

<b>Application Number:</b>	<b>AWDM/2026/22</b>	<b>Recommendation - APPROVE subject to the completion of a legal agreement securing contributions towards air quality mitigation and sustainable travel.</b>
<b>Site:</b>	<b>Unit 2 To 3, Downlands Retail Park, Lyons Way, Worthing, West Sussex</b>	
<b>Proposal:</b>	<b>External alterations, amalgamation and refurbishment of existing Units 2 &amp; 3, including associated works to the car park including new trolley bay and servicing areas and widening of use to enable the sale of food and drinks, and associated non-food goods from the Unit.</b>	
<b>Applicant:</b>	<b>Worthing Retail Limited</b>	<b>Ward: Offington</b>
<b>Agent:</b>	<b>Montagu Evans</b>	
<b>Case Officer:</b>	<b>Neil Holdsworth</b>	

The Head of Planning presented the report and clarified that the original condition for this retail site was for bulky goods. As such, part of this proposal was to change this condition to retail use.

The Officer explained that the main concerns regarding this application had been access, parking and the impact on the A27. West Sussex County Council Highways Department had concluded that the proposed development would not significantly worsen traffic on the A27, but they had expressed concerns regarding connectivity between the four retail parks. Discussion with the applicant had taken place regarding how pedestrian access and connections could be improved, including the addition of 2 zebra crossings and the clearance of existing, but overgrown, footpaths. Extending the short filter lane for traffic turning west bound onto the A27 was also highlighted as a possible opportunity for improvements.

The Officer clarified that the applicants would be giving a highways contribution of up to £75,000 to deliver these improvements and approximately £30k for air quality mitigation measures.

Members had questions for the Officer regarding how the contribution from the applicant may be used and how we would monitor this. The Officer confirmed that the highway contribution was given to the County Council, with an agreement of the timescale in which it would be spent. The timescale was normally 10 years, although it may be less.

The air quality contribution would come to the Borough Council, although the responsibility for air quality monitoring sits with National Highways and therefore there would need to be a joint approach agreed.

There was one registered speaker from Montagu Evans who gave a representation in support of the application. He addressed Members queries around disabled parking, cycle storage and landscaping. He also confirmed that the current Lidl store in Worthing town would be remaining open.

During debate Members discussed the need for some additional conditions regarding biodiversity and landscaping and the possibility of an informative regarding a review of the demand for disabled parking. They also debated that Air quality monitoring was beneficial but seeking measures to improve air quality also important.

Members concurred that the application was an important one and that it was important to avoid retail space sitting empty. It was also expressed that discount retail stores were in demand due to the current cost of living crisis.

The Legal Officer confirmed the recommendation in the addendum and The Head of Planning confirmed the additional conditions.

It was proposed to accept the Officers recommendation, along with the agreed additional conditions. This was seconded and voted in favour of unanimously.

**Decision - Approved** - To delegate to the Head of Planning to grant planning permission subject to a planning obligation to secure development contributions towards air quality, transport improvements (pedestrian crossing and junction improvements) and Travel Plan monitoring. Additional condition to be added to secure biodiversity improvements within the existing landscaped areas and Informative to be added to ensure that the Travel Plan monitors the demand for disabled spaces and provides additional spaces if demand requires, and the following conditions:

1. The development hereby approved shall commence within 3 years from the date of this planning permission.

**Reason:** To comply with legislation relating to commencement of development.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

**Reason:** For the avoidance of doubt and to facilitate the option of future amendments to the planning permission.

3. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority (who shall consult National Highways). The CEMP must include the proposed construction phase mitigation in the approved air quality impact assessment.

**Reason:** To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

4. The Use hereby approved shall be limited to class E , Part A, Schedule 2, paragraph a) of the Town and Country (Use Classes) (Amendment) (England) Regulations 2020. Namely, for the display or retail sale of goods, other than hot food, principally to visiting members of the public. No other uses, including those in class E or any other part of the Use Classes Order shall take place on the premises at any time without the grant of planning permission by the Local Planning Authority. This is notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other order that may be enacted in its place in the future.

**Reason:** The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

5. Between 15% and 25% of the floor area of the shop floor area that is accessible to the general public shall be used for the sale of comparison goods.

**Reason:** The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

6. Any food and drink sold on the premises hereby approved shall be consumed off the premises.

**Reason:** The development has been justified in retail policy and highways terms on the basis that it comprises a particular use within a subset of the E use class. It is necessary to impose this condition to ensure that any alternative use is reassessed against National and Local Planning Policy.

7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

**Reason:** To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

8. No part of the retail store extension shall be first occupied until such time as until a Servicing Management Plan for has been submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

**Reason** – to safeguard the operation of the public highway.

9. Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan and included with any review should be a review of the number of disabled parking bays (and these shall be

increased if demand exceeds marked spaces. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

**Reason:** To encourage and promote sustainable transport.

10. The development hereby approved shall not be brought into use until such point as the parking layout, as shown on plan number xxx, has been laid out in full.

**Reason:** To provide satisfactory parking arrangements for future users of the proposed development.

11. No part of the development hereby permitted shall be occupied until a lighting framework has been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). The lighting framework shall include details of the impact of lighting on driver safety on the A27 trunk road. The development shall thereafter be undertaken in accordance with the approved details unless otherwise approved in writing by the local planning authority.

**Reason:** To ensure that any proposed lighting will not have an adverse impact on driver safety on the A27 Trunk Road and that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

12. The development hereby approved shall not be brought into use until the measures set out in the sustainability statement (including air source heat pumps and PV panels) have been implemented in full and once installed these features shall be retained for the lifetime of the development.

**Reason:** In the interests of sustainability and to help address the climate emergency.

13. The development hereby approved shall not be brought into use until further details of a programme of ecological and landscape enhancements to the wider retail park, based on the details set out in the design and access statement (and to include new bird boxes), have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of sustainability and to help address the climate emergency.

14. The development hereby approved shall not be brought into use until the acoustic enclosure to the plant at the rear of the site has been constructed in accordance with the specifications set out in the approved plans. Once it has been built it shall be retained for the lifetime of the development.

**Reason:** To provide a satisfactory standard of development and to ensure that adjacent premises are not adversely affected by noise

## Informatives

1. The Council have dealt with the application in a positive and proactive manner.
2. Your attention is drawn to the consultation response from Sussex Police. This directs you to the website at [www.securedbydesign.com](http://www.securedbydesign.com) where the Secured by Design (SBD) Commercial Development 2015 Version 2 document can be found. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g., factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings. This document will be able to provide the applicant with in depth crime prevention advice pertinent to the design and layout.
3. Your attention is drawn to the consultation response from Southern Water which sets out information about water infrastructure in close proximity to the site. You are advised to liaise with Southern Water to determine the exact location of any relevant infrastructure that may be affected by the approved works prior to carrying out the development.
4. National Highways - The CEMP required under condition 3 shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

<b>Application Number:</b>	<b>AWDM/0711/22</b>	<b>Recommendation - APPROVE subject to the completion of a Planning Obligation including contributions towards off site affordable housing and open space provision.</b>
<b>Site:</b>	<b>Columbia House, 4 Romany Road, Worthing</b>	
<b>Proposal:</b>	<b>Erection of a new block to provide 78 residential dwellings with associated secure cycle storage provision, vehicle parking, bin storage and landscaping.</b>	
<b>Applicant:</b>	<b>Columbia House Development Limited</b>	<b>Ward: Northbrook</b>
<b>Agent:</b>	<b>Savills</b>	
<b>Case Officer:</b>	<b>Stephen Cantwell</b>	

The Planning case officer presented the report explaining that Permitted Development Rights had previously allowed Columbia House to be converted from offices to flats. The addition of the top two floors had been approved at a Planning Committee meeting in December 2018, along with permission for construction of 3 new blocks to provide 46 flats and 226.3 sqm mixed use commercial / non-residential space . This application on this agenda sought to combine the three new blocks into one larger block. This would be a more efficient build and slightly higher than the original plans. The permission would also re-grant the addition of the 10 dwellings on the top floor of the original block. The Officer clarified that since the publication of the agenda there had been four further letters of objection received raising objections to the number of flats and car parking issues.

The Officer informed the members that the applicant had increased the amount of contribution they were offering to £300,000 for off-site affordable housing, also that a cycle path contribution of up to £10,000 - £16,000 would be carried forward from the 2018 scheme. There would also be an open space contribution of approximately £66k. The affordable housing amount would be subject of a post development viability review which may lead to an increased sum. He also explained that the commercial spaces originally planned for the ground level of the previously approved blocks were no longer considered financially viable or necessary to overcome previous flood risks, which had since been removed by the Environment Agency's re-survey of the area.

Members had questions for the Officer regarding -

- If the trees on the front of the site were removed would they be replaced with mature trees? The Officer clarified that a condition could be imposed specifying

that advanced nursery standards trees be used, which were thicker girth than standard tree planting and usually approx 8 feet tall.

- The high percentage of one bedroom flats within the development and the fact that no affordable housing was being offered. The Officer explained that the Council's current approach was that first homes were unlikely to provide the affordable housing needed (shared ownership and rented), and an off site contribution was far more effective in meeting these

There were two registered speakers giving representations in support of the application. They addressed the concerns of the Members regarding the amount of one bedroom flats explaining that this was to improve the viability of the site and also to meet housing demands.

The speakers also clarified that the car park spaces within the proposed development consisted of shingle mixed with grass seeds which would in time become green spaces.

During debate Members concurred that they viewed the increase in contribution and the requirement for a post development viability review to be positive revisions to the application. It was considered that this proposed development was sited in an area with wide roads and it would not look out of place. In addition the good local bus service would assist with parking and transport. Members expressed a desire to add a condition that would stop the units being purchased to let, however the Officer advised that would be beyond the remit of planning control. Some members were concerned about the removal of the trees on the site but a member who was familiar with the area explained that the trees had been badly maintained over many years and some had previously fallen into the street, possibly partly due to being shallow rooted, posing a safety hazard. Members were keen to have it noted that they felt future applications for developments of this size should be obliged to incorporate such facilities as car clubs. Bus shuttles are also of interest.

It was proposed to accept the Officers recommendation, along with the additional condition regarding the trees. This was seconded and voted for with a result of 5 in favour and 2 abstentions.

**Decision - Approved** - To delegate to the Head of Planning to secure a planning obligation to include securing of off site affordable housing, open space and cycle path contributions and satisfactory comments of the HSE and Consultant Ecologist. Condition regarding landscaping to require heavy standard trees along the road frontage and subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[drawings to be added]

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. Design Details

The following external details shall not be implemented until large scale drawings (typically 1:20 scale or larger) and cross sections where necessary of the following have been submitted to an approved in writing by the Local Planning Authority in accordance with condition 3 ii) of this permission.

- a) windows and doors,
- b) balconies and balustrades / rails,
- c) roof intersections, soffits, eaves and brise soleil,
- d) rainwater goods

[ any others to be added ].

**Reason:** *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036.*

4. Materials

Notwithstanding the information contained in the current application, no development shall be carried out above slab level, unless and until a schedule and samples of materials and finishes to be used for the external walls (including bricks, cladding, windows, doors, rainwater goods, roofing and brise soleil, and any safety rails and balustrades and their supports and any frame) have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.

**Reason:** *In the interests of visual amenity, to ensure an appropriate standard of development and to comply with policy DM5 of the Worthing Local Plan 2020-2036.*

5. Boundary treatments / Means of Enclosure and Limitation

- i) Prior to any development above slab level details of all fencing including the safety fencing for the Children's Play Area shall first be submitted to and



approved in writing by the Local Planning Authority and shall be implemented prior to the occupation of the development hereby permitted.

- ii) No other or additional means of enclosure which is visible from outside the site shall be erected without the prior written approval of the Local Planning Authority and this condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting that Order.

**Reason:** *To ensure a good quality environment, safety and visual amenity in accordance with Policies DM5 & DM7 of the Worthing Local Plan 2020-2036.*

## 6. Landscape Recreation & Biodiversity

- i) Prior to any development above slab level details of all hard and soft landscaping and a timetable of landscaping works and aftercare shall be submitted to and approved in writing by the Local Planning Authority. The details of all hard and soft landscaping, works and aftercare to be implemented in accordance with that timetable shall include:
  - a) landscape planting, including species, size and number or planting densities,
  - b) Landscape and Ecological Management Plan (LEMP) to demonstrate how any areas of habitat or features of biodiversity importance are to be provided and established
  - c) planting medium/backfilling material,
  - d) ground surfacing materials: type, colour, texture and finish,
  - e) details of outdoor and recreation spaces, play equipment benches and fences
  - f) a maintenance plan to ensure establishment and aftercare of this detailed scheme of landscaping.
- ii) The details and timetable at i) above shall be adhered to throughout the course of development works. All planting, seeding, turfing and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

**Reason:** *To safeguard and enhance the character and appearance of the site and its biodiversity value in accordance with policies DM5, DM7, DM18 & DM19 of the Worthing Local Plan 2020-2036.*

## 7. Vehicular Access, Parking and Manoeuvring Areas & Timetable

No development above slab level shall take place until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed and brought into use prior to the occupation of the development hereby approved, in accordance with the approved timetable and details shown on the drawing titled Access Plan

and numbered [ 10964/2100 Rev P2 - *check version* ] .

**Reason:** *In the interests of highway safety and amenity and to ensure the retention of delivery and service access for vehicles in accordance with policy DM15 of the Worthing Local Plan 2020 - 2036 and paras 92 & 110 of the NPPF, 2021*

8. Vehicular Access, Parking and manoeuvring

No dwelling shall be occupied until:

- i) all parking spaces and manoeuvring areas have been completed in accordance with the approved plans and shall be retained and kept free for that purpose.
- ii) a parking, delivery and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. This shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation

**Reason:** *In the interests of highway safety and amenity and to ensure the efficient use and retention of delivery and service access for vehicles in accordance with policy DM15 of the Worthing Local Plan 2020 - 2036 and paras 92 & 110 of the NPPF, 2021*

9. Vehicular Access, Parking and Obstructions

No dwelling shall be occupied until road markings and signage have been implemented on site, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority to prevent parking and obstructions along the site access roads/driveway. These details shall be permanently retained and maintained in good condition and visibility so that the roads/driveway are kept permanently clear of parking and obstructions.

**Reason:** *In the interests of road safety and amenity and to ensure adequate unobstructed access in accordance with Policies DM9 & DM15 of the Worthing Local Plan 2020 - 2036.*

10. Cycle Stores and Bin Stores

No dwelling shall be occupied until secure cycle parking stores and bin stores have been provided in accordance with the approved plans, These shall be then kept permanently available and maintained for these purposes.

**Reason:** *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036.*

11. Travel Plan

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

**Reason:** *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036*

## 12. Sustainable Construction & Energy

- i) The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy and Sustainability Report [*reference*] submitted with the current application:
  - i) Energy efficient building fabric and ventilation
  - ii) Air-source heat pump boiler system (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
  - iii) LED internal & external lighting,
  - iv) Efficient water goods and fixtures to achieve <110L/Person usage/day.
  - v) Operational waste management,
- ii) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction contained in the [*reference*] Report below the baseline model including renewable energy, and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day.

The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

**Reason:** *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

## 13. Accessible & Adaptable Homes

All dwellings hereby approved shall be constructed as Accessible & Adaptable Homes in accordance with Category M4 (2) of the Building Regulations Approved Document Part M.

**Reason:** *To accord with the current application and ensure that dwellings are sufficiently accessible and adaptable to meet housing needs in accordance with policy DM1 of the Worthing Local Plan 2020-2036.*

#### 14. Sustainable Surface Water Drainage

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA/ No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. Details shall be supported by an assessment of the risks to controlled waters and any required tree root barrier details. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

**Reason:** *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and paras 167, 169 & 174 of the NPPF 2021.*

#### 15. Drainage Maintenance

No dwelling shall not be occupied until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

**Reason:** *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and paras 167, 169 & 174 of the NPPF 2021.*

#### 16. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any dwelling, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriate qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

**Reason:** *To ensure an accurate record of drainage in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 & NPPF paras 167, 169 & 174.*

#### 17. Foul Water Drainage

No development shall take place until details of foul drainage have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

**Reason:** *To ensure appropriate foul drainage, in accordance with policy DM9*

#### 18. Remediation of Contaminated Land

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A site investigation scheme, based on the Phase I Geo-Environmental Site Assessment (ref. A11816/1.1 April 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority.

**Reason:** *To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020- 2036*

19. A Verification Report demonstrating completion of the works set out in the approved remediation strategy under [*condition x above*] and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

**Reason:** *To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020- 2036*

20. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

**Reason:** *To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020- 2036*

21. Safeguarding of Groundwater/ Approval of Piling

No piling work shall be undertaken unless details (including groundwater investigation) and measures to be undertaken to protect groundwater have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Thereafter the development shall only be carried out in accordance with such approved measures.

**Reason:** *To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with policies DM21 & DM22 of the Worthing Local Plan 2020- 2036*

22. Levels

Development shall not commence (with the exception of any demolition or stripping out), until a survey and plan of existing and proposed site and slab levels, including a freeboard of at least 150mm and provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

**Reason:** *In the interests of clarity and drainage and accessibility and because changes in levels may materially affect the impact of the development.*

23. Noise Insulation and Acoustic Glazing

Prior to commencement of any works above slab level, details of acoustic glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and permanently retained.

**Reason:** *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

24. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [x above] has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

**Reason:** *To safeguard residential amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

25. Noise - Lift Shaft Insulation

Prior to commencement of any works above slab level, a detailed scheme for protecting habitable rooms from noise from the adjacent lift shaft has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development of each phase of development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw + Ctr dB) for walls. Before the residential units in each phase are occupied a test shall be undertaken while the lift is in operation to demonstrate the indoor ambient noise levels within BS8233:2014 and the WHO community noise guidelines are achieved in the adjacent habitable rooms, and shall be permanently maintained as such thereafter.

**Reason:** *To protect residents from noise and vibration in accordance with policy DM22 of the Worthing Local Plan 2020 - 2036*

26. External Plant & Air Source Heat Pumps

No external fixed plant, or mechanical vent or duct, including any air source heat pump or similar apparatus shall be installed until details including acoustic performance, vibration damping and where relevant, odour management, have first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

**Reason:** *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

27. Rooftop Area

Notwithstanding the information contained in the current application, amended details, showing the position, design and means of securing a rail or barrier to limit access to roof edges of the rooftop communal amenity space shall be submitted to and approved in writing by the Local Planning Authority. These rails and/or barriers shall be erected prior to the first occupation of the building in the locations thereby approved and shall thereafter be retained and maintained at all times.

**Reason:** *To limit access to the roof area in order to safeguard the privacy of neighbouring residents and in the interests of design and visual amenity in accordance with policies DM5 & DM22 of the Worthing Local Plan 2020 - 2036*

28. External Lighting – Provision and Limitation

Prior to occupation of the development a scheme of external lighting shall be implemented in accordance with details, including position, type and luminance of lighting, which shall first be submitted to and approved in writing by the Local Planning Authority to provide for site security but minimise risk of light pollution.. No additional external lighting which is visible from outside the site, shall be installed unless details, including design, position and luminance, have first been submitted to and approved in writing by the Local Planning Authority.

**Reason:** *In order to provide lighting as part of safe accessible development and to balance lighting needs with the interests of the appearance and character of the area, neighbouring amenities and highway safety in accordance with policies DM5, DM15 & DM22 of the Worthing Local Plan 2020 - 2036.*

29. Electric Vehicle Charging Points

No development above slab level shall take place until details of electric vehicle charging points and ducting, including number, location, power rating and charge rate, have first been submitted to and approved in writing by the Local Planning Authority and implemented.

**Reason:** *In the interests of sustainable transport and air quality, in accordance with NPPF Paras 102 - 105, 170 & 181 and policies DM15 & DM22 19 of the Worthing Local Plan 2020-2036.*

30. Aerials

Prior to the occupation of the building hereby approved, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building unless details have first been submitted to and approved by the Local Planning Authority.

**Reason:** *To avoid multiple aerial/antenna and / or satellite dishes, to ensure an appropriate standard of development and to comply with policy DM5 of the Worthing Local Plan 2020-2036.*

31. Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-



- i) the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the Air Quality Monitoring Areas.
- ii) the method of access and routing of vehicles during construction,
- iii) the parking of vehicles by site operatives and visitors,
- iv) the loading and unloading of plant, materials and waste,
- v) the storage of plant and materials used in construction of the development,
- vi) the erection and maintenance of security hoarding,
- vii) a commitment to no burning on site,
- viii) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- ix) details of public engagement and notification both prior to and during construction works,
- x) methods to control dust from the site.
- xi) details of hoardings, including information about and images of the development

**Reason:** *In the interests of highway safety and the amenities of the area in accordance with policies DM5, DM15 & DM22 of the Worthing Local Plan 2020- 2036.*

### 32. Hours of Construction

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday	08:00 - 18:00 Hours
Saturday	09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted	

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

**Reason:** To balance the needs of development works with the amenities of neighbouring occupiers, in accordance with *policies DM5 & DM22 of the Worthing Local Plan 2020-2036.*

### 33. Adherence to tree protection details during development works

### 34. Any other appropriate conditions

<b>Application Number:</b>	<b>AWDM/0821/22</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Land South Of Lyne House, 20 Links Road, Worthing</b>	
<b>Proposal:</b>	<b>Outline planning application for 2 no. new detached dwelling houses (access only with all other matters reserved).</b>	
<b>Applicant:</b>	<b>Mr Nick Hyam</b>	<b>Ward: Offington</b>
<b>Agent:</b>	<b>Mr Tim Rodway, Rodway Planning Consultancy Limited</b>	
<b>Case Officer:</b>	<b>Gary Peck</b>	

The Head of Planning presented the report and outlined the application. He explained how the unadopted road narrowed up to the application site and that, due to this, the Waste Services team had previously stated they could only take the collection vehicles so far up the road because of the width. This had led to an informal agreement that residents past this point would bring their bins further down the road. There was also an existing problem of fire vehicle access to residences. This application was seeking to provide a turning head that could provide bin and fire vehicles improved access and a condition had been imposed on that the applicants must finance the installation of a fire hydrant. The Officer clarified that construction traffic would also be an issue but there was a condition requiring a Construction Management Plan. Although many significant trees were to be retained, biodiversity net gain was a consideration and there would be a loss in this case. Any gain would have to be achieved off site. A legal agreement would be required for the applicant to purchase 2.19 credits to enhance other Council owned land. As yet there had been no response from National Highways regarding this but they had agreed to a similar arrangement in the past.

The Officer clarified for Members that as this application involved a private road it was possible that if the application were approved by the Committee it may still be blocked by other issues such as covenants.

There were three registered speakers who gave representations in objection to the application. These speakers were residents who expressed concern over the narrowness of the road and access issues. They felt that the road was already dangerous due to having no passing places and so reversing vehicles were a constant threat. The speakers explained that all the driveways had restricted views which made leaving them unsafe. Often delivery vehicles would stop on the wider part of the road and make their deliveries on foot, which caused visibility issues for other vehicles. In addition vehicles attempting 3 point turns have caused damage to trees, turf and land. One of the speakers confirmed that the hedge to his property had been hit by a vehicle while other vehicles had collided with a road sign and a tree.

*At this point the meeting had been in progress for three hours and so a vote was taken in regard to continuing the meeting. Members voted in favour of continuing.*

The Head of planning read out a representation in favour of the application by the agent.

During the debate the members concurred that even though there were issues regarding the proposed dwellings complying with amenity and emergency vehicle access requirements the existing dwellings also didn't comply in this regard. The addition of a turning head and fire hydrant were considered to be an improvement. Other concerns that had been raised were covered by the conditions that had been added.

It was proposed to accept the Officers recommendation, along with the additional condition regarding the off site biodiversity enhancements. This was seconded and voted for with a result of 6 in favour and 1 abstention.

**Decision - Approved** - to delegate to Head of Planning to issue the planning permission to be granted subject to the completion of a planning obligation securing off site biodiversity enhancements and the satisfactory comments of National Highways and subject to conditions:-

1. Approved Plans
2. Outline Permission
3. Prior to the commencement of the development details showing the proposed location of a fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
4. Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
5. Submission of an Ecological Protection and Mitigation Plan
6. Submission of lighting scheme
7. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving

the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

8. Width of road north of Highdown to be maintained at least 3 metres in width at all times
9. Turn on site to accommodate refuse vehicles to be maintained at all times
10. Construction Management Plan
11. Landscaping and Tree Protection Plan
12. Provision of car parking spaces as per WSCC dimensions
13. Provision of EV charging points
14. Approval of Materials
15. Finished Floor Levels to be approved
16. Hours of Working (8-6 Mon-Fri, 8-1 Sat, no working Sundays, Bank/Public Holidays)

### **Informative**

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%). Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the Council's engineers.

<b>Application Number:</b>	<b>AWDM/1680/22</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Former Worthing College, Bolsover Road, Worthing, West Sussex, BN13 1NS</b>	
<b>Proposal:</b>	<b>Amended Description: Application to Vary Condition 2, 9 and 11 of AWDM/0363/11 to extend residential curtilage to allow the extension of rear gardens of residential dwellings up to the existing acoustic fence within Southern Buffer Strip only. [Planning permission AWDM/0363/11: Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets.]</b>	
<b>Applicant:</b>	<b>Cissbury Chase (Worthing) Management Company Ltd</b>	<b>Ward: Castle</b>
<b>Agent:</b>	<b>Cissbury Chase (Worthing) Management Company Ltd</b>	
<b>Case Officer:</b>	<b>Jo Morin</b>	

The Head of Planning and Development presented the report outlining the background of the application and clarified that this had previously been resolved to approve at the Committee meeting in April 2023 subject to a planning obligation. Since this Committee meeting a couple of residents had dropped out of the scheme and the application site area had been reduced. Officers had also agreed an approach with the applicant ensuring that a planning obligation was not required as the matter could be dealt with by way of planning conditions.

There was one registered speaker, a resident, who gave a representation in support of the application. He explained that a single contractor, who is also a resident, had agreed to carry out all the work at the same time.

During debate the Members noted that it was extremely positive to see such community collaboration in action. They agreed that this was a favourable application and a proposal was put forward to approve. The was seconded and voted in favour of with a unanimous outcome.

**Decision - Approved** - planning permission to be granted subject to conditions:-

Amendments and additions to the conditions of AWDM/0363/11 in **bold**.

1. Discharged condition AWDM/0363/11 (time limit)
2. **Approved Plans (v15.2)**
3. Discharged condition AWDM/0363/11
4. Discharged condition AWDM/0363/11
5. Discharged condition AWDM/0363/11
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no dwelling hereby approved shall be altered or extended unless permission is granted by the Local Planning Authority in an application on that behalf.
7. Discharged condition AWDM/0363/11
8. Discharged condition AWDM/0363/11
9. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the buildings or the completion of the development, whichever is the sooner. **Except for the land to be transferred and highlighted in blue on the approved South Strip Plan (v15.2)** any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of the development hereby permitted.
10. Discharged condition AWDM/0363/11
11. **No development including removal of trees and vegetation or any existing fencing to implement the proposals shall take place until an amphibian and reptile hibernaculum has been provided within the SE corner of the site as shown on Dwg. LLD2267-ECO-FIG-001 and shall thereafter be monitored and maintained as set out in the submitted Biodiversity Enhancement Strategy. No existing fencing shall be moved other than in accordance with Reasonable Avoidance Measures set out in Section 2.4 of the submitted Biodiversity Enhancement Strategy.**
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected or constructed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts any existing or proposed highway(s) (including public paths) unless permission is granted by the Local Planning Authority on an application in that behalf.
13. Discharged condition AWDM/0363/11
14. Discharged condition AWDM/0363/11
15. Discharged condition AWDM/0363/11
16. Discharged condition AWDM/0363/11
17. Discharged condition AWDM/0363/11
18. The buildings shall not be occupied until the parking spaces, garages, access and turning facilities shown on the submitted plans have been provided in accordance with details to be submitted to and approved in writing by the Local Planning

- Authority. The areas of land so provided shall not thereafter be used for any purpose other than access, garaging and parking of vehicles incidental to the use of the proposed development.
19. Secure and covered cycle parking/storage shall be provided for the dwelling and business units within the curtilage of the site in accordance with precise details of numbers and siting which shall be agreed in writing with the local planning authority prior to the commencement of the works. Such agreed cycle facilities shall be provided prior to the occupation of the buildings and shall thereafter be retained for such purposes.
  20. Discharged condition AWDM/0363/11
  21. Discharged condition AWDM/0363/11
  22. Discharged condition AWDM/0363/11
  23. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive.
  24. The dwellings and business units hereby permitted shall not be occupied until refuse and recycling facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities as provided shall thereafter be retained and used only for the storage of refuse and recycling materials.
  25. Discharged condition AWDM/0363/11
  26. Discharged condition AWDM/0363/11
  27. **The acoustic fence shown on the approved South Strip Plan (v15.2) shall be retained in situ at all times unless otherwise approved in writing by the Local Planning Authority.**
  28. **The fencing works necessary to implement the transfer of land shown on plan v15.2 from the southern landscape buffer strip to private residential curtilages shall be undertaken and completed not later than 9 months from the date of this decision.**