

Appendix

1

Application No. AWDM/0620/20	
Site:	Bar 42, 42 Marine Parade, Worthing
Proposal:	Change of use from A4 (Drinking Establishment) to A3 restaurant with new glass screening to top of existing wall, new opening in west elevation patio wall and fixed tables and chairs to south elevation.

The Head of Planning and Development introduced the change of use report which had provoked considerable public interest, with some 223 letters of objection being received. The Officer advised the premises had been run over the past few years not only as a drinking establishment but as a live music venue.

The Officer outlined the application for Members' consideration which included an aerial view of the site, plans and a number of photographs.

The main controversy was the potential loss of the premises as a live music venue and representations had been received from the leaseholder as well as representations from the freeholder, the applicant.

The Officer's recommendation was for refusal for the reasons outlined in the report.

The Members raised no questions for clarification on the presentation.

There were further representations from supporters of the application that had both elected to join the meeting.

During debate it was apparent all Committee Members were in favour of supporting the premises as a bar hosting live music.

Councillor Jim Deen proposed to refuse the application, which was seconded by Councillor Martin McCabe, and a vote taken by roll call. The outcome of the vote was as follows:-

For: Cllrs Atkins, Baker, Deen, High, McCabe, Silman, Westover and Wills

Against: 0 Abstain: 0

Decision

Members agreed to **REFUSE** the application for the following reason:-

The proposal would result in the loss of a highly valued community use which would have a detrimental impact on Worthing's local music scene and night-time economy, and it has not been demonstrated that the premises are unsuitable for such a use. The proposal is therefore contrary to Worthing Core Strategy Policies 3, 5 and 11 and paragraph 92 of the National Planning Policy Framework.

Application No. AWDM/0537/20	
Site:	Medical Supply Company 24A Upper High Street Worthing West Sussex
Proposal:	Use of the premises for manufacture and distilling gin, plus ancillary storage and visitor tours/experiences.

The Planning Services Manager advised there were no further Officer updates to the report and was aware that the Committee Members had been supplied with additional information from the applicant.

The Officer ran through his presentation, which included a bird's eye view of the site, a location plan, layout plan and a number of photographs.

The Officer's recommendation was for approval.

Members raised queries on the presentation for clarification which were answered in turn.

There were further representations from an objector, whose written representation was read out by an Officer, and a representation from the applicant, who had elected to join the meeting.

Some Members raised points of clarification with the applicant, which included neighbouring residents' concerns with parking issues in the vicinity and managing the number of visitors on the premises.

At this point, Councillor Martin McCabe advised he had lost connectivity. The legal advice given was that he should abstain from voting, which he accepted but requested it be noted that he was in support of the application.

During debate, Members were keen to encourage and support small businesses in the town and ensure the applicant complied with the Officer's conditions set out within the report.

A proposal was put forward by Councillor Paul Westover to approve the application but to remove condition 11 and include an agreed informative on a transport strategy. Councillor Paul Baker seconded the proposal.

Councillor Jim Deen proposed an additional condition be included for an agreed travel plan for visitors to meet the concerns of local residents. He proposed this include guidance on parking, other arrangements for travelling to the site and to encourage sustainable transport.

The Head of Planning Development advised any additional conditions imposed should be precise, enforceable and reasonable and suggested the submission of a travel plan statement to encourage sustainable transport and considerate parking.

Councillor Jim Deen agreed the suggested wording by the Officer and his proposal was seconded by Councillor Helen Silman.

A separate vote was taken by roll call to agree the proposed additional condition and the vote was as follows:-

For: Cllrs Atkins, , Deen, High, Silman, Westover and Wills

Against: Cllr Baker

Abstain: Cllr McCabe

A final vote was taken by roll call to approve the application, but replace the original condition 11 with a new condition 11 requiring the submission of a travel plan to encourage sustainable transport initiatives, and the vote was as follows:-

For: Cllrs Atkins, Baker, Deen, High, Silman, Westover and Wills

Against: 0

Abstain: Cllr McCabe

Decision

The planning application was **APPROVED**, subject to deletion of condition 11 relating to cycle parking and its replacement with a new condition 11 requiring the submission of a travel plan to encourage sustainable transport initiatives, and the following conditions:-

1. Approved plans
2. Standard time limit
3. No working, trade or business for the manufacture and production of spirit drinks including the arrival, reception or dispatch of deliveries, shall take place on the premises except between the hours of 08.00 and 18.00 on Monday to Saturday and between the hours of 10.00 and 16.00 on Sundays, Bank and Public Holidays.
4. The use of the premises for visitor tours, experiences, tasting sessions or other related events and activities including retail trade shall at all times be ancillary to the primary use of the premises for the manufacture and production of spirit drinks.
5. Notwithstanding, the provisions of the GPDO the premises shall only be used for the manufacture and distilling of gin, together with its bottling, labelling, packaging, storing and distribution and visitor tours/experiences within Class B1c of the Town and Country Planning Use Classes Order.

6. At no time shall the first-floor of the building be used for visitor tours, experiences, tasting sessions or other related activities and events.
7. No visitor tours, tasting sessions, experiences, events or other related activities shall take place on the premises except between the hours of 10.00 and 20.00 on any day.
8. All visitor tours, tasting sessions, experiences, events and other related activities taking place on the premises shall be pre-booked by visitors/customers in advance. At no time shall walk-in trade or custom take place on the premises without a pre-booked appointment/session.
9. Visiting groups to the premises for the purpose of visitor tours, tasting sessions, experiences, events and other related activities shall not exceed 10 persons and at no time shall there be more than one visiting group on the premises at any one time.
10. No external plant, flues, ducts, vents or pipes shall be fixed or fitted to any wall or roof of the building.
11. The submission of a travel plan to encourage sustainable transport initiatives and approval after submission.

Application No. AWDM/0617/20	
Site:	36 Valencia Road, Worthing, West Sussex BN11 4QD
Proposal:	Change of use of 6no. bedroom dwellinghouse (Use Class C3) to 9no. bedroom House of Multiple Occupation (HMO - Sui Generis) including rear bike storage to east and 1no. additional bin store to west.

The Head of Planning and Development introduced the report and ran through the presentation for the Committee Members. He advised that there had been a number of issues raised in respect of the application from local residents, these being mainly the increase in traffic and noise and disturbance.

Members were shown a number of plans and photographs to assist in their consideration of the application for the change of use and reminded that without planning permission, the premises could be used as a small HMO with up to six residents.

During the presentation, the Officer referred to a structure under construction in the rear garden, and following contact with the applicant they had indicated it would be for a small office for the business to manage the HMO and address any tenant issues. The applicant had been advised that the structure would require planning permission as it would not be covered by Permitted Development Rights (PDRs).

Referring back to local residents' concerns, the Officer advised they were in relation to the loss of parking and a family dwelling, together with the potential for noise and disturbance.

The Officer's recommendation was for approval.

Members raised queries on the presentation for clarification which were answered in turn by the Officer.

There were further representations from three objectors who all joined the meeting, and a supporter whose representation was read out by an Officer.

During the debate, a Member expressed the view that there were too many large family homes being converted to flats or HMOs, concentrated within the Heene Ward, which had the potential to cause more problems for local residents. The Officer responded by stating that he felt it was a reflection of the acute housing need within the Borough, with so many residents unable to get on the housing ladder, and HMOs provided valuable,

shared accommodation housing. He said the key issue was whether the Committee felt there were sufficient grounds to refuse the application due to the impact of three additional residents in the area.

Some Members felt there was a need to balance the feelings of local people and those who needed temporary accommodation and that six tenants would be acceptable but not the extra three.

The Head of Planning and Development advised Members they would need clear grounds for refusal of the application.

The Officer stated the location was adjacent to a busy commercial area, close to a train station, and that government policy was to increase densities, particularly in sustainable locations. As a result there would be the potential for the applicant to go to appeal and quote government guidance and Council's guidance from the private sector team that HMOs provided an important role in meeting our housing needs.

Councillor Noel Atkins proposed to refuse the application on the grounds of considerable overdevelopment of the site, which was seconded by Councillor Paul Westover, and a vote taken by roll call. The outcome of the vote was as follows:-

For: Cllrs Atkins, Baker, Deen, High, McCabe, Silman, Westover and Wills
Against: 0 Abstain: 0

Decision

The planning application was **REFUSED**, for the following reason:-

The proposal would result in an overdevelopment of the site given the size of the property and the number of residents proposed.

The meeting was adjourned at 8.15pm and reconvened at 8.25pm.

Application No. AWDM/0876/20	
Site:	Land West of 5 Ham Way, Worthing
Proposal:	Proposed 3no.two bed flats and 3no. one bed flats within 2no.chalet style bungalows buildings and associated external works.

The Planning Services Manager introduced the report and updated Members on additions to the report since the agenda was published. He advised that should the application be granted, it would be subject to five additional conditions and an informative suggested by consultees.

The Committee Members were shown an aerial view of the site, various plans and photographs to assist in their consideration of the application.

The Officer's recommendation was for approval.

There were no further representations.

Councillor Martin McCabe proposed to approve the application, which was seconded by Councillor Jim Deen, and a vote taken by roll call. The outcome of the vote was as follows:-

For: Cllrs Atkins, Baker, Deen, High, McCabe, Silman, Westover and Wills

Against: 0 Abstain: 0

Decision

The planning application was **GRANTED**, subject to the following conditions:-

- 01 Approved Plans
- 02 Full Permission
- 03 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-
 - the anticipated number, frequency and types of vehicles used during construction

- HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development
- the erection and maintenance of security hoarding
- a commitment to no burning on site
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- details of public engagement both prior to and during construction works. Methods to control dust from the site

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

- 04 Details of Mechanical Ventilation with Heat Recovery and summer bypass for all of the units.
- 05 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.
- 06 Development shall not commence 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. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. 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.
- 07 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
- 08 Approval of Materials
- 09 No work for the implementation of the development hereby permitted (including demolition works) shall be undertaken on the site except between the hours of

08.00 and 18.00 on Monday to Friday and between 09.00 and 13.00hrs on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.

10 Hard and Soft Landscaping

11 No windows...eastern elevation...

12 Obscured Glazing opening on eastern side

13 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved site layout plan no. 2.01 Rev B.

Reason: *In the interests of road safety.*

14. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site layout plan no. 2.01 Rev B. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: *To provide car-parking space for the use.*

15. 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 to be 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.*

16. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with the approved site layout plan no. 2.01 Rev B.

Reason: *To provide sustainable travel options in accordance with current sustainable transport policies.*

17. Prior to the commencement of development, details of measures to ensure a sustainable development (including but not limited to methods of construction, insulation, and future heating provision) shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: *To ensure the development is constructed in line with sustainable principles.*

Informatives:

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 percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

Application No. AWDM/0747/20	
Site:	The Aquarena, Brighton Road, Worthing
Proposal:	Details of Development: Application for minor material amendments to vary Condition 1 of approved AWDM/0607/19: Amendment to the design, form and appearance of the pavilion cafe building.

The Head of Planning and Development outlined the report for Members which was an application for the redesign of the roof of the pavilion cafe building located in the south east corner of the site onto the promenade.

Members were shown a number of plans and Computer Generated Images (CGIs) to assist Members in their consideration of the application.

The application proposed the replacement of the pitch roof with a metal flat roof of a similar yellow colour, as well as changes to the exterior of the cafe to improve security to the building. The Officer felt it was more of a restrained approach but a less dominant and easier structure to build and maintain.

The Officer's recommendation was for approval.

Members raised queries with the Officer for clarification, which were answered in turn. One Member had asked at what stage of the development did Officers envisage the building being constructed.

Following discussion, the Officer agreed that, if approved, to delegate to Officers, in consultation with the Chairman, to agree a form of wording for an additional condition to secure the completion of the cafe building.

There were no further representations.

Councillor Paul High proposed to approve the application, with the additional condition as outlined by the Officer, which was seconded by Councillor Noel Atkins, and a vote taken by roll call. The outcome of the vote was as follows:-

For: Cllrs Atkins, Baker, High, McCabe, Westover and Wills

Against: Cllrs Deen and Silman

Abstain: 0

Decision

The planning application was delegated to the Head of Planning and Development with a view to planning permission being **GRANTED**, subject to an additional condition ensuring the completion of the cafe before the occupation of a certain number of flats (the number to be agreed with the developer in consultation with the Chairman), and the following conditions:-

1. Standard 3-year time limit
2. Prior to the commencement of development precise details of the external cladding of the pavilion café shall be submitted to and approved in writing with the LPA.
3. Prior to the occupation of the café a management plan for the green roof shall be submitted to and approved in writing by the LPA and thereafter implemented in accordance with the approved details.
4. The principle of a condition requiring the completion of the cafe prior to the occupation of a certain number of dwellings, with that dwelling number to be agreed under delegated powers in consultation with the Chairman.

All other conditions which have not been discharged in relation to AWDM/0607/19 to be also added to the decision notice.