

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.	
Applicant:	Worthing Retail Limited	Ward:
Agent:	Montagu Evans	
Case Officer:	Graeme Felstead	

The Head of Planning and Development presented the application to the Committee clarifying that it was for a proposed drive through Costa Coffee shop within the Offington Ward. He drew their attention to the revised recommendation within the addendum and explained that the key issues in the application were air quality, parking and traffic. The Officer informed Members that the mitigation of £30,000 would be mainly used for off-site air quality mitigation measures.

Members asked the Officer for clarification on which trees were to be felled and what type and age of trees were to be planted in replacement. Other Member concerns included the impact on nearby residents, external lighting and air quality mitigation activities.

There was one registered speaker, the Planning Consultant, who gave a representation in support of the application. He addressed matters surrounding the high quality design of the proposed structure, jobs that would be created and improvements on the site such as electric car charging points. He clarified that the development would take an estimated 20 - 25 weeks to complete.

Members had questions for the speaker regarding carbon emissions. While the proposed development intended to reduce carbon emissions by 33% Members felt that this was a lost opportunity to reach net zero emissions. The issue of tree planting, solar panels and green roofs were also broached by Members.

During debate Council Members reiterated concerns over renewable energy plans, air quality and biodiversity issues. In addition, aspects around surface water and drainage were discussed.

The Head of Planning and Development noted that suitable replacement trees could be secured by condition and clarified that despite unexplored sustainable energy options the applicants were compliant with policy. With regards to air quality concerns the Officer indicated that the proposed facility was intended to cater for existing customers to the retail estate and passers by rather than attracting new vehicle movements to the site.

The Chair read out the revised recommendation as follows -

To delegate the decision to approve the application to the Head of Planning and Development subject to the receipt of a satisfactory planning obligation (Unilateral Undertaking) requiring a financial contribution for air quality mitigation, the conditions set out in the agenda and the following informative is added to the decision notice:

The applicant is encouraged to erect signs within the site encouraging drivers to turn engines off whilst queueing to reduce the level of car emissions.

An amendment and addition to the proposal was put forward by Members as follows -

The applicant is required to erect prominent signs within the site asking drivers to turn engines off whilst queueing to reduce the level of car exhaust emissions.

In addition, Members requested that during the delegation period Officers were to explore the scope for adding photovoltaic panels and / or green roof.

A proposal to **Approve** the Officers revised recommendation with the Members suggested amendments and additions was put forward. This was seconded and voted on with an outcome of 6 in favour and 2 abstentions.

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*

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*

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	

The Head of Planning and Development delivered the presentation explaining that this was a retrospective application and elucidating the rationale behind the recommendation for a temporary 3 year permission. He also clarified that the key issue regarding this application was loss of employment floorspace.

Members asked for clarification from the Officer regarding the option of granting the planning permission on a permanent basis or for an alternative length of time, and if the permission were granted would the change of use remain as such regardless of whether or not the applicant stayed at the site for 3 years. The Officer confirmed that this was the case and advised members that they had scope to offer a permanent or alternative length permission if they deemed that appropriate.

There were two registered speakers giving representations in support of the application and requesting that permission be given on a permanent basis as opposed to the 3 year period recommended by Officers.

During debate Members recognised that this unit brought trade to the other businesses adjacent to it and acknowledged the applicants wish to have permanent permission granted.

A proposal was put forward to extend the temporary permission to 4 years to match the length of time left on the lease the applicant had signed on the Meadow Road site. There was no seconder for this proposal.

A second proposal was put forward to **Approve** permanent planning permission and removal of Condition 2, namely within 3 years of the date of the permission, the use shall cease and return to its former lawful use. This proposal was seconded and voted on with an outcome of 7 in favour and 1 abstention.

The Officer suggested that the reasons for this decision be recorded as the use generated more employment than the previous car repair use, the storage and sale of bulky goods and the fact that this provides long term security for a valuable local charity.

Approved subject to the following amended conditions -

1. Approved Plans
2. 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.
3. Agree and implement cycle parking provision in accordance with WSCC guidance.
4. Agree and implement parking layout
5. 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	

The Head of Planning and Development presented the application explaining that this had come to Committee as the applicant was Worthing Borough Council.

Members had questions for the Officer surrounding energy uses of the proposed extension and the Officer confirmed that a higher level of insulation than the existing structure was planned along with low energy lighting fittings etc.

There was one registered speaker, the Ward Councillor, who gave a representation in favour of the application. She clarified that this extension would provide some womens changing rooms which were currently lacking along with an accessible toilet. This toilet would facilitate access to sports for members of the community who required accessible facilities.

During debate the committee expressed full support for this application and a proposal was put forward to **Approve** the Officers recommendation. This was seconded and voted for in favour unanimously subject to the following conditions.

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