

Application Number: AWDM/0166/20	
Site:	<b>Land Site West of Fulbeck Avenue, Northbrook</b>
Proposal:	Application under Regulation 4 for full planning permission for the erection of 152 apartments including 30% affordable provision, consisting of 51 no. 1-bedroom apartments and 101 no. 2-bedroom apartments, with associated car and cycle parking, open space, landscaping and new access to land to the west of Fulbeck Avenue.

*A detailed addendum had been circulated to Members prior to the meeting, and it was confirmed to the Chair they had read and understood its contents. The addendum had also been added to the website.*

The Head of Planning and Development introduced the report and advised Members the application had been considered back in October 2020 where there had been a resolution to grant subject to completion of a S106 agreement, and to resolve outstanding drainage concerns. The decision had been delegated in consultation with the Chairman on the basis there were no objections received from the relevant drainage authorities. However, there were still outstanding concerns hence the reason for the application returning to the Committee again for consideration.

As there were new Members on the Committee since the application had been considered in October 2020, the Officer ran through the background and detail of the application.

The key issue that had remained since the delegation to grant permission had been around drainage. The Officer advised it was a complex site from a drainage perspective and to assist Members were shown an aerial photograph of the site.

The Officer advised it was a site allocated in the emerging Local Plan, and contrary to the views expressed by the Local Lead Flood Authority (LLFA), the Council had followed the appropriate sequential assessment and reminded Members that there was a severe lack of land for development in Worthing, with a significant shortfall of some 10,000 dwellings. He advised this was clearly a material consideration when dealing with the application.

The Officer advised Members that the applicant was committed to assist the Council in implementing improvements to the bank which acts as a dam to Somerset's Lake. To this end areas of the site would be reserved to be available to assist the implementation of any solution to reduce the risk of a breach of the adjoining lake. These matters would be included with the draft s106 agreement.

The Officer referred Members to the addendum and advised that the County Council, as the Lead Flood Authority, had been involved in some very detailed discussions and had clearly indicated that should the development solve the current flood risk from Somerset Lake, then they would support the scheme. However, they had further stated that their preference would be for a flood defence solution for the lake to be in place before implementation of the development.

The Officer provided further detail for Members and advised that the key issue was ensuring that any development would not prejudice the implementation of a flood management solution on adjoining land. Furthermore approving the development would unlock CIL funding to help facilitate the implementation of a scheme on adjoining land. He added that a Joint Officer Member Board meeting had recently agreed to the early release of £50,000 from Community Infrastructure Levy (CIL) funding to start the detailed design work on the options/best solutions for addressing the flood risk of the adjoining lake. The Officer further advised that the adjoining land owner was willing to co-operate and had agreed that a further Consultants report was necessary to assess in detail how to reduce the risk of a breach of the lake defences.

The Officer said that the County Council, and to some extent the Technical Services team, had reservations throughout the discussions on the proposed development and they had felt part of the solution should be to take away part of the development site. However, given the limited land available, from a planning perspective, and for the emerging Local Plan, Officers did not feel that development land should be lost that could provide valuable affordable housing and make a significant contribution to meeting some of the Councils' future housing needs.

The Officer referred Members to page 13 of the addendum, the section entitled 'Requirements for Overcoming Objection', which listed 10 points and he advised a meeting had been held during the week with the applicant's Consultants agreeing to address these outstanding points. He further advised the Environment Agency had now raised no objection and were satisfied in terms of pluvial flooding.

The Officer accepted it was a complex matter and invited Members' questions for clarification. A number of Members raised queries with the Officer which were answered in turn to their satisfaction and included clarification on:-

- the amount of units on the site/potential flood risk;
- Somerset Lake and issue with dam;
- use of CIL funding; and
- climate change modelling.

There were further representations from two supporters.

The Chairman allowed Members to raise queries with the registered speakers for further clarification.

During debate, there was still some concern expressed regarding the outstanding issues raised by the Councils' Technical Services Team and West Sussex as the LLFA, together with the proposed use of CIL funding. However, following further discussion, the majority of the Committee felt it was necessary to look at the wider social value with 152 homes being proposed to include a high percentage of affordable homes and therefore agreed the Officer's recommendation to further delegate the decision to resolve the remaining issues regarding fluvial and pluvial flood risk and the completion of the s106 agreement.

## Decision

The Planning Committee **AGREED** that planning permission be delegated to the Head of Planning, in consultation with the Chairman, to resolve the outstanding drainage issues and the completion of a s106 agreement, subject to the conditions set out in the original report and the additional drainage conditions recommended by consultees and added below:

### 1. Approved Plans

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.

Reference/Drawing Number	Version	Date Rec
Insert numbers [Xx	xxxxxxxxxxxxxxxxxxxx	xx.xx.20xx]

### 2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.

### 3. Sustainable Design and Energy

The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy & Sustainability Statement dated January 2020 (Reference: UL-HYD00-ZZ-RP-ME-0001) submitted with the current application:

- Energy efficient building fabric,
- LED internal & external lighting,

- Community boiler / Air-source heat pump boiler system to achieve a 19% improvement on Part L 2013 Building Regulations (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
- Operational waste management,
- Efficient water goods and fixtures to achieve <105L/Person usage/day.

Written confirmation 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 been achieved including any proposed remedial measures if they have not, in which event the remedial measures thereby approved shall then be implemented.

**Reason:** To ensure sustainable construction and renewable energy provision and the provision of accessible, adaptable and wheelchair homes and accessible spaces to meet local needs in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 150-154 of the NPPF, 2019.

#### 4. 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 policies 8 & 10 of the Worthing Borough Council Core Strategy 2011 and para 61 of the NPPF, 2019.

#### 5. External materials to be approved

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

**Reason:** In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 124 - 131 of the NPPF, 2019.

#### Landscape & Biodiversity

#### 6. Soft landscaping to be approved, provision to replace any which subsequently die/are removed.

i) Prior to commencement of any works above slab level details and samples of all hard and soft landscaping and a timetable of landscaping works and aftercare has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) landscape planting, including species, size and number or planting densities,
- b) planting medium/backfilling material,

- c) ground surfacing materials: type, colour, texture and finish,
  - d) details of any pavilions/loggia or similar structures, seating, boulevards, and raised beds,
  - e) 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 13 & 16 of the Worthing Borough Council Core Strategy 2011.

8. Arboricultural method and tree protection measures to be adhered to

- i) All tree protection works shall be fully implemented in accordance with BS 5837:2012 Trees In Relation To Design, Demolition and Construction and the Arboricultural Implications Report by SJA Arboricultural Consultants, dated [ interest amended version] including the Protection Measures at Appendix 1 and Tree Protection Plan at Appendix 3. Pruning works to retained trees shall, only be undertaken in accordance with section 5.1 of the Report, unless otherwise approved in writing by the Local Planning Authority.
- ii) At least seven days advance written notice shall be provided by the applicant and received by the Local Planning Authority and Council Tree Officer, of the intended commencement of development, works, and
- iii) A pre-development site meeting between the Council Tree Officer and the applicants Tree Consultant and Building Contractor, shall take place before the commencement of development works.

All tree protection works and procedures, including regular supervision and monitoring shall be undertaken and maintained during the duration of the development works hereby approved.

**Reason.** To safeguard retained trees throughout the period of development works. In the interests of the appearance and character of the site and its surrounding, public and neighbouring amenities and biodiversity, in accordance with policies 13,14 & 16 of the Worthing Borough Council Core Strategy 2011.

9. Landscape Ecological Management Plan (LEMP)

Prior to the commencement of development, including site clearance (s) a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how any areas of habitat or features of biodiversity importance are to be maintained and new biodiversity enhancement measures are to be provided in the development hereby approved. The content of the LEMP should include the following provisions:

- i) Description and evaluation of features to be managed.

- ii) Provisions for site clearance works, including a timetable for these works,
- iii) Provisions for protection measures for the neighbouring Site Of Nature Conservation Interest (Titnore and Goring Woods)
- iv) Measures for biodiversity enhancement
- v) Ecological trends and constraints on site that might influence management.
- vi) Aims and objectives of management.
- vii) Appropriate management options for achieving aims and objectives.
- viii) Prescriptions for management actions.
- ix) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- x) Details of the body or organization responsible for implementation of the plan.
- xi) Provisions for further survey works in the event that development, or any phase of development is not implemented before 15th October 2021
- xii) On-going monitoring and remedial measures.

The provisions of the LEMP shall thereafter be fully implemented and adhered to.

**Reason.** In the interests of biodiversity in accordance with policy 13 of the Worthing Borough Council Core Strategy 2011 and paras 170 & 175 of the NPPF, 2019

#### 10. Children's play area

Prior to the provision of the Central Open Space (immediately to the south of Block 3), details of play equipment, including measures for safe play, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall thereafter be fully implemented and permanently maintained

**Reason.** To ensure appropriate on-site provision for play and its future maintenance, in accordance with policies 11 & 12 of the Worthing Borough Council Core Strategy 2011 and paras 92 & 96 of the NPPF, 2019.

#### 11. Boundary treatments / means of enclosure, child-safety fencing and prevention of access to SNCI.

No dwelling shall be occupied until details of all boundary walls and/or screen fences have been submitted to and approved in writing by the Local Planning Authority. This shall include: i) safety fencing associated with children's play areas and watercourses; exclusion fencing, to prevent access from the site into the neighbouring land to the north and west (a Site of Nature Conservation Interest) and iii) all other means of enclosure. No dwelling shall be occupied until all such walls and/or fences thereby agreed at i) – iii) above have been erected and shall thereafter be permanently maintained.

**Reason:** To ensure a good quality environment, management of crime risk and careful consideration of the landscape character and setting of the nearby conservation area, listed buildings and National Park in accordance with policies 2, 13 & 16 of the Worthing Borough Core Strategy, 2011.

#### 12. External lighting

No external or street lighting shall be erected or installed without the prior approval in writing by the Local Planning Authority of a lighting scheme, including measures

to minimise light-pollution. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme.

**Reason:** In order to balance lighting needs with the interests of the character of the area and wider landscape, including the nearby South Downs National Park, which is a designated International Dark Skies Reserve, and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and NPPF, 2019 para 180.

## Highways & Access

### 13 Provide site access and visibility

No dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas within the site, have been completed in accordance with the approved plans including 2019/4938/003 Rev C. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

**Reason:** In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 12 of the Worthing Core Strategy 2011 and para 108 of the NPPF, 2019.

### 14. Provide parking spaces - including car club, wheelchair user and visitor space

No dwelling shall be occupied until the car parking for that dwelling and associated turning space has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles and visitors, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

**Reason:** In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 106 & 110 of the NPPF, 2019.

### 15. Electric vehicle charging points to be approved (including power rating)

Live charging points for electric vehicles shall be provided prior to the occupation of any dwelling in accordance with details including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable transport and air quality, in accordance with NPPF Paras 102 - 105, 170 & 181 and policy 19 of the Worthing Core Strategy 2011 and Saved policy RES7 of the Worthing Local Plan 2003.

### 16. Provide cycle parking

No dwelling shall be occupied until secure cycle parking stores for that dwelling have been provided in accordance with the approved plans. The approved stores shall thereafter be retained at all times for their designated purpose.

**Reason:** In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003.

17. Engineering specification for roads and bridging structures

No dwelling shall be occupied until construction details of the vehicular access and manoeuvring, any bridging structures (s) and parking areas within the site and surface water drainage for roads and parking areas (including provision to prevent surface water draining onto the public highway), and including engineering cross-sections and specifications, have been submitted to and approved in writing by the Local Planning Authority in consultation with WSCC as Highway Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

**Reason:** In the interests of highway safety, to ensure provision of robust and drained access, parking and manoeuvring areas, and bridging suitable for servicing, refuse and emergency vehicles, in accordance with policy 12 of the Worthing Borough Core Strategy, 2011.

18. Site and slab levels and ramps to be approved, no subsequent raising of levels.

Prior to the commencement of development, with the exception of site clearance works, a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance 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. This condition shall apply notwithstanding any information contained in the current application.

**Reason:** In the interests of clarity and acknowledgement of raised floor levels for flood risk and because further changes in levels may materially affect the appearance and impact of the development, in accordance with policies 15 & 16 of the Worthing Borough Council Core Strategy 2011 and the NPPF, 2019

19. Public footpath - upgrading works and connections to Fulbeck Avenue to be approved

No development above slab level shall take place until a scheme setting out a programme of improvement works for the surface of Public Right of Way FP3114 which runs along the eastern boundary has been submitted to and approved in writing by the Local Planning Authority. Improvement works shall be carried out in accordance with the approved programme of works. No dwelling shall be occupied until the programme of improvement works have been implemented.

**Reason:** In the interests of sustainable transport and maintaining the value of the public right of way in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and the NPPF, 2019.

20. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan 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 policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and the NPPF, 2019.

## Drainage

### 21. Surface water drainage

No development other than site clearance shall take place until details of surface water drainage and its means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the drainage works have been fully completed in accordance with the approved details. The details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout its lifetime. Thereafter, the drainage works shall be managed and maintained in accordance with the approved details for the lifetime of the development.

**Reason:** To ensure appropriate drainage, including sustainable drainage principles, in accordance with policies 12 & 15 of the Worthing Borough Core Strategy, 2011 and policy RES7 of the Worthing Local Plan, 2003.

### 22. Foul water drainage

No development other than site clearance shall take place until details of the foul drainage have been submitted to and approved in writing by the local planning authority. No dwelling 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 12 of the Worthing Borough Core Strategy, 2011.

### 23. Remediation of contaminated land

1. Prior to the commencement of development, with the exception of site clearance works, an investigation and risk assessment shall be undertaken to establish whether topsoil and made ground at the site is contaminated and to determine the potential for pollution in accordance with the requirements of Environment Agency's 'Land Contamination: Risk Management (LCRM, 2020), or any updated version of those documents.
2. Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation

scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Following completion of measures identified in the approved remediation scheme at ii) above a verification report must be submitted to and approved in writing of the Local Planning Authority.

**Reason:** To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with saved policy RES9 of the Worthing Local Plan 2003 and in accordance with NPPF, 2019 paras 179 & 180.

24. 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 saved policy RES9 of the Worthing Local Plan 2003 and in accordance with NPPF, 2019 paras 179 & 180.

25. Safeguarding of groundwater/ approval of piling No piling work shall be undertaken unless details of 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 safeguard water resources, including groundwater due to the location of the within Source Protection Zone 1 and in the vicinity of a Public Water Supply Abstraction point, in accordance with policy RES7 of the Worthing Local Plan, 2003.

#### Neighbouring Amenity

26. Balcony screens to be approved

No development above slab level shall take place until details of balcony screens to be used at first floor level and above at Block 5, to minimise risk of overlooking to existing neighbouring properties, have first been submitted to and approved in writing by the Local Planning Authority screens shall be fully implemented prior to the occupation of Block 5 and permanently maintained thereafter

**Reason:** To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

27. Obscure glazing on upper floor windows to be approved

- i) All lounge windows at or above first floor level in the south-easternmost flats in the southern end elevation of Block 5, shall be permanently fixed and unopenable up to 1.7m above internal floor levels and permanently glazed with uncoloured obscured glass) also up to 1.7m above internal floor level (obscuration equivalent to or greater than Pilkington Obscure Glass 4)

**Reason:** To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

#### Other Matters

#### 28. Noise insulation and ventilation

No development above slab level shall take place until details of measures for acoustic mitigation and ventilation, including the extent of dwellings to which 15 such measures are to apply, have first been submitted to and approved in writing by the Local Planning Authority and these acoustic mitigation and ventilation measures shall be implemented prior to the occupation of each applicable dwelling and permanently maintained thereafter.

**Reason:** To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003 29.

#### External plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme

**Reason:** To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003

#### 30. Bin stores

Prior to the occupation of each dwelling the recycling and refuse bin store serving that dwelling shall be provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

**Reason:** To ensure adequate internal storage space for recycling and refuse in accordance with policies 12 & 17 of the Worthing Borough Core Strategy 2011 and the interests of highway safety and residential and neighbour amenities.

#### 31. Fire hydrants

No development above slab level shall take place until details of fire hydrants to be installed at the site have first been submitted to and approved in writing by the Local

Planning Authority and these shall be implemented prior to the occupation of each applicable dwelling and permanently maintained thereafter.

**Reason:** To safeguard the residential amenities of the area in accordance in accordance with policy 12 the Worthing Borough Core Strategy 2011

32. Secure by Design

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to in the development of the relevant phase.

**Reason:** To ensure a well-designed, good quality and safe environment in accordance with policies 16 & 19 of the Worthing Borough Core Strategy, 2011 and section 17 of the Crime & Disorder Act 1998 and paragraph 91 of the NPPF, 2019.

Construction process

33. Archaeological investigation works and reporting to be approved

No development shall commence within the site until:

- a) A written scheme of investigation (archaeological work) which should include on-site field survey and recording and the analysis reporting publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**Reason:** To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works in accordance with Policy 16 of the Worthing Core Strategy 2011 and NPPF, 2019 para 189.

34. Construction Management Plan to be approved

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,
- 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, including public information to explain the development,
- 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.
- details of dust suppression

**Reason:** In the interests of highway safety and the amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

35. Hours of work No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.00 and 13.00 on Saturdays and not at any time on Sundays or Public Holidays.

**Reason:** In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003

And any other appropriate conditions 20-10-2020

36. 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.”
37. 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.”

38. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site. “
39. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, 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 independent 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.
40. The development shall be carried out in accordance with the submitted Flood Risk Assessment documents (1. 'FRA Addendum Rev D', Project Ref: 49211/4007, Rev: D, dated May 2021, by Stantec; 2. Plan 'Proposed Site Detail and Additional Mitigation, Ref: 49412/4008/Figure A, dated 11.05.21; 3. 'Fluvial Model Review document v5', Reference '2d\_zsh\_SWPond\_TOB-raise\_100') and the following mitigation measures detailed therein:
- Finished floor levels shall be set no lower than those quoted in Table 5.1 on page 22 of FRA Addendum Rev D.
  - All mitigation measures shown in the submitted plan (Proposed Site Detail and Additional Mitigation, Ref 49412/4008/Figure A) must be implemented.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to ensure flood risk is not increased elsewhere. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. Please notify us immediately if you are unable to apply our suggested condition, to allow further consideration and advice.

#### 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"

"Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse."

*The meeting was adjourned at 8.20pm, and reconvened at 8.25pm.*

Application Number: AWDM/0589/21	
Site:	<b>Grafton Multi Storey Car Park, Augusta Place, Worthing</b>
Proposal:	Application for a mixed use (3 years from the first occupation) for the siting of an open seating area, flexible events space, and relocatable buildings providing for a mix of leisure, food, and drink uses together with associated cycle storage, refuse storage, renewable energy generation, and landscaping.

The Planning Services Manager introduced the report and updated Members with regard to the Officer's recommendation which was to approve the application, subject to receipt of an acceptable noise assessment, now received and outlined by the Officer. He advised the Environmental Health Officer (EHO) had accepted the noise assessment but had recommended a noise management plan also be submitted. The Officer stated the plan had now been received, which the EHO had accepted in principle, but would need to go through the final details. The Officer advised there was therefore a slight change to the wording of the Officer's recommendation in the report.

The Officer ran through his presentation which included a number of plans, CGIs and site photographs. He advised the key issue for Members to consider was the impact on neighbours, particularly Knightsbridge House, although no objections had been received from residents.

Two Members raised queries with the Officer for clarification, which included the provision of toilet facilities. The Officer advised it was a unique application and the applicant had proposed to use the toilets in the car park and was in negotiations with Technical Services to re-open them. The Officer had discussed the matter with the Environmental Health Officer who had not objected however, felt the toilets needed to be well signposted.

Another Member query was in relation to sustainable measures to be undertaken by the applicant. The Officer advised the matter had been raised in the Design & Access Statement and said if Members were so minded a condition could be imposed which would include more detail.

There was a further representation from a supporter.

Following a short debate, the Committee Members unanimously voted in favour of the application, subject to the agreement of the Environmental Health Officer to the noise management plan and to include detail regarding disposal of waste.

## Decision

The Planning Committee agreed to delegate the decision to the Head of Planning and Development to **APPROVE**, subject to the the agreement of the Environmental Health Officer to the noise management plan, detail regarding disposal of waste, and subject to the following conditions:-

1. Approved Plans
2. Temporary Permission - 3 years
3. Hours of use 0700-2300 hours (provided acceptable noise assessment report is received)
4. Flexible spaces and uses to be provided and used in accordance with information provided within the Design and Access Statement.

Application Number: AWDM/0752/21	
Site:	<b>Foreshore East Of Beach Inspectors Office, The Promenade, Worthing</b>
Proposal:	Erection of a Ferris Wheel (retrospective).

The Planning Services Manager introduced the report and a photograph of the wheel was shown on the screen. He advised the previous wheel had been higher at 46 metres and reminded Members that temporary installations could be erected for 56 days without the need for planning permission.

The Officer's recommendation was for approval.

### Decision

The Planning Committee **GRANTED** planning permission, subject to the following conditions:

1. Approved Plans
2. The development hereby permitted shall only operate until 30th November 2024.

Reason: Having regard to policies 5 and 16 of the Worthing Core Strategy and that permission would not be granted on a permanent basis for such development which is proposed on a temporary basis.

3. Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 22:00 hours and 2 Lux between 22.00 and 07.00 hours, measured as Vertical illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%

Reason: In the interests of the amenity of neighbouring residents in accordance with policy 16 of the Worthing Core Strategy.

4. The observation wheel hereby permitted shall only be operated between the hours of 1000-2200 hours and at no other time.

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

5. No public address or other sound amplification system shall be installed or used on the site at any time.

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

6. The Observation Wheel hereby permitted shall at all times be operated in accordance with the submitted Ancillary Management Plan dated March 2019 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory management of the facility in the interests of amenity in accordance with policy 16 of the Worthing Core Strategy.

7. The foundation construction of the wheel hereby permitted shall be maintained in accordance with the details submitted to the Council's Technical Services department in February 2019 and with any further details as subsequently agreed in writing with the Council.

Reason: In the interests of visual amenity in accordance with policy 16 of the Worthing Core Strategy

8. Not later than 3 months before the final cessation of the use hereby permitted, a scheme of work shall be submitted outlining all materials etc to be removed and details of the restoration of the promenade/beach. The approved details shall then be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the site is restored to an acceptable condition in accordance with policy 16 of the Worthing Core Strategy.

9. Noise emissions from all plant and machinery associated with the operation of the wheel shall be limited to a level not exceeding 50dB LAeq, 1 hr between 07.00 - 22.00 and 45dB LAeq, 5 mins between 23.00 - 07.00, measured at the boundary of any residential property on Marine Parade. Where extraneous ambient noise precludes direct measurement then measurement shall be taken at a point closer to the wheel and a subsequent calculation be made to determine the noise levels at any residential property on Marine Parade.

Reason: In the interests of the amenities of neighbouring properties in accordance with policy 16 of the Worthing Core Strategy.

Application Number: AWDM/0339/21	
Site:	<b>Broomhill, Mill Lane, Worthing</b>
Proposal:	Garage conversion to self contained two bedroom holiday let, including raising of ridge height, 1no. dormer to east and 2 no. dormers to west elevations and associated alterations.

The Planning Services Manager introduced the report and Members were shown plans to assist in their consideration of the application. The Officer also included images supplied by the applicant.

The Officer advised the principle of converting the building into a holiday let would be acceptable however, because of the raising of the roof, the dormers and fence it was considered over development and therefore the recommendation was to refuse the application for the reasons set out in the report.

There was a further representation from the applicant.

### **Decision**

The Planning Committee voted to **REFUSE** permission for the following reason:

The proposed holiday accommodation by virtue of the necessity to raise the ridge height of the roof, provision of additional dormers including a poorly designed flat roofed dormer to the western elevation, and provision of an amenity area enclosed by a close boarded fence is not considered to be of good quality architectural design that reflects local character and would result in a development of a scale and design that would appear incongruous in the area. The proposal therefore fails to comply with policy 16 of the Worthing Core Strategy.

Application Number: AWDM/0729/21	
Site:	<b>Connaught Theatre, Union Place, Worthing</b>
Proposal:	Installation of 2 air handling units and ductwork to roof

The Planning Services Manager introduced the report and provided an update to the Officer's recommendation. The Environmental Health Officer had considered the noise assessment, and requested further information which would include testing.

Plans and photographs were shown to assist Members in their consideration of the application.

The Officer's recommendation was amended to delegate to the Head of Planning and Development to approve, subject to a condition requiring suitable testing once the plants had been installed to establish whether a screen was required or not.

### **Decision**

The Planning Committee agreed to delegate to the Head of Planning and Development to **APPROVE** the planning application, subject to a condition requiring suitable testing once the plants had been installed to establish whether a screen was required or not and subject to the following conditions:-

1. Approved Plans
2. Full Permission

Together with any further conditions suggested by the Environmental Health Officer.

Application Number: AWDM/0-729/21	
Site:	<b>Connaught Theatre, Union Place, Worthing</b>
Proposal:	1no Industrial 75" Inch 4k Wall-Mounted Outdoor Digital Advertising Display.

The Planning Services Manager introduced the report and Members were shown an aerial view of the site.

The Officer's recommendation was to grant advertisement consent.

### **Decision**

The Planning Committee agreed to **GRANT ADVERTISEMENT CONSENT**, subject to the following conditions:-

1. Approved Plans
2. Illuminance level not to exceed 300 candelas

Standard advert conditions:

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.