



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

**Planning Committee  
19 October 2022**

**Agenda Item 6**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0333/22      Recommendation – APPROVE Subject to Conditions**

**Site:            Downlands Retail Park, Lyons Way, Worthing**

**Proposal:      Construction of a drive-through coffee shop unit (Use Class E(a) and ancillary Sui Generis) and associated works within Downlands Retail Park car park.**

**2**

**Application Number: AWDM/1855/21      Recommendation – APPROVE 3 year temporary permission**

**Site:            27 Woods Way, Goring, Worthing**

**Proposal:      Change of use from sui generis to include retail, workshops and offices (Resubmission of AWDM/0681/21).**

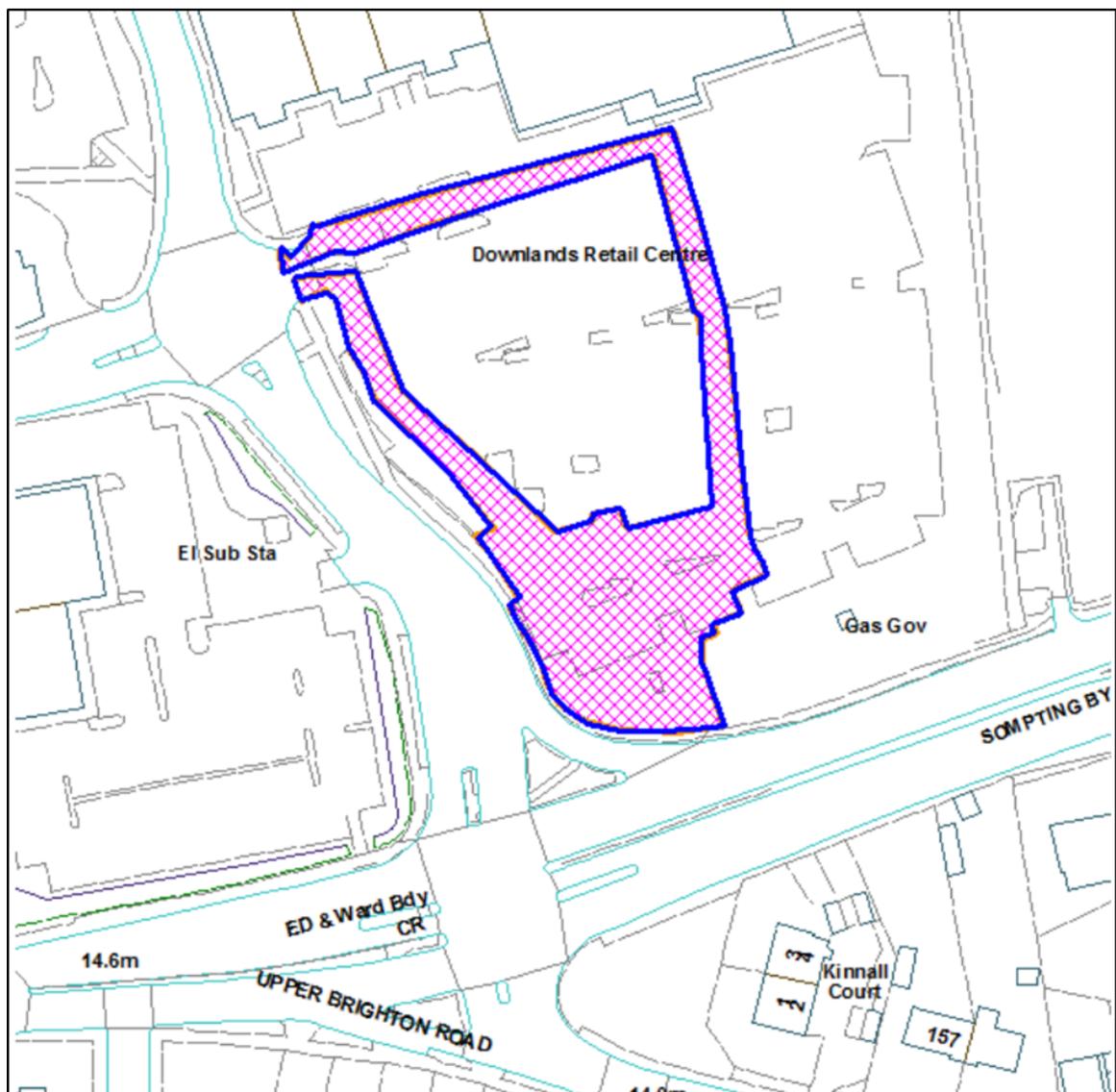
**3**

**Application Number: AWDM/1397/22      Recommendation – APPROVE**

**Site:            Sports Pavilion, Church Road, Worthing**

**Proposal:      Single storey extension to west side of existing bowls pavilion to provide an additional changing room and accessible WC.**

<b>Application Number:</b>	<b>AWDM/0333/22</b>	<b>Recommendation - APPROVE Subject to Conditions</b>
<b>Site:</b>	<b>Downlands Retail Park, Lyons Way, Worthing</b>	
<b>Proposal:</b>	<b>Construction of a drive-through coffee shop unit (Use Class E(a) and ancillary Sui Generis) and associated works within Downlands Retail Park car park.</b>	
<b>Applicant:</b>	<b>Worthing Retail Limited</b>	<b>Ward:</b>
<b>Agent:</b>	<b>Montagu Evans</b>	
<b>Case Officer:</b>	<b>Graeme Felstead</b>	



**Not to Scale**

## **Site and Surroundings**

The application site comprises an area of car parking at the frontage Downlands Retail Park. The Retail Park has four existing retail units – B&Q, Currys, Bensons for Beds and Halfords, totalling approximately 6,250sqm floorspace and car park comprising 396 spaces in close vicinity, there is a large Sainsbury's superstore and associated petrol filling station, Lyons Farm Retail Park, comprising of Wren Kitchens, The Gym and Boots, as well as Argos Extra and Pets at Home.

To the north of the retail park lies Downlands Business Park, comprising a number of office and light industrial buildings, with associated parking. The South Downs National Park immediately adjoins the eastern boundary of Downlands Retail Park.

Vehicular and pedestrian access to the Site is provided off Lyons Way, via the two traffic light junctions of the A27. The Site is served by bus routes, with Lyons Farm Sainsbury's bus stop, located 150 metres west of the retail park, serving routes 7, 16 and 7 Connect.

## **Proposal**

The application proposes the construction of a coffee-shop and drive-through lane, car parking, layout and landscaping within the existing car park of Downlands Retail Park.

The entrance to the Unit will face the existing car park and the drive thru-lane will wrap around it. The proposals will provide an external seating area to the front of the Unit, with glazing to be provided within the unit to ensure visibility inside and outside of the unit

The development will involve the reconfiguration of the car park which will result in the loss of 26 car parking spaces.

The reconfiguration will result in the provision of a total of 2 accessible spaces and 2 wait bays for customers with larger orders. Pedestrian access to the Unit will be provided from the east of the unit, with two pedestrian crossings proposed from the east and west of the unit. Vehicles will enter the drive-through at the north-east entrance and follow round to the order stations. Wait bays have been designed into the parking scheme to allow for people to wait in a designated bay whilst their food is being prepared if necessary.

The proposed occupier is Costa Coffee. Costa's operational requirements directly correlates to the location, size, format and layout of the proposed development and will be in addition to the operator's existing provision within Worthing. The applicant states that the Unit will create approximately 15 new jobs.

## **Relevant Planning History**

Downlands and Lyons Farm Retail Parks were granted planning permission on appeal in 1987 (WB/903/85).

Planning permission was granted for refurbishment and extensions of the Retail Park in November 2006. The permission granted the extension of the Halfords unit and the replacement of the vehicle servicing unit with 2no. Class A1 retail units. (application ref. 06/0974/FULL)

A number of applications at the Retail Park have since been progressed to facilitate specific requirements of operators, including additional mezzanine floorspace within the Currys / PC World unit

### **Consultations:**

**National Highways** offers no objection from a transport/highways aspect subject to conditions.

The **South Downs National Park Authority** note that the site is at its nearest point, approximately 50m from the South Downs National Park boundary. The retail park already significantly detracts from the setting of the South National Downs Park with a highly developed and hard landscaped appearance.

The small landscape buffer proposed offers a degree of visual relief and screens some of the worse impacts of the retail park from the National Park and to a small degree mitigates its impact upon a protected landscape.

If minded to approve the application, the SDNPA recommends that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution and disturbance to wildlife.

The **Environmental Health** Officer is satisfied that the noise from the traffic generated by Costa will not give rise to significant disturbance.

An Environmental Noise Assessment, advises there will be an additional 488 movements on the Costa site, although the Transport Assessment (Project 2020-3996//R05-ADM-Transport Assessment (220215) 11 February 2022) indicates that a large number of these trips would be pass-by trips. However, as this site is located within an AQMA we have concerns about the potential 488 idling vehicles and for that reason I would recommend an Air Quality condition.

The **Local Highway Authority** does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal subject to condition.

The **Environmental Health Private Sector Housing** team offer no objection

The **Drainage Technical Services specialist** notes that the application is within flood zone 1, and is not at risk from surface water flooding. In consideration of surface water drainage there is an increase to impermeable area as a result of the hard surfacing of an existing grassed and vegetated area. The application is within a

source protection zone. We therefore wish to see details of the proposed surface water drainage. This will require consideration of the existing surface water drainage system serving the car park. There are no objections subject to condition.

## **Representations**

2 Letters of objection which note that:

- The retail park is already congested with traffic. This proposal will add to that.
- Extra provision should be made for an entrance /exit from the A27

## **Relevant Planning Policies and Guidance**

National Planning Guidance:

National Planning Policy Framework 2021 (NPPF) and the accompanying guidance contained in the Planning Practice Guidance (PPG).

The National Planning Policy Framework was revised on 20 July 2021 and sets out the government's planning policies for England.

Paragraphs 86-91 of the NPPF seek to ensure the vitality of town centres and requires that planning policy should provide a framework to assess proposals for main town centre uses, such as retail, which cannot be accommodated in or adjacent to town centres.

LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, and the sequential test should be considered in light of the latest NPPF policy, which confirms that when considering availability, it is necessary to consider sites which may become available within a reasonable period.

Details of how this policy should be applied are contained in the NPPF Planning Practice Guidance 2019. The application of the sequential test should be proportionate and appropriate for the given proposal.

The following considerations should be taken into account in determining whether a proposal complies with the sequential test (Paragraph 011 of the Planning Practice Guidance):

With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?

Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.

Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal; and If there are no suitable sequentially preferable locations, the sequential test is passed.

When assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA's should require an impact assessment if the development is over 2,500 sq. m or a proportionate, locally set floorspace threshold. This should include assessment of: The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment area. Given that the proposal results in only 232 sq. m, there is no requirement under the NPPG to undertake an impact assessment.

Transport Issues:

Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:

Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location:

Safe and suitable access to the site can be achieved for all users; Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree; and Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

All developments that will generate significant amounts of movement should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

Design

Section 12 of the NPPF seeks to achieve well designed places, and Paragraph 132 confirms that design quality should be considered throughout the evolution and assessment of individual proposals.

Paragraph 134 part b states that in determining applications, significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Sustainability.

Paragraph 152 of the NPPF confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the conversion of existing buildings. 8

### **Local Planning Policy**

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for Worthing Borough Council consists of the following: Worthing Core Strategy (2011); and Saved Policies from the Worthing Local Plan (2003).

The Council is also at an advanced stage with its emerging Local Plan. The Council is currently awaiting the Inspectors report following the publication of Main Modifications and it is anticipated that the Council will adopt the Plan by the end of the year. As a result the emerging and its policies (as amended) have increased weight and are a material consideration in determining this application.

#### Worthing Core Strategy

Policy 3 Providing for a Diverse and Sustainable Economy

Policy 6 Retail

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Policy 18 Sustainable Energy

#### Worthing Local Plan Saved Policies (2003)

Policy RES7 Controlling Polluting Development

Policy RES9 Contaminated Land

Policy H18 Residential Amenity

#### Worthing Local Plan (as amended following the Main Modifications).

Policy SP1 Sustainable Development

Policy SS3 Town Centre

Policy DM5 Quality of the Built Environment

Policy DM10 Economic Growth and Skills

Policy DM13 Retail and Town Centre Uses

Policy DM15 Sustainable Transport & Active Travel

Policy DM16 Sustainable Design

Policy DM20 Flood Risk and Sustainable

## Policy DM22 Pollution

### **Relevant Legislation**

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

### **Planning Assessment**

#### **Principle of development**

Policy 3 of the Core Strategy seeks to deliver sustainable economic growth by ensuring that the right conditions are created, by 'Identifying sufficient sites in sustainable locations to provide for a range of employment space to meet the needs of current and future business needs'. Policies of the emerging Plan also encourage sustainable development and seek to resist developments that detract from the vitality and viability of town centres and apply the sequential approach when considering proposals for new out-of-town uses.

Policy DM13 (Retail and Town Centre Uses) sets out that the Local Plan will support the vitality and viability of Worthing's town centres by seeking to meet the identified floorspace needs for retail and other town centre uses up to 2026. The Council will work with organisations and the local community to identify, protect and enhance the following hierarchy of vital and viable town, district and local centres.

Changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs.

All such proposals will be required to:

*Make a positive contribution to the vitality, viability and diversity of the centre;  
Not unacceptably impact on daytime footfall;*

*Maintain a strong role for the centre in providing a varied range of convenience goods and meeting other day-to-day needs;*

*Positively restore and/or enhance the character and appearance of the frontage;  
Maintain the continuity of active frontages; and be of a scale and type of use appropriate to the size and function of the centre, or part of the centre concerned;*

*Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;*

*Ensure that that there will be no severe negative impact on existing parking arrangements; and*

*Retain or re-provides ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that these are no longer necessary for appropriate future use of the premises.'*

In consideration of **Sequential and Impact Tests**, policy states:

Where development of main town centre uses is proposed on the edge of or outside of centres, the sequential approach as set out in the NPPF will be applied.

Where retail, leisure or office development is proposed outside centres, an impact assessment will be required when development is above the following thresholds:

- Retail, or a use that could change to retail without planning permission, over 500 sqm (gross);
- Leisure and office uses will be subject to the NPPF threshold - 2500sqm.
- Where necessary conditions and / or legal agreements will be applied to any permission accepted out of defined centres, including defining the nature and extent of the proposed use to ensure no significant adverse impact on existing designated centres.

The site is an established out-of-town retail destination in Worthing. The applicants sequential assessment states that there are no sequentially preferable existing units within Worthing Town Centre, nor within any of the identified District Centres, capable of accommodating the proposed development.

The proposed development is 190 sq.m GEA floorspace which is significantly below the 2,500sqm retail impact threshold set out within Paragraph 90 the NPPF and the Council's local plan threshold of 500sqm.

#### **Retail policy test considerations:**

The proposal is assessed against the provisions of Paragraphs 87-91 of the NPPF.

The Application Site is located within an out-of-centre location, within an existing retail destination at Downlands Retail Park where the principle of main town centre uses is established.

Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

Paragraph 90 of the NPPF states that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sqm.

## **Sequential Approach considerations:**

The sequential approach should have regard to the need, both consumer and operator, that will be met by the development. In undertaking the sequential approach for the nature of development proposed, guidance recognises that in applying the sequential approach to site selection there are certain main town centre uses that have particular locational requirements.

The PPG states that:

“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.”

Given the location of the proposed drive-thru unit it will serve pass-by and ancillary trade. This will comprise shoppers within the local area wishing to eat before or after undertaking their shopping, or those calling into the retail park before continuing their journey. These locational requirements drive the consideration of the sequential approach, with the particular operational model, i.e. a drive through, means the nature of the proposals are ‘location specific’ and a more considered approach needs to be adopted for a sequential test, subsequently, the need that the proposals are intended to serve cannot be provided by locating the development elsewhere.

The applicant points out that this position has been established and accepted by previous Appeal / Secretary of State decisions. For example, the Inspector when allowing a food and drink unit within Deane Retail Park, Taunton, concluded (paragraph 6, Inspector’s Report) that:

“I consider that the small scale of the proposal would ensure that it functions as an ancillary facility to the existing main retail and leisure facilities and not as a main attraction” (applicant emphasis)

A Secretary of State call-in decision at Tunbridge Wells granting planning permission for a retail warehouse terrace with a separate Class A3 unit (comprising 263 square metres gross) on adjacent land.

The Inspector’s conclusions in respect of the application of the sequential test to the food and drink unit are clear. Paragraph 79 of the Inspector’s Report stated that: “The small A3 unit would be a subordinate element of the overall scheme. It would be available to those working in the area or shopping at other retail warehouses, like McDonalds; and there would be an element of synergy between them. As an ancillary facility serving the rest of the development and the local area it is not considered to need to be assessed as part of the sequential approach”

Although these decisions preceded current national planning policy (NPPF), the requirement to undertake a sequential assessment for main town centre uses was established and has not fundamentally changed since the Inspector reached this position.

Subsequently, 'post NPPF' decisions have treated proposals for small-scale incidental uses in a retail park environment in a similar way. This includes an appeal decision at Holland Market Retail Park in Spalding, which granted planning permission for a freestanding food and drink unit in an existing out-of-centre location. The Inspector's Report for this scheme found that: "The proposal would create some small scale employment opportunities and make a contribution towards wider economic growth in the locality. It would provide a suitable and complementary service within an established retail setting and appear as a subservient and ancillary addition to the facilities provided at the retail park"

Providing an additional outlet elsewhere would not satisfy the location specific need sought that the proposal is seeking to specifically serve. The existing and future footfall is the key driving factor for the proposed use in this location and to trade viably. Compliance with the sequential test is considered demonstrated.

In consideration of the business model the proposed development represents the occupier's drive-through business model, which is fundamentally different to the High Street coffee-shop format:

The fundamental requirements are as follows:

1. Provision of a drive-through lane, allowing customers to order and pick up the products from without leaving their vehicles;
2. Internal coffee-shop and seating area to provide for customers visiting by foot;
3. External customer seating area;
4. Sufficient customer car parking, including waiting bays; and
5. Appropriate arrangements for servicing and refuse collection and management.

The proposed development represents a very different coffee-shop model to a High Street and are progressed on a locationally specific basis, for a drive-through unit to be commercially viable it needs to generate sufficient customer base where it can serve pass-by traffic and/or located within an established retail location where there are opportunities for linked visits and spin off benefits.

The sequential assessment has therefore been undertaken on the basis of the above fundamental requirements of the drive through coffee-shop model, and the locationally specific requirements of the operator.

Sequentially preferable sites need to be able to satisfy all of the identified separate elements of the proposed development, and any compromise on these fundamental business model requirements, or a relocation of the development to an alternative location which does not satisfy the locationally specific requirements, would result in the operator not being able to progress with the site.

### **The Sequential Assessment**

Worthing Town Centre is the dominant centre within the Council area and therefore is an appropriate focus for a sequential test given the scale and function of the proposed development in principle, however the business model and locationally

specific considerations of a drive-through operator make this the most suitable location.

In accordance with the Council's retail hierarchy, Broadwater, Goring and West Durrington District Centres were assessed to identify any existing or proposed sites which could potentially accommodate the proposed development.

The Site area of the proposed development extends to circa 1,120 sqm. This allows for the building, drive thru lanes, access, external seating and other facilities/areas required to efficiently operate a Costa Coffee drive-thru. The applicant undertook a search for sites which have a site area of between 1,008 sqm and 1,232 sqm. This demonstrates a flexible interpretation of the sequential test, with sites 10% smaller and larger than the application site.

The assessment concluded that there are no suitable, available or viable sequentially preferable sites which can accommodate the development proposals.

In the absence of any suitable town or district centre sites, or allocated sites within the draft Worthing Local Plan, the application site is considered to be an appropriate location for the proposed development and conclude that the sequential test has been passed.

The proposed development, 190 sq. m GEA floorspace, is significantly below the 2,500sqm retail impact threshold set out within Paragraph 90 the NPPF and the Council's local plan threshold of 500sqm. An impact assessment is not therefore required to consider the impact of the proposed development. This approach is consistent with a number of recent appeal decisions.

An assessment of impacts of the proposed modest development is not therefore required.

### **Transport and Highways**

A Transport Statement has been submitted in support of the Application. It considers potential highways and transport implications associated with the development proposals in relation to trip generation, parking and servicing.

The submitted Statement reviews the traffic generation impacts of the proposal, and concludes that the impacts associated with the proposal would not result in any noticeable changes in traffic conditions and this has been considered and confirmed by National Highways.

The application proposes a reduction in car parking numbers, with a reduction of 26 spaces, however this would not affect the availability of parking at the Retail Park and that there would be adequate capacity within the car park to accommodate the predicted demand under normal trading conditions.

Servicing and refuse collection will be via the car park and a swept path analysis has been carried out assuming all the car parking spaces are occupied. Overall, the development proposals would not result in a material change in conditions on the

local highway and transport network and as such are considered acceptable in traffic and transport terms.

A condition has been requested by National Highways which restricts the use to a drive through coffee shop due to the potential increase in traffic due to other use classes.

A Travel Plan has also been included with measures to promote walking, cycling, public transport use and car sharing, including marketing and promotional measures to both inform and educate staff about the options that would be available to them.

## **Design and Landscape**

The proposals for the building include vertical timber cladding as well as diagonal timber cladding to provide visual interest. The materials palette also includes red and beige render, with blue engineering brick plinth to ground the building. Grey aluminum window frames will provide further interest and maintain focus on detail and high quality design.

The soft landscaping proposed has been developed to replace the existing hard standing and planting areas, and enhance the appearance of this part of the site. A stepped row of gabions with planting is proposed along the southern boundary which will take advantage of the level difference between the A27 and the application site. The landscaped gabions will provide a landscaped focal point for the retail park and will contribute positively to the street scene and the appearance of the site for visitors and those by-passing.

The South Downs National Park consultation suggests the proposals would result in the loss of 'at least 10 trees'. A comprehensive tree survey has been undertaken of the full area of the retail park site and the proposals are supported by a detailed topographic survey. All the trees that would be affected by the proposed layout are identified on the application drawings; no additional trees beyond those shown are proposed for removal. While 10 existing trees would be removed these are replaced by new tree stock. The planting proposals drawing has been adjusted in response to comments to avoid a net loss and include more native and larger coppice/multistem tree species such as field maple and hazel to help frame the views to the new building.

The consultation response suggests the required tree removal would 'significantly' erode the buffer and open up a visual connection with the National Park. The proposals impact only two trees out of the extensive group of closely planted trees along the length of the site frontage. This overall group of trees does not appear to have been thinned since planting and the resultant tree group is comprised of many suppressed specimens with interlocked canopies. A second small group of un-thinned trees is positioned on the edge of the car park; these four trees are growing in the space of around 2 parking bays and provide minimal screening benefit. These tree removals would not open up any intervisibility with the designated National Park area. The new tree planting is proposed with more appropriate spacing helping the longer-term establishment and management.

The inclusion of coppice species within the amended scheme provides for a stronger vegetation cover at the lower height of a woodland understory helping to reinforce the buffer in this location.

The remaining area of the site frontage lies outside of the demised area of the proposed unit and its vehicle circulation space. The route for all vehicles has been tracked to ensure the layout fully functions; there would be no pressure for further removals or management of the trees arising from these proposals.

Overall, the introduction of the new unit offers some improvement to the townscape and trunk road frontage that helps to reduce the scale of buildings and subtly improve the character of the site frontage. The soft landscape treatment replaces areas of existing low impact cover with a new softer raised edge providing colour and interest. The impact on the existing tree cover is a minimal initial loss that is mitigated in time by a net gain in the number and quality of tree cover. There is no material impact on the National Park or its setting. The amendments seek to introduce more native and larger coppice/multi-stem tree species to help frame the views to the new building, in addition to more appropriate spacing to aid the longer-term establishment and management. Furthermore, the inclusion of coppice species within the amended scheme provides for a stronger vegetation cover to reinforce the buffer in this location.

### **Ventilation & Extraction**

The proposed unit does include any hot food cooking, and therefore no odour extraction equipment is necessary. The seating and toilet areas will be ventilated with air handling units providing fresh air supply and air conditioning units will also be provided to control temperature. The proposed equipment will ensure the operation of the proposed drive-thru will not adversely affect the amenity of any nearby sensitive uses, including residential uses.

### **Energy Statement**

The Statement included with the application demonstrates that the proposal meets the relevant national and local planning policy requirements, and exceeds the recommendations for non-major development set out within the Sustainable Energy Document.

The building will include a number of measures to reduce energy demand, including U-values over the Building Regulation minimum values, solar control glazing to reduce risk of overheating, low energy lighting and high efficiency heating and hot water generation systems. The energy efficiency measures adopted within the proposed development represent a 9.4% reduction in carbon emissions over Part L baseline, with 33% of the heating and hot water will be generated by an air source heat pump, exceeding the 10% minimum.

## **Air Quality and Residential Amenity**

The application is supported by an Air Quality Assessment prepared by Air & Acoustic Consultants. The application site is located within an Air Quality Management Area.

The assessment concludes that the construction phase of the proposed development will have limited effects which are classified as 'not significant'. The operational phase is also concluded to have a 'not significant' impact at the 2023 scenario. This is primarily as the assessment assumes that a number of the traffic movements are those already on the network and not additional trips.

However, the site is in an Air Quality Management Area and therefore your Officers have concerns about the potential for 488 idling vehicles which potentially could exacerbate air quality conditions at this busy junction. Environmental Health recommends a condition to ensure that the £30,000 is spent on on site mitigation measures, however, if these cannot be delivered it would not be possible to secure a financial contribution for off site improvements (implementing measures set out in the Air Quality Action Plan) without a legal agreement. This matter is being discussed with the applicants and Members will be updated at the meeting.

A noise survey was undertaken 27-31st January 2022 to establish the existing background noise levels. The Assessment concludes that the existing background noise levels are dominated by the traffic along the A27, and that the proposed development will result in an increase of 0.1dB, which cannot be considered material, and does not require any specific mitigation measures to be adopted. The proposed development is therefore acceptable from a noise impact perspective.

## **Flooding and Surface Water Drainage:**

The application is within flood zone 1, and is not at risk from surface water flooding. In consideration of surface water drainage there is an increase to impermeable area as a result of the hard surfacing of an existing grassed and vegetated area. The application site is within a source protection zone. Officers wish to see details of the proposed surface water drainage and this has been conditioned. .

## **Conclusion**

The site has been demonstrated as suitable for this location. The principle of the Proposed Development is supported by local and national planning policy. The supporting documentation submitted with the planning application demonstrates that there are no environmental or technical constraints to prevent planning permission being granted.

It has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits brought about as a result of this proposal. On the basis that the Proposed Development accords with the Development Plan.

## **Recommendation**

### **APPROVE**

#### **Subject to 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.*[Insert drawing numbers]*

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

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** *As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*

#### **Materials**

3. 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 126 - 135 of the NPPF, 2021*

#### **Highways**

4. No works shall commence on the development hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan 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 Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

**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.*

Informative: The CMP 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).

5. No works shall commence on the development hereby permitted (including site clearance or preparation) until revised details of the proposed planting and Gabion structures within or adjacent to the SRN, including their full dimensions and suitable technical drawings, have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the structures shall proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

**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.*

Informative: The scheme shall include such assessment, drawings, and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.

6. No surface water, storm water or foul water shall be permitted to run off from the development hereby permitted on to the highway or into any drainage system connected to the highway. No drainage connections from the development hereby permitted may be made to any strategic road network drainage systems.

**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, to satisfy the reasonable requirements of road safety and to prevent environmental damage.*

7. The premises shall be used as a drive through coffee shop with ancillary food only and for no other purpose (including any other purpose in Class E and/or Sui Generis [Takeaway] Use under the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** *Only the impact of a drive through coffee shop has been tested on the Strategic Road Network. Other land uses allowed under Class E(a) or Sui Generis (Takeaway) could have an impact requiring the A27/ Lyons Way junction to be mitigated. Therefore any such proposals need to be assessed in their own right in order to avoid the risk of an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network, contrary to the policy set out in Department for Transport Circular 2/2013 and the National Planning Policy Framework 2021*

8. Travel Plan Statement (to be approved) 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 policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

9. No part of the development shall be occupied until the refuse storage space serving it has been provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

**Reason:** *To ensure adequate internal storage space for refuse in accordance with policy In the interests of sustainable transport and in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and para 113 of the NPPF, 2021.*

#### **Air Quality:**

10. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £30,903 as identified in the Air Quality Damage calculation contained within the Air Quality Impact Assessment (ref.100491 dated February 2022) provided as part of the application. Mitigation measures should relate back to the AQAP

**Reason:** *To minimise emissions and impact on air quality in accordance with Policy RES7 of the Worthing Local Plan 2003*

#### **Sustainable Surface Water Drainage**

11. 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. The building shall not be used/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.”

**Reason:** *To ensure that the proposed development is satisfactorily drained and managed and manage any risk of contamination which could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). where controlled waters are particularly sensitive in this location. This is in accordance with policies 12 & 15 of the Worthing Core Strategy 2011*

Informative: The design of the attenuation system must 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. Any SuDS design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design and demonstrate that flotation resistance has been adequately accounted for. Further details 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"

### **Hours of Work - Development**

12. 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 08:30 - 13:00 Hours

Sundays and Bank / Public Holidays no work is 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:** *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*

## **Commercial Units - Advertisements**

13. Details of any external signage for the commercial spaces (whether illuminated or non-illuminated), shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation. Thereafter no additional illuminated signage shall be erected without the prior written approval of the Local Planning Authority.

**Reason:** *In the interests of visual amenity and in consideration of the site prominence, in accordance with policy Policy 16 of the Worthing Core Strategy 2011*

## **Commercial Units - Hours**

14. The commercial premises shall only be used and open to customers and visiting members of the public between the following hours, (unless otherwise approved in writing by the Local Planning Authority).

Monday – Sunday 06:00 – 23:00

**Reason:** *To achieve a balance between business needs and the protection from noise and disturbance in accordance with Policies.*

## **External Lighting – Provision and Limitation**

15. No development shall be occupied until all external lighting has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, neighbouring amenities and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and para 174 of the NPPF, 2021.

## **Landscaping & Biodiversity**

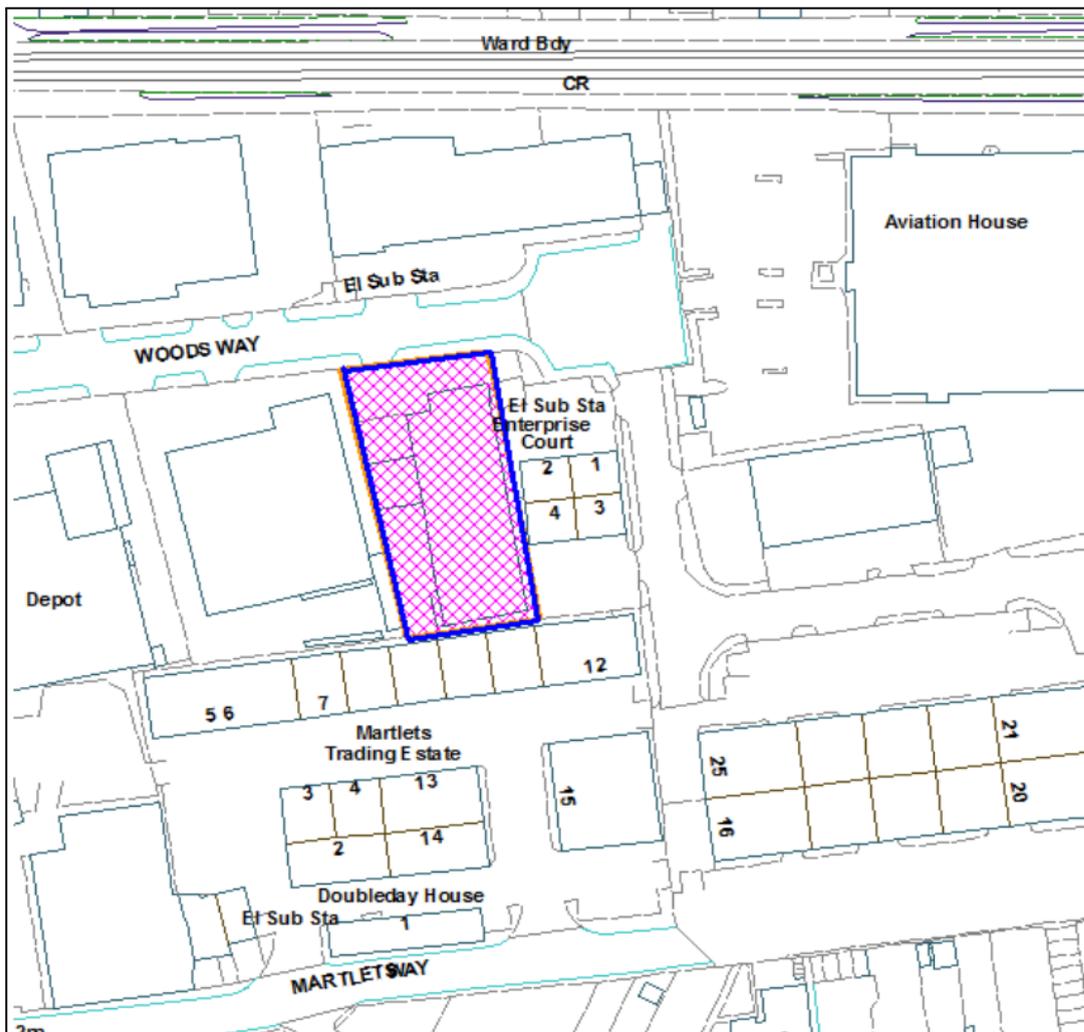
16. With the exception of any works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- i) landscape planting, including species, size and number or planting densities,
  - ii) detailed measures for the enhancement of biodiversity,
  - iii) ground surfacing materials: type, colour, texture and finish,

- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing enhancement measures 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 biodiversity measures 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 enhance the character and appearance and biodiversity value of the site in accordance with Policies 13-16 of the Worthing Borough Council Core Strategy 2011 and paras 126-135 &174 of the NPPF, 2021.*

Application Number:	AWDM/1855/21	Recommendation - APPROVE 3 year temporary permission
Site:	27 Woods Way, Goring, Worthing	
Proposal:	Change of use from sui generis to include retail, workshops and offices (Resubmission of AWDM/0681/21).	
Applicant:	Adam Rider	Ward:Goring
Agent:		
Case Officer:	Jackie Fox	



**Not to Scale**

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## **Site and Surroundings**

The application site is situated on the South side of Woods Way within the wider Goring Business Park. The business park comprises a wide range of industrial units located in the western part of Worthing situated 4.4 km from a junction with the A27 and 10 minutes from Goring by Sea railway station. The access roads into and around the estate are relatively narrow.

The planning application site has a site area of approx 1350.00 sq metres and its previous use was as a B2/sui generis use for car repairs and body shop.

The site comprises a single storey brick built with offices to the frontage and large open workshop to the rear. There is an open forecourt to the frontage and to the western side is a further concrete yard part of which is enclosed by a roofed porch.

The site is surrounded by commercial units some of which are open to the public with a retail counter.

## **Proposal**

The application, which is now retrospective, is for the change of use of the building to retail, workshop and offices. The use is operated by Guild Care. A site inspection indicated that the majority of the unit was being used for retail purposes with a small office area to the front of the building.

The applicants agent has provided the following statement regarding the proposal:

### **Introduction**

This statement relates to a Change of Use planning application to Adur and Worthing Borough Council for the creation of a charitable retail unit for Guild Care, in a former light industrial (car body repair shop) with use class considered to be sui generis.

The property under consideration is located on Goring Business Park, Woods Way and comprises offices, reception, toilet facilities and an open clear floor space. The property is accessed directly off the main road with parking on the forecourt for up to 8 vehicles and additional parking with the gated yard to the west.

Guild Care is a local community-focused charitable organisation. They deliver innovative life-changing care services that help older people, children and adults with learning disabilities and those living with dementia and their carers to share and enjoy family and community life.

Guild Care opened its first charity shop more than 40 years ago. They now have 10 high street charity shops selling a wide variety of goods including, vintage clothes, bric-a-brac, books and children's toys. Money raised from the charity shops goes towards running the vital community services for people of all ages

## **Proposals**

Guild Care currently occupies a unit at the Meadow Road Depot. This unit, owned by Worthing Borough Council has been earmarked for redevelopment and the Council has therefore only granted Guild Care a 6 lease with a 6 month exit clause, which allows the council to ability to develop the site.

The Greenhouse', which is currently at the Meadow Road site, provides a service to the people of Worthing. Recycling and selling on items no longer required by their original owners. It is this activity that would be replicated at the Woods Way unit.

The unit at 27 Woods Way will enable this local charity to continue its operations currently in Meadow Road. Whilst there is an element of retail (Class E), there is also a workshop where items can be repaired or tested before offering for sale. There will also be warehouse and office space required. The area for retail will occupy approximately 66% of the space, the remaining 33% being the warehouse, workshop and offices.

The industrial unit has an overall are of 636m<sup>2</sup> and will be split as follows;

- Ground Floor retail - 420 m<sup>2</sup>
- Ground Floor office, staff accommodation etc. – 70m<sup>2</sup>
- Ground Floor Workshops, stores – 104m<sup>2</sup>
- First Floor stores – 30m<sup>2</sup>

This larger industrial retail unit will allow the sale and donations of larger items, which are difficult to accommodate in the high street stores.

## **Public Transport and Parking**

The property is well served by public transport, located within 5 minutes' walk of the 700 bus services on Mulberry Lane and 13 minutes from Goring on sea, railway station serving the south coast and direct service to London.

There are no on street parking strictions but the unit has no marked parking areas the proposal is to provide the following;

- 9 Parking spaces, 1 No. Disabled.

Although this is below WSCC guidance it adheres to paragraph 106 of the NPPF stating the

“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”.

In addition, Guild Care other similar retail unit, the “ The Greenhouse” in Meadow Road has 12 park space with no experience of parking problems and no on street parking.

Cycle provision will be provided with the provision of 5 Sheffield cycle stand or similar allowing 10 No. secure spaces. This number is broadly in accordance with WSCC 2020 guidance.

## **Town Centre v Out of Town - Sequential Test.**

The location of this facility in an out-of-town centre location gives the ability for the general public to donate physically larger items, such as furniture, TV's etc. The generous drop-off zone allows personal vehicles to access directly the workshop/storage area and be assisted by a member of staff. This logistical operation would be very difficult for members of the public to achieve in a town centre location and there are few retail units on offer which do not have loading or parking restrictions.

The additional space at affordable rent, provides a dedicated workshop to be created should donations require attention before being sold

The NPPF in ensuring the vitality of town centre sets out, in paragraph 90, the requirement to undertake a sequential approach to assess an application for retail developments which are over 2,500m<sup>2</sup> of floor area. This proposal has a retail area of 427m<sup>2</sup> which is below the threshold required for a sequential test.

Worthing Borough Council's, "Submission Draft Local Plan 2020-2036" which is close to adoption and should be considered in any new planning application, states a threshold of 500m<sup>2</sup> of planned retail floorspace in an out of centre location would require a sequential test. This proposal has a retail area of 420m<sup>2</sup> which is below the threshold required for a sequential test.

Within close proximity to the application unit on the same trading estate, there existing units which over retail outlets to the general public these include;

- Brewers Decorators Centre.
- Bird & Blend Tea Co.

## **Summary**

The population of Worthing and Adur will benefit from an outlet with easy parking, selling affordable products not found on the high street such as furniture, beds, sofas and side boards etc. This type of building and space will enable furniture and other goods to be sold at affordable prices, which services an identified need, but also provides valuable funds for the Guild Care charity and offers additional employment opportunities for the local community.

Guild Care has become an important organisation within the Worthing and Adur area. It is considered that 'The Greenhouse' is essential to the continued support that the charity can give the people of the area. The three care homes together with the community services, including respite care, transport, and care at the home are among the services provided by Guild Care. Income from the various high street charity shops and The Greenhouse are essential if these services are to be maintained and expanded.

Guild Care have been able to employ 10 members of staff and 10 – 15 Volunteers at the new facility and will look to increase as the business builds.

It is hoped that Worthing Borough Council will support this application for the change of use of 27 Woods Way to include a proportion of retail use.

### **Relevant Planning History**

**AWDM/0681/21** - Change of use from light industrial (car body repairs) to retail. Withdrawn

**AWDM/1214/21** - Application for a Lawful Development - None determined inadequate supporting information.

### **Consultations**

#### ***West Sussex County Council:***

##### Site Context & History

The access to the application site is located on Woods Way.

The LHA would view said road to be set within an urban setting.

The road is subject to a 30-mph speed limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

WSCC previously requested additional details, of which the information has been received.

##### More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues.

##### Issues Raised

The LHA wishes to summarise the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.

1. Parking
2. Trip Generation

##### Further Details and Justification

The LHA provides the following comments with justification.

1. The applicant has stated that the site is located in a sustainable area and that 8 spaces are provided as parking.

The LHA wish to state that under WSCC Parking Demand Guidance the Retail (420 sqm.) and office use (70sqm.) would require a total of 33 spaces. With the warehouse/store and store requiring justification on there parking.

The LHA therefore requests further justification and mitigation is supplied to offset the 25 + spaces displaced as a result of the proposal.

2. With the above, the applicant is requested to provide trip rates for both the existing and proposed use, this will enable the LHA to determine if an intensification of the site will occur.

## Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

## **Adur & Worthing Councils:**

**Planning Policy:** Objects to the application and comments that:

*Loss of Employment Land for B Class uses on Key Industrial Area subject to policy.*

### **Core Strategy**

**CS Policy 4** – *(employment uses for the purpose of this policy include B1, B2 and B8) this policy seeks to protect existing employment sites within Worthing. There are two levels of protection afforded to sites across the borough. Part 1 of the policy protects the key employment areas which includes Goring Business Park in which the application unit is located.*

*Essentially units within the identified employment areas will be afforded the greatest level of protection. Outside of these identified areas there is a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes.*

**SPD Sustainable Economy – Feb 2012** - *this supplementary document was produced to Council Core Strategy Policies 4 and 5. The starting point of the SPD is to retain suitable and viable sites in employment use. It is essential for the local economy that there is a supply of sites and premises to meet the needs of business.*

### **Emerging Plan**

*The Council submitted the Submission Draft Local Plan (SDWLP) on 11 June 2021 for independent examination. The SDWLP contains a very similar policy approach in*

*DM11 based on up to date evidence. The emerging policy continues to seek the protection of the identified key employment areas which includes the wider Goring Business Park in which the application site is located.*

*The supporting text to Policy DM11 acknowledges that there have already been a number of changes to permitted changes between certain classes over which there may be limited control however, where the Council has an opportunity to prevent the loss of much needed employment floorspace it will seek to do so. It should be noted that whilst there are a number of small changes proposed to this policy following on from the examination hearings they do not alter the essential purpose of the policy.*

### **The application site**

*The site is located in the middle of the wider Goring Business Park. The park comprises a wide range of industrial units located in the western part of Worthing situated 4.4 km from a junction with the A27 and 10 minutes from Goring by Sea railway station. The access roads into and around the estate are relatively narrow. The buildings located on the site provide for small and large occupiers with buildings differing in age and condition. Overall the park supports a diverse range of industrial premises with excellent activity evident across the site with vacancies and good potential to enhance access in the future.*

*The unit is based on a busy industrial estate. Overall, the park supports a diverse range of industrial premises with excellent activity evident across the site with few vacancies and good potential to enhance access in the future.*

*The planning application site has a site area 1350.00 sq metres and its lawful use is as a former B2/sui generis which means the Council has a greater level of control on the changes to this site. It is not clear when the site became vacant but it is understood that Guildcare are already operating from these premises without the benefit of planning permission.*

### **Evidence**

*The most recent ELR 2016 and the focused up date in 2020 evidence that supports the SDWLP found no justification to release either whole or in part land/sites within this identified key employment area. In terms of demand for employment land the **Worthing Employment Land Review Focused Update Final Report Worthing Borough Council September 2020** found that (Para 5.3) there was a need for 24,300sqm of warehouse/distribution space and noted the following for Worthing's local economy:*

*Para - 4.26 'Demand for industrial space in Worthing is mainly localised and comes from a mix of industrial sectors (i.e. particularly warehousing and small-scale logistics), with premise requirements mostly ranging up to 10,000 sqft (930 sqm), however there are occasionally larger enquiries up to 50,000 sqft, indicating some demand for larger industrial units. Market intelligence reports strong occupier demand across the market during 2019 and the first quarter of 2020. Post March 2020, agents confirmed that there has been a significant decrease in demand, however, they are expecting some rebound in the market later in 2020.'*

*Para 4.27 'Development of new industrial space in Worthing has been very limited in recent years, with much of the Borough's existing stock relatively dated and in need of refurbishment. This level of development activity coupled with the shortage of availability means that existing firms within Worthing struggle to accommodate any expansion and relocation plans in the Borough, particularly those with medium to large spatial requirements. In addition, limited availability of industrial supply locally makes it difficult to encourage new businesses to relocate in the Borough.'*

*Para 5.47 ... 'There is an opportunity for the emerging local plan to state clearly the protection of office – E(g)(i)/(ii), light industrial – E(g)(iii), industrial – B2 and warehousing - B8 uses by labelling as appropriate within the emerging policies. This will be justified in Worthing where there is pressure from other Class E uses and there is also a constrained land supply in general....'*

*More recent evidence from the Council's Place and Economy team during the examination into the SDWLP suggests that there is still strong evidence that existing businesses are looking to expand , new businesses are looking for space and there is still concern that some commercial space is still being lost (without the need for permission) to residential use. In addition, there is evidence through enquiries to the council of interest in units between 15,000 - 30,000 sqft.*

### **The proposal**

*Guildcare currently operates the 'Green room' at the Meadow Road site. When the original application was submitted the site fell outside the industrial estate boundary and indeed pre dated the Core Strategy. At the time it was permitted in part because its focus was, at that time, on providing a wider community service and offering training /work opportunities for 'disadvantaged people'. In addition conditions were placed on the permission to control hours of operation/ the extent of retail activity and other uses. In terms of the retail condition it stated:*

*'The retail area hereby approved in relation to Unit A shall be no greater than 300 square metres and shall only be used as a retail area ancillary to and in association with the approved use and occupancy of Unit A.*

*Reason: To control the retail use in the interests of protecting the amenities of the area.'*

*And another:*

*'The use of buildings and areas on the site shall be in accordance with the submitted Schedule of Proposed New Uses as submitted with the application and no changes in the types of uses shall be carried out without reference to the Local Planning Authority in an application on that behalf.*

*Reason: Other uses may be detrimental to the amenities of the area.'*

*The applicants state that the reason for searching for new premises is because the current lease from the Council (Meadow Road is owned by the Council) on this site is shorter than the occupiers would like. It currently comes up for renewal in 2026 but*

*there is a clause that allows either party to terminate the lease earlier. The reason for this is that the Council have been considering the potential redevelopment of the site but yet there are no definitive plans or timescales. According to the Guildcare website they are operating from both sites now.*

*It is described as follows on the website:*

*'Woods Way is our exciting, new charity superstore and donation centre in Goring-by-Sea.*

*Pop down to drop off your pre-loved items\*. In particular, we are looking for high quality bric-a-brac, clothes, toys, and so on.*

*\*Please note that initially we are not accepting furniture donations. If you have furniture to donate, please visit our [Free furniture collection](#) web page.'*

***'When is our Woods Way Charity Superstore & Donation Centre open?'***

***Charity Superstore opening hours: Monday to Saturday: 9.30am - 4.30pm; Sunday: 10am - 3pm***

***Donation Centre Opening Hours: Monday to Saturday: 9.30am - 4.30pm; Sunday: Closed'***

*So it is clearly operating as a retail superstore.*

### **Summary**

*As set out above Worthing cannot meet the current or future demands of local business for B class uses. No evidence has been submitted that would suggest that this property could not be let to a B class use. This business park has low levels of turnover of businesses and low vacancy levels (most vacancy would be a result of natural churn). The site is protected under part 1 of the CS policy 4, which affords the highest level of protection.*

*The application site is located in the middle of an older style industrial estate. The introduction of this type of use in the busy industrial estate with existing narrow roads and parking problems has the potential to give rise to significant conflict. There is real concern that the introduction of this use that will operate throughout the working day bringing domestic vehicles could negatively affect the viability of existing uses on the industrial estate to the detriment of the wider local economy.*

*Whilst we are supportive of the work that this local charity provides for the local community, we already suffer with a lack of local employment space with very little new space likely to come forward in the future that would meet with the identified demand. The loss of this large unit on a well-used estate cannot be justified in policy terms. In addition, the introduction of this type of use into an existing older style industrial estate has the potential to give rise to significant conflict with existing users that could affect the viability of other uses on the estate and the wider estate viability.*

*The Council has been consistent in its application of policy and a relatively recent application at 6B Woods Way for the introduction of a D2 use (a gymnastics club ) on this estate was refused in 2019 AWDM/1830/18.*

*On balance in light of the above the Policy Team cannot support the current proposal.*

The **Environmental Health** officer

This site has been identified as being potentially contaminated. If ground works are involved with this application then I would recommend the following condition:

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 preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) 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.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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), a Verification Report demonstrating completion of the works set out in the approved remediation strategy 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

## The *Engineer*

Flood risk- The application is within flood zone 1, and the site is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage-The application is for change of use, we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):Policies 3,4, 6, 16 and 19  
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)  
National Planning Policy Framework (CLG 2021)  
Planning Practice Guidance

Submission Draft Local Plan (SDWLP) (as modified)  
DM11, DM13,DM16,DM18, DM19

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

The main issue in the determination of the application is whether the proposal complies with development plan policies and, if not, if there are sufficient material considerations to outweigh any policy conflict.

It is acknowledged that Guild Care is a successful local charity providing for an established need in the community. The applicant's agent has provided a supporting statement indicating that Guild Cares current unit in Meadow Road (which is owned by the Council) has been earmarked for redevelopment and consequently only has a short lease and that the unit in Woods Way will enable the local charity to continue its operation.

Members will also be aware that temporary permission was granted for the change of use from class B2/B8 to class EE at unit 3 Meadow Road under reference AWDM/0387/22.

Notwithstanding the above, the starting point for the determination of any planning application is stated at paragraph 2 of the National Planning Policy Framework (NPPF):

*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*

Paragraph 8 of the NPPF states that one of the overarching objectives of the NPPF is economic and that an objective of planning policies should be

*...to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity...*

The relevant policies of the Core Strategy are outlined in the Planning Policy comments above. As stated in those comments, policy 4 seeks to protect existing employment sites within Worthing.

The SDWLP contains a very similar policy approach in policy DM11 based on up to date evidence. The emerging policy continues to seek the protection of the identified key employment areas which includes the wider Goring Business Park in which the application site is located.

The supporting text to Policy DM11 acknowledges that there have already been a number of changes to permitted changes between certain classes over which there may be limited control however, where the Council has an opportunity to prevent the loss of much needed employment floorspace it will seek to do so. As elaborated in detail above with the planning policy comments section there is a continuing and evidenced need for employment space, as such the proposal would be contrary to policy.

Furthermore the facility in a busy industrial estate with existing narrow roads and parking problems has the potential to give rise to significant conflict. The use will operate throughout the working day bringing domestic vehicles which could negatively affect the viability of existing uses on the industrial estate to the detriment of the wider local economy.

Members should also be aware that policy 4 of the Core Strategy has been contested on appeal on several occasions and one of the most recent appeal decision in September 2019 for unit 1, 6 Woods Way was dismissed an appeal for the change of use from business (use class B2) to a gymnastics club where the planning inspector was clear in concluding that the proposal would conflict with the councils strategy to retain an adequate supply of employment space for specified employment uses within protected employment areas.

The applicants have cited the need for the new site is due to a short lease on their current site in Meadow Road (owned by the Council) It currently comes up for renewal in 2026 but there is a clause that allows either party to terminate the lease earlier. The reason for this is that the Council have been considering the potential redevelopment of the site but yet there are no definitive plans or timescales and Guild Care are now operating from both sites, with a further permission for unit 3 in Meadow Road.

Evidence put forward by the applicant for the loss of the employment unit is limited, however, the applicants indicate that the outlet caters for larger affordable products not found on the high street such as beds, sofas and larger furniture, it caters for the population of particularly East Worthing and has easy parking and drop off. The additional space also provides a dedicated workshop area to carry out repairs on some items which require further attention prior to sale. The unit also provides employment.

Guildcare provides a social, economic and environmental benefit to the local community, not only as an income stream for the charity, but in providing employment and volunteering opportunities for local people, and supplying affordable, second-hand goods and items, not only to people in need, but anybody seeking to avoid 'buying new'. The Applicant has explained that the siting and type of unit and parking facilities allows for donations to be easily dropped-off, and provides for particularly bulky goods such as furniture.

Guildcare has highlighted the lack of any security of tenure for its existing Unit in Meadow Road as its current lease has a redevelopment clause and the Charity has been advised that the Council was looking at the redevelopment potential of the site. Guildcare has indicated that it would need all 3 units including the existing and recently approved unit in Meadow Road to meet current demand and address the current uncertainty regarding its ability to use units 2 and 3 at Meadow Road.

On balance, it is accepted that in the short-term, until plans to redevelop the Meadow Road site are formalised and brought forward, a limited period permission for 3 years would allow the Meadow Way unit to be occupied as a valuable service provided to the local community by Guild Care, as well as providing additional employment and volunteering opportunities.

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

In respect of highways considerations, at the time of writing the report, these remain outstanding. Although the County Council has not raised an objection, they have requested further information. There is however no evidence that the use which has been operating for approximately a year has caused detrimental additional parking and traffic to this estate. The site could not provide the required number of parking spaces without the loss of the drop off operational area and in view of the temporary permission being recommended further works would be uneconomical at this stage. Conditions to secure the parking layout and cycle parking would be appropriate, as well as a travel plan.

## ***Sustainability***

The proposals involve the re-use of an existing formally vacant building which in itself is a sustainable form of development. A requirement to upgrade thermal insulation or carry out other energy-saving or carbon reduction measures would be impractical bearing in mind the short-term nature of the tenancy arrangements. However, a condition is recommended requiring a Travel Plan Statement to be submitted, setting out measures to encourage staff and volunteers to travel to and from the site using sustainable forms of transport.

## **Conclusion**

This is a difficult case in that the applicant provides a service which is a significant asset to the town, however, the long established basis of the planning system is that decisions must be taken in accordance with the development plan unless material considerations dictate otherwise. The Council has a policy which seeks to protect key industrial locations which has been found to be in accordance with national policy and successfully defended on appeal when challenged. Since these appeal decisions the use classes order has been relaxed considerably and local authorities have far less control over the change of use of traditional employment uses. Albeit this reinforces the need to protect Industrial units where we do have some element of control.

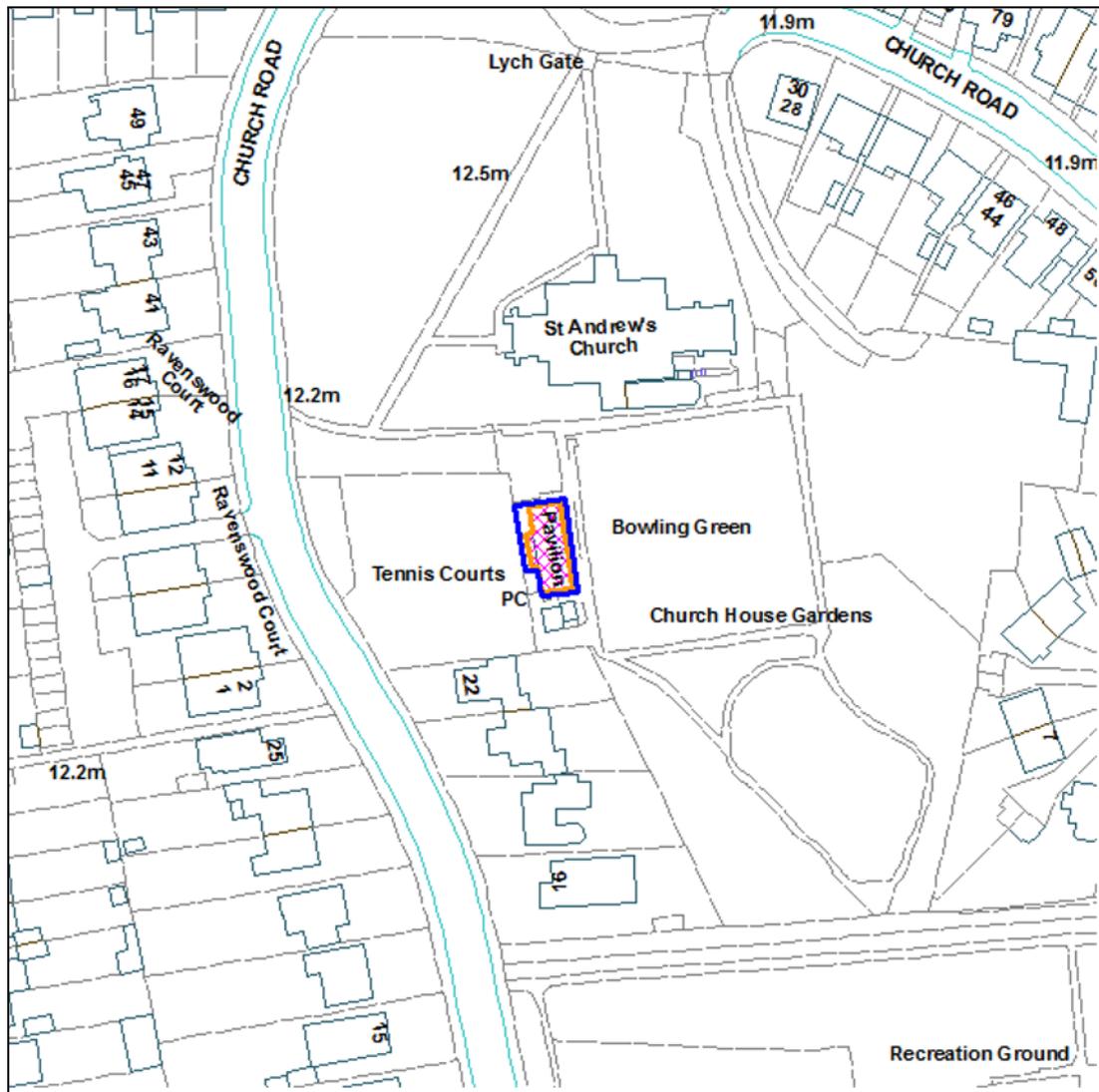
In this case, notwithstanding the policies concerns the applicant has been forced to look at options for alternative premises as a result of the uncertainty about its security of tenure at its main site in Meadow Road. In the circumstances it is considered that a temporary permission could be justified to allow the Council (as landowner) to determine whether the Meadow Road site will be redeveloped or a longer term lease can be granted which would dispense with the need for this additional storage/retail use.

## **Recommendation**

On balance, to grant temporary planning permission subject to the following conditions:

1. Approved Plans
2. Within 3 years of the date of this permission the use hereby permitted shall cease and return to its former lawful use
3. The building shall not be open to customers, including for the receipt and dispatch of goods, except between the hours of 0900 and 1630 on Monday to Saturday and between 1000 and 1600 hours on Sundays and Bank and Public Holiday.
4. Agree and implement cycle parking provision in accordance with WSCC guidance.
5. Agree and implement parking layout
6. Agree and implement a Travel Plan Statement.

Application Number:	AWDM/1397/22	Recommendation - APPROVE
Site:	Sports Pavilion, Church Road, Worthing	
Proposal:	Single storey extension to west side of existing bowls pavilion to provide an additional changing room and accessible WC.	
Applicant:	Worthing B.C	Ward: Tarring
Agent:	Tavis Russell	
Case Officer:	Marie O'Keeffe	



**Not to Scale**

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## **Proposal, Site and Surroundings**

This bowls club is in the heart of Tarring south of the Church of St Andrew, a Grade II\* listed building. The site is also in the West Tarring Conservation Area.

The Bowls club has a pavilion on the west side of their Greens. It is proposed to extend to the rear of the existing pavilion building with a single storey addition to provide additional changing rooms and an accessible WC. The extension runs parallel with the tennis courts fronting Church Road.

The proposed extension would measure 11.4 metres in width and extend 2.1 metres in depth. It is proposed to be 2.6 metres in height to eaves and 3.1 metres to the ridge. It is proposed to be timber clad on a brick plinth with timber shingles for the roof to match the existing building. A new door in the north wall will match the existing doors in this elevation. Three new high level windows are shown in the west elevation.

The application has been submitted by the Council and therefore has to come to the Committee for determination.

## **Relevant Planning History**

97/1027 - Extension of roof on east elevation to form verandah, removal of canopy on west elevation and alterations to provide a bar, bar store and changing room. Granted.

## **Consultations**

**West Sussex County Council:** No objection.

**Adur & Worthing Councils:**

**Conservation Architect:** No objection.

**Southern Water:**

No objection. Drainage must be in accordance with H3 of the Building Regulations. If using a SUDS scheme it may be adoptable by SW. If not adoptable long term maintenance of it must be secured via a planning condition.

## **Representations**

20 neighbours were consulted and a site notice erected. No responses received.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 11 Protecting and Enhancing Recreation and Community Uses Policy  
Policy 15 Flood Risk and Sustainable Water Management Policy

Policy 16 Built Environment and Design

Worthing Local Plan (WBC 2003) H18, RES7, TR9

Submission Draft Worthing Local Plan 2020-2036:

Policy SP1 (Presumption in Favour of Sustainable Development)

Policy DM5 (Quality of the Built Environment)

Policy DM20 Flood Risk and Sustainable Drainage

Policy DM23 (Strategic Approach to the Historic Environment)

Policy DM24 (The Historic Environment)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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

### **Planning Assessment**

#### ***Principle***

The principle of enhancing community facilities within the built up area boundary is acceptable. In this case special attention should be paid to the design of the extension and in particular ensuring no harm to the setting of the adjacent Grade II\* listed church. The extension must also preserve or enhance the pavilion building's appearance in this conservation area.

Neighbour amenity issues and drainage are also considerations here.

#### ***Conservation Area and Listed Buildings***

The proposed extension itself is modest and is to be built in matching materials. It is set off the boundary with the Church by 15 metres. It will not be harmful to its setting. It will also preserve the appearance of the Conservation Area and therefore it is not considered that any harm will result to the Conservation Area. The proposed

extension will improve facilities at this bowls club by creating a second changing room and separate accessible WC securing its optimum viable use.

Paragraph 202 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. As there is limited harm, if any, to the Conservation Area it is not considered any objection should be raised on these grounds. The public benefits of improving facilities for the leisure use of the site would outweigh any minimal harm to the setting of the listed Church to the north of the site.

### ***Residential amenity***

The extension is also 15 metres off the boundary with 22 Church Road and to the north of that property. It is not considered to likely lead to any neighbour harm.

### ***Drainage***

In response to Southern Water's comment Technical Services has checked their records and confirmed that there are existing soakaways at each end of the building, having initially assumed a combined surface/foul sewer. They intend to connect rainwater runoff from the extension into the existing soakaways.

### **Recommendation**

### **APPROVE**

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

1. Approved Plans
2. 3 years
3. Materials to Match

19 October 2022

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

## **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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