Development Control – Delegated Officer Report

Application Number: AWDM/0423/24 **Recommendation:** APPROVE

Site: 14 - 20 South Street Worthing West Sussex BN11 3AA

Proposal: Approval of Details Reserved by Condition 8 (Construction Management Plan) of Application No AWDM/1906/22

Relevant Planning History:

AWDM/1906/22: Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 80 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents. Permitted 12 Dec 2023

Consultations:

West Sussex County Council as LHA: West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on approval of details reserved by Condition 8 (Construction Management Plan) of Application No AWDM/1906/22. The details submitted within the Construction Management Plan (CMP) are satisfactory; hence, Condition 8 is discharged.

Officer's response: Following V8 of the plan the following comments were received:

As per our earlier comments we have no objection to the Construction Management Plan (CMP) being discharged. However, the applicant should note that in addition to the discharging the CMP they will need all necessary highway consents to be agreed with the Highway Authority post planning. This includes oversailing the highway and the license for the tower crane

Environmental Health: I refer to the above application for the former Debenhams site construction management plan. I would ask that Section 5.4 Noise be amended to include a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites

Representations:

The following objections were provided as a result of the application being published on the planning register. Photos referenced have been removed from the objection for the purposes of copying it into this report.

We write to object to the application to discharge Planning Condition 8 of case AWDM/1906/22

The decision notice stated *"details of public engagement both prior to and during construction works"*

should be submitted as part of this application, however there has been no communication on this with the residents of Seaspray, and since we live in the adjoining building which would be directly affected by the works, we do not believe that the applicant has complied with this direction.
If we hadn't checked the Planning website we would not have known that the Application had been submitted. In addition to this, the proposals for the construction management are unacceptable for the following reasons:

Site Description and Context

This description is incorrect, it states *"The area to the rear of the site consists of a small pay and display car park and a small number of residential buildings which are understood to be used as hostels for vulnerable adults."* No mention of the other residents of Marine Place and Seaspray is made here.

No mention of Worthing House to the western elevation is made. These residential properties are in very close proximity to the Iceland / Seaspray car park which the applicant intends to build over.

It is then stated *"It is proposed that the area currently used as a pay and display car park to the rear of the building is temporarily acquired for exclusive use for the development."* This is not acceptable as this car park is well used by visitors and is vital given the lack of legal parking in the area. We already see illegal parking on Marine Place and surrounding streets on a daily basis.

Here is a van parked on double yellow lines at the entrance to Bedford Row:

Here are cars parked on double yellow lines on Marine Parade:
Here is a car parked on double yellow lines on Steyne Gardens.

Here are cars parked on double yellow lines on Marine Place:

Clearly these problems would be exacerbated if the pay and display car park was closed to the public. The plan then goes on to say *"The south elevation of the building also includes an extended element of the first floor. This supported on reinforced concrete pillars and sits above a car park which is under the control of a third party and is used by residents and business. The proposed development will require significant works above this area which will impact on access and use of the car park area."*

You will be aware that the residents referred to here are the residents of Seaspray who have **not been consulted** regarding the "impact" on our car park. Some of our residents and their visitors are disabled and therefore they need the car parking spaces at all times. We cannot accept loss of access to the car park and I am sure that the Iceland store would agree. Their customers use this car park and their delivery drivers often wait in there when Marine Place is blocked, which is frequently the case.

The temporary works location plan submitted does not even include the car park which we have highlighted in yellow below - no mention is made of how this construction will be managed.

Under the 'solutions' section of the plan it is stated " *Suitable lines of communication have been established with all relevant persons in close proximity (e.g. neighbouring businesses and those in control of the adjacent car park) to ensure that ongoing works and any specific activities can be discussed, agreed and co-ordinated with the minimum disruption. We also encourage all neighbours to communicate any elements of the work that have a negative impact on their operations or environment and commit to swift and effective resolution of any matters raised."* This statement is **false.** The residents of Seaspray who's building adjoins the car park and use the car park **have not been consulted.**

These works will have a negative impact on the residents of Marne Paade, Marine Place and Bedford Row, visitors to the town, Iceland store, the businesses on Warwick Street, refuse collectors and emergency services.

In earlier objections to the scheme residents included photographs of the problems that are already experienced on these roads. Please refer to those earlier objections.

Here we see and example of existing congestion on Marine Place

The plan goes on to state *"The majority of work will be undertaken within the current site boundary. As such all work will be fully segregated from any public areas. All site traffic will approach to the rear of the building, via Marine Place. Deliveries will be managed so as not to cause congestion to this route. In most instances delivery vehicles will be able to enter the site via the loading bay. So loading and unloading will not impact on external routes / members of the public. A TTRO Parking bay suspension has been granted for the loading bay directly opposite the rear entrance of the site. A pavement / Hoarding license application has also been approved for the rear of the existing building. This will allow all scaffolding to be protected by hoarding and minimise congestion on this road."*

The pavements on Marine Place are extremely narrow as demonstrated in earlier objections. We cannot see how scaffolding can be erected in Marine Place without closing the road and therefore all access for Bedford Row and Warwick Street as well.

When some minor works were carried out on the car park building last year the road had to be closed. This plan glosses over that matter but the evidence is plain to see.

Does the applicant have permission to close the footpath on the eastern side of the road? What will happen to the pavement on the western side of the road which borders the pay and display car park? How would pedestrian and vehicle clashes be prevented?

Has any study of existing vehicle movements in the area been carried out? Iceland has numerous deliveries over the course of each day, plus other delivery vehicles and the access and egress for Bedford Row and Warwick Street.

Community Liaison and Communication

The plan states: *"Although the site is fully enclosed within the building boundary, we recognise that there will be occasions where elements of the proposed construction phase that could be disruptive. This is likely to be occasional instances of noise and possible traffic / parking disruption during parts of the project that will involve redevelopment of the first floor that extends over a neighbouring car park and when we add the additional floors to the top of the building.*

This statement is contradictory - the site is not fully enclosed within the boundary as they go on to mention, and no one has communicated with us regarding the disruption that will be caused.

The applicant's own image shows the close proximity of Seaspray and Worthing House and yet this construction management plan does not even mention these residential buildings

Generally we believe that the application is inadequate as the plans are flawed (they do not include the car park shown in green above), there is insufficient information on how the construction work over our car park would be managed, and local residents have not been consulted.

<u>Officer's response: An updated CMP was sought and following a few iterations the following comments were received.</u>

The residents of Seaspray have now considered the revised Construction Management Plan (version 6) and have recorded the following comments and objections:

Generally, the Planning Decision Notice Reads:

"08. Construction Management Plan No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters, • the anticipated number, frequency and types of vehicles used during construction, • the

method of access and routing of vehicles during construction, • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials and waste, • the storage of plant and materials used in construction of the development, • the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • details of public engagement both prior to and during construction works • Hours of construction Reason: In the interests of Highway Safety and amenity"

There has been no public engagement that we are aware of.

1.3 The Project Start Date is noted as September 2024 however several construction operatives in Craig Developments livery have been been seen inside and outside the Debenhams building and cones have been placed in the loading bay, suggesting that work has already started. It is our understanding that this (and other) Planning Conditions need to be approved before works should start.

1.4 In the "*Site Description and Context"* There is no description of the Iceland Car Park site which adjoins Seaspray and forms part of the proposed development's fire escape route.

The "*Summary of Key Challenges to the Development"*

5. Refers to "*Proximity of the adjacent Iceland car park to construction works and lifting operations.*" The Iceland Car park is not "adjacent" it is beneath the site. They intend to build three storeys over it.

9. Refers to "*Effective communication with local businesses and residents to minimise disruption during key stages of construction.*" There has been no communication with Seaspray regarding this plan.

The "*Key Challenges - Solutions*"

5. Refers to *"Creation of a fully enclosed temporary structure around the existing first floor structure that sits over the Iceland car park with the first lift located at a height of 5m from ground level. Creation of a structurally designed, reinforced gantry at a height of 5m over Marine Place that connects with the external compound. This will provide safe access to the work area above the car park, protect persons / vehicles on the ground below from falling objects and enable hoisted materials to be transferred into the site (over the gantry) without the need to close Marine Place or the Iceland car park during these operations."* This does not describe how the temporary structure would be "created". It is likely that access to Seaspray property will be required, scaffolding set down on our property etc.

If this proposed temporary structure is to be used for more than 28 days then Planning Permission should be applied for in this conservation area.

Is there a current design for this proposed temporary structure?

6. Refers to "*The design of all external scaffolding / temporary structures includes provisions to provide a protected pedestrian and vehicle route along Marine Place and maintain access to the Iceland car park.*" But it does not say how. This cannot be considered a solution. We have seen no scaffolding plans. If the applicant is going to start external work in September they should now how they are going design scaffolding and where it is going to set down.

7. Refers to "*Development of land to the rear of the building to provide suitable space for unloading and storage of materials prior to transfer into the main site. Where possible deliveries will be scheduled to arrive at times where they will have the lowest possible impact on other road users. Delivery vehicles will unload within the external compound to the rear. All delivery vehicle movements will be coordinated by a suitably trained banksman.*"

Presumably the 'land' referred to is the former pay and display car park which has already been fenced off (and fly-tipped as a result).

We would ask that the Council please writes to the owner of the land and instructs them to clear the fly-tipping.

As residents of Marine Parade we know that there is no time when the deliveries would have a low impact on road users. Deliveries to Iceland and the shops and restaurants on Warwick Street start at around 06.00am and go on all day. Similarly deliveries to dwellings by supermarkets and online retailers take place all day long. There are frequently three or four vehicles backed up on Marine Place at any one time.

Residents of Seaspray and their carers need access to the car park all day.

8. *In the event that any plant, equipment or materials are required on site that will involve unavoidable disruption to Marine Place, the following will be implemented: o We will take all reasonable steps to prevent the disruption in the first place.*

Where disruption is considered to be unavoidable. Steps will be taken to minimise disruption as far as is reasonably possible. For example, the use of a crane to lift materials into position with a reinforced gantry below will minimise potential interruption of the traffic flow to Marine Place (which would be the case if materials were transferred by an alternative method). However, the installation of the crane will require temporary road closure for 1 day to install the crane, and 1 day to remove the crane. This will be agreed with the local authority / Highways departments who require 12 weeks to evaluate and issue the relevant permits. Where disruption is considered to be unavoidable and significant. A suitable plan will be agreed and recorded.

Who will this plan be agreed with and where will it be recorded?

The plan will set out the impact of the disruption and include the measures that will be in place (e.g. provision of temporary traffic lights etc). o The plan will be communicated to those that could be affected to provide a reasonable amount of notice of the temporary disruption.

Where would temporary traffic lights go and what would be the purpose?

Have the businesses affected been consulted on these road closures?

9. We recognise the importance of effective and productive lines of communication with any person who could be affected during certain elements of the construction phase (specifically neighbouring residents and businesses).

That line is simply not true as they have not consulted with the residents of Seaspray on any of this.

10. We have purchased 2 parking spaces within Bedford Row for the Site Management to park within. All contractors will be required to drop off any plant and materials they require within our site compound, and to pay for parking locally. There is more than adequate provision to allow for this without causing disruption.

Where is this "adequate provision" that they speak of? The roads are already congested and there are always cars, vans and lorries parked on double yellow lines.

Has a parking beat survey and a traffic study been carried out to support this statement or are these more empty words?

"*As part of the planning of this project a conditional agreement has been established between the developer and Iceland that allows access to the area above the car park to carry out the required building works (i.e. through the provision of a suitable scaffold) but without restricting access to the car park itself. Details have been provided in other sections of this report."*

Where will this scaffold set down? If it is to set down in any of the common parts of Seaspray it must not affect our fire escape routes and will require a Licence.

We see that Calford Seaden has now been appointed to undertake CDM duties on this project (although under the regulations the Principal Designer should be involved from project inception and not from this late stage). It would be interesting to know what Calford Seaden makes of the not only the construction

management proposals but the designs of the cramped and dangerous dwellings with little light, ventilation (which will likely cause damp and mould issues in occupation) and fire escape routes through kitchens and out through a third party's fire escape.

"A TTRO Parking bay suspension (WSCC-583849605) has been granted for the loading bay directly opposite the rear entrance of the site. This will be extended prior to any hoardings being installed.

A pavement / Hoarding license application (Licence Number:HDG-03366) has also been approved for the rear of the existing building."

These statements have been made previously and we have enquired whether permission has been granted to close the footpath since the hoarding will sit to the outer edge.

We have not received any answer on this point.

This will be re-applied for and will include the areas to the front of the Debenhams building, and the rear of the Iceland car park. Access into and out of the Iceland car park will be maintained at all times.

With the exception of a small number of occurrences there are no plans to close Marine Place to vehicles to facilitate the set up and ongoing operation of the site, including all proposed scaffolding."

What is the "small number" can an actual number please be given?

Where will scaffolding set down? The pavements are too narrow to for scaffolding to be set entirely within the footpath and so must surely being going to set down onto the vehicular highway.

Once again the Construction Management Plan seems to be all smoke and mirrors with no real substance and a total disregard for the safety or residents and the public. We are now on version 6 with no real answers to our concerns.

These matters have been affecting our lives for many months now, causing extreme anxiety and many worries for our residents.

At Permission stage we were told that our concerns would be addressed further down the line.

They have not been addressed at all after a year of further deliberation.

Isn't it time that the applicant concedes that it is not possible to construct 80 flats, on commercial sites, located on built-up and restricted streets in a Conservation Area that do not have the capacity for this number of residential units?

It remains our opinion that the scheme should not have been granted Planning Permission at all, and that the "non material amendments" submitted do nothing to mitigate the health and safety risks inherent in the designs.

Other outstanding matters include, Rights of Light, scaffolding, hoarding and oversailing licences on private property.

If you would like to discuss these matters with residents please let us know.

Officer's response: The following comments were received on Version 7 of the plan:

Generally, the **Planning Decision Notice** Reads:

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

matters, • the anticipated number, frequency and types of vehicles used during construction, • the method of access and routing of vehicles during construction, • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials and waste, • the storage of plant and materials used in construction of the development, • the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), ***• details of public engagement both prior to and during construction works*** *• Hours of construction Reason: In the interests of Highway Safety and amenity*"

There has been no engagement with the residents of Seaspray despite the work directly affecting us.

Traffic and Highways

The CMP states "*Under regular conditions specific traffic management arrangements along the public highway are not anticipated. However, temporary arrangements will be required for short durations during the programme (eg temporary road closure during crane installation / decommissioning and the use of "stop-go" boards during some lifting operations).*"

How long would the temporary road closure be for? There are absolutely no details here.

There seems to be no consideration of the fact that this is a very narrow road with similarly narrow and uneven pavements. They are intending to close some of those pavements and crossover others. This is clearly highly dangerous and unsafe.

Please consult with your Health & Safety colleagues about this.

Iceland lorries deliver and collect from the road several times a day, sometimes with multiple lorries queuing in the road. There is no recognition of this in the document and they fail to note that the restaurants and bars on Warwick Street need access as do the residents of Bedford Row, Marine Place and Seaspray.

It goes on to say "*during the works it is anticipated that some survey activity and associated works may be required to the area in and around the Iceland car park. To minimise disruption and in order to protect residents and vehicles in these circumstances, the following arrangements will be made: • A minimum of 7 days notice will be provided to any residents effected.*[sic] *• Alternative parking to be made available within the existing car park, if possible or within the developers compound along Marine Place or in designated bays in Bedford Row (at no charge to the resident), • Disruption will be limited to a maximum of 48 hours.*"

The residents of Seaspray park in the Iceland car park and yet none of the above has even been discussed with us. This is clearly in breach of the Planning Condition.

How can they possibly guarantee that disruption will be limited to a maximum of 48 hours?

Noise and Vibration

The CMP states " *Due to the enclosed nature of large elements of the site, we do not anticipate that intrusive noise will be generated that causes a nuisance to neighbours. As such there are no plans in the initial stages of the construction phase to provide acoustic screens etc.*"

The construction taking place over the Iceland car park is **not enclosed** and shares a boundary with our amenity space. The omission of acoustic screens would therefore be unacceptable.

Please note our earlier objections in the email below.

The very fact that the applicant is on version 7 of the CMP demonstrates an inability to properly plan and design for these proposed works.

We remain of the view that this scheme should not have been granted Planning Permission with so many queries outstanding and would very much appreciate a response from you on this - today if possible since we are holding our AGM tomorrow evening and our highly concerned residents need an update on the proposals that would directly affect them, both temporarily and permanently.

Officer's response: The following comments were received on Version 8 of the CMP

I have considered our conversation and would like to make the following points:

1) As discussed, Revision 8 of the Construction Management Plan (CMP) does nothing to allay our concerns regarding health and safety since it shows a tower crane oversailing our, and many other residential and commercial properties, along with public highways and an electricity substation. That proposal, is fundamentally unsafe. If items were to drop from the crane then members of the public could be seriously injured or killed. Should the crane collapse (as happened in Worthing in 2005) there would be fatalities, no doubt.

There has been no application to Seaspray Residents' Association for an oversailing licence.

Similarly, the proposed gantry structure across Marine Place is unsafe for obvious reasons.

Thank you for confirming that the CMP will be resubmitted to WSCC as statutory consultee and owner of the relevant highways.

2) In relation to the works that appear to have started on site, my understanding has always been that to carry out works under Permitted Development rights an application should be submitted to and approved by the Local Planning Authority, and Notices should be posted on site for the notice period.

Additionally, the S106 Agreement states that no works should commence until the management plan has been agreed in writing.

Condition wording

Condition 8

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works
- Hours of construction

Reason: In the interests of Highway Safety and amenity

Assessment
The construction management plan was reviewed by the Council's environmental health officer who requested additional information on noise and vibration control which has been included.

West Sussex County Council in their role as Local Highway Authority. The WSCC has reviewed V8 of the Construction Management Plan and confirmed they have no objections to the plan. They have advised that the applicant will be required to apply for all necessary highway consents to be agreed with the Highway Authority post planning. This includes oversailing the highway and the license for the tower crane. These will be dealt with separately from this CMP document.

A main concern has been the consultation to be undertaken with residents as required by the condition. It is also noted that earlier versions were submitted did not adequately address either the proposed site or the proposed development. It is also unfortunate that changes were made to the plan early on to remove references to nearby residents having been consulted already and instead focussed on neighbouring businesses. Given the proximity of residential neighbours, and the specific wording in the condition, it is important that sufficient detail on consultation was included. The updated CMP has a direct phone number that residents can use should they have any queries about the construction. It is noted that the LPA was provided with emails between the developer and the neighbouring residents at Seaspray but these were predominantly from either before the decision on the original application was made or didn't discuss construction. However, in the latest version of the CMP the applicant has committed to a public engagement meeting with residents prior to works commencing. All residents consulted on this CMP and the original application will be invited to attend. This is sufficient to address the specific element of consultation in the condition.

It is considered therefore that the information is sufficient in the interests of highway safety and amenity.

Recommendation
Approve condition 8

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew Date: 25/10/2024

Authorised by: Gary Peck Date: 28 October 2024