

Planning Committee
13 March 2017

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1635/16 Recommendation – APPROVE

Site: Clubhouse Rear of 21 Kings Walk Shoreham-By-Sea

Proposal: Variation of conditions imposed on previous planning approval AWDM/0161/12: No. 2 (operating hours) to allow operating hours from 9am to 6pm Mon, Weds, Fri, Sat and 9am to 9pm Tues and Thurs, No. 3 (public opening) to allow opening to the public by prior appointment only to hold day and evening classes for a maximum of 5 pupils and three artists in the building at any one time, No. 7 (outside storage) to allow storage of gas bottles in secure cage. Retention of roof chimney to serve wood burning stove.

2

Application Number: AWDM/1915/16 Recommendation – APPROVE

Site: Queens Parade North Road Lancing

Proposal: Addition of second floor and part third floor over existing first-floor flats to provide 9 no. new residential units comprising 2 x studio flats, 3 x 2-bedroom flats, 3 x 2-bedroom flats and 1 x 3-bedroom maisonette (with terraced balcony), plus associated lift and rear (west) stairs access, communal terrace, bin and bike storage.

3

**Application Number: AWDM/ 1956/16 & Recommendation – APPROVE
AWDM/1958/16 both applications**

Site: Southwick Community Centre Southwick Street

Proposal: Planning Permission: Proposed entrance canopy and alterations to existing gates, removal of existing tree and replacement with new tree.

Listed Building Consent: Proposed entrance canopy and alterations to existing gates.

4

Application Number: AWDM/0130/17 Recommendation – APPROVE

Site: 32 Chartwell Road, Lancing Business Park, Lancing

Proposal: Variation of approved AWDM/1782/15 Condition 6 (approved plans) to modify curved roof to hybrid straight and curved roof; projecting office element to be absorbed into the main warehouse be configured as 3 storeys within the warehouse.

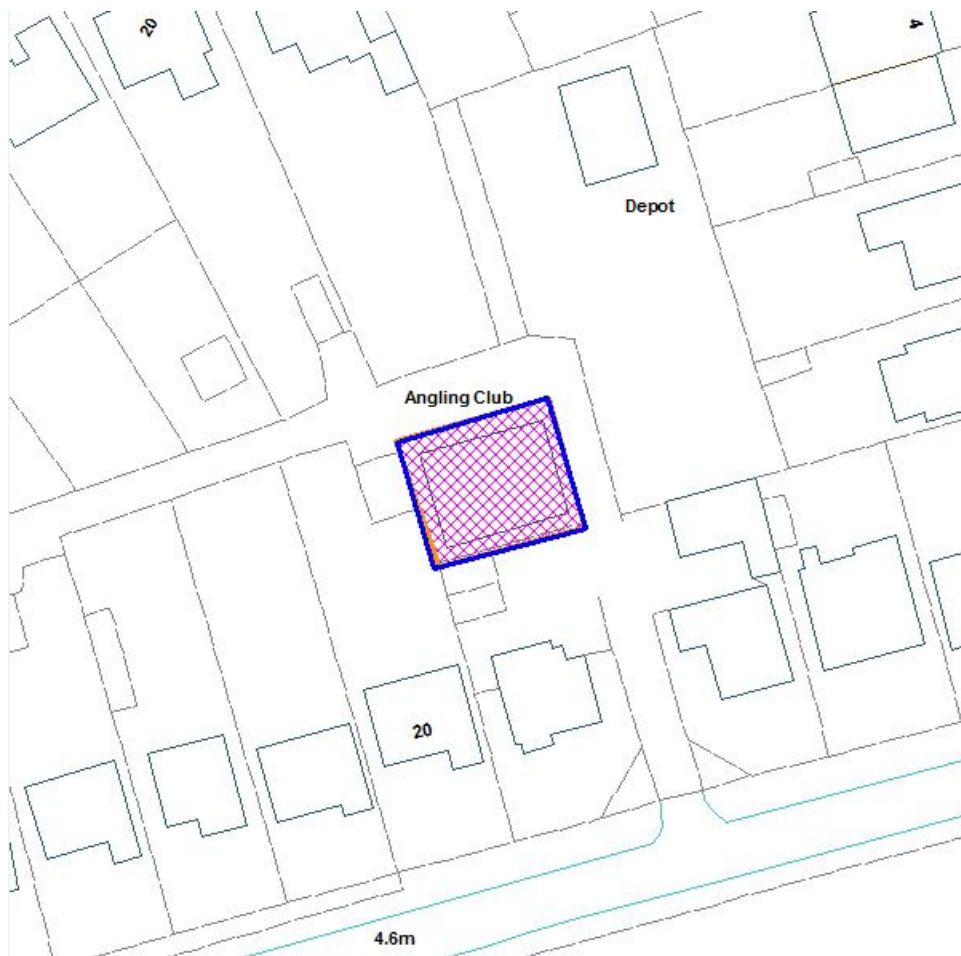
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**Applicant: Miss Anna Davies
Case Officer: Matthew Porter**

Ward: Marine



Not to Scale

This application was deferred at the January meeting of the Committee pending further clarification regarding the ownership of the building which is the subject of the application. However, it has not been possible to gain any further substantial information regarding this matter which in any case is a private, rather than planning issue. During the deferral period, officers also clarified the description of the application with the applicant and as a result the description of the application has been amended and further consultation undertaken.

Proposal, Site and Surroundings

The artist studio operates from a free standing hut, which is built of concrete panels. No visitor car parking exists by the hut and there is no opportunity to provide it. Staff parking is provided. The hut is located off Kings Walk in Shoreham Beach. Residential properties and an Environment Agency depot surround the application site.

Two of the artists in residence wish to offer day and evening classes for up to 5 pupils and 3 artists in the building at any one time. This requires varying the current operating hours to allow an additional three hours, 2 evenings a week (Tues and Thurs), as well one extra hour 4 evenings a week (Mon, Wed, Fri and Sat). Retrospective permission is also sought for an external chimney in the roof serving a wood burning stove.

The studio artist, Anna Davies, has submitted a statement (summarised below):-

The Church of the Good Shepherds hall is directly next to number 6 kings walk. It is at the back of number 1 and 2 west beach. They hold regular samba band classes in a Wednesday until 9.30. They have no restriction on numbers and bang drums and blow whistles that can be heard from across the road. I do not feel that my craft classes would be setting a precedent for the area as some letters of complaint have suggested.

I have in the past burned seasoned logs on the wood burner which had a tendency to smoulder and create a lot of smoke. I was also assured by Shoreham Fire Place Centre Ltd that kings Walk has many properties with wood burners and it is not a smoke controlled area. Since the complaint I am only burning smokeless coal but do need to put some wood on to get it going. I will say that if after everything has been considered, if the fire is still such a huge concern for the neighbours I will remove it again. Even though it is the only way to heat such a big space and we heat water on it for washing up.

I have collated all the documents I have in relation to the property into a chronological time line with regards to my usage of the premises as an art studio. This is set out below:-

2005 I first became aware of the property over the duration of 2005 property [albeit it was in a derelict state} as I walked my dog. It was a property that I immediately felt

could potentially be an excellent space for an Art Studio.

2009 In 2009 I became much more active in trying to identify any contact details in relation to the property. Despite my continued efforts I was unable to find any contact details in relation to the property. My reasoning for seeking a telephone number was because I wanted to make contact with the owner and enquire whether it might be possible to rent it.

2010 In approaching the property one day whilst walking the dog, I became aware that a wall of the building had been damaged by vandalism, leaving the property open and accessible. I entered the property to find a large amount of debris (broken glass, used condoms, used needles and drug paraphernalia. I contacted the Environment Agency and spoke with Mr John Tilley who informed me that the property had been empty for a considerable period of time (many years he said) and that the property had fallen into disrepair and it was a focus for vandalism and illegal drug use. He also explained that the Environment Agency had attempted to purchase the property a few years prior to 2010 but they had not been able to progress with the purchase as the Environmental Agency had not been able to identify who owned the property despite significant efforts on their part.

In 2011 I repaired the wall which allowed the property to be secured and I padlocked the door. I continued with my efforts to identify the owners. I contacted Shoreham Council and informed them that I had secured the property and enquired again if they were able to inform me who owned the property. I also spoke to a wide range of people who were familiar with the property and familiar with the wider landscape of Shoreham but I could not elicit any additional information. I spent a full day at the Chichester Archives tracing the history of the premises and became aware from a Council employee (called Karen – 01273 263490) that there were three trustees in regards to the property. Mr Wood 92 years old, Mr Perfect deceased, Mr Della deceased.

Karen also informed me that in 2007 the council's legal department had tried to trace Mr Woods but had been unsuccessful in finding him and/or identifying anything further about him. I then cleared the property of all the attendant rubbish that it contained, I cleaned the property and arranged for the electricity and water to be connected. The property had to be fully rewired and much of the piping also had to be replaced to enable the water supply to be effective. I commenced paying business rates in relation to the property – and since this period (now 6 years) have consistently paid business rates, water and electricity.

6/9/2011 I received a letter from Miss Julie Watts - Census Revenues Manager. The letter informed me that: "Ownership of the premises has not been established and it was agreed that I would continue to be liable for the non-domestic rates until such a time as the owner came forward. Investigations have suggested the property may have been owned by a trust which has since been disbanded."

12/1/2011 I placed a Public notice into the Shoreham and Worthing Herald asking for the owner to come forward – no responses were received.

I submitted a planning application for change of use of the property from an Angling Hut to an Art Studio. I was contacted by two of the former club members; Trevor Passmore and Nigel Thorn. Mr Passmore claimed to own the property (and indeed asked me to pay him some money). Mr Thorne told me that his father had been one of the fishermen that had built the property and that his view was that Mr Passmore had no claim to the property – and certainly had no mandate to seek financial reimbursement for its use from me as he [Mr Passmore] was neither working for nor had a right to speak on behalf of the now non-existent angling club. Mr Passmore did make a claim to the council at this time that he was the owner of the property and that he was in the process of selling it to me. This was however not the case, I never engaged in any such discussions with Mr Passmore and my understanding has always been that: His name is not on the land registry; He is not one of the three trustees who had held an interest in the property; He has no formal paperwork – deeds or otherwise in relation to the property.

I was informed at this time that Mr Passmore and Mr Thorne had called a meeting inviting all the ex-members of the angling club – however Mr Thorne informed me that no one attended. Worthy of note is that Mr Passmore at this time asked me to make a financial donation to a charity (at that time not yet established) that he intended to set up for young people to be able to fish on his ponds on his land (Passy Ponds and Coombe Farm). The Angling club was a sea fishing club and there did not appear to be any substantive evidence that the establishment of such a charity had ever been an intention of the Shoreham Fishing Club and Mr Thorn gave a clear and unswerving message/guidance to me that Mr Passmore had no mandated right with which to seek any financial reimbursement from me in relation to the premises. Since this communication in 2011, I have had no further communication from Mr Passmore or been contacted by him again.

2012 In 2012 my application was approved and I received Planning permission for the property to be used as an art studio. I received a visit from Mr Porter from the Planning Department and Mr Lavender from the Environmental Health. I was made aware at that time of their clear advice and to close the door when using my sand blaster so that the compressor cannot be heard from outside and that immediately become my established /standard practice to always close the door whilst the Compressor is in use .

2015 I installed a wood burner and was assured by the builder who fitted the burner that because the roof of the property is cement bonded that there is no risk when the burner is in use. I sought further advice/guidance from the Shoreham Fireplace Centre Ltd and was assured by them that Kings Walk is not a smoke controlled area. I was also advised by Shoreham Fireplace centre that they have fitted numerous wood burners in and around the surrounding area, and all without incident. I have in the past burnt seasoned logs but became mindful that they can sometimes smoulder if the fire is not constantly attended to and I have therefore ceased using them and for some time now have only burnt smokeless coal (however a small amount of kindling wood is required to start the fire).

August 2016 A glass artist who has been using the space – Mr Richard Box moved his work out of the studio but in order to do so he required a van and he was able to use a van from 'Infinity Foods'. He had a considerable amount of equipment to move and it took him a number of weeks to fully complete the move. Additionally the removal took place mainly in the evenings because he was working full time and on reflection I feel this was a key source of complaint as it did result in a large truck being at the property, doors were open because it was summer time and it is highly possible that during this brief period there was a high level of noise.

2016 I received a letter from the Planning department informing me that I was teaching classes outside the agreed opening times (9-5). I was informed also that there had been a number of complaints regarding the smoke generated by the wood burner. It was an utter oversight on my part that I had evolved working practices that were not reflective of the original permissions given and I therefore ceased immediately any activities that were outside the agreed 9-5 time frame and submitted a new planning application which sought to secure formal agreement for the hours to be extended to enable a full working day (9-6) and two evenings per week to enable me to facilitate a small teaching class. I again placed a public notice in the Shoreham and Worthing Herald asking for any owners of the property to come forward but no responses were received. At this time I also removed the wood burner for one week, but I quickly realised that the building required heat to be usable and functional. During that week I also received an inspection from Mr Porter from the Planning Dept. and Mr Lavender from Environmental Health. Their guidance at that time was to reinstate the wood burner as its usage was not in breach of any laws. Further to their visit and advice I re-instated the wood burner but have remained consistent in my commitment to only use smokeless fuel.

In the six years that I have been in possession of the property I have never been approached by the owner and at no time within the last six years has any person presented any formal paperwork indicating they have a claim to the ownership of the property.

I am understandably very keen that this matter be resolved as expediently as possible in order that I can resume teaching. I am especially keen to not lose any students and the income I have generated from the classes is an integral and pivotal part of my salary thereby enabling me to continue to work as an artist and as a single mother not make any demands of the benefit system.

Relevant Planning History

AWDM/0161/12

Retrospective change of use of Angling Club building to artists' studio

Approved Conditionally 21-12-2012

Consultations

West Sussex County Council Highways: WSCC as the Local Highway Authority

has been consulted on the changes to this planning permission. The changes would see the hours of opening increase two evenings a week to allow the site to hold small craft classes for no more than 5 people in each class. The site is located to the rear of residential dwellings, accessed via an unmade track leading to a car parking area and the hut where the glass art is made. The classes will be held in the hut and the site offers parking and turning spaces so that cars can enter and exit in forward gear. Access to the site on foot is possible, although the access is shared use without any footpaths, the track links into the wider footpaths within the residential setting. Cycle parking should be provided in accordance with NPPF guidelines for sustainable developments. The increase in trips to the site would not cause any highway safety or capacity issues.

Adur & Worthing Councils Environmental Health Officer: *No Environmental Health objections. The objections from residents principally relate to traffic, noise from machinery and smoke from the wood burner. It is my opinion that the limited extra evening use that is being requested will have little impact if any on any of the neighboring property. With regards traffic the applicant has advised me that many of those attending the art class will walk. However, even if they don't I do not expect up to five people parking on the road and walking up the access road to really have an impact. It is a residential street and residents and guests will be coming and going all times of day. In addition, surfers park along Kings Walk all the time in the gap between the yellow lines. I have subjectively assessed noise, from the limited machinery within the Art studio, in the access road and I do not consider this to be a problem. I can also confirm that environmental health have not received any noise complaints relating to the use of the studio during its operation. The Council has only ever received one smoke complaint from a neighbouring resident, in connection to the wood burner; and this was not substantiated as that resident failed to provide any evidence to support her complaint. Solid fuel heating is a perfectly acceptable way of heating property and there are a number of properties on Shoreham Beach that have some sort of solid fuel heating. As we know, solid fuel heating will smoke when first lit until such time the burner or fire reaches the correct temperature for efficient burning. The flue positioning complies with Building Regulation and I see no reason why this burner should not be used for space heating in the studio as there are no smoke control areas in the District of Adur. That said during my visit with the planning officer on the 22nd November 2016, this wood burner had been taken out in response to resident's objections. Finally, it is a fire safety requirement to keep gas bottles locked in a cage on the outside of buildings. The studio has done this but the occupier has agreed to move this cage to the West side of the building so that the cage cannot be seen.*

Representations (summarised)

Objections from occupiers of No. 1 & 2 Mardyke, 2 King's Court Beach Green, Nos. 18, 20, 26 Woodards View, Nos. 17, 19, Flats 1 & 2 21, 22, 23, 24, 25 Kings Walk: Already in breach of her conditions which has been causing a lot of problems. Not been monitored by anyone or picked up that she has adhered to conditions. Surely it is up to the Council Planning Authority to ensure planning regulations are always adhered to, and to maintain public confidence in the Planning System. Only submitted

because approached by your planning enforcement department. Caused offence. Very stressful and worrying situation for us/local residents. Detrimental for our health and wellbeing. Security of surrounding properties allowing people access to rear gardens. Have young children and neurotic dog that play in the back garden. Necessary to carry out some kind of survey/review of Clubhouse to see whether or not everything above board. Moral imperative that temporary permission granted originally be revoked and the fishing club be allowed to dispose of this property. If not possible then at least original conditions be properly enforced. She has been operating machinery (condition 4) – Excessive noise at all time of day including weekends. Lights are on in the building late into the evening. Unacceptable noise with windows open and outside on drive. Noise from drilling can be heard in our lounge. Repeatedly inside and outside our house including Sundays. Frequent raised voices and shouting. Men working outside with a sawmill and industrial machinery occurred over weekends. Working unsocial hours – Lessons are being held often beyond 10pm. Working late in evenings, at least 10pm – 11pm and Sat and Sun – B6BR Unneighbourly impact of noise/work being carried out at unsocial hours. Numerous delivery vans causing blockage. Unneighbourly impact of traffic at unsociable hours. Should enjoy peace and quiet during the evenings and Sundays. Running Classes – commercial operating late in the evenings. This is a residential area and must not be allowed to set a precedent. Detrimental to character of RESIDENTIAL area (B10R, B1R) Detract from amenities of nearby dwellings (H22R). Not stating number of staff gives carte blanche to have many more than 5. Door of hut not always closed with dog tethered outside. Storage of Dangerous Substances – We have a baby, we are worried about the health and safety aspect as we are very close to the property. storing gas cylinders outside the hut – adjacent to our garage. Very worrying. In 2012 application applicant stated she would not be using Liquid Petroleum Gas which was patently a lie as she is using propane gas and which she is storing outside the hut. Storage for a third party (condition 07) – storing scaffolding outside. Large lorries entering the rear access blocking access. Drilled a hole in the Asbestos roof which provide a black unpleasant revolting smell, harmful to nearby properties and very young children. Pollution to fresh air – noxious rubber/plastic and foul smelling black smoke coming of chimney vent, blowing and entering neighbours windows and garages. Dreadful situation. Seen flames from the chimney. Surrounding Council tax paying property owners unable to sit out and enjoy. No preventative measures to filter the emitting smoke. Affects my husband's asthma. Increase of traffic – often cars, vans, bikes blocking the road to the hut (TAR, 7BR, 1AR, E12R). Observed parking on double yellow lines. There is inadequate parking provision here. Increase use of access will lead to unacceptable increase in traffic detrimental to safety of residents, especially dangerous when dark Inadequately of parking provision in area. This is unacceptable causes noise at anti-social times (B6BR) – what about if the emergency services need to access the rear of the properties. Squatting – Business runs without owning the premises or paying rent. Testify my father, Raymond Gordon Gamble, built 22 Kings Walk in 1954/5. I lived at 22 King's Walk until 1971. During that period and all time it was occupied by the Angling Club. Never any problem of noise or nuisance. The visits by the club were always pleasant and harmonious until person squatting there arrived. The title Artists hut open to abuse. Where does it end? Constant reminder that Miss Davies can break into a property and achieve the permission of the council to operate

a factory. Ms Davis is not the owner and sub-lets the studio. Rightfully owned by an elderly gentleman. Where is this man, and his say to all this? What chemicals or flammables are being used, what they're being used for, how they're stored and what happens in the event of fire or other incident Undesirable precedent. If shed can be turned into a business, then who is to stop others attempting similar? Urge you to refuse. Object very strongly to remove the words "for commission only" from exiting condition 3. If agreed, it would allow the public to come there at any times as long as they are by "prior appointment" which would no double be very easy to "prove". All power to Artists contributing to local community and contributing to local community and enhancing our living spaces and giving us all a respite from daily grind. How about the artist apply for Arts Council funding or Government funding to rent a unit in a business industrial estate. No problem with noise and disruptive land use to Environment Agency depot – staff leave and return with respect. Original hut always freshly painted. Current eyesore unpleasant to look it. It is a disgrace.

Objection from Shoreham Beach Resident's Association (SBRA) and Marine Ward Councillor: While you may not expect an artists' hut to create problems, reality is different. Although SBRA acknowledges ownership is not a planning concern, concerned this property does not belong to the applicant. Would support residents opposing the application and believe allowing out-of-hours operations in what is a residential area is a step too far. Also issue with smells as applicant burns materials in a wood burner that creates strong smell. I have experienced this first hand and not convinced only wood is burned, although not an expert. B6AR – unneighbourly impact of activity and traffic on quiet residential area. Although proposed numbers are not great access the hut via a narrow approach way. B6BR – unneighbourly impact of activity and traffic at unsocial times. B10R – will create undesirable precedent. A commerical hut is very different to the angling operations previously conducted there. H22R – detracting of amenities from neighbouring dwellings. This is a seafront location and residents bought their properties expecting to enjoy fresh seaside air and have their windows open and to dry washing outside. Often not possible when smoke is billowing from the window burner. The hut is much lower than most properties so the smoke is not omitted at height – as is the case with other homes on the beach who quite legitimately burn wood with little problem. H23R – activity detrimental to environmental amenity due to smoke. SBRA opposes and urge offices to recommend refusal.

Objection from occupier of Church Farm, Coombes Lancing: Object most strongly. As I stated in 2012 she is a squatter and does not own the site it belongs to Shoreham Angling Club. Proof of this is at the land registry WSX 100097 5th Nov 1992. As the club is small, our funds are limited so finding someone to get the eviction notices needed is very difficult but if we can find an organization to do this we will get her evicted ASAP. I have in the past contacted Ms Anna Davies and made the position quite clear that she is unwelcome and we require her to leave.

Letters of support from occupiers of 10 & 18 Kings Walk and "Dragonfly" 13 Riverbank, 34 Riverbank, 30 Beach Green, 22 Ormonde Way, 16 Navarino Road Worthing, 1-2 Wellington Court Flat 5 Waterloo Street Hove, 11 Warrendene Road

Brighton, 26 Orchard Park Worthing Road Rustington, The Hut 21a Kings Walk (work address): *I have been going to this class for 2 years now and find it very useful. I recently applied for a new job and was able to list the skills I have learnt in stained glass making to add to my CV. I always arrive on foot or by bike and don't think I cause any distress to neighbours! I would be very sad if this course could not continue as there is nothing else like it in the area so is very much valued by me and others in the class. How totally shocked to hear the stained glass window classes I have been attending are now having to close following a complaint. Been attending these classes for some time now, and was captured from the start with this skill. Anna encourages us and inspires us with her immense skills. I have attended whilst going through a difficult time in my personal life and classes been a life-line for me. I jokingly called them my 'glass therapy'. Struggled to find anything that met my needs, and requirements (as I work full time so never home before 7.00pm). It would be a travesty if these classes were not able to continue. The evening event is the only one that fits in around busy work schedules. Classes would not be possible to run in any other space, due to the nature of the materials and space required, so Anna's workshop is ideal. Provides relaxation and keeps people's minds and bodies active and healthy. This is something I would have thought the Local Authority would be actively promoting in local area. One of the reasons received a complaint is due to the wood burning stove. This is ridiculous, when I know for a fact that at least 4 other residents in nearby properties own these, as they are becoming increasingly popular as an environmentally friendly way of heating. Space is lovely and well equipped. Saddened to hear she is having problems. The thing is that there aren't that many arty/crafty things to go to in this area after work. We should be encouraging anything that provides something interesting and positive. Apparently a neighbour complained about wood smoke from the heater which is ludicrous as wood burners are very popular in the area – practically all of my neighbours have them. A few months ago a lady knocked on our door and asked us to sign a petition. She told us that a woman had forced her way into the building and was causing a nuisance and burning things that she shouldn't. We told the lady that we would not sign her petition to which she became quite shirty and was put out. About a week afterwards we decided to go and check it out ourselves to see what all the fuss was about. We were greeted by a lady named Anna. She was most welcoming and invited us for a cup of tea. She answered any questions we had. We were surprised about how much she cared for the place. It was enlightening to think this once run down derelict building, which to our knowledge as used as a hangout for kids to drink and take drugs. She has a little wood burner in there because of a complaint she is now using eco logs, which are twice as costly. We are glad we didn't sign the petition. We just hope that some of the residents take time to go down and speak to Anna. You would have thought with the way the country is going and with the Brexit situation we should be encouraging small businesses. I am a mosaic artist and since Sept 2016 have been sharing the work space. The activities are very low key; create very little noise using small tools, only a small number of visitors. The wood burning stove is used in winter and burns only clean wood and smokeless fuel 100% in support. Exciting and unique adult learning resource in the area is amazing. Lived within ear shot of other local adult resource of the samba band, which impacts greatly on local residents due to the noise, and continues on without any objection. I cannot praise the idea highly enough.*

Further representations following reconsultation

5 further letters of objection have been received on the following grounds:

- The building has previously been used for recreational purposes and should not be used by a squatter as a business concern
- Health concerns caused by the fumes from the building
- Increase pressure on highway safety through lack of parking
- The building was broken into illegally and conditions not complied with, the application should therefore be refused on moral grounds.
- Commission viewing should not have been taken out of the description
- Inappropriate location within a residential area for a business such as this, alternative premises could be found in a more suitable location
- Applicant will soon flout conditions again as does not respect the law, evidenced by her squatting in the building
- The justification for the permission in 2012 was that the conditions imposed needed to be adhered to, but this has not been the case
- Applicant has no authority to occupy the premises

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and 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.

Relevant Planning Policies and Guidance

The National Planning Policy Framework

Adur Local Plan 1996 (saved) policies: AG1, AE16, AE17

Adur Local Plan 2016 (submission) policies: 1, 2, 4, 15, 26, 29, 35

Planning Assessment

Principle

The hut benefits from planning permission to operate as an Artist studio.

The National Planning Policy Framework (NPPF), which is the expression Government policy, instructs Local Planning Authorities to *'operate to encourage and not act as an impediment ... ensuring that the planning system does everything it can to support sustainable economic growth'* (para. 19). For Adur, the NPPF is afforded

considerable weight in decision-making as its saved policies are out of date and its emerging policies have yet to be adopted.

Adur Saved Policy AE16 deals with existing businesses in residential areas including Shoreham Beach (policy AE17 is closely aligned but relates to industrial, storage or wharf uses). AE16 strikes a balance between the importance of having regard not only to the needs of a small business but also the amenity of nearby residents; it permits alterations of existing business premises provided on-site car parking and access to the public highway is acceptable and there are no significant adverse effects on the amenity of nearby residents.

This resonates with the NPPF, which sets out the planning system's overarching role to always seek to secure a good standard of amenity for all occupants of land and buildings.

Character and appearance

The existing hut is not of any architectural merit. Against this backdrop, the extract is a minor external alteration and no significant visual harm has arisen from it. Whilst the prevalent character of the area is residential, the hut is unique in having a well-established non-residential use (it was used by an angling club before the artist). It also sits alongside the non-residential Environment Agency depot.

Flood Risk

The site is in Flood Risk Zone 3. However as no-one is staying overnight, the use continues to be categorised as 'less vulnerable' development and is acceptable in flood risk terms.

Neighbours – effect on living conditions including pollution

The artist studio was granted permission as it was a discreet use, a reflection of its sensitive location at the rear of residential properties. No sales counter exists and no art is sold from the hut. No trade deliveries should be made to the hut.

Having classes run from the studio would raise the activity level associated with the studio into the evening hours, and more generally. However, the classes would be limited in number (a max of 5 pupils and 2 artists). There are 3 artists in residence, so the maximum number of individuals in the building at any one time would be 8. Evening classes would be limited to twice a week. Pedestrian comings and goings associated with such small groups would be of limited frequency, and not unneighbourly. Opening until 6pm the remainder of the week would not extend activity into antisocial hours.

Environmental Health is satisfied noise and disturbance from the classes would not be harmful to the living conditions of immediate neighbours.

The art continues to be limited to the designing and making of stained glass and mosaics involving a limited range of equipment (a glass grinder, potters wheel, kiln, compressor, drill, and sandblaster). The equipment that generates the most noise continues to be the sand blaster. Like all materials and equipment associated with the studio, it would be stored inside the hut building.

The only exception is the gas bottles, which are required to be stored outside. These are stored in a cage to the west side of hut. The Council's Environmental Health officer is satisfied with this.

A visit was undertaken by Planning and Environmental Health officers on 22nd November 2016 to, again, assess the noise generated by the sand blaster. When tested, the hut doors were both open and closed. When closed, the noise was just audible outside of the hut as a background hum.

The Council's Environmental Health department is satisfied the chimney emissions from the solid fuel heating do not warrant intervention under Environmental Protection Legislation. Without this objection, refusal of the chimney on pollution and residential amenity impacts is difficult to justify. If the application were approved, this does not affect the ability of residents to alert the Environmental Health department to any concern and for that department to consider any remedy under their own legislation.

Parking and accessibility

The two staff parking spaces would remain. Classes are likely to encourage vehicular trips. However, the limited number of people involved means the amount of trips would be low.

With no space on site for visitor parking, those arriving by car would use surrounding streets. Although opportunities are few, these streets have capacity to accommodate the limited parking demand generated by extra trips. Although that Authority has advised providing cycle storage, bikes can be informally stored inside the hut for the duration of classes. The private drive to the hut is short (some 28 metres) and fairly wide (approx. 4 metres), with good visibility where it adjoins the adopted highway - so is capable of accommodating the greater pedestrian use. The Highway Authority agrees, and has raised no objection to the proposal.

For these reasons, the proposal would not give rise to material harm to parking circumstance and/or highway safety.

Other considerations

It is understandable given the apparent nature of the original occupation of the building that members of the public should raise concern however the planning system cannot be used to resolve such concerns and they are entirely separate to the considerations relevant to the planning application. It should be stressed that any approval of this planning application does not indicate any validity of ownership and

does not affect the ability of any individual to seek a legal remedy.

Recommendation

The principal test for the acceptability of this proposal hinges on whether it satisfies Adur Saved Local Plan policy AE16.

It has been demonstrated the alteration of the existing business can occur without unacceptable impact on on-site car parking and access to the public highway and with no significant adverse effects on the amenity of nearby residents.

On this basis, the policy test of AE16 has been satisfied.

APPROVE

Subject to:-

1. Approved Plans
2. Standard time limit
3. No working, trade or business whatsoever shall take place on the land edged in red on the plans hereby approved except between the hours of 9.00am and 6.00pm of the same day Monday, Wednesday, Friday and Saturday and 9.00am to 9.00pm of the same day Tuesday and Thursday, and not on Sundays or Public/Bank Holidays.
4. The artist studio shall not be open to the public except for commission viewing by prior appointment only and day and evening classes from 9am to 6pm Mon, Weds, Fri, Sat and 9am to 9pm each Tuesday and Thursday only, with a maximum of 8 individuals (5 pupils and 3 artists) present at any time.
5. No machinery other than 1 no. glass grinder, 1 no. potters wheel, 1 no. kiln, 1 no. compressor, 1 no. drill, and 1 no. sandblaster. Any additional machinery shall be approved in writing by the local planning authority. No machinery shall be operated unless all the windows and doors of the hut are closed.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no art shall be sold and no sales counter shall operate from the building.
7. The parking spaces provided on the land in accordance with the plans approved under planning permission AWDM/0161/12 shall not be used for any purpose other than parking of staff vehicles incidental to use of the artist studio.
8. No storage (except for gas bottles) shall occur outside of the hut building on any part of the land edged in red.
9. No external working shall take place anywhere on the land edged in red to which this permission relates and all working shall be confined to within the hut building.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the hut building

shall not be extended or altered externally or any incidental building erected within the land edged in red and no external plant or machinery shall be installed, erected or replaced on the hut building and/or land edged in red.

11. No external lighting or floodlighting shall be installed from the date of this permission except in accordance with details to be submitted to and approved in writing by the local planning authority.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

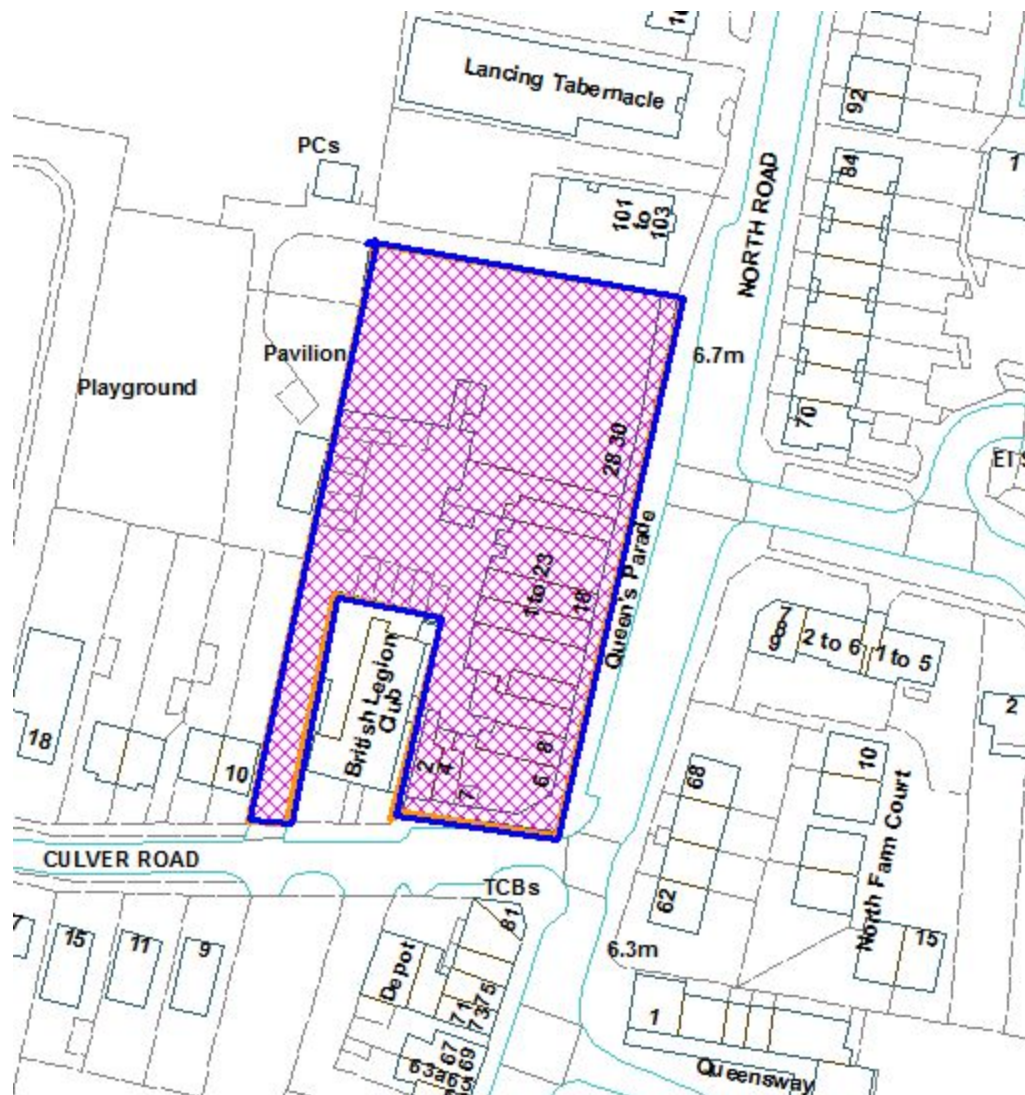
Application Number: AWD/1915/16 Recommendation – APPROVE

Site: Queens Parade North Road Lancing West Sussex

Proposal: Addition of second floor and part third floor over existing first-floor flats to provide 9 no. new residential units comprising 2 x studio flats, 3 x 2-bedroom flats, 3 x 2-bedroom flats and 1 x 3-bedroom maisonette (with terraced balcony), plus associated lift and rear (west) stairs access, communal terrace, bin and bike storage

Applicant: Lee Baron
Case Officer: Jo Morin

Ward: Mash Barn



Not to Scale

Site and Surroundings

The application relates to an L-shaped, flat-roofed building on the corner of North Road and Culver Road within Lancing village centre. The building dates from the mid-1960s and consists of retail units on the ground-floor, including a larger unit comprising the Co-op supermarket unit at the far north end, and 11 no. residential flats on the first-floor above. The building frontage onto North Road and Culver Road is largely 2-storey, with the higher floor-to-ceiling height of the Co-op supermarket resulting in that part of the building being some 3 metres taller overall. The ground-floor has a deeper footprint than the residential upper floor with various single-storey elements extending into a rear service yard. Vehicular access to the latter is from Culver Road via a narrow concrete drive. A separate narrow pedestrian path leading to the rear yard from Culver Road runs between the flank of the building and the British Legion Club adjoining the site to the west of it. The shop units including the supermarket are serviced from the yard, the latter from a large loading bay to the north side. There are also 10 no. domestic garages located in 2 rows along the south and west sides of the yard. The flats are accessed from Culver Road from an enclosed stairwell leading onto an open rear access deck. A separate set of external steps lead from the first-floor deck directly into the rear yard.

The building frontage is horizontally bisected by a projecting canopy which visually separates the ground and first-floor elements of the building. The taller northern element of the building extends above the canopy at first-floor, supported by concrete columns.

The external materials primarily consist of pale yellow brickwork with rendered and tile-hung vertical panels fronting North Road. The taller element of the building above the Co-op supermarket is faced in a dark brown brick. The first-floor windows appear to consist of a mix of the narrower-framed originals and mismatched uPVC replacements. The overall appearance is somewhat tired and rundown looking.

Adjoining the site to the north is an access drive leading to the recreation ground. Beyond is a modern three-storey building consisting of ground-floor offices with flats above (No.101-103 North Road). The British Legion Club adjoins the Culver Road frontage, with the above-mentioned vehicular and pedestrians accesses serving the rear yard running along either side of it. Adjoining the vehicle access, further to the west, is No.10 Culver Road, a semi-detached house.

Proposal

Permission is sought for the addition of an L-shaped second-floor addition above the existing flats (excluding those above the Co-op supermarket) with a third floor element on the corner, providing 2 x studio, 3 x 1-bedroom and 2 x 2-bedroom flats, plus a 3-bedroom maisonette. The additional floor would be 66.5 metres long fronting North Road, adjoining the southern flank of the existing taller element above Co-op, and 22 metres long fronting Culver Road. Two of the flats would be accessed via a

continuation upward of the existing internal stairwell entranced from Culver Road. The remainder of the flats would be accessed from 3 no. spiral stair 'pods' via the existing rear first-floor deck. A new lift is shown providing access from the rear yard to the first-floor deck. The existing narrow footpath between the west side of the building and the British Legion Club is shown covered and gated. No car parking is proposed. Cycle storage is shown in the rear yard serving the proposed new flats as well as cycle stores provided on the first floor deck for the existing flats.

The application is accompanied by a Design and Access Statement.

The application has been 'called-in' to Committee by Cllr. Brian Boggis.

Relevant Planning History

Planning permission was refused in 2010 (ADC/0023/10 refers) for an additional storey above the existing 2-storey block of shops and flats to form 8 self-contained flats on the following grounds:-

- 1. The proposal would constitute an over intensive use of the site, resulting in an unsatisfactory standard of accommodation and a lack of amenity space for future residents to the detriment of the environment of the locality, contrary to the policies of the Adur District Local Plan (AG1, AH2).*
- 2. The proposed treatment of the extension at the corner of North Road and Culver Road, by reason of its design, use of external materials and prominence in the street scene, would detract from the visual amenities of the locality, contrary to the policies of the Adur District Local Plan (AG1, AH2).*

A subsequent planning application (AWDM/0178/12 refers) for a similar development to provide an additional storey consisting of 6 no. flats, associated alterations to the existing elevation treatment, cycle storage and rear amenity areas for the existing was refused in 2013 on the grounds:-

- 1. The proposal would constitute an over intensive use of the site and would provide an unacceptably poor standard of residential accommodation for future occupiers lacking any external amenity space provision and with poor means of access and inadequate facilities for the storage of refuse/waste. By reason of its size and 'bulk' the proposed second floor would detract from the residential amenities of existing residents, with the intensification of development on this constrained site likely to lead to a worsening of the existing poor residential environment. The proposed development is therefore contrary to saved policies AG1, AH2 and AS1 of the Adur District Local Plan.*
- 2. The proposed development, by reason of its scale, massing, architectural composition and poor quality design would appear as a prominent and unsympathetic addition to the streetscene which would be poorly related in visual terms to the existing building and would detract from the visual amenities of the locality. The proposed development is therefore contrary to saved policies AG1, AH2 of the Adur District Local Plan, policies CC1, CC6 and BE1 of the South East Plan and would not*

provide the uplift in the appearance of the existing townscape sought by the Lancing Village Vision (2012).

3. *No evidence has been provided that the necessary contribution would be made to improvements to sustainable transport to help offset the effects of the travel and associated infrastructure demands generated by the proposed development as required by the West Sussex Revised Parking Standards and Transport Contributions Methodology.*

A further application for a virtually identical proposal consisting of 6 no. flats (AWDM/14576/13) was refused in 2014 on the same grounds. A subsequent appeal was dismissed in March 2015.

Consultations

West Sussex County Council: The Local Highway Authority has raised no objection, commenting:-

“The site is located fronting North Road, a ‘C’ classified through road subject to a 30 mph speed restriction in this location.

The Local Highway Authority (LHA) was consulted previously on Highway Matters under AWDM/1457/13 and AWDM/0178/12 but raised no highway concerns.

A nil car parking provision is proposed for the new flats. Under the WSCC Car Parking Standards, 8 no. car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions along North Road prohibiting vehicles from parking in places that would be detriment to highway safety.

Culver Road is subject to restricted parking (single yellow line) with no parking between 8.00 and 18.00 hrs. It is conceivable that resident parking could occur outside of these hours. However, from an inspection of local mapping this does appear to be an existing practice. Culver Road is approximately 5 metres in width along its length with some additional width in the form of lay-bys in proximity to the junction with North Road. Any parking on the carriageway would restrict the ability for two vehicles to travel in opposing directions at the same time. One vehicle would be required to wait while another passes if parking is present. It is not considered that overspill parking would be to such a level that all capacity for parking in the street would be used. Parking would be temporary in nature and occur outside of the peak hours only.

While it is likely that some on street parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions. The low speed nature and the sufficient forward visibility would enable a car to wait in the event of another travelling in the opposing direction.

The LHA will only consider the impact of on street parking from a safety perspective; matters of amenity would be a matter for the consideration of the local planning authority. [The LHA] would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision.

The site is located in a sustainable setting above a parade of shops with a range of grocery retail, other retail, amenities and services immediately accessible. A street lit footway link and pedestrian crossings provide safe and suitable onward route by foot to nearby bus stops and Lancing Train Station a short walking distance away. The location offers the realistic opportunity to travel on foot, bicycle or via public transport.

Proposed bicycle storage should be secure and covered. WSCC cycle parking standards indicate that at least four cycles for the flats and one for the maisonette should be provided for in a communal storage area or rather one space per residential unit if in separate facility. Details of the proposed bicycle storage can be secured via condition.

The LHA does not consider that the proposal for 9 no. residential units on new second and part third storey to Queens Parade would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."

Conditions to secure covered cycle storage and site set-up during construction are recommended.

Southern Water:

It is the responsibility of the developer to make suitable provision for the disposal of surface water. The Building Regulations prioritise the means of surface water disposal in the order (i) adequate soakaway or infiltration system, (ii) water course, (iii) where neither of the above is practicable, sewer. Southern Water supports this stance and seeks through appropriate planning conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer only occurs where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to public sewer the prior approval of Southern Water is required. It is requested that a condition is attached to any consent stating that construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

It is also requested that an informative is attached advising the applicant that a formal application for connection to the public sewerage system is required in order to service the development and that a sewer capacity check will need to be initiated to identify the appropriate connection point for the development.

Adur & Worthing Councils: The Environmental Health Officer (Environmental Protection) suggests the layout is reviewed to address the proposed 'stacking' arrangement which currently shows a number of bedrooms located above reception rooms or kitchens on the first-floor, which could result in noise issues. A condition controlling hours of construction including the use of plant and machinery is recommended.

Lancing Parish Council: No comments received.

Representations

Six objections have been received from residents of Queens Parade, Culver Road and North Farm Court, as well as from a business occupier of Queens Parade. Their comments are summarised as follows:-

- **Parking:** Parking is provided for other purpose-built flats built over the years in Lancing and is needed here. There isn't capacity to park on-street and the side roads are already packed with either residents or shoppers parking, or from people visiting the football ground or British Legion club. Inconsiderate parking arising from an existing lack of provision already causes disputes between residents and shoppers.
- **Traffic:** The additional traffic generated by the development will cause major problems on local roads which are already busy with cars and delivery vans.
- **Accessibility:** Although there are good links by public transport to Worthing, they don't cover smaller destinations which means changing buses and long journeys, making people less likely to use them and reliant on there being no strikes.
- **Building Fabric:** It is queried whether the existing structure could physically accommodate an additional floor.
- **Loss of Amenity:** The position of the lift will obstruct light to windows in the rear of 2 Queens Parade. The additional floor will increase the extent of overshadowing of properties on the opposite side of North Road as well as affecting privacy. The rear of 10 Culver Road will be overlooked.
- The lives of 11 households consisting of young families, as well as older and disabled people, will be affected if the development goes ahead, some have been resident for 20 years whilst others are more recent, but all will have to leave at short notice and will struggle to find alternative affordable low-cost housing. Businesses will also be affected too in the busiest part of Lancing where all the shops are currently occupied.
- **Noise and Dust:** Construction works will adversely affect the shops' trade. Are contractors willing to compensate for loss of trade and disruption?
- **Visual Harm:** The development will be a complete eyesore and overdevelopment. A building of such height will be totally out of keeping in North Road.

The occupiers (residential and commercial) of Queens Parade have been re-notified of the amended plans showing the re-siting of the proposed lift and Members will be up-dated of any further representations received at the meeting.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising:

Submission Adur Local Plan (2016): Policies 1, 2, 3, 9, 15, 19, 21, 29

Development Control Standard No.2 'Space Around New Dwellings and Flats'

Good Practice Guidance Note 'Internal Space Standards' (2010)

Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

Lancing Village Vision (2012)

National Planning Policy Framework (CLG 2012)

Technical Housing Standards (CLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and

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 saved Adur Local Plan policies comprise the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The site is located within the designated shopping area of Lancing. However, there is no objection in principle to residential development above ground floor which will contribute towards meeting the Council's housing need. To this effect, saved policy AH2 allows for new residential development by way of infilling or redevelopment within the built-up area subject to it being designed so that its appearance, character and scale creates a pleasant place to live, in-keeping with, and enhancing the existing

local environment; it does not have an unneighbourly impact on existing dwellings; it incorporates adequate standards of residential amenity for future occupiers and subject to satisfactory access and parking arrangements being provided.

The site is located within the 'village heart' within the Lancing Vision which sets out the future vision and aims for the village and seeks to focus activity in this part of the town in order to create a vibrant and thriving town centre, rich in activity. The Vision identifies that the way a place looks is central to the way it is perceived and experienced: "There is a feeling among the community that Lancing is tired and run down and that this is putting off visitors. There is also a sense that Lancing lacks any visible indicators of identity and heritage. Uplifting the appearance will make a dramatic difference in Lancing, but doing so in a way that provides an identity and modern cultural heritage will make that step change that sets Lancing apart." The Vision urges the appearance of Lancing to be uplifted, but in a coordinated way, with improvements to streets, spaces and buildings. In principle a scheme to upgrade and improve the 'tired' appearance of the existing building and the contribution it makes to the village heart can be supported.

The proposals will provide a mix of studio, 1, 2 and 3-bedroom dwelling units. This complies with policy 21 in the Submission Adur Local Plan (2016) which states that new residential development should incorporate a range of dwelling sizes, including family-sized units.

Design and Effect on the Character of the Area

The existing building has no architectural merit. Its appearance within the streetscene is dominated by the heavy projecting canopy which visually separates the ground-floor uses from the residential accommodation above. The appearance of the upper floor has been further undermined over time by the replacement of most the windows fronting North Road in a plainer style compared to the originals. Cracked render and missing tiles on the feature panels add to its 'tired' appearance.

Although the appeal against refusal of the previous scheme (AWDM/1457/13 refers) was dismissed, the Inspector considered that in his opinion there would be no objection in principle to an additional floor given that there are a number of three-storey buildings in the immediate vicinity, commenting that "...this would need to be done in a way that does not overwhelm the street-scene and nearby buildings and otherwise enhances the site and its surroundings". The Inspector's report goes on to suggest that it would also be appropriate to emphasise the existing corner 'block' which appears as a visually separate element of the building in order to achieve the sense of a 'landmark' feature.

The latest proposals have sought to address these concerns by creating an L-shaped second-floor with a taller third-floor element on the corner (measuring 10.7 metres by 8 metres). Whereas the proposed corner 'block' element and Culver Road frontage would align with the existing first-floor building envelope, the remainder of the North Road frontage extending northward (some 57 metres long) would be recessed back

(west) by 1.2 metres to create a shallow recessed balcony enclosed by glazed balustrading. This treatment of the North Road elevation articulates the enlarged building mass and officers consider would successfully avoid the additional volume visually 'overwhelming' the street-scene. The overall flat-roofed form is similar to the existing but with new external finishes and detailing introduced to refresh and 'enliven' the existing building. The existing tile-hung panels on the North Road frontage will be replaced in decorative green 'fish scale' tile cladding and the rendered panels above the windows infilled with brick 'slips' to match as closely as possible the colour of the existing brickwork. Unfortunately it is not possible to replacement the existing first-floor windows as these are outside the applicant's control. The existing brickwork panels on this elevation will be built up to form decorative piers sub-dividing the glazed balconies on the second-floor above. Windows will have a similar vertical proportion and line-through. The recessed walls of the second-floor will be finished in a combination of the green tile cladding and brick 'slips' to complement and harmonise with the rhythm of treatment on the first-floor. The edge of the flat roof over the main second-floor addition will be fitted with an over-sailing 'aerofoil' detail on the North Road frontage. The roof perimeter of the taller third-floor element of the corner block will be similarly treated. The second-floor of the corner block and the Culver Road frontage of the addition are shown to be brickwork, largely corresponding with the existing elevation treatments with matching windows lined through. Decorative brick string coursing would be incorporated above the second-floor windows, adding some visual interest particularly to the plainer Culver Road elevation. The third floor of the corner block would be finished in the green tile cladding with the windows on this taller element having a narrower vertical proportion in a dark-coloured metal frame.

The rear elevation of the second-floor addition will follow the stepped rear walls of the existing first-floor below. Windows will not line-through for the most part. The elevation treatment on this side will be brick to match, with decorative string coursing adding some visual relief. The rear elevation will be further articulated by the 3 no. stair access pods. The pods would be sited on the existing open first-floor deck, consisting of a metal spiral staircases leading onto narrow, roofed, access platforms, serving 2 or 3 flats. The staircases would be enclosed in a stainless steel mesh-covered framework. The access platforms would have mesh side panels up to 1.5 metres in height from the floor of the platform. Their modern, light-weight design is intended to minimise the physical impact of the stair structure on the amenities of the existing flat occupiers, whilst creating visual interest.

On the whole, it is considered the architectural composition of these latest proposals address the concerns identified by the Inspector in respect of the earlier scheme. The additional massing of the proposed third floor element will create a distinctive landmark feature on this prominent corner, whilst the more restrained approach in setting back the second-floor on North Road will alleviate the visual impact of the additional 'bulk' along this wider frontage. The introduction of the green 'fish scale' cladding combined with a variety of other small-scale design features will help rejuvenate the existing 'tired' elevations as well as visually integrating the additional floors, uplifting the drab appearance of the existing building and helping to revitalise this part of the village 'heart'.

Affordable Housing

Policy 22 of the Submission Adur Local Plan seeks the provision 20% affordable housing on sites of 6-14 proposed dwellings. However, this policy does not adhere to Government Policy set out in Ministerial Guidance (brought into legal effect by order of the Court of Appeal in 2016) which stipulates that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. The local circumstances that would justify an approach which differs from national policy have been considered as part of the recent Examination in Public. However, the Planning Policy Officer confirms that at present (and until such time as the Inspector publishes his report) this policy does not carry sufficient weight to be a material consideration in the determination of planning applications.

Residential amenity – for proposed dwellings

Measurements taken from the floor plans are not entirely consistent with the schedule of gross internal floorspace within the submitted Design and Access Statement, but all nevertheless meet the minimum floorspace requirements for the relevant number of bedspaces shown as set out in the Government's Technical Housing Standards – Nationally Described Space Standard. Flats Nos. 1-7 fronting North Road would each have a shallow private balcony area, sufficient to accommodate a small table and chairs. The 3-bedroom maisonette within the 'corner block' would have a larger roof terrace at third-floor level enclosed by glazed panels. Only Flat 9 (2-bedroom) will have no private amenity space.

All the flats will have a dual aspect to the front and rear of the building except Flat 2 (studio) which will have a sole east-facing aspect fronting North Road.

The Environmental Health Officer has raised concerns about the internal layout and vertical 'stacking' of the flats, but standards on noise transference between the existing flats and the proposed new floor will be dealt with under the Building Regulations.

The proposals include the introduction of a lift (a platform lift housed within an insulated weatherproof enclosure) located within the rear yard attached to the single-storey rear of the building, providing access between the ground and first-floor deck. Whilst the current proposals do not rely on a lift, it would clearly benefit both existing and proposed future residents. However, as initially submitted the siting of the lift enclosure was considered unneighbourly owing to its proximity to existing adjacent windows at first-floor level. An amended drawing has been submitted showing the re-siting of the lift to the north and east, within an existing recess. Whilst this re-positioning relieves the earlier concern, the lift entrance would be rather awkward within the recess and would be better-re-orientated with the lift doors facing west. This could be dealt with as a condition of planning permission.

The existing rear yard is not a pleasant environment although it currently appears tidier than in the recent past. The current application proposes to improve this area by re-surfacing in tarmac part of the yard adjoining the rear of the shops where the bins (a combination of 1100 litre Eurobins and smaller 'wheelie' bins) are stored – but not the access drive or larger loading areas serving the Co-op supermarket. It is also proposed to re-surface the narrow footpath adjacent to the boundary with the British Legion Club, together with a new canopy roof and security gate fronting Culver Road. These improvements to the external areas would provide a more secure, safeguarded and weather-protected route into the yard that would benefit existing residents as well as the proposed future residents.

The Council's Waste Strategy Manager initially expressed concern about the adequacy of the additional refuse storage provision and servicing arrangements to serve the proposed flats. The Council's standard 10.1 metre long refuse vehicle cannot access the rear service yard and collections for the existing flats are currently undertaken in conjunction with the commercial collection to minimise vehicle movements. A re-cycling service is not currently provided. Following discussions, it is proposed that bins would be collected from the rear yard via the re-surfaced pedestrian access on Culver Road. A roadside collection would enable a re-cycling service to be provided. The Waste Strategy Manager has advised that a total of 6 no. 1100 litre bins would be required to serve the existing and proposed flats and an amended plan has been provided showing these in the rear yard adjoining the eastern flank of the British Legion Club building (together with provision for the commercial shop units which will continue to be serviced separately). The Waste Strategy Manager has no objection to the fitting of a security gate to the pedestrian access providing it has a combination-type lock (i.e. not a key).

Residential amenity – effect on existing dwellings

The living environment of existing residents is relatively poor although improvements have been made to the security of the entrance lobby (off Culver Road) and the rear yard appears tidier and less rubbish-strewn since the earlier applications in 2012-13. Nevertheless the exterior (both front and rear) has a run-down appearance. The first-floor access deck has broken and uneven surfacing. Part of the deck has been sub-divided in fenced-off sections to provide the existing flats with small areas of amenity space with rotary driers and personalised with potted plants. The fenced-off areas create some separation distance between the communal walkway and the nearest adjacent windows (typically serving kitchens, bathrooms and bedrooms).

Despite their deliberate light-weight design and construction, the proposed 3 no. stair access 'pods' and second-floor platforms would have an impact on the amenities of the existing flat occupiers on this side, resulting in some loss of outlook and daylight to windows in the west elevation. However, the spiral staircases will be sited a minimum 4 metres from the wall face containing these windows, and given their relatively narrow proportions (2.5 metres wide) and the fact that the mesh-covering will allow some light to pass-through, it is considered the impact would not be unacceptably harmful. Although additional comings and goings from the occupiers of the new flats

will result in some increased noise and activity, this will be evenly distributed across communal deck between the 3 no. staircases. [Flats 8 and 9 will be accessed internally from an extension to the existing lobby/stairwell off Culver Road.] The mesh covering of the staircase enclosures and platform sides will help alleviate the effects of overlooking from the stairs.

The additional floor would block off 2 no. rooflights on the existing roof which provide the only source of ventilation and natural daylight to bathrooms in the two affected flats. Whilst dismissing the earlier appeal, the Inspector specifically commented that: "...it is not uncommon for such rooms to be internal and mechanically ventilated and I see no objection in principle to this arrangement."

It is not considered the latest proposals (amended to re-position the lift structure as described above) would have an unacceptably harmful effect on the living conditions of the existing flat occupiers.

The height and 'bulk' of the additional floor(s) will give rise to some additional overshadowing of the front of the residential properties on the east side of North Road, most notably Nos. 64-68 forming part of the single-storey terrace opposite, which are sited close to the edge of the road. The additional effects of overshadowing will be felt in the afternoon and will be most apparent in the winter when the sun is lower in the sky, but will not be significantly worse than the existing situation as to warrant refusal on this ground.

The garden of 10 Culver Road is over 21 metres from the nearest part of the proposed additional floor, with the 'bulk' of the 2-storey, pitched-roof British Legion Club building sited in-between, and it would not be adversely affected by the development.

Accessibility and parking

No parking is proposed to serve the proposed flats.

It can be assumed that the existing flats originally had access to one of the garages in the rear yard, but it is understood ownership has become severed over the years and few, if any, are used now for parking. There is limited scope for residents to park elsewhere in the yard, as constant access is required for deliveries to the Co-op supermarket, and to service the other ground-floor shops.

The WSCC Parking Demand calculator identifies the development would generate an additional parking demand of 8 spaces. Although residents would have to compete to park on-street in surrounding roads with shoppers and visitors to the other facilities of the town centre, including the football ground in Culver Road, the Local Highway Authority has not raised any objection to the lack of parking provision on highway safety grounds on the basis that effective parking controls are in place locally. The site is sustainably located with excellent access to a wide range of shops and services in Lancing. Notwithstanding the comments of third parties, the site is within walking distance of a choice of public transport, including Lancing rail station and local bus

routes. The use of sustainable modes of transport is promoted through the provision of secure, covered cycle storage for both existing residents and proposed future residents. In the context of national planning policy set out in the NPPF, the Local Highway Authority advises that there are no transport grounds to resist the proposal.

Since the appeal decision on the former scheme, transport contributions are no longer sought by the Local Highway Authority for this scale of development owing to the change in Government Policy that tariff-style contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres.

Other issues

Third parties have queried how construction would take place and whether existing tenants would be evicted as a result. Whilst it is recognised that the proposals cause uncertainty for the existing residents, occupancy rights and the terms of the existing leases is not a planning matter.

Conditions can be imposed to limit the potential for environmental nuisance caused by construction works, as recommended by the Environmental Health Officer.

Recommendation

APPROVE Subject to Conditions:-

1. Standard 3 year time limit
2. Approved plans
3. Agree schedule and samples of external materials and finishes (including all external cladding and facings, stair access 'pods', balconies and roof terrace)
4. Agree windows details
5. Implement architectural details and re-cladding of existing first-floor as shown on plans prior to first occupation
6. Agree and implement improvements to external areas to provide secure, safeguarded and weather-protected pedestrian route prior to first occupation
7. Agree precise design of lift
8. Agree and implement cycle storage for existing and proposed flats prior to first occupation
9. Agree and implement refuse storage/re-cycling provision prior to first occupation
10. Hours of construction
11. Agree and implement construction method statement
12. Agree and implement foul and surface water drainage in consultation with Southern Water

Application Numbers: AWDM/1956/16 & AWDM/1958/16 **Recommendation – APPROVE both applications**

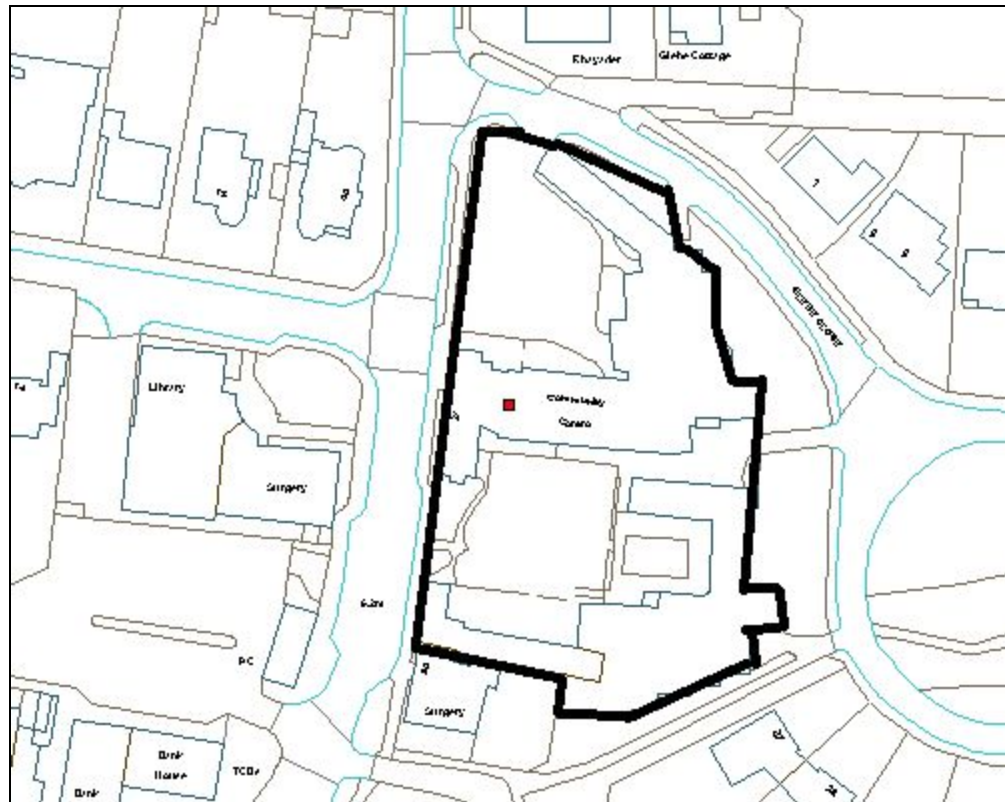
Site: Southwick Community Centre Southwick Street

Proposal: Planning Permission: Proposed entrance canopy and alterations to existing gates, removal of existing tree and replacement with new tree.

Listed Building Consent: Proposed entrance canopy and alterations to existing gates

Applicant: Mr Bob Ryder
Case Officer: Matthew Porter

Ward: Eastbrook



Not to Scale

Proposal, Site and Surroundings

The application site is Southwick Community Centre, located on the east side of Southwick Street. The large building, formerly the Homestead of the Manor Farm, dates from the 16th Century and is Listed Grade II. The building has been extended and altered in various ways during the course of its recent history (including applications approved in 2006). It falls within the Manor House character area of the Southwick Conservation Area.

The surrounding area is on the edge of Southwick shopping parade to the west, with residential uses in all other directions. A modern library/health centre exists on the opposite side of the road outside of the Conservation Area.

Members will recall in 2014 an application was made by South Community Association for an upgrade to the main entrance of the Community Centre, and removal of a Lime tree. Work was also planned for altering the internal foyer and office area. These plans were refused and a TPO was placed on the Lime tree and only the internal works were subsequently carried out.

Since then, the Association has sought to amend their canopy and wall proposal, aided by their detailed research into the history of the centre. The Association has now applied for this amended proposal, which is part of a wider scheme of investment for Southwick Community Centre. The Southwick Community centre is run by Southwick Community Association, a registered charity. The need to upgrade the entrance was debated by the governing Board of Trustees at the Community Association's 67th Annual General Meeting held in June 2013. Centre users were then consulted on the new canopy and entrance project in a consultative forum, an open meeting offering informal feedback and discussion. Drawings were also displayed in the Foyer for a month, with an invitation for comments. No adverse comments were received.

The Association has identified a need to increase the "trading activity" of the Centre, in particular the café and catering. A charitable trading company is being set up to achieve this.

They believe it is necessary to make the Centre's entry points more visible (by widening of the gateway to the garden) to help secure higher revenue, and that a new entrance area is essential for this business plan. New signage is also proposed, as well as the removal of an existing Lime tree at the main entrance.

It is proposed to double the existing gateway width with a new cast iron gate and new stone piers that would match the Wealden Sandstone of the Homestead.

The new entrance area will be canopy made of brick, flint and glass with an insert sculptured panel.

The new entrance consists of a free-standing wall, built in brick and flint, inset with a

commissioned artwork cut through and etched into weathered steel. The wall will be furnished with an in-built solid wood bench.

The brick of the new wall will be selected to match the existing pale and contrasting bricks used in the centre. The flint will be similar to that used in the 1960s wing. The weathered-steel sculpture will use Corten type steel with varying shades of reddish-grey-brown.

The second element is a glass canopy, extending over most of the paved area. The glazing bars will be power coated steel/aluminium in copper-brown colour.

Also proposed is a new gateway to the public garden which will replace the existing gateway, which itself was created between two adjacent flint walls in early 1950s. It would have the effect of integrating the Homestead with the whole stretch of flint waling running down to the old farmhouse (No. 24 Southwick Street). The new piers will be faced in stone to match the ashlar quoins of the Homestead, a distinctive feature of this Listed Building. The new metal gates will be cast iron incorporating sections of original new designs reflecting the heritage of the site. It is suggested that the widening of the gate would reveal more of the large community centre memorial garden and 'Garden Room' – and lead to greater public appreciation of this fine amenity.

The new piers will be Wealden Sandstone. The majority of the Homestead's ashlar quoins are Wealden Sandstone. The new ironwork gates using a pattern-book design and finished in gloss black.

The Association believes the existing Lime Tree is a visual barrier to the Centre's main entrance and that it prevents the construction of a proper entrance area, as well as carrying risks and liabilities for the Association and the freeholder. They believe the loss of the tree would be offset by new landscaping around the site, including on Glebe Close and planting of a replacement tree. This new tree would be planted away from the Centre buildings where a tree previously stood.

New signage is proposed around the site.

The Association believes this development would make the Centre more visible and attractive to the public, strengthening its economic future to help create new jobs. It is believed the appearance along Southwick Street would be improved with greater visibility and better access to the public garden, and a more attractive appearance achieved on Glebe Close with more quality trees and better landscaping that would also deal with the problem of anti-social parking. Overall, the Association believes the development would be a big improvement to the quality of the Conservation Area.

In resubmitting their application, the Association has written an 'Evidence of Damage and Liabilities' report in respect of the preserved lime tree which is proposed to be removed.

The site, a former farmstead with agricultural buildings, is now a complex of community rooms and facilities which form Southwick Community Centre. The Centre is within the “Manor House” Character Area of the Southwick Conservation Area. One of the community buildings, the Homestead – a grander house built on the western frontage of the farmstead site – is Grade II Listed. Nearly all the other buildings were built in later years.

The Centre is leased to Southwick Community Association by the freeholder, Adur District Council. The Association has managed, developed and improved the site for the benefit of the community.

Relevant Planning History

AWDM/0595/14

Application for Listed Building Consent for internal alterations and 2 new roof lights
Approved 03.07.2014

AWDM/0223/14

Section 211 Notice under the Town and Country Planning Act 1990 to fell one Lime tree in the Southwick Conservation Area
Refused 11.04.2014

AWDM/0164/14

Listed Building Consent application for new canopy and wall at main entrance and various internal alterations
Refused 02-05-2014

AWDM/0149/14

A new canopy and wall at main entrance
Refused 02-05-2014

ADC/0294/06

Alterations to kitchen entrance/exit (application for Listed Building Consent)
Granted Consent 25.10.2006

ADC/0293/06

Alterations to rear entrance/exit
Approved 25-10-2006

Consultations

Arboricultural Officer

The Lime tree T1 is an established feature of the Community Centre and the area, and can be seen from many viewpoints. It is considered important to the visual amenity and character of the Southwick Conservation Area that the tree is retained. As a mature large tree it cannot be easily replaced, and I do not consider the tree to be a

barrier to future development, and no overriding reason has been presented to fell this protected tree. My recommendation is that the felling of this tree is refused.

Estates

1st comment: 1st Clearflow conducted a survey of the drains around the base of the tree in 2013 and carried out repairs. The survey conducted in June 2016 found that further damage had occurred to the drains since 2013 and the report concluded "If possible it would be good to have the tree removed."

Following the report, Technical Services advised that the tree was too close to the building. The roots had caused problems and the weight of the tree, sitting above the drains, was also a cause for concern. As this would cause continuous maintenance, Technical Services recommendation was that the TPO is removed.

The meeting held last year went over the problems caused by the tree and the general consensus was that the tree should be removed

2nd comment: Our maintenance history indicates works were carried out in 2013: problems have returned with the tree roots requiring similar drain lining works required.

If the tree remains in position then we will be getting call backs to resolve the kinds of issues on a regular basis, and as the tree gets bigger the problems will increase.

The tree is so close to the building that I don't believe a new tree would be permitted in this location if it was planted today.

Representations

Adur District Conservation Advisory Group: *Recommend refuse.*

Throughout its history this successful and much loved building has been transformed from an historic homestead into a thriving community centre with designs which blended well with existing, using matching materials linked into a gradually modernised design which succeeded in enhancing the original building without losing its identity.

Alas these applications have, to members minds, done the opposite & give the appearance of commercial building so often seen in the past. Bearing in mind this area of the site faces north the dark grey facia panels give an overall depressing appearance & the materials proposed bear no resemblance to the age of the building. The overall effect is a harsh/ severe design which bears no resemblance to the age of this building or its original design. It should be borne in mind that when the original plans for the public library/G.P. surgery building sited opposite the community centre were submitted to Adur D.C. there was a public outcry due to its modernistic/commercial design. This resulted in new plans being submitted which

were more in keeping with this older area of Southwick, using knapped flint panels & brickwork of like colour & design as is predominantly used in this area of Southwick.

There is no question that this Centre needs to improve its facilities due to its popular reputation. However, the applicant should be encouraged to follow the modus operandi of its predecessors by endeavouring to enhance this historic building by producing a design which although modern, could enhance the existing, in particular with regard to use of colour & materials. It is also felt that the wall which links the Sussex Barn to the listed homestead, is an ideal bridge between these two key buildings, not old itself but sympathetic to both. It is the considered opinion of this group that the application should be refused on the grounds that the overall design conflicts with the existing building in an attempt to give an overall effect of a modern 21st century building which is in conflict with the tenets of conservation areas and listed building status. With regard to the lime tree located by the existing entrance, although members are loathe to support the loss of such trees, it is clear that it could, if not already, create problems with the building. Therefore, we cannot object to its removal provided that there is a replacement.

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and 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.

The Committee should also consider the application in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving a Listed Building's setting. The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the setting of the Conservation Area.

Relevant Planning Policies and Guidance

National Planning Policy Framework

National Planning Practice Guidance

Adur Local Plan 1996 (saved) policies: AG1, AH7, AB3-11

Adur Local Plan 2016 (submission) policies:

Companion Practice Guide to PPS5: Protecting the Historical Environment

The proposal is entirely consistent with Adur Local Plan policies AB3, AB4, AB5, AB6 AB7, AB8, AB9, AB10, AB11, ab19, ab25

Planning Assessment

Principle

Both the National Planning Policy Framework and Adur Local Plan policies support, in principle, the upgrading of community infrastructure - including buildings in community use as well as the upgrading of this Listed Building since it would sustain the heritage asset by continuing a viable use consistent with its conservation.

Conservation Area and architectural and historic interest of Listed Buildings their setting, and visual amenity

The existing north wing is not original, built in the 1960s. It is single storey flat roof with plain fenestration high-level windows.

The new entrance area would add a feature to this weak elevation. It would be viewed in a separate context to the Listed Homestead Building.

Moreover the entrance and foyer of the Centre is itself not original, having been built in 1966. Accordingly, its interior has no historic attributes, and the proposed changes to it would not be deleterious to the special qualities and architectural character of the Listing. This includes the proposed roof lights, which would be hidden behind a parapet. The plan form of the building would not be unduly disrupted by this proposal.

The historic architectural form of the Listed Building is simple and straightforward, with hipped or gable roof and flint and red brick walls. This combination of materials has been used on the modern parts of the community centre and the library building on the opposite corner to visually tie them into the area.

The contemporary design and aesthetics of the new canopy structure is a deliberate departure from this approach. It would ensure the structure would be readily noticeable from public vantage points within the Conservation Area, especially as it would be viewed against the backdrop of Listed Building behind it.

The new windows would be either of white aluminium or painted white timber (the centre has yet to secure an appropriate supplier). The drawings show the new windows to be proportionally thicker than the existing, due to the suggested differing exterior material and alteration of the openings. Because an appropriate system has yet to be secured, and the windows being replaced are those closest to the historic part of the building, it is necessary to condition any consent to enable negotiation on an appropriate window system. In determining what system is appropriate it is important there remains continuity with the rest of the existing fenestration along the length of the extension building.

The proposed works are to the entrance and foyer of the community centre. Designed with an emphasis on horizontal planes, this is a modern extension built in 1966. Its

pale yellow brickwork, single storey flat roof, covered rear walkway with structurally expressive piers, and mixture of large picture windows, clerestory lights, and high level openings, reflects this. It is readily distinguishable from the historic parts of the Listed Building, to which it physically abuts.

The interior of the entrance foyer and office has no historic attributes, and the proposed changes to it would not be deleterious to the special qualities and architectural character of the Listing, or the setting of the wider group of buildings that make up the Listing. This includes the proposed roof lights, which would be hidden behind a parapet. The plan form of the building would not be unduly disrupted by this proposal.

However it is designed this way for a very obvious reason – to announce to users where the front entrance is, and its design is successful in doing this. Its design approach means the structure would be readily identified as a later element, with the architectural form of the Listed Building remaining intact. Although the materials used in it would be different to those on the Listed Building and other historic buildings in the surrounding Conservation Area, they are still sympathetic in tone and texture to those of the Listed Building and its setting.

Given the above, in the opinion of your officers, the statutory tests for new development in a Conservation Area and to a Listed Building have been satisfied, and the proposal is in compliance with the advice laid out in the companion Practice Guide to the defunct PPS5. The special qualities of the Conservation Area, including its setting, identified in the Council's adopted SPG appraisal of it are therefore also preserved.

Loss of tree

The loss of the tree has previously been considered unacceptable and there is little doubt that, especially in summer, it makes a positive contribution to the Conservation Area.

It is understood that drainage surveys have been carried by the Association, including one in 2016 at the request of the freeholder. This survey indicated that more fractures in drainage pipes had occurred since an earlier survey in 2014. The estimated costs of repairs were quoted as £7,000 (the cost falling to the freeholder). A Disability Access Audit in 2010 referred to uneven paving at the main entrance and the freeholder re-laid the slabs in early 2015. However, the Association is concerned the paving is still moving and currently bears the liability under insurance claims.

The Association believes it is not practical to divert the drains away from the tree as it would involve extensive reconstruction of the drainage system. In the process of work being carried out, damage would have to be done to the roots. The costs have not been estimated and it would involve closure of the Centre as these are the drains to all the toilets and kitchen. It is understood that the pipes could be repaired and this would cost £7,000 but this would not be a permanent solution as tree roots would continue to

be disturbed.

The acceptability of the extension in design terms has already been outlined above. The issue of damage caused by the tree is a further consideration and although the Arboricultural Officer considers that the loss of the tree is unnecessary, the Technical Services and Estates section are both of the view that the tree should be removed.

While it is regrettable that the tree will be lost, it is considered that the wider community benefits of the proposal allied to the structural issues outlined above mean that on balance that the application can be supported. A replacement tree can be secured in a more appropriate position with species and maturity to be agreed by the Council.

Residential amenity

The proposal is sufficiently removed from residential properties, so as to avoid harm onto their living conditions.

Parking and Accessibility

The parking court would be unaffected by the proposal. The upgrading of the front entrance would improve access so the community building is accessible to all.

Recommendation

APPROVE both planning permission and listed building consent

AWDM/1956/16

Subject to Conditions:

1. Standard time limit
2. Approved Plans
3. Approval of Materials
4. Replacement tree to be planted in accordance with details to be agreed

AWDM/1958/16

Subject to Conditions:

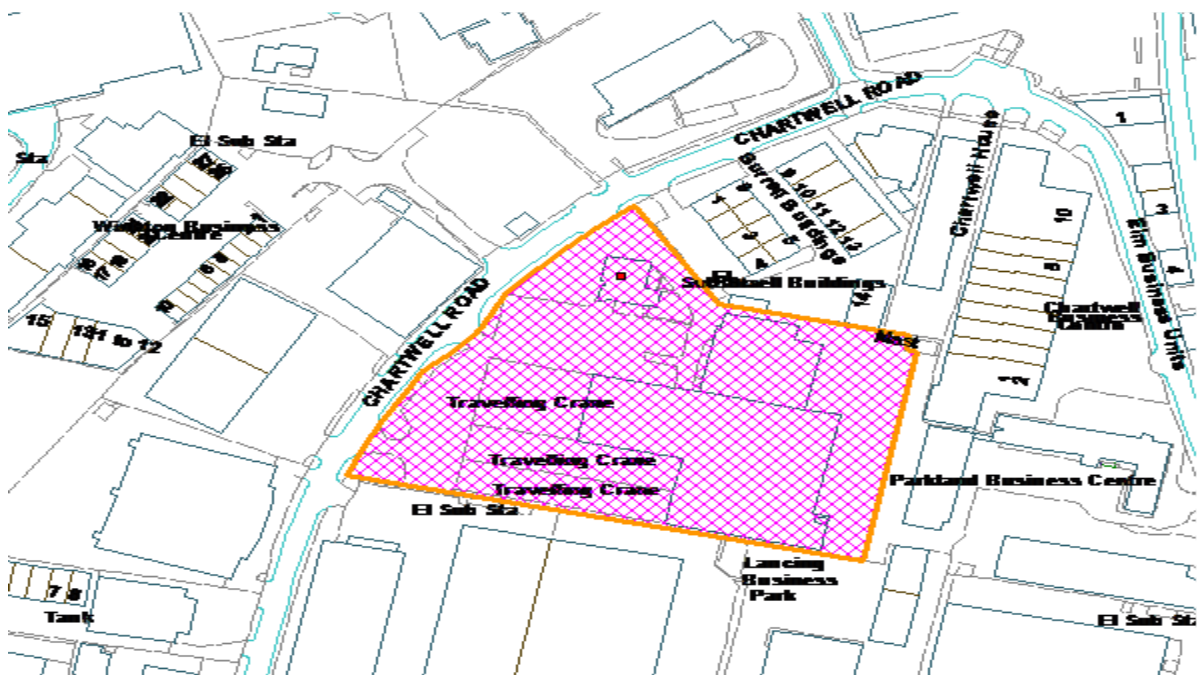
1. Listed Building Consent time limit
2. Approved Plans
3. Protection measures to avoid damage
4. Make good any damage

Application Number: AWDM/0130/17 Recommendation – APPROVE

Site: 32 Chartwell Road, Lancing Business Park, Lancing

Proposal: Variation of approved AWDM/1782/15 Condition 6 (approved plans) to modify curved roof to hybrid straight and curved roof; projecting office element to be absorbed into the main warehouse be configured as 3 storeys within the warehouse

Applicant: BFS Group t/a Bidvest Ward: Churchill
 Foodservice
Case Gary Peck
Officer:



Not to Scale

Proposal, Site and Surroundings

This application seeks an amendment to a previous permission granted in 2016 for the replacement of an existing industrial unit with a new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road.

The proposed alterations comprise the modification of the previously approved curved roof to a hybrid straight and curved roof, and the projecting office element to be now incorporated into the main warehouse and configured as 3 storeys within the warehouse

As previously, it is understood that the building would be occupied by Bidvest Foodservice who are currently based in Worthing.

The application site is centrally located in Lancing Business Park on the eastern side of Chartwell Road, the main one way route leading through the Business Park. The site consists of the site previously occupied by Graham Wood Steel Fabricators.

The previous buildings on the site equated to about 6800 square metres and also included travelling crane structures. A number of the buildings have now been removed.

As the site is in the centre of the industrial estate, surrounding uses are industrial, generally heavy industry although the surrounding buildings would be lower than proposed under this application.

Relevant Planning History

Planning permission was granted in March 2016 to replace existing unit with new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road (AWDM/1782/15).

Planning permission was granted in July 2015 to replace existing unit with new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road (AWDM/0621/15).

The Committee also resolved in July 2015 to grant permission for the redevelopment of west part of site with 8 industrial units for use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) with associated parking, turning and access (AWDM/0620/15) subject to the completion of a legal agreement. The legal agreement has not been signed pending the determination of the current application.

Consultations

West Sussex Highways:

No objection

Representations

Any comments will be reported verbally at the meeting

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AE2, AE4, AE5

Adur Local Plan 2014 (emerging): Policies 15, 26

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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

This application effectively seeks a minor design amendment to a previous permission for which the principle of development has already been established.

The previous permission showed a fully curved roof which dropped down from a full 3 storey element at the rear to a slightly lower 2 storey element at the front which incorporated the proposed offices.

The current proposal is described as having a hybrid straight and curved roof with the main visual difference being that the building appears as 3 storeys across its full

extent and the building's roof having a more linear appearance than was previously the case.

Given the previous permission, it is not considered that the proposal will materially affect the character of the surrounding area or the amenities of nearby users and as before the proposal therefore presents a welcome opportunity to relocate a local company that needs to expand with the potential to create new jobs as well as upgrade the visual quality of this part of the Business Park. Accordingly, the application is recommended for approval.

Recommendation

To **GRANT** permission subject to the following condition:

1. Amendment of approved plans list (other conditions remain applicable to the development)

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.