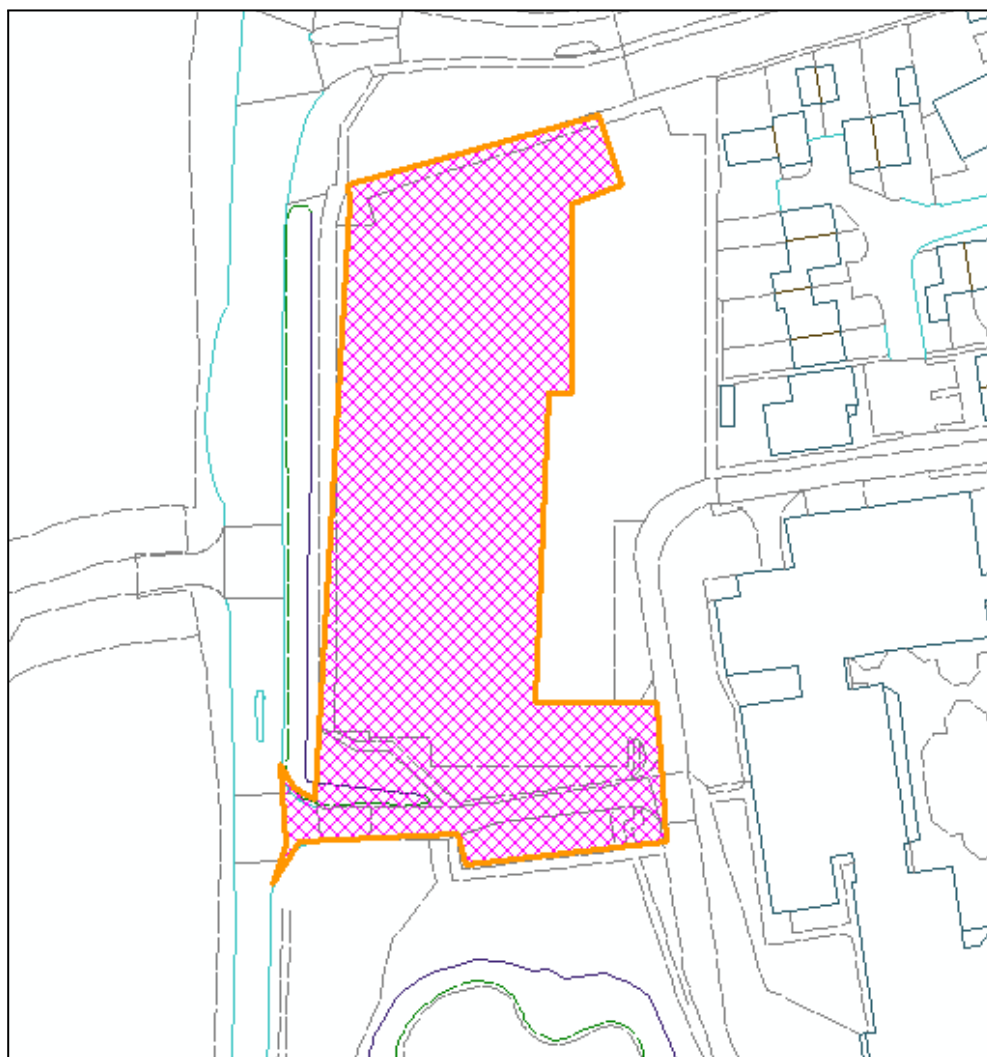
1. Approved Plans
2. Temporary planning permission to expire on the 31st January 2025
3. Within 3 months of the date of this permission the new southern access point shall be installed and the 2 metre screen fence erected. Thereafter, the use of the site shall be strictly in accordance with the revised layout plan with all buses accessing and egressing from the site via the southern access.
4. All bus movements should be in accordance with the revised layout to avoid movements adjacent to residential properties in Red Kite Way with movements in accordance with the 4th Issue Noise Assessment report.
5. No bus movements shall be undertaken other than between the hours of 05:45hrs – 20:30hrs on each day and from Monday to Saturdays other than in cases of exceptional circumstances where buses have to provide replacement cover for other operators (for instance Rail Operators) or in connection with private hire for local schools. In such circumstances any movements outside the permitted hours shall be limited to only 4 buses.
6. The site shall be closed between the hours of 2300 and 0500 other than in connection with any administrative work or cleaning within the modular building.
7. The operation of the site shall be in accordance with a noise management plan which should be submitted to and approved in writing with the LPA within 3 months of the date of this permission. The Management Plan shall provide details of management controls to ensure the use of the site in accordance with the approved 4th Issue Noise Assessment report.



8. A landscaping plan shall be submitted within 3 months of this permission and agreed in writing with the LPA. The approved landscaping plan shall be implemented in the following planting season.
9. Provision of covered cycle storage in accordance with the approved plans prior to the first use of the approved offices.
10. No external washing of buses between 2100 hours and 0900 hours.
11. No reversing beepers to be used on site unless non-tonal.

**APPENDIX I**

<b>Application Number:</b>	<b>AWDM/1444/22</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Greater Brighton Metropolitan College, Littlehampton Road, Worthing, West Sussex, BN12 6NU</b>	
<b>Proposal:</b>	<b>Change of Use to Bus Depot (incorporating college car parking during the day) and erection of ancillary buildings and associated facilities in the north west corner of the car park adjacent to Titnore Lane</b>	
<b>Applicant:</b>	Compass Travel (Sussex) Ltd	Ward: Northbrook
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**Not to Scale**

## **Site and Surroundings**

The application site forms part of the Northbrook College car park on the west side of the campus buildings. The existing access to the campus is via Littlehampton Road with a one way route through the site to the western car park with further car parking to the south of the campus buildings. There is a secondary access onto Titnore Lane adjacent to the southern boundary of the application site which was previously used as an emergency access and was closed to College traffic by a barrier.

The site lies on the edge of the built up area of the Borough and to the west of Titnore Lane lies the National Park. To the north of the site is St Barnabas Hospice and to the west residential properties served off Red Kite Way. The residential development wraps around the campus buildings to the south having been built on former College land. A close boarded fence separates adjoining properties from the College car park.

The site is screened from the road by a relatively dense hedge and tree screen and landscaping along the northern boundary screens the site from the adjoining Hospice.

## **Proposal**

The application proposes a change of use of part of the existing car park to a bus depot accommodating up to 34 buses. The applicant has indicated that during the day when buses are out on the road the southern section of the site would be returned to parking for the College. An optional fence is proposed around the northern section accommodating space for 8 buses during the day.

The application also includes a maintenance building with a height of 5 metres to the eaves and a low 10 degree pitched roof with a lean-to store building. This is located in the north-eastern section of the site. The workshop would measure 15 metres by 9.5 metres. Adjacent to this workshop building would be a covered cycle store, a plastic chemical store and a cleaners shed. To the east of the workshop would be located a long modular building which would be used as offices.

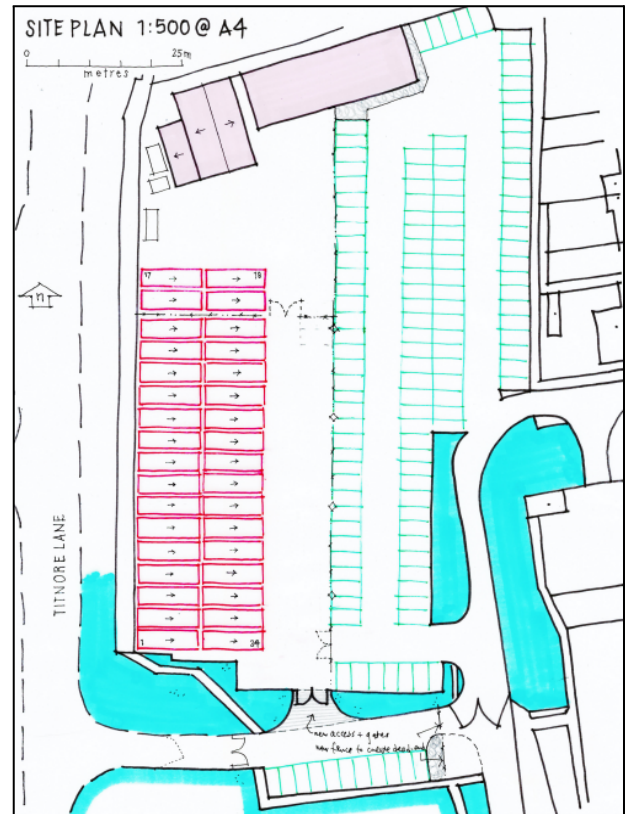
The application originally proposed buses entering and leaving the site adjacent to the residential dwellings in Red Kite Way. However, following concerns from residents and Environmental Health a revised plan has been submitted showing a new internal access to Titnore Lane access effectively moving bus movements further away from the residential properties. The application now proposes access and egress directly onto Titnore Lane via the previous emergency access point.

The original layout plan and the amended plan are shown below:

**As Submitted**



**As Amended**



## **Applicants Supporting Statement**

In support of the application the applicant has submitted various supporting statements including:

- Planning Statement
- Transport Statement
- Air Quality Assessment and,
- Acoustic Report.

The Planning Statement is brief but sets out the background to the relocation of the bus company to this site:

*“Since 2003 we have held a long-term lease for bus parking at Faraday Close, Durrington. The landlord was Tesco Pension Fund who declined to renew the lease when it expired in Feb 2021. Temporary extension was granted until August 2021.*

*We have actually spent the last 20 years looking for a more permanent site in the Worthing area for bus parking and over the last two years have been searching more earnestly. Several local sites were investigated in some depth but in each case it was not possible to proceed due largely to planning concerns.*

*In Sept 2021 we moved at short notice onto a temporary site at Barrington Road, Worthing (the old HMRC site) pending further development of this site for housing. This worked well but was only ever going to be a short-term option.*

*Unfortunately, due to a change in plans by the developers, we then had to move off the Barrington Road site at the end of Feb 2022 at very short notice.*

*One of the sites under discussion for possible long-term bus parking had been at Northbrook College, Durrington. The large car-park there was primarily only in use during the day, whereas our bus parking requirement was largely overnight. Shared use of the car park was therefore a sensible option and would potentially benefit both parties.*

*Throughout all the searching for a suitable site, over many months, we have always involved James Appleton from Worthing Planners who was always very helpful and supportive. However he had agreed that there were virtually no suitable options locally — and the Northbrook College site was realistically the only possibility.*

*Following further discussion with Northbrook College (who were very helpful) and James Appleton it was agreed that we could move our bus parking onto the college site from March 2022 as this was very much an emergency situation and we had no other options. Full planning permission would then be sought for permanent use of this site.*

*In preparation for the planning application there was consultation with local councillors and also neighbours. Only one letter of concern has ever been received and that was regarding additional traffic on Titnore Lane. However this has been addressed with an independent report by a Traffic Consultant and no particular concerns have been raised.*

*Various reports have now been produced by independent consultants on different aspects of use of this site for bus parking and there are no serious concerns.*

*Compass Travel is the main bus operator of rural and secondary services across both West and East Sussex. Over 180 staff are currently employed — many of whom live locally in the Worthing area.*

*Realistically this site at Northbrook College is now the only possible option for local bus parking for Compass Travel and if planning permission is not granted then the business would close. This would result in the loss of a large number of local jobs and many bus routes across Sussex.*

*Compass Travel is always keen to work with the local community and has a good relationship with Northbrook College and both Worthing and West Sussex local Councils. We will always continue to work to resolve any issues that arise and be a responsible member of the local community.”*

The **Transport Statement** concludes that,

*‘Northbrook College is in a sustainable location with a range of amenities within a short walk and cycle, and good access to local public transport, as bus stops and a rail station are within a short walk.*

*The proposal reduces the Northbrook College car park capacity by 93 spaces to 208 spaces. The collected parking survey data and college have confirmed that this is more than adequate to meet the parking demands of Northbrook College.*

*All bus and staff parking will be contained within the site, as there is ample space to facilitate the efficient use of the land by utilising the storage area for staff parking when the buses are in use.*

*The proposal will generate a maximum of 140 vehicle movements per day and this total is the worst-case scenario. It will not have any impact on peak hours, as the busiest operation hour will be between 06.00 and 07.00.*

*It is proposed that the junction via Titnore Lane will only be used by Compass Travel (Sussex) Ltd staff, most of whom will have Public Service Vehicle licences. The existing gate will be retained in its current position and operate with CCTV automatic number plate recognition when buses are departing and arriving. It is considered that this approach will maintain highway safety, as it is understood that the access gate was installed in response to the safety concerns raised by WSCC.*

*The tracking plans provided confirm that there is ample space for buses to manoeuvre in and out of the proposed access safely under the current conditions. Suffice to conclude that the relationship between bus movements and the possible island extension would not constitute an 'unacceptable' safety impact.*

*Collision records reinforce that the Titnore Lane junction use is not a material hazard. The available collision data demonstrates that there is an average of one collision every two years near the junction, and only one of these collisions is directly related to the junction use.*

*A Stage 1 Road Safety Audit was undertaken to consider the proposed development. There were no problems raised that cannot be addressed at the detailed design stage. Our client will welcome a planning condition that requires an Operational Management Plan (OMP) that can be the mechanism to control the routing of traffic associated with the proposal. The OMP will contain the following information;*

- *Bus and staff operational details*
- *Bus and staff parking details and manoeuvring*
- *Operation and management of gated access*
- *Mechanism to limit and control use of the access*
- *Directional controls and limitation placed on bus drivers*
- *Reporting and monitoring mechanism.*

*At the heart of the NPPF is a presumption in favour of 'sustainable development', and this is a sustainable development. The core objectives of the West Sussex Transport Plan 2011-2026 include 'encouraging and facilitating a high-quality and resilient transport network'. To support these objectives, it is imperative that Compass Travel are able to manage their routes in an efficient manner, as it enables a reliable service that customers can trust as a mode of travel. This proposal will*

*improve the transport network in the region and achieve wider, sustainable transport objectives.*

*Therefore, taking all relevant information into consideration, it is evident that the proposed development will not have a severe impact on highway capacity or an unacceptable impact on highway safety so should not be refused on transport grounds*

The **Air Quality Assessment** concludes that,

*The proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site, as well as within the depot itself, during operation. As such, an Air Quality Assessment was undertaken in order to determine baseline conditions and assess potential effects as a result of the scheme.*

*During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant.*

*6.1.4 Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site, as well as within the depot itself. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations both with and without the development in place. Results were subsequently verified using local monitoring data.*

*6.1.5 Review of the dispersion modelling results indicated that impacts on annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations as a result of traffic generated by the development were predicted to be negligible at all sensitive receptor locations. Following consideration of the relevant issues, air quality impacts as a result of the operation of the development were considered to be not significant, in accordance with the IAQM guidance.*

*6.1.6 Based on the assessment results, air quality factors are not considered a constraint to the development*

In response to complaints from local residents and Environmental Health, the applicants have revised the proposed layout to incorporate a new access to the south of the site. The accompanying Noise Assessment has been also updated and concludes that:

*'This 4th issue updates to the present day the situation both on site currently and what the proposed operation will be for the purpose of the planning application. This includes an updated parking layout design and also a revised bus entrance/exit location.*

*Measurements of the existing A-Weighted L90 background sound level have been carried out over a period of 5 days including a weekend.*

*Measurements of sound levels due to bus manoeuvring activities as measured on a previous application site were entered into a computer noise contour model to show the predicted sound levels at the nearest noise sensitive receptors (NSRs). Since then, due to the forced operation of Compass Travel on the application site (with full knowledge of the planning department and due to situations out of Compass Travel's control) it has been possible to measure the noise levels due to bus operation on site both as to how they are currently operating and how they propose to. These measurements have been undertaken with the survey equipment located at the nearest noise sensitive receptors' boundary fence.*

*Subsequently, these have been rated in accordance with BS4142:2014-A1:2019 and compared with the existing L90 background sound level.*

*Computer Generated Noise Contour models are shown in the appendices of this report.*

*With the proposed bus orientation now changed with the majority of the buses facing east (engines facing west) the Rating Levels due to Bus Engine Starting, Idling, Departing and Arrival mean that adverse impact is unlikely or significantly unlikely, with the worst-case Rating Level from a small number of buses being 2dB below the existing L90 Background Sound Level.*

*It is also important to note that whilst Compass Travel have been forced to operate on this site, the proposed layout and operation will be a significant improvement to how they are currently operating – buses currently pass close-by to the residential dwellings, but the proposed operation will see buses retained in the south-west corner of the site, departing and arriving via a new south-entrance/exit point.*

*It is also worthy of note that in summer when windows are more likely to be open, the sound insulation of the residential building envelope would be reduced to approximately 13dB (as referenced by ProPG Planning and Noise 2017. If one was to assess the Rating Level against the internal ambient noise level requirements of BS8233:2014 for night time (Leq,8hr 30dBA in a bedroom during night time hours) they would be 33dBA outside the window. With a further 13dB reduction through a partially open window, the sound from the buses would be just 20dB from the worst-case sound level (bus departure). This is significantly below the BS8233 criterion and thus adds weight to the planning application in favour of Compass Travel's operation on site.*

*With all morning activities occurring at the same time and their rating levels combined, the worst-case revised rating level would become 35dBA. This would be parity with the Background Sound Level for 06:00-07:00hrs and 12dB below the Background Sound Level for 07:00-08:00hrs.*

*Sound from Fixed Plant has not been assessed as no plant is proposed. However, if this is to change, it is required that the Rating Level from any fixed plant for the office building(s) should be no higher than the existing background sound level either*



*individually or when combined with bus activity at the nearest residential receptor location.*

*Mitigation measures have been discussed in Section 6 of this document. If they are adopted and operation occurs as assessed, it is considered that adverse impact will be unlikely and that there should be no reason why outline planning permission should be withheld on noise grounds.'*

## **Relevant Planning History**

A number of permissions have been granted over the years for various developments relating to the College including temporary buildings for changing rooms and temporary classrooms. The most relevant permissions are set out below:

**AWDM/0468/12:** Application Permitted - Replacement 285 space car park with associated lighting, landscaping and CCTV installation, with upgrading works to the existing internal site road and partial re-routing of existing internal site pathway. Closure of existing temporary College car park. New access road arrangement off from Littlehampton Road into the College campus and alterations to existing car-park layout, closure of existing College access road, highway infrastructure improvements and associated landscaping.

**AWDM/0521/12:** Application Permitted - Proposed mixed use development comprising; 117 residential properties (including 17 affordable units), car showroom (Sui Generis) and care home (C2) with associated access roads and landscaping on land east of Northbrook College

**AWDM/1044/13:** Application Permitted Demolition of 755m<sup>2</sup> GIA of sub-standard accommodation and the construction of two extensions to the existing building, a 1495m<sup>2</sup> GIA new entrance and LRC to the front of the College and new 443m<sup>2</sup> GIA Drama Studios to the rear, together with minor alterations to existing south-east facade and associated external hard and soft landscaping works and signage

## **Consultations**

*Do not cut and paste in non-Word format or copy verbatim or include extraneous or non-planning matters but provide a precis of their contents insofar as they relate to planning considerations, making sure to state whether they object and to cover all their main points.*

**West Sussex County Council:** The County Council provided pre-application advice to the applicant as follows and the application has been submitted with the required supporting information. The formal consultation response from WSCC is awaited and will be reported at the meeting.

- Access-visibility splays are shown as 2.4 by 106 metres to the north and 2.4 by 80 metres to the south. To the south this is the maximum extent of the splay due to the A259/A2032 roundabout. To the north the splay is in accordance with SSD parameters from Table 10.1 of Manual for Streets 2. A proportion of

vegetation will need to be removed to achieve both visibility splays however this could be covered via a planning condition.

- Stage 1 Road Safety Audit (RSA) - it was agreed an RSA will be provided in support of the access proposals Swept path diagrams to be provided at the point of access to demonstrate that anticipated vehicles can safely enter and exit the site.
- 140 vehicle movements in total is not anticipated to result in a 'severe' increase onto the network. A proportion of the movements are not likely to occur during peak operating times.
- Justification to be provided on the existing levels of parking at the college and confirmation that the college can still run within capacity with the net loss of parking spaces proposed.
- A Travel Plan should be provided to promote sustainable transport mitigation for staff.

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

**Environmental Health Officer (Public Health & Regulation)** comments that,

*“Following noise complaints received by environmental health I have revisited this application. I visited the site this morning, Friday 13<sup>th</sup> January, observing from the parking area in front of 14 Red Kite Way.*



*I arrived on site just before 5am, with the intention of undertaking some background noise measurements before the depot open. Unfortunately it was too windy for noise monitoring. However, I stayed and observed the activities of the site until 7am. The wind was blowing in my face from a westerly/south westerly direction. The buses were parked in rows facing northwards.*

*The lights for the car park were turned on a few minutes before 5am when somebody arrived in a white van. The site was quiet, the dominant noise was the gusts of wind and the occasional traffic movements on the surrounding main roads.*

*A single decker bus arrived on site at 05:41 entering the site from the South and doing a u-turn so it was facing the porta cabin. The engine was switched off as soon as it was stationary. The bus was on site and parked within a matter of seconds, the engine noise I heard was no louder than the existing traffic on the surrounding roads.*

*At 05:48 I could hear an engine running from behind the parked double decker buses, the noise was lower than the passing traffic.*

*At 05:52 a single decker bus drove out beyond the line of double decker buses in a northerly direction turning east and then south past my position and the houses. All buses leaving the site took this route. The noise created was similar to the distant traffic on the main roads.*

*At 05:56 I noted the flow of traffic on the surrounding main roads was becoming more steady.*

*At 05:57 a single decker bus left the site, similar to the earlier bus leaving but the engine gave a bit of a rumble as it passed the porta cabin.*

*At 06:01 I heard another engine start, lower than the ambient traffic with a slightly less intrusive character. A single decker came from behind the line of double decker buses as it passed my location at 06:02 there was a squeal from the breaks. It stopped in front of the houses pausing for a couple of minutes, before the driver moved on leaving the site at 06:04.*

*At 06:04 I hear another engine start, a single decker bus is moved forward to the North of the site and the engine is switched off. The driver gets out and walks back behind the line of parked double decker buses. Shortly after another bus is heard starting and a single decker bus is moved forward to the north of the site and parked behind the earlier moved bus. It looks like the same driver as before. He again walks behind the line of double decker buses and at 06:07 another single decker pulls out from behind the line of double deckers and passes me before pulling up outside the porta cabin. The driver gets out, the engine is still running. At 06:10 the drivers gets back in the bus and turns the engine off.*

*At 6:11 the most northerly double decker engine is turned on. The engine is quite rattily soon after the lights of a white double decker come on but I cannot make out the engine noise over the nearer bus. This double decker is third in line from the North and is boxed in.*

*At 06:13 the single decker that had earlier been parked at the porta cabin is started up and reversed, there is a white noise reversing warning which was not intrusive at my position. It then drives forward and leaves the site.*

*At 06:14 a single decker leaves the site, this is fairly quiet.*

*At 06:17 the first double decker, the rattily one, pulls away and leaves site. I can now make out the engine on the white double decker which is not so rattily.*

*At 06:20 a single decker is driven forward and parked the driver gets out.*

*At 06:21 a single decker is moved forward and parked, again it looks like the same driver as before who gets out.*

*At 06:23 a further single decker bus is moved forward and parked.*

*At 06:23 another double decker bus is started that has a more intrusive noise than the single deckers. At this time there are a number of bus engines running and the bus noise is the dominant noise source in my location.*

*At 06:24 another single decker bus is moved forward. I can hear vehicle door banging on the site.*

*The picture below was taken on site soon after I first arrived. There are no buses to the North of the line of double deckers.*



*The above photograph shows the single decker's that have been manoeuvred so that other buses can leave the site.*

*At 06:26 another bus is reversed, again a white noise reversing alarm.*

*At 06:26 a single decker bus leaves the site followed by a coach both passing the earlier manoeuvred single decker's.*

*06:28 there are still several bus engines running and the bus noise is dominant noise in my location.*

*06:31, one of the previously manoeuvred single decker's is moved for a second time so that a bus behind it can leave.*

*06:32 a single decker leaves the site.*

*06:34 a single decker leaves the site.*

*06:37 the single decker that had been moved twice leaves.*

*06:39 single decker leaves.*

*06:40 double decker leaves, you can hear the air breaks.*

*06:43 White double decker leaves.*

*06:44 single decker reversing, white noise reversing alarm, leaves site at 06:45.*

*06:45 two more single decker's moved forward.*

*06:47 another double decker leaving. No more engines running on site.*

*06:49 engines heard again, a coach leaves followed by 2 single deckers.*

*06:50 single decker leaves.*

*06:51 a single decker leaves.*

*06:52 a double decker leaves, site quiet.*

*07:00 no more activity has occurred. 8 buses left on site, I leave.*

*From my observations it is evident that there is significant activity on the site before 7am, which for noise purposes is considered night time.*

*From my observations it is clear that noise from idling buses is coming from areas closer to the noise sensitive receptors than was modelled by the applicant's acoustician. Therefore we cannot rely on the conclusions of this report.*

*The fact raised by the acoustician that this is an existing car park is irrelevant. Residents will not be used to vehicles manoeuvring outside their homes so early in the morning. Furthermore, when Environmental Health considered the planning application for the new homes, it was never envisaged that the car park would be used so early in the morning, I understand no acoustic mitigation was provided for the new homes. It is reasonable to expect that traffic movement in the college car park from students and teachers would typically commence around 8am.*

*Regrettably, because of the adverse weather conditions I cannot provide objective noise data for the activity, I witnessed.*

*Moving forward, what we need to consider is how noise from this proposed development is actually impacting on nearby residents. The site is in operation, it can be measured in real terms rather than model scenarios, which was the only option for the applicant's acoustician at the time.*

*It is currently mid-winter and resident's windows that I could see from my location were closed this morning. What concerns me is how this development may impact on residents in the summer months when windows are open. It would be the maximum noise levels that can cause sleep disturbance in these homes that would be of interest. With regards to the complaint, for statutory nuisance purposes, I would be considering the excessiveness of the noise, the character of the area and whether the company/landowner is using best practicable means to minimise noise. The complication with character of the area comes from whether planning permission is granted or not. See the case law below.*

*"The Bermondsey/Belgravia point has been given new impetus in the case of Gillingham Borough Council -v- Medway (Chatham) Dock Co. [1993] QB 343. In that case the formal naval dockyard was given planning permission to operate as a commercial port. Very soon heavy traffic was using the area 24 hours a day causing severe disturbance. The local authority, Gillingham BC had been aware when planning permission was sought that lorry movements to the port would increase night noise levels particularly. Planning permission had been granted because of the economic benefits which were thought to outweigh the environmental problems that would ensue.*

*After complaints the local authority sought an injunction under Section 222 Local Government Act 1972 to prevent traffic movements between 7.00pm and 7.00am on the grounds of public nuisance. The application failed because Buckley J. said that the grant of planning permission had changed the character of the area to the extent that the claim of nuisance had to be considered in the light of its existing environment, not that which existed in the past.*

*However, this principle is open to doubt in view of the fact that planning authorities have no jurisdiction to authorise nuisances. In Wheeler -v- J.J. Saunders Limited [1995] 2 All E.R. 697 the Court of Appeal has indicated that, even if it is correct, the principle can have no application to ordinary grants of planning permission and should be confined to large scale developments."*

*With this uncertainty in mind, it may be worth postponing any decision until the noise can be accurately assessed or alternatively refuse the application.”*

In response to the revised Accoustic Report and layout plan the EHO has indicated that he would remove his previous objection and comments that,

*This looks better. Perhaps include a noise management plan condition which should encompass the noise mitigation advice in the report. We will need to see the details of any external plant once confirmed for the workshop.*

Further discussions regarding the wording of conditions are ongoing and Members will be updated at the meeting.

**Southern Water** comments that,

*“Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.*

*To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:*

*[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)*

*The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).*

*Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:*

*[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)*

*Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.*

*Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:*

- *Specify the responsibilities of each party for the implementation of the SuDS scheme.*
- *Specify a timetable for implementation.*

- *Provide a management and maintenance plan for the lifetime of the development.*

*This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

*It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.”*

**South Downs National Park Authority** comments that,

*“Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:*

- **Purpose 1:** *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*
- **Purpose 2:** *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*
- **Duty:** *To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.*

*The National Park’s comments on the development are as follows:*

*The site relates to an existing car park associated with Northbrook College located to the east of Titmore Lane which forms the boundary of the National Park in this location. The proposal includes the provision of a number of new car park related structures, including a single storey office building and a large store and inspection building some 10m in height, which includes 10 large roof lights.*

*The Authority makes no comment on the principle of development, however if minded to approve, the Council should seek to minimise upward lightspill from the rooflights to prevent harm to the International Dark Skies reserve. This should be achieved by minimising the amount of rooflights, and securing suitable automated blackout blinds to prevent harmful upwards light spill. External lighting should also be kept to a minimum, be downwards pointing and either on a timer or motion sensor to avoid being left on all night.*

*Further advice is provided in the SDNPA’s Dark Skies Technical Advice note available on our website*

*<https://www.southdowns.gov.uk/planning-policy/supplementary-planningdocuments/technical-advice-notes-tans/dark-skies-technical-advice-note-tan/>”*

## Representations

A total of **10 letters of objection** have been received to the original application setting out the following concerns:

- i) The increase in noise and vibration from the forty plus diesel vehicles from 5.00am onwards is unacceptable.
- ii) During the Summer months of 2022, the arrival of workers at around 4.00 to 5.00am disturbs a very large local Seagull population that the College refuses to address. The level of noise generated from the College's twenty plus nesting common herring gull birds is fairly obscene at this time in the morning.
- iii) There are plenty of reports that the polycyclic aromatic hydrocarbons contained in the diesel fumes increase cancer in the local area. This increase would be in addition to the significant levels of existing pollution from the already very busy Titnore and Littlehampton Roads that are within 300 metres of the Yeoman Chase residential estate.
- iv) It is questioned why the use could not utilise the empty part of the Southern Water car park off Yeoman Way as this is a Business park, more appropriate to the proposed use and further away from residential homes.
- v) The site has been operating without planning permission already for six months.
- vi) It is questioned what the existing land use rules are for the College car park, have Compass and Northbrook College already been in breach of these conditions.
- vii) How many buses will be allocated to this location, there are already about forty vehicles and would there ever be a limit or can the numbers keep increasing?
- viii) It is also questioned whether the College was renting this area to Compass or is Compass purchasing the land?
- ix) The planning application results in a reduction of ninety three parking spaces for the College. This car park is full on most College days and a reduction in parking will cause College students to look for parking spaces elsewhere, including Yeomans Chase. parking is already sparse and limited on the adjoining residential development.
- x) The application refers to opening times being from 5.30 to 20.30 which could allow staff to work on the buses in the inspection building until 20.30 at night.
- xi) The noise report does not take into account the effect on the noise of working on buses and its effect on residents.
- xii) Reversing alarms - these were not to be measured as the bus made available did not have an alarm fitted or it was not operational. By way of their nature,



reversing alarms are attention drawing and some are also tonal. Alarms should be disabled while manoeuvring within the compound and it is the clients responsibility to ensure that a safe system of work remains in place. The use of a banksman could be an option here.

- xiii) The Noise Assessment report has not considered noise associated with maintenance and cleaning of the buses which currently does not take place on site and increases noise disturbance.
- xiv) The Noise assessment does not take into account buses exiting by driving along the east side of the car park along the fence next to the houses. This moves the sound level of buses near to the houses in Red Kite Way.
- xv) All of the reports in the Noise Assessment consider measurements while within the site and not in the center of the site where the buses are parked. If this same measurement point were further north, the noise impact on residents would be higher.
- xvi) The current level of diesel fumes and increased level of diesel pollution is a risk to local residents' health.
- xvii) The Council advises that loss of view and effect on the value of the properties deemed as irrelevant but how can that be the case as the proposed Portakabin and storage building are permanent buildings that will affect my outlook.
- xviii) The buildings could be on the south-west corner of the site further away from residents and this would move all noise, loss of privacy and impact from residents. As an adjoining resident, we were originally told that this was a temporary arrangement but to now learn that this is a permanent arrangement is completely unacceptable.
- xix) Most of the adjoining houses have young children and the Council needs to consider the health and wellbeing of these children given the increased noise and pollution.
- xx) This use should be located in an industrial area away from residential homes and where more appropriate buildings are already in place.
- xxi) The bus companies have a huge negative impact on adjoining properties, particularly with engines being started from 5.00am in the morning and being left idling for long periods of time before departing from the site. In addition, there are people shouting across the car park, reversing sirens, bus alarms etc which cause considerable disturbance. The plans do not indicate how the proposed use would connect to the public foul sewer and this is a concern of residents.
- xxii) The proposed use would increase overlooking to adjoining gardens, particularly from anyone on the top deck of the buses.

- xxiii) The Noise Assessment refers to the fact that nearest residents are already impacted by the use of the car park. To compare the use of the car park for the College is completely obscene as no-one attends Northbrook College between 5.00 and 6.00 am in the morning. The sound of buses being moved by foul-mouthed workers is completely different from a student or College Teacher parking in the morning and going home in the afternoon.
- xxiv) Adjoining residents can now no longer enjoy their properties or sit in their garden because of the noise and pollution proposed by the bus depot.
- xxv) This company is trying to ruin a peaceful and beautiful area instead of moving to a more expensive location which would be better suited to them. It is also apparent that the College is desperate for money and they do not care about the impact it has had on the local environment and people who live around the area.
- xxvi) The use of the site has already had a significant impact on the local environment with the rabbits and birds not being seen as they used to be on morning walks.
- xxvii) Titnore Lane was not designed to have buses going up and down on a daily basis. There have already been plenty of near misses and the congestion they are causing on the morning commute is not helping anyone.

In connection with the revised layout and Noise Assessment, a further **6 objections** have been received to the development raising the following concerns:

- i) As a local resident, I have campaigned on several occasions to reduce the speed in Titnore Lane from 60 to 40, remove HG traffic over 3 ½ tonnes and provide a pedestrian crossing between Northbrook Recreation Ground linking with the footpath to the National Park. I have also campaigned in the past for a footpath from the Northbrook Recreation ground to the bridge that crosses the A2032 which was completed in 2020 and is a great asset for the local community improving safety.
- ii) Now to find out that Compass Bus Company is proposing to run a bus depot by building a workshop and offices at the north end of the car park is not acceptable as it will have a serious impact on the local environment.
- iii) Vehicles starting at 6.00am in the morning, sometimes earlier running and emitting diesel fumes into the atmosphere and causing unacceptable noise nuisance would cause health problems to residents with houses adjoining the car park.
- iv) The access road from the car park was only an emergency exit with a barrier across the road onto Titnore Lane. This is now permanently open to allow buses to exit and enter which has an impact when turning into Titnore lane. As this is a country lane and not wide enough to allow buses to turn, only being 7.1 metres wide without damaging the roadside.

- v) Compass staff also use this access to enter and exit the site. It is noticed that, at certain times of the day when the traffic is heavy at the roundabout on the A259 at the south end of Titnore Lane, members of the public take a shortcut through the College to avoid the hold ups at the roundabout which is not acceptable.
- vi) It is questioned where staff and students would park their cars and maintenance vehicles should the car park be full due to Compass parking their buses and this may cause a problem on nearby residential roads which, again, is not acceptable.
- vii) The footpaths crossing the emergency access road from the car park was not a problem when the barrier was closed 99% of the time. Now with this being open during operational times by Compass, it is a safety issue for students and members of the public using the footpath. Crossing this road with only painted strips on the road and signs on the roadway with sandbags is not acceptable as there are no warning signs either side of the road for anyone using the footpath and this may lead to a serious accident.
- viii) Having reviewed the amended plans, it is accepted that the new layout with the exit closer to Titnore Lane would improve things to a degree. However, you are still putting a commercial industrial use close to a residential area and it is still operating well outside of normal business hours for other industrial enterprises.
- ix) It is questioned why buses are starting at 5.45am when there are no bus routes in Worthing that run before 7.30am, certainly not 6.00am.
- x) The documents in the Reeves Transport Planning Ltd indicate that 80% of the buses to be stored at Titnore lane are not even servicing the Worthing and Adur area with 33 at Haywards Heath, No. 100 at Burgess Hill, 35A at Burgess Hill, 74A at Horsham and 33A operates at Hurstpierpoint etc The only bus serving Worthing is route 8.
- xi) Surely storing vehicles that are operating in a completely different Council Zone Horsham raises some questions on efficiency and responsibility. It is questioned, therefore, why these buses are travelling an extra hour of travel time and fuel costs associated when they could be located closer to their operating area.
- xii) We are shocked that this application has not been refused straight away. The noise report has only covered a small period of time. We have many videos that we have taken where we have been disturbed in our home by the noise caused by the buses. This includes working on a bus at 22.10 and the noise was not white noise as was referred to in the latest acoustic report.
- xiii) The noise caused by this site is significantly closer and louder than that of passing traffic on Titnore Lane, not to mention how much closer these fumes are to the houses and windows of adjoining properties.

- xiv) There are still a number of objections from local residents about noise, pollution and the effect on the local environment. It is questioned whether the latest noise assessment report is honest. While I appreciate the person who wrote the report might have been there for certain periods of time, they clearly were not there when the buses were being washed after 10.30 at night and when they start the engines before 5.30 which local residents have all witnessed.
- xv) The site is next to residential, highdown and a hospice. Noise or no noise, surely this is not a viable location for a bus depot.
- xvi) The new layout might reduce noise a little but it does not change the fact that the buses create a huge amount of diesel fumes very near residential houses and pollute the environment. Where is the report that looks into this pollution. Additionally, the noise report fails to address the noise of the cleaning that happens at night. This is loud and intrusive and stops us from opening our windows and sleeping at night.
- xvii) In his correspondence on 17th June, the Environmental Health Officer states that *“What concerns me is how this development may impact on residents in the summer months when windows are open. It would be the maximum noise levels that can cause sleep disturbance in these homes that would be of interest. With regards to the complaint, for statutory nuisance purposes, I would be considering the excessiveness of the noise, the character of the area and whether the company/landowner is using best practicable means to minimise noise.”* There is no evidence to suggest the issue of excessiveness of noise has been resolved, so how can planning permission be granted.
- xviii) It is questioned why the business is operating without planning permission. There is reference to Compass Travel having been forced to operate on the site but no-one has forced them. Both they and the College are benefiting from being at the site without consulting anyone.

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

The new Local Plan was adopted on the 28th March 2023. The relevant policies in connection with this development are:

- DM5 Quality of the built environment
- DM6 Public realm
- DM7 Open space, recreation & leisure
- DM8 Planning for sustainable communities/community facilities
- DM9 Delivering infrastructure
- DM10 Economic growth and skills
- DM11 Protecting and enhancing employment sites
- DM14 Digital infrastructure
- DM15 Sustainable transport & active travel
- DM16 Sustainable design
- DM17 Energy
- DM18 Biodiversity
- DM19 Green infrastructure

DM20 Flood risk and sustainable drainage  
DM21 Water quality and sustainable water use  
DM22 Pollution

The National Planning Policy Framework (NPPF) is also relevant to the determination of this application.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

In addition, section 11A(2) of the National Parks and Access to the Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes.

The Environment Act 1995 revised the original 1949 legislation and set out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to:  
Seek to foster the economic and social well-being of local communities within the national parks.

This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.

### **Planning Assessment**

The key considerations in this case are:

- The principle of development
- Traffic and access implications on the local highway network and the impact of the use on available parking for the College
- The impact of the development on the amenity of local residents

- The visual impact of the development on the National Park and wider landscape.
- Biodiversity and landscaping.
- Sustainability.

### ***Principle of Development***

The site lies on a brownfield site within the defined built up area as identified in the adopted Local Plan 2023. The spatial strategy for the Borough (Policy SS1) states that land within the defined built up area will be permitted subject to compliance with other policies in the Local Plan. It also states that development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area.

The adopted Plan recognises the importance of supporting sustainable transport and active travel and Policy DM15 seeks to promote and support the expansion and improvement of public transport services. The lack of commercial space within the Plan is also highlighted and policies seek to retain existing employment and commercial uses.

Your Officers are aware that the applicant has been seeking to find a permanent site for many years. Compass Travel was moved on from its previous site at Faraday Close following the decision of the freeholder to sell the site. Despite an exhaustive site the Company was forced to initially move to the former HMRC site in Barrington Road before agreeing terms with Northbrook College to locate onto the Durrington Campus site. The applicants search included sites in Arun but has centred on Worthing as the majority of its staff live in the Town and it has a second depot site with workshop facilities at Lewes in East Sussex.

The Company also looked at the scope to use existing car parks in the Town to reduce set up costs but also because of the lack of available land. The initial discussions with the College looked at the Worthing College site and then at the Durrington Campus site. The College was keen to maximise the use of their car parks, benefit financially but also explore the scope to improve the accessibility of its sites for students. In this respect the College is discussing with the Company providing shuttle buses to its two campus sites to local train stations.

Given that this is a brownfield site currently used as a car park for the College, in principle, subject to addressing other policies of the adopted Local Plan, the shared use of the car park with the College is considered acceptable.

### ***Traffic and Parking Implications***

In granting planning permission for the new access off Littlehampton Road and new car parking areas in 2012 there were no restrictions placed on the use of the car parking areas but they were clearly designed to meet the expanding needs of the College for staff, students and visitors. The Transport Statement submitted in support of the application identifies that the existing car park has a maximum capacity of 301 car parking spaces. The Transport Statement states that it has

assessed current car park demand data which indicates that in the busiest hour there were 205 cars parked with a spare capacity of 96 spaces.

The proposal seeks to secure permission to use this 'spare' capacity at Northbrook College's car park, as a storage facility for Compass Travel. The proposal reduces the car park capacity by 80 spaces to 221 spaces and therefore it is not considered that the proposal would impact on available parking for the College or displace parking to nearby residential roads as feared by some local residents. The layout below shows the day time parking available to the College once the majority of the buses have vacated the site.



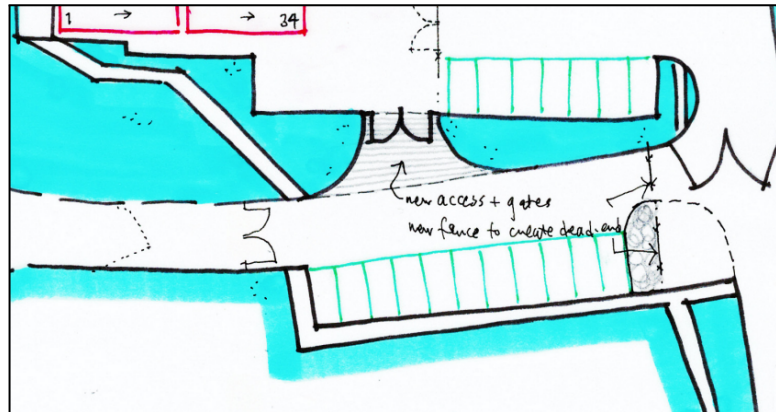
It is also important to stress that the College has an active travel plan and encourages alternative means of transport to the site and therefore car parking demand in the future would be controlled by the College. As indicated previously the College has raised no concern about current or future parking requirements and has been talking to the bus Company about the scope to improve the sustainability of its campus sites (including Worthing College) by providing a dedicated shuttle bus service.

The planning permission for the new access onto Littlehampton Road did, however, restrict access to Titnore Lane and the following condition was imposed on the 2012 permission:

*'The existing Titnore Lane access shall remain closed by a barrier at all times and only used by vehicles for emergency purposes unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety.'*

At the time it was considered reasonable to direct all traffic to the new access off Littlehampton Road. However, during pre-application discussions the Highway Authority indicated that the use of this access directly onto Titnore Lane would be acceptable subject to undertaking a Road Safety Audit. The revised layout plan

does also ensure that any through traffic into the College Campus would be restricted by a gate and this is indicated below and this also addresses some of the concerns of local residents.



The supporting Transport report sets out that a speed survey was undertaken to demonstrate that they could provide sufficient visibility splays at the entrance/exit onto Titnore Lane. This demonstrated that speeds at this point in the Lane are between 38 and 40 mph and a subsequent Road Safety Audit has been carried out in the support of the application. A condition can ensure that vegetation can be cut back to maintain visibility splays and the applicant has suggested that an Operational Management Plan can also be agreed by condition to ensure that buses do not turn right out of the site or left into the site to avoid conflict with the pedestrian refuge north of the access.

The further comments of the Highway Authority are awaited and in particular in response to concerns about the use of the access affecting pedestrians crossing the proposed entrance. Funding has been provided in the past to secure a cyclepath along the highway verge to improve pedestrian connectivity and a local campaigner (see representations) has been keen to provide safer pedestrian crossing points and footpath links. Funding was provided from the West Durrington strategic allocation and St Barnabas developments Hospice to provide a cyclepath link from the north through the Littlehampton Road. Due to funding and technical issues a compromise scheme was delivered in 2020 (prompted by the work of a local resident) and a footpath has been provided from Pennycross Avenue to Titnore Lane. The following report to the Joint Strategic Committee released s106 funding for this project:

[https://democracy.adur-worthing.gov.uk/documents/s4362/W\\_REG\\_007\\_20-21%20Release%20of%20s106%20Funds.pdf](https://democracy.adur-worthing.gov.uk/documents/s4362/W_REG_007_20-21%20Release%20of%20s106%20Funds.pdf)

The Highway Authority has also suggested the imposition of a Travel Plan to encourage employees to use sustainable transport to the site. The application includes cycle parking and it will be important that employees do not use College car parking spaces.

### ***Residential Amenity***

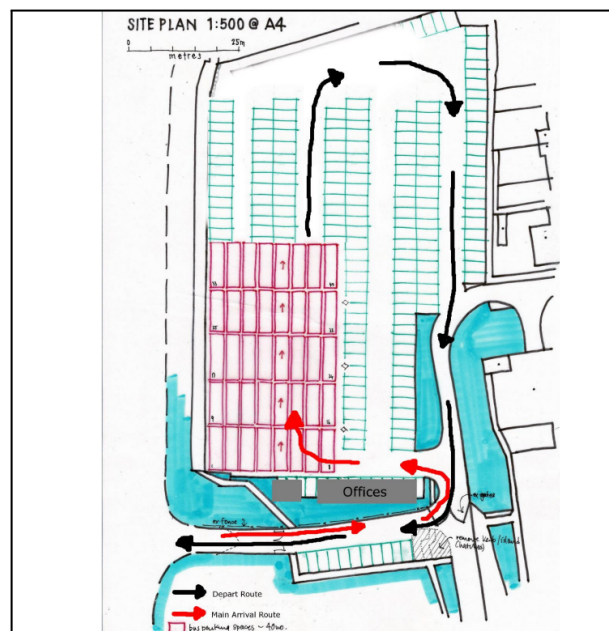
### ***Noise and Disturbance***



As indicated by the representations received objecting to the continued use of the site as a bus depot the main concern is the adverse impact the use has on the amenities of adjoining residents. Local residents have been disturbed at early hours of the morning by the movement of buses and are concerned about the visual impact of the use (and proposed buildings on their properties). The impact of the use is highlighted in the original response from Environmental Health following an early morning site visit. Although the properties to the east of the site were built next to the College car park, it was not considered that any additional noise mitigation measures were required. A domestic 1.8 metre fence separates the properties and there is little landscaping between the car park and adjoining residential properties. It was not envisaged, therefore, that the normal use of the car park by College students, staff and visitors would cause any undue disturbance with car movements not starting early or late. There was no restriction on the use of the car park approved in 2012, however, other than controls in connection with lighting.

As highlighted by adjoining residents, bus storage and movements are very different from the current use particularly starting at 5.00 am in the mornings. The original noise assessment undertaken sought to predict noise movements by measuring noise from a single bus but did not assess the actual use of the site. In response to the comments from residents and Environmental Health, the Company indicated that since occupying the site there have been more earlier morning movements as the Company has not had any on site facilities and they have had to move buses to the workshop in Lewes for any repairs. It is accepted that this has caused more noise than would be generated once the site is fully operational and buildings have been erected.

The current operation use of the site is illustrated below and shows the extent of movements adjacent to the properties in Red Kite Way. Whilst buses were orientated northwards (and engines to the south) to reduce noise impacts, this resulted in bus movements very close to the residential properties to the east.



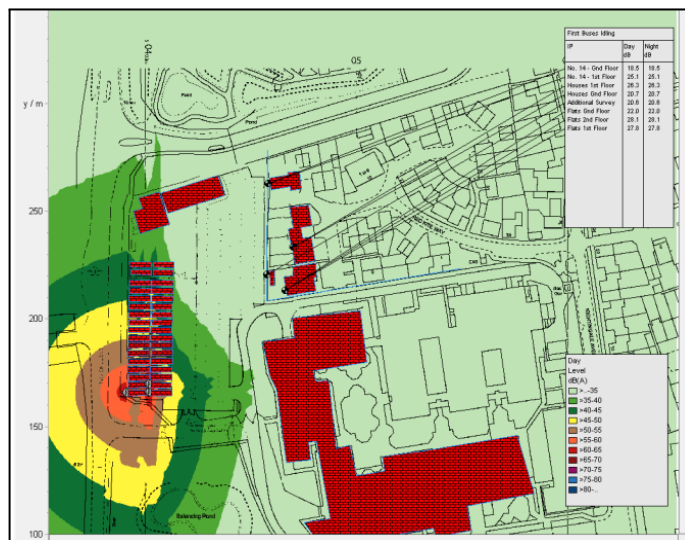
To address the primary concern about bus movements directly in front of the adjoining properties, the revised layout plan and southern access point has sought to

move traffic movements away from the eastern boundary. In addition, to reduce the impact of early morning noise the revised layout now also proposes the earliest buses leaving at the southern end of the site as indicated previously.

The revised Noise Assessment assesses the revised layout and states that the new layout plan would ensure that adverse impacts on local residents would be unlikely given that noise from early morning movements would not exceed existing background noise levels (primarily traffic on the Littlehampton Road. The report states that:

*‘The latest layout proposal, which would supersede the current arrangement, has been modelled in this report and has been found to be highly effective as the buses act as barriers to their own engine noise. This would also enable swift departure from and arrival to the site via a new southern gate, meaning buses will no longer have to close by the aforementioned dwellings. These elements will ensure sound levels are significantly lower than as currently experienced.’*

The noise impact assessment report also considers noise impacts from buses idling and leaving the site at different times and at ground, first and second floors of adjoining properties. The following plan is an example showing noise contours from idling buses at the southern end of the site (earliest movements):



The Noise Impact Assessment report also considers other sources of noise that would have an impact on residential amenity and many of these adverse impacts have been identified by local residents in the initial use of the site. The report accepts that reversing beepers could cause noise nuisance and therefore recommends that,

*‘alarms should be disabled while manoeuvring within the compound and it is the client’s responsibility to ensure that a safe system of work remains in place – it has been confirmed by the client that there is always a banksman on site to ensure safe manoeuvring.’*

In relation to complaints of buses being revved the report also accepts that this should not take place on site early in the morning and it is recommended that,

*'If engine revving is necessary to pressurise braking systems etc, this should be limited to daytime hours only (07:00hrs – 23:00hrs) or carried out off-site. From recent observation (02/03/2023), no revving occurs on site during a morning departure period or on arrival in the evening.'*

Residents have also complained about other adverse impacts of the use in terms of the visual impact, vibration and diesel fumes as well as concerns about the future use of the workshop building.

### *Visual Impact*

In terms of the location of the buildings, the College was keen to ensure that the workshop and compound was located to the north of the site so that car parking for the College remained in the southern section of the site closer to the College entrance. In addition, the location does ensure that bus movements, particularly those buses leaving early are located furthest from residential properties. Whilst, residents will now see buildings rather than across the car park and countryside beyond, the current configuration is better in amenity terms and Members will be aware that a loss of view is not a material planning consideration.

Whilst, modular buildings are often given temporary permissions (because some can be of a temporary nature) the applicant has provided further details of the type of modular building. The Company providing the modular building has indicated that the building would be steel frame, have a new plastic coated steel external clad finish which could be finished in a variety of colours (as well as alternative cladding finishes including cedar). It is also submitted that the building would have a life expectancy of approximately 20 - 25 years. Your Officers are satisfied that the building would be of an attractive finish and a condition can be added ensuring appropriate maintenance to the structure. The maintenance building would be functional in appearance but the applicant is happy to agree cladding colours and finishes.

### *Vibration and Air Quality*

The revised layout removing vehicles from passing the adjoining houses will help to address some of the concerns about vibration as well as remove some of the more direct impacts of diesel fumes affecting adjoining gardens. The Air Quality Assessment concludes overall that the,

*'Review of the dispersion modelling results indicated that air quality impacts as a result of traffic related exhaust emissions generated by the development were not predicted to be significant at any sensitive location in the vicinity of the site.'*

Whilst the views of Environmental Health in relation to air quality are awaited it is considered that amenity terms the revised layout will help to mitigate concerns about diesel fumes.

### *Workshop / Maintenance Activities*

The applicant has confirmed that the workshop would only be carrying out light maintenance works as its main workshop is located at its Lewes depot. The use of the workshop could be restricted by condition to control the level of activity and ensure no body work or activities like paint spraying are undertaken.

Some residents have complained about the noise from late night washing down of buses and the applicant has agreed that these activities can also be restricted by condition.

### *Residential Amenity Conclusion*

There is little doubt that the current use of the site as a bus depot has had an adverse impact on local residents. However, the amended application has sought to address the primary areas of concern and the revised layout would ensure bus movements are located furthest further residential properties particularly in the early mornings. Nevertheless, even with a number of conditions seeking to control the use in line with the amended Noise Assessment Report, there will be some loss of amenity caused by the proposed use.

The Environmental Health Manager is satisfied that the most harmful aspects of the the use can be controlled and now raises no objection to the proposed use and therefore a refusal of permission maybe difficult to sustain and Members would need to balance any residual loss of amenity concerns with the benefits of retaining employment and assisting the retention of Compass Buses operating in the town and across the local area.

### *The Visual impact of the development on the National Park and wider landscape.*

As indicated in the policy section of the report Members need to assess the visual impact of the development on the setting of the National Park which is immediately to the west and north-west of the site. Whilst, the modular building is single storey and set into the site and would not have any wider landscape impact the taller workshop building and storage of buses would have some limited visual impact on the setting of the National Park. When viewed from Titnore Lane there would only be glimpsed views during the winter in view of the dense hedgerow and tree screen along the highway verge. The workshop and buses stored on the site would be more visible from more elevated vantage points and from parts of Highdown Hill but they would be seen against the backdrop of the College buildings and the rest of the built up area of the Town. Any visual impact would be therefore negligible.

The National Park has raised no concerns about the proposal other than to raise a potential issue regarding light pollution from rooflights from the workshop building. This has been discussed with the applicant and a condition will limit rooflights located on the west side of the workshop building (facing the National Park unless fitted with blackout blinds). Because of practical issues of fitting blackout blinds and the cost involved the applicant may just propose rooflights on the eastern roofslope.

The existing car park has lighting and the only additional lighting proposed is some security lighting on the building and this can be conditioned to ensure that it involves

down lighters and movement sensitive complying with the National Parks Darker Skies policies.

### *Biodiversity and landscaping.*

As the site is currently a car park and will continue to operate largely as a car park for the College there are limited opportunities to provide both landscaping and biodiversity net gain (as required by policy DM18 of the new adopted Local Plan for Major developments). Nevertheless, there is some landscaping proposed to the east of the new modular office building and the applicant has been requested to investigate (possibly in partnership with the College) some tree and hedge planting adjacent to the new access road and alongside the boundary fencing with Red Kite Way properties. In addition, the applicant has agreed with your Officers suggestion of bird/bat boxes to be located on the proposed buildings.

### *Sustainability*

Although the Compass buses run on diesel and have yet to convert to more greener forms of fuel, buses generally are more sustainable forms of transport ensuring less vehicles on the road and allow cheaper more affordable transport particularly for the elderly. Policies of the Plan encourage enhancement of public transport.

In terms of power for the proposed workshop and Office building the agent submits that the energy solution has not been fixed but it would not involve a gas solution. The agent has expressed concern about the costs of requiring renewable energy on site but is happy to accept a condition requiring details of the final energy solution for the site. The new building regulations would require an element of renewable energy but for commercial buildings if no heating is provided (which may be the case for the workshop building) then no renewable energy solution needs to be provided.

### *Conclusion*

This is a difficult case as your Officers are both sympathetic to the Bus Operator who has been looking for a site for a number of years and the local residents who have experienced disturbance with the unregulated use of the site by the bus operator. The applicant has worked hard with your Officers to try and address all the concerns of local residents and the revised proposal is certainly an improvement on the original submission. Once implemented the revised layout will improve the situation for local residents. The compromise measures now suggested by the applicant will require significant on site management and it will be important that the Company builds a relationship with local residents to ensure that any future problems can be quickly resolved to protect residential amenity.

On balance, it is considered that the benefits of retaining local employment and finding a new location for a local bus operator does outweigh any residual concerns regarding a loss of amenity to local residents. The revised Noise Impact Assessment and support for the mitigation measures by Environment Health helps to tip the balance in favour of recommending the application for approval.

## **APPROVE**

The Committee is recommended to approve this application, subject to the satisfactory comments of the Highway Authority and the following planning conditions (and any additional conditions recommended by Environmental Health):

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

1. All bus movements should be in accordance with the revised layout to avoid movements adjacent to residential properties in Red Kite Way with movements in accordance with the 4th Issue Noise Assessment report.
2. No bus movements shall be undertaken other than between the hours of 05:45hrs – 20:30hrs on each day and from Monday to Saturdays other than in cases of exceptional circumstances where buses have to provide replacement cover for other operators (for instance Rail Operators) or in connection with private hire for local schools.
3. The site shall be closed between the hours of 2300 and 0500 other than in connection with any administrative work or cleaning within the modular building.
4. All repairs to buses shall be undertaken within the workshop building and only between the hours of 0800 and 2200 hours other than when urgent repairs are required to keep the fleet operational
5. The operation of the site shall be in accordance with a noise management plan which should be submitted to and approved in writing with the LPA prior to the first use of the buildings hereby approved. The Management Plan shall provide details of management controls to ensure the use of the site in accordance with the approved 4th Issue Noise Assessment report.
6. The workshop shall only be used for the carrying out of light repairs to vehicles and be used ancillary to the use of the site as a bus depot and for other use including any spray painting or bodywork repairs.
7. Details of the external appearance and colour of cladding for the modular building and workshop shall be submitted to and agreed in writing by the LPA prior to the commencement of any building operations and the buildings shall be maintained in accordance with an agreed maintenance schedule
8. Prior to the first use of the buildings hereby approved details of measures to create new habitat on the site with the addition of new bird/bat boxes shall be submitted to and approved by the LPA and installed on the approved buildings.
9. Provision of covered cycle storage in accordance with the approved plans prior to the first use of the approved offices.
10. Details of Landscaping
11. All rooflights installed on the west roof slope of the workshop building shall be fitted with black out blinds. During the hours of darkness the blackout blinds should be deployed to prevent undue light pollution.
12. No external washing of buses beyond 08.30 hours on any day.
13. No reversing beepers to be used on site unless non-tonal

14. Within 3 months of the date of this permission the new southern access point shall be installed. Thereafter, the use of the site shall be strictly in accordance with the revised layout plan with all buses accessing and egressing from the site via the southern access.

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



**Not to Scale**



## **Proposal, Site and Surroundings**

This application relates to the existing Public toilets on the ground floor of the High Street Car Park outside the Guildbourne Centre on its north side and also accessed from Chatsworth Road down the pathway leading to the Guildbourne Centre.

Permission is sought to reconfigure the facilities to create 6 Unisex WC cubicles, separate urinals, a fully accessible unisex WC, a unisex parent and baby cubicle and also a changing places cubicle. Worthing Borough Council has been successful in being awarded a central government grant to put towards a new Changing Places facility.

Each of the 9 unisex cubicles will be accessible from the pathway with the introduction of new inward opening doors. The existing male bathroom will remain a shared space with additional urinals but no cubicles and will retain the existing door and lobby area from the pathway. The 5 existing women only cubicles accessed from a women only shared space including baby change area are to be lost.

## **Relevant Planning History**

None relevant to the determination of the application

## **Consultations**

**Environmental Health:** Any comments will be reported verbally at the meeting.

## **Sussex Police:**

*'Thank you for your correspondence of the 20th June 2023, advising me of a planning application for the reconfiguration and refurbishment of existing public conveniences located in the High Street multi storey car park to provide new public conveniences and changing places including introduction of 7 new doors into west wall at the above location, for which you seek advice from a crime prevention viewpoint.*

*The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.*

*The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.*

*I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime offer the following comments.*

*Consideration should be given to the siting of external CCTV to guard against any potential incidents of criminal behaviour or anti social behaviour.*

*The following documents will be of assistance to the applicant.*

*CCTV guidance for police requirements: [HO \(publishing.service.co.uk\)](http://publishing.service.co.uk)*

*CCTV at Commercial Business*

*<http://www.gov.uk/can-i-use-cctv-at-my-commercial-premises>*

*[CCTV | Search | Information Commissioner' Office \(ico.org.uk\)](http://ico.org.uk)*

*The application of anti-graffiti coatings to the lavatory doors will ensure swift removal of any tagging incidents should they occur.*

*Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues. Recent events that have made national news have become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move sound in public places at night under high quality lighting systems. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020.*

*Finally, construction sites often suffer from thefts, criminal damage, arson and anti social behaviour, all of which can have a major impact on completion dates and overall completion costs.*

*The SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the tenant or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website [www.securebydesign.com](http://www.securebydesign.com)*

*It is also recommended that contact is sought by the developer with local Neighbourhood Police Team (NPT) to establish good relations whilst the development is in the construction phase.*

*The Crime and Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of the Crime and Disorder Act.'*

## **Representations**

3 objections have been received on the following grounds:

1. There should be private women's facilities that exclude men, men's facilities and a disabled/changing facility. Women are losing out in this new configuration. This is unsafe and makes them unsuitable for women.
2. Allowing men to have their own facilities and not women is discrimination. Under the Equality Act 'sex' is a protected characteristic and we need female only spaces to reflect our need for privacy away from men. There have been many reports and articles in the news of sexual harassment in unisex spaces particularly of young girls!

## **Relevant Planning Policies and Guidance**

Worthing Local Plan 2023 - 2036, SP1, SP3, SS1, SS3, DM5, DM6, DM8, DM12 and DM13.

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations.

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

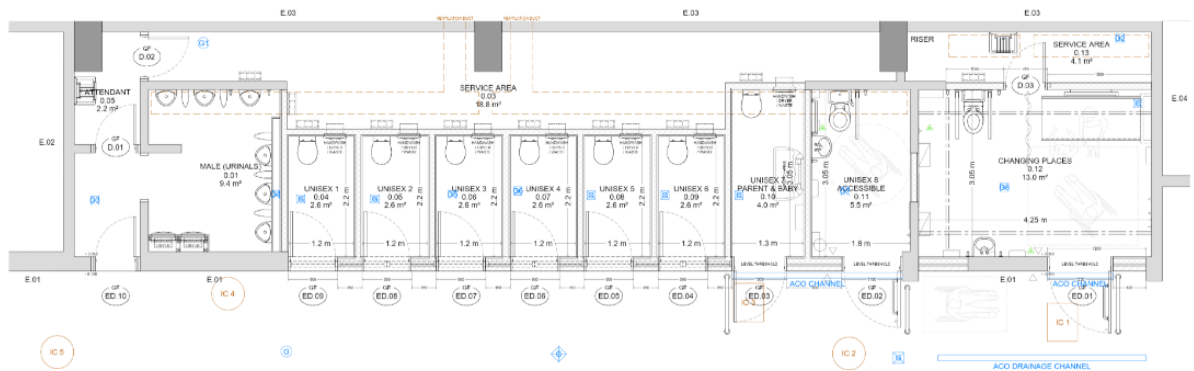
## **Planning Assessment**

### ***Principle***

The principle of enhancing community facilities within the built up area boundary is acceptable. In this case issues of inclusivity, safety and good design, in particular relative to crime prevention matters, should be considered,

Visually the introduction of additional doors in the wall overlooking the passageway into the Guildbourne Centre will have little material impact upon the character of the area and nor it is considered there will be any impact upon the amenities of the nearest neighbouring residential properties.

The comments made by the objectors have been discussed with the applicant who has confirmed that while there are separate male urinals the others labelled as unisex in the plan below are enclosed with toilet and wash basin and therefore there are no male and females sharing washing areas.



Although the unisex toilets could be labelled specifically to male and female, given that the individual toilets all have their own separate facilities, it is not considered that in planning terms a condition could be justified requiring the units to be labelled in such a way.

In conclusion, it is considered that the refurbishment of the toilets will represent a considerable improvement upon the existing situation and accordingly it is recommended that permission be granted.

## Recommendation

### APPROVE

#### Subject to Conditions:-

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

26 July 2023

## Local Government Act 1972

### Background Papers:

As referred to in individual application reports

### Contact Officers:

James Appleton  
 Head of Planning & Development  
 Town Hall  
 01903 221333  
[james.appleton@adur-worthing.gov.uk](mailto:james.appleton@adur-worthing.gov.uk)

Marie O'Keefe  
Senior Planning Officer  
Town Hall  
01903 221425  
[marie.o'keeffe@adur-worthing.gov.uk](mailto:marie.o'keeffe@adur-worthing.gov.uk)

## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

## **8.0 Consultations**

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.