



# ADUR DISTRICT COUNCIL

15 June 2017

## Adur Planning Committee

**Date:** 26 June 2017

**Time:** 7:00pm

**Venue:** Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea

**Committee Membership:** Councillors Carol Albury (Chairman), Brian Coomber (Vice-Chair), Les Alden, George Barton, UKIP vacant seat, Stephen Chipp, Emily Hilditch and Geoff Patmore.

### NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail

[heather.kingston@adur-worthing.gov.uk](mailto:heather.kingston@adur-worthing.gov.uk) before noon on Friday 23 June 2017.

## Agenda

### Part A

#### 1. Substitute Members

Any substitute members should declare their substitution.

#### 2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage if such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

**3. Confirmation of Minutes**

To approve the minutes of the Planning Committee meeting held on 30 May 2017, which have been emailed to Members.

**4. Items Raised Under Urgency Provisions**

To consider any items the Chairman of the meeting considers to be urgent.

**5. Planning Applications**

To consider a report by the Director for the Economy, attached as Item 5.

**6. Public Question Time**

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

**Part B - Not for publication - Exempt Information Reports**

None.

**Recording of this meeting**  
The Council will be voice recording the meeting, including public question time. The recording will be available on the Council’s website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

<b>For Democratic Services enquiries relating to this meeting please contact:</b>	<b>For Legal Services enquiries relating to this meeting please contact:</b>
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Richard Burraston Senior Lawyer 01903 221110 richard.burraston@adur-worthing.gov.uk

**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



**ADUR DISTRICT  
COUNCIL**

**Planning Committee  
26<sup>th</sup> June 2017**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0650/17                      Recommendation – APPROVE**

**Site:                      Groundsman's Shed, Lancing Manor, Manor Road  
Lancing, West Sussex**

**Proposal:      Conversion of existing groundsman's stores into coffee shop  
and farm shop**

**2**

**Application Number: AWDM/0301/17                      Recommendation – REFUSE**

**Site:                      48 Buckingham Road, Shoreham-By-Sea**

**Proposal:      Change of use from single dwelling house to daycare nursery  
(to accommodate up to 75 children) with single flat and  
replacement of existing conservatory with single storey  
extension**

**3**

**Application Number: AWDM/0176/17                      Recommendation – APPROVE**

**Site:                      1 Monks Avenue, Lancing**

**Proposal:      Attached three bedroom dwelling incorporating existing  
single-storey side extension. (Revised Proposal)**

Application Number: AWDM/0650/17

Recommendation – APPROVE

Site: Groundsman's Shed, Lancing Manor, Manor Road  
Lancing

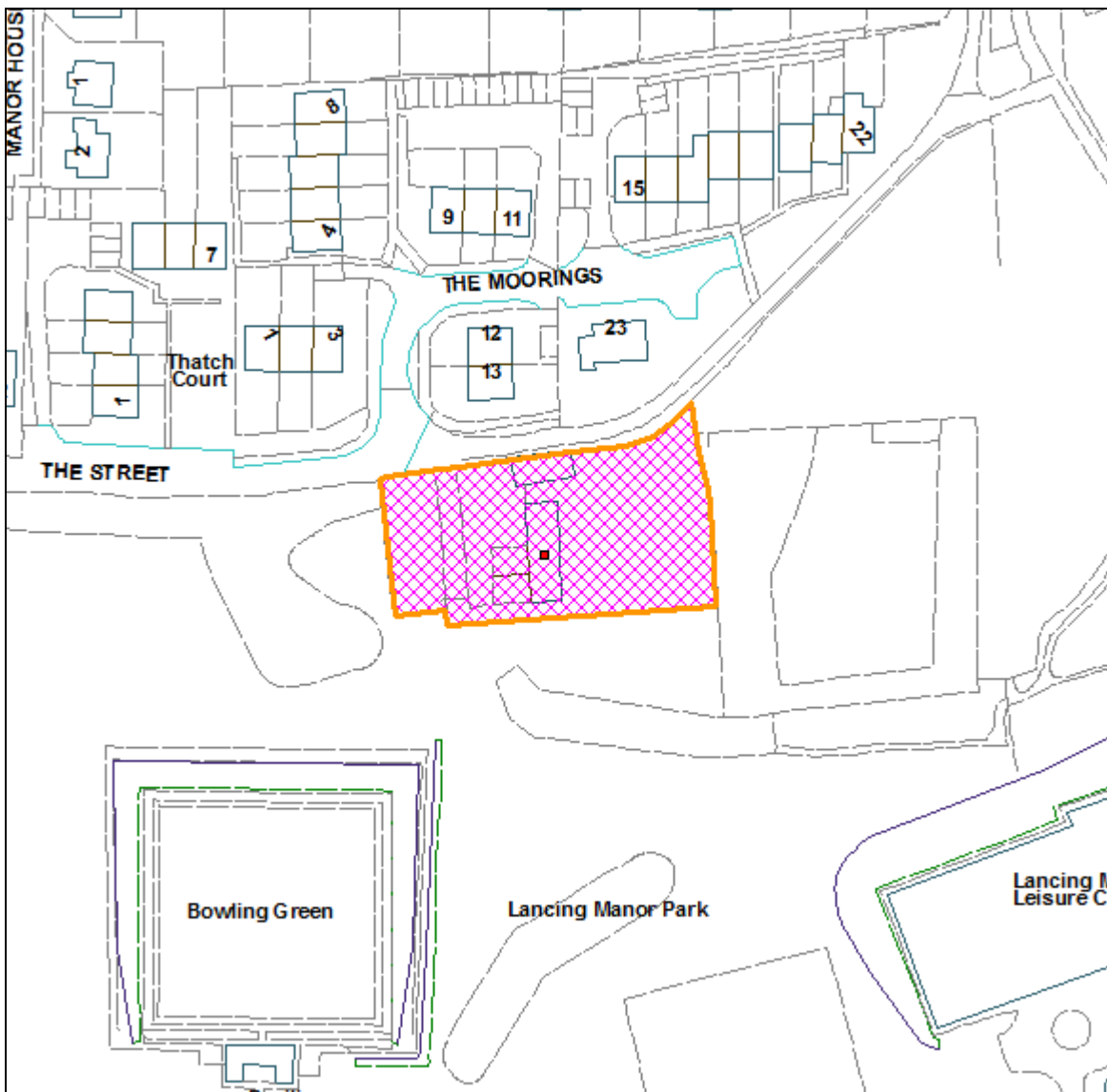
Proposal: Conversion of existing groundsman's stores into coffee shop  
and farm shop

Applicant: Mr Steve Gardner

Ward: Manor

Case

Officer: Peter Barnett



Not to Scale

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## The Site and Surroundings

### The Proposal

The application seeks permission to convert the groundsman's store building into a café/coffee shop and farm shop. There will be no extension of the building. External changes involve opening up existing window openings and installing new windows and doors, described as being PVCu double glazed units. The existing metal corrugated roof will be replaced.

The existing parking area to the west will be retained and will not be specifically or exclusively for the use of customers. It will be retained for all park users as currently is the case.

The application has been amended from its original submission to exclude a store building on the northern boundary, which was originally proposed to be converted into a public toilet block. The application has been further amended to extend the area of the red line of the application site to include an area of land to the south of the building (in addition to a larger area to the east) as a possible seating area. Opening hours are stated as being "dawn till dusk".

In response to a large number of objections and queries raised during the course of the application, the applicant has provided supporting information to explain in more detail the nature of the use. This is set out below:

- *Opening hours - the dawn to dusk opening hours are stated so that the coffee shop and local produce store can be open as appropriate to benefit the community and users and the commercial success of the project. In reality, this will mean approx. 8am to 8pm during the summer months and 8am to 5.30pm during the winter months.*
- *Use - This establishment is intended to be a high end coffee shop, sympathetically enhanced to suit its location and surroundings, that serves hot and cold beverages and warmed snacks such as paninis, selection of homemade cakes and warmed savoury snacks. Items such as soup and ice creams will also be available depending on the season. No raw food will be stored or kept on the premises and no food will be cooked on the premises. There is no intention to cook hot food for breakfast, lunch or dinner. This is not a café.*
- *There will be no hot food takeaway. Cold pre-prepared sandwiches and snacks such as crisps etc. only will be available for purchase.*
- *There is no intention of serving alcohol.*
- *Deliveries will only be delivered during opening hours and by small vans no bigger than those used by supermarket delivery vehicles. It is anticipated that there will be no more than 2/3 deliveries per day during working hours.*

- *There is no intention to fence off the land around the building or to have any restrictions on access*
- *The car park will remain as a general use public car park and there will be no parking restrictions and no preference given to staff or patrons. Patrons will be encouraged to walk or cycle to the park and staff will be instructed to park off site.*
- *The area of land to the south was added so that outside tables and chairs could be sited further away from residents. However, in the future, the applicant may want to place a few tables and chairs to the East. However, he has stated that he would not do this immediately and if needs be, he would be willing to make it a condition of planning to remove the area to the east.*
- *All outside tables and chairs will be taken inside every night*
- *Some of the maintenance equipment will be removed and stored at one of the Council's other Park locations, with the Greenkeeper's day to day equipment being stored within one of the existing buildings on site at the Manor.*

The buildings and adjoining land are owned by Adur District Council and a new Lease would need to be entered into with the applicant and potentially a separate agreement in connection with the siting of tables and chairs on the adjoining area of open space.

## **Consultations**

**West Sussex County Council:** The **Highway Authority** has no objection and comments that a site visit was undertaken by a WSCC Officer on Wednesday 24th May at 1.30pm to confirm the width of the road and the provision of the existing visibility at the access of the proposed café car park.

### Width of Road

The road is narrow in places. All the way along the street no passing can take place between two cars and another vehicle would have to wait and give way to an approaching vehicle. However there is sufficient forward visibility for this to take place safely.

This could lead to occasional delay whilst waiting for an approaching driver to pass, but it is not considered a severe impact in capacity terms; but may cause occasional inconvenience to existing users.

This is an amenity impact to be considered by the District Council as local planning authority (LPA).

### Car Parking provision

It has been brought to our attention that the existing car park does not form part of the application site, or part of the public highway [NB for clarification, the red line of the application site includes the car park but the applicant will have no control over it. It is

*not to be exclusively for the use of customers of the coffee shop. It will be available for customers and general park users alike].* It is believed to be Council owned. The current level of parking provided by this car park is approximately 11 spaces. WSCC maximum standards for this proposed use is 1 space for every 5 sqm, which would equate to 19 spaces.

As the car park does not form part of the application site we have to assume no parking is available for the use. Considering the limited space available on The Street we would normally look to public car parks or pay and display parking when on-street parking is limited. Therefore, provided the owners of the car park (District Council) and LPA are satisfied that users of the Park and coffee shop will use this public car park as a combined use we could assume these 11 spaces could be used in conjunction with the use and are within the maximum standard.

#### Visibility from the existing council owned car park access

Visibility from the access into the car park is acceptable, as it's a no through road and speeds are low. The private track which is located to the east of the access is clearly visible and cars and pedestrians will be able to see each other. There is an advisory 5mph speed limit sign here so cars entering or exiting this private track will not be travelling at speed, in fact it is not possible due to the nature of the track layout. Therefore WSCC raise no safety issues with this.

#### Trip Rate

A full analysis of the TRICS (Trip Rate Information Computer System) has been undertaken to understand the likely trips generated from a coffee shop proposal of 95sqm. As no coffee shops are within the database at this current time we have used a pub as the nearest likeness.

This has been looked at with and without restaurants attached to get an idea of trips rates where food is offered. This site would provide some food offering and therefore this is taken as the 'worst case scenario'. The data is shown below:

Pub (with restaurant) – 100sqm

Vehicle Trips

Daily Trip Rate: 67 trips, equivalent of 7 trips in the peak hour 6-7pm

Equivalent of 1 movement every 8 minutes

The data is taken from a representative sample of sites and is a guide to the expected vehicle trips which may occur if this development was implemented.

Multi-modal surveys have also be looked at these would include other forms of transport including pedestrians, cyclists, bus users. Although this would not increase the number of car trips it may change the use of the road i.e. more cyclists or pedestrians using the road. The data collected revealed this would be fairly low at around 3 trips without a restaurant or 5 trips with a restaurant in the peak hour.

## Summary

The TRICS data does not provide exact comparisons as no data is available at this current time for Coffee Shops however assuming a pub is a meeting place like a coffee shop this can help us to get a 'feel' for the amount of trips this proposal may attract. The above representations show that the impact would not be considered significant in highway capacity terms.

***Subsequent comments including consideration of the proposed farm shop:*** The shop element of the proposal would attract some additional vehicle movements. A report is attached which looks at a convenience store which is the closest match to a shop. However; as we know the shop element will sell farm produce it is unlikely to stock all the normal convenience products and therefore the trip rate may be slightly lower or higher depending on the demand for this type of produce.

The estimated trip rate for this element based on a convenience store with 27sqm of floor space is 3 trips. If this is added to the trips data for a pub with restaurant; the total trip rate would be as follows:-

Pub (with restaurant) – 100sqm

Vehicle trips (cars)

Daily Trip Rate: 67 trips, equivalent of 7 trips in the peak hour 6-7pm

Convenience store (27sqm)

Vehicle trips (cars)

Daily Trip Rate: 37 trips, equivalent of 1 trips in the morning peak hour and 2 in the evening creating an estimate of 3 trips overall

The overall trip rate for a pub with restaurant and shop would be 10 trips which would equate to 1 movement every 6 minutes. This is not considered severe in highway capacity terms. The access into the car park provides adequate visibility and although The Street does not provide full width for two cars to pass it does provide good forward visibility for traffic to see the road ahead. Therefore no highway safety issues are present.

The ***Archaeologist*** has no objection subject to a condition requiring a watching brief. Advises that the groundsman's stores were originally part of the farm buildings surrounding a farmyard to the north west of Lancing Manor. They appear on the 1838 Lancing tithe survey and apportionment. From the photos supplied with the application the coursed flint elevations with brick quoins and dressings to window and other openings appear wholly consistent with an early 19th century date. One photo showing a north elevation of a gable end to the building has three ventilation slits typical of a small barn or hayloft.

The buildings are not listed but the proposed conversion retains the original openings and architectural features in a sympathetic fashion and can be said to be consistent with the NPPF.



The West Sussex Historic Environment Record identifies a couple of entries close to the application site: the ice house and former private grounds to Lancing Manor and additionally some Roman remains. These Roman finds were first reported in Sussex Archaeological Collections (vol 81, 1940, p169) by Sheppard Frere. They had been made in the garden of a property called Shadwells at the east end of The Street which appears to have been known as 7/8 The Street after the Second World War. This locates the findspot within 40 metres or so of the groundsman's stores (the former farm buildings). Although the proposals involve minimal interference with the existing buildings and no new build, the excavation of a new drain run for the lavatories will be at a depth sufficient to encounter any buried archaeological remains (if present). Frere considered that the finds (including Roman glass) could indicate a high status Roman site, possibly a villa but there is no conclusive evidence.

Although the proposed development is very much de-minimis, I suggest a condition to make provision for an archaeological watching brief on the excavation of the drain run and any inspection pit/s for the lavatories. This is because of the potential importance of these previous finds, especially if it can prove the existence of a high status Roman site in the vicinity. The condition wording may sound elaborate but in effect the watching brief would be a simple exercise and could probably be accomplished within a day by an archaeological contractor.

**Adur & Worthing Councils:** The **Environmental Health** officer has no objection in principle. However, opening hours and the need for external lighting for the car park during winter time will need to be agreed and conditioned.

The **Parks and Open Spaces** Manager supports the application for the following reasons:

- The development utilises existing buildings of local vernacular flint character, currently used as a Parks staff depot facility that as part of this project will be sympathetically restored. This new proposed use brings external investment into this location, refurbishment of a currently run down building enhancing visual aesthetics of the area and provides a useful public facility to include cafe and shop.
- The cafe will be a welcome addition to parks users, in particular users of the playground given its proximity. There are other successfully operating cafes within Adur and Worthing Parks, which have added value to the visitor experience within the park, for example Beach House Park.
- The proposed leasing arrangement would provide a regular revenue source to the Council's Parks and Open Spaces section, which will help to resource provision of grounds maintenance services within the park.
- The Parks staff depot facility can be accommodated off site through centralising staff mess and depot facilities and equipment storage off site at an alternative local depot, freeing up this building for this or other such purpose.
- The proposed provision of cycle storage on site (up to 10 cycles), provides useful encouragement to those wishing to access the park via cycling and potentially reduces reliance on car use.

**Lancing Parish Council:** Whilst the committee did not object to the application proposals, concerns were expressed in respect of the access to and from the car park and potential highway safety. With that in mind, any advice provided by West Sussex County Council should be adhered to.

**Subsequent response from Lancing Parish Council:** Due to the significant increase in representations since the previous Parish Council comments, the committee agrees with the decision that this application is presented to the Adur Planning Committee to be resolved. The committee also reaffirmed its previous decision that any advice provided by West Sussex County Council Highways should be adhered to.

**Sussex Police:** No major concerns with the proposal. However, additional measures to mitigate against any identified local crime trends should be considered, such as doors and windows to meet secured by design standards and installing CCTV and intruder alarm. If alcohol is sold it should be ancillary to food offer and served at tables by waiting staff. Lighting should be considered in and around car park and communal areas if facility operates during dark hours.

## **Representations**

211 letters of **objection** have been received from addresses in The Moorings, The Street, Tithe Barn, Manor House Place, Mill Road, Ring Road, Norbury Drive, Norbury Close, Seaside Close, Old Salts Farm Road, Western Close, First Avenue, Grand Avenue, Wembley Avenue, Abbots Way, Upper West Lane, Mount Way, Swanbourne Close, Manor Way and addresses in Sompting, Shoreham, Worthing, West Chiltington Southampton, Northumberland and London and from Friends of Lancing Manor Park, Lancing Manor Allotment Association and Chairman of Trustees of Adur Community Leisure raising the following objections:

- Increased traffic will endanger children, pedestrians, dog walkers, horse riders and other users of the park and The Street
- Increased traffic will cause more damage to flint walls and cottages in Lancing Manor
- Increased congestion in The Street due to delivery trucks, waste disposal vehicles, customer cars, school traffic
- Will lead to increased parking in The Street, The Moorings and Thatch Court
- The Street is a narrow road because of existing parking along one side of it and no pavement
- Increased pollution
- Has a risk assessment been carried out?
- Car park is often full already
- Inadequate car park
- Poor exit from car park with limited visibility
- Is in a residential area, very close to houses (as close as 4-6m in some cases)
- Opening from dawn to dusk will cause noise and disturbance to a peaceful neighbourhood
- This is a quiet corner of the park

- Inappropriate location
- Increased anti-social behaviour
- Will detract from character of the area
- Why was no consultation carried out with local residents prior to submission of application?
- Once again, development is being imposed on the community with no input from the community, just like proposal to install 3G pitch at Manor Park which was eventually dropped after considerable resistance
- Smells from café
- Increased litter
- Where will bins be kept?
- Site shown as extending onto parkland to east of buildings
- Will increase numbers of rats, foxes and seagulls in the park
- Harmful impact on trees
- Harm to wildlife
- There is already a café and toilets plus better parking facilities at the leisure centre. Why not invest in developing facilities there?
- Why does the Council want to open direct competition with leisure centre café?
- Unlikely to be viable
- Café requires substantial customer flow to be viable
- Likely to have little trade in winter
- What will happen if the business fails?
- Will not be long before application for residential use of buildings comes forward
- Where is the produce coming from?
- Will the car park become a pay and display?
- There is no footpath to the car park
- Parking for Bowling Club Members has always been a problem so loss of car park to café users is not welcome
- Overflow parking from café will block access to allotments
- There are enough cafes and food outlets in Lancing
- PVC windows and doors not appropriate or sympathetic materials in these buildings. Should be timber.
- Part of The Street is within a Conservation Area and the Council is obliged to preserve or enhance the character of the area. This proposal would have an adverse impact on its character.
- Where would groundsman's equipment be stored?
- Increased cost to Council and ratepayers as equipment will have to be brought in from other locations as there will be no storage space at the park
- Loss of Human Right to peaceful enjoyment of property
- Not a good location as quite far from children's playground and could lead to children being left unsupervised while parents go for a coffee
- Proposed seating area to south is close to dog waste bins
- Seats will encroach onto parkland; loss of open space
- Why was building not offered on the open market?
- Why is so much land needed to east of buildings?

- Consideration should be given to serious and legitimate concerns of local residents ahead of financial gain for the Council
- Could attract travellers
- Waste of public funds
- Post office closed because there was insufficient demand for dairy and vegetable products. Why is there now a demand? Not a sustainable business idea.
- Applicant wishes to put chairs and tables on land to the south of the building so why is land to east still included within application site?
- Land grabbing
- Why is building previously proposed to be used as a toilet block still included within the application site?
- Comments received in support are misleading as they have been generated by the applicant's Facebook friends
- Café is needed but not in proposed location which appears to be an afterthought, hidden behind a wall and with inadequate parking
- What is the difference between a café and a coffee shop?
- Will affect sales from ice cream van, putting someone else out of business
- What are the terms and conditions of the lease?
- Viability of the proposal needs to be publicly examined
- Existing building will need upgraded insulation if it is to be used year round
- How many weeks of the year will the seating area be used?
- Amount of land included in application site is excessive for a few tables and chairs and suggests an ulterior motive, such as parties and wedding events
- Increased noise from early morning deliveries – planning conditions may not be enforced
- WSCC Highways comments are inaccurate and lacking detail.
- WSCC Highways have not objected due to there being no serious accidents in The Street. This is because local residents are mindful of the hazards and keep to a sensible speed. This may not be the case with coffee shop visitors.
- Adverse impact on peaceful part of the park, including rose garden area and memorial arboretum, which are used for peaceful contemplation and remembrance
- Tables and chairs will affect users of path which passes through area
- Tables and chairs will present a barrier and affect 'right to roam'
- Application has demonstrated a lack of clear, well thought out strategies
- Farmers' market in Lancing is not well attended, so what chance does this 'out of the way' business have?
- Increased lighting and noise could impact on wildlife in park
- Will affect park maintenance if tables and chairs are blocking large area
- Regular moving of tables and chairs in and out every day will cause damage to this part of the park
- Successful farm shop will attract shoppers who will visit more regularly than coffee shop users with shorter stays and more frequent traffic movements
- How will staff parking on surrounding streets be enforced/controlled?
- No details of any signage
- What covenants exist on the use of the park?

- Deliveries of fresh produce and dairy products will need to be undertaken frequently
- Public land should not be used for private enterprise
- If approved opening hours should be restricted to more neighbourly hours; deliveries restricted to no more than 2 per day and restricted to between 10 and 3pm to avoid peak hours; no outside seating or at very least restricted to certain times; remove east part of park from the application; car park to remain open for public use without restriction; no change to flint wall; no public restriction to any public part of the park at any time; no trees to be felled or altered; no signage

An **Objection** has also been received from Tim Loughton MP:

- Unwelcome development so close to a quiet and narrow residential street
- No proper consultation with local residents
- Few details are available as to what sort of café and shop it will be, what the operational hours will be and whether it will be licensed
- Impact on Leisure Centre café
- Surprising that the Council is setting up competition to undermine the Leisure Centre which is financially supported by the Council
- This ill-advised plan should be withdrawn.

In addition, a petition containing **137** signatures has been received from residents in the immediate area **objecting** to the introduction of a commercial enterprise operating 7 days a week from dawn to dusk. They ask the Council to abandon the proposal on the grounds of inevitable and significant long term negative disruption to local residents. There is no capacity, resource or need in the area for such a development.

**113** letters of **support** have been received from addresses in Manor Road, Mill Road, Ring Road, West Lane, First Avenue, Third Avenue, Seventh Avenue, Eighth Avenue, Grand Avenue, Crabtree Lane, Firlie Road, Leigh Road, Hayley Road, Monks Avenue, Griffiths Avenue, Swallows Close, Orchard Avenue, Lynchmere Avenue, Sompting Road, Hamilton Road, The Tynings, Shadwells Road, Greet Road, Fetherston Road, Addison Close, Brighton Road, Upper Brighton Road, Hurstfield, Culver Road, Irene Avenue, Grinstead Lane, North Farm Road, Annweir Avenue, Mount Way, Greenoaks, Shopsdam Road, Pratton Avenue, Fairview Road, Lancing Close, Lisher Road, Fircroft Avenue plus addresses in Sompting, Shoreham:

- An excellent plan and will be a welcome and much-needed addition to a popular and well used family park
- We are regular dog walkers in the park and would love somewhere to stop and have a coffee
- No other coffee shop in North Lancing
- Using local produce will support local farmers
- Other local parks have similar facilities which are very popular with park users
- People will not purposely drive to the park just to use the facility but it would be used by people already using the park so will not worsen traffic situation

- Shame the toilet facilities have been removed from the application as they are much needed
- Lancing needs more investment
- It is not a café and will not be doing meals so will not be a huge increase in traffic
- A local shop selling fresh fruit, vegetables and bread would be welcomed
- Retention of flint buildings shows that the applicant wishes to preserve the area but with a use that will benefit the whole community
- Applicant is a local person who is willing to invest in business for local people
- Misinformation from objectors as to what is actually being proposed
- Could lead to Manor Park gaining a 'Green Flag'.

### **Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1  
 Submission Adur Local Plan (2016) Policy 15, 34  
 National Planning Policy Framework (March 2012)

### **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***

A number of objectors have asked why no public consultation was carried out before the buildings were agreed to be let for this purpose.

Many objectors have also queried why the Council is willing to provide this facility when there is an existing café at the Impulse Leisure Centre at Lancing Manor which is part funded by the Council. There are also concerns about the ethics of leasing public land for a private commercial enterprise and the viability of the project has been questioned.

None of these issues are relevant planning matters and should not influence consideration of the planning application which should be considered on the planning merits of the proposal. Leasing public land for commercial enterprise is an accepted practice for the Council's Parks with many commercial ventures being allowed on

public open space from cafes/restaurants to the hiring of various leisure activities football, tennis etc.

As yet no Lease is in place with the applicant and this would be dealt with as a separate matter should planning permission be granted for the proposed development.

The application is therefore considered to be acceptable in principle, subject to consideration of amenity and traffic impacts of the proposal and an assessment of whether the use adversely affects the public's enjoyment of the Park.

### ***Visual amenity and impact on character of the area***

The existing buildings are a mix of brick and flint with unsympathetic corrugated metal roofs. The Design and Access Statement states that the proposed change of use will include opening up existing bricked up openings and to insert uPVC windows and doors. A large number of the objections have been received stating that such materials are inappropriate and insensitive to these buildings which, while not within a Conservation Area, are considered by objectors to form part of the historic character of the area. Final details of all materials can be secured by planning condition but it is considered that timber windows and doors would be more sympathetic.

The other main external change is the proposal to include external seating in the form of tables and chairs within two areas of the Park, adjacent to the buildings. The plans originally included a large area to the east of the buildings (25m wide) and were later amended to include an additional area to the south (10m wide). The applicant has stated that tables and chairs would be placed outside when the weather permits and these would be put away each evening so that when the coffee shop is closed there would be no change to the appearance of the park. Staff would ensure that tables and any waste would be cleared throughout the day. The applicant has also advised that "tables and chairs will be set up to the south of the main building."

Your Officers have sympathy with the concerns about the Café use extending into the wider Park area and there would be concerns about any attempt to fence off any of the Park permanently or temporarily whilst tables and chairs are in any areas to the south or east of the café. From a planning perspective there would be concerns about any change of use of the Park to extend the café use, however, some ancillary tables and chairs within the Park area would be an attraction for users of the Park and Café.

As the applicant indicates that he wants to make use of the area south of the building for some tables and chairs, this does suggest that the area to the east is not required and it is considered that the land to the east should be excluded from the application, with seating confined to the south/southeast of the buildings only. However, your Officers are concerned about including any area outside of the building in the red edged area as this would formalise the change of use of this land to an ancillary A3 use and potentially result in a loss of open space which is not the intention behind the proposal. On this basis it would be preferable for the application not to include any potential area for the siting of tables and chairs and that control of this aspect is exercised through a licence agreement with the Parks and Estates sections. In this

respect the number of tables and chairs would need to be restricted to an appropriate number and other controls can be exercised to ensure that any external seating does not adversely affect other users of the Park. Further discussions are underway with the applicant and Parks/Estates to resolve this aspect of the proposal and Members will be updated at the meeting.

It is important to ensure that the outside seating area is a fairly informal arrangement which is only likely to be used during periods of good weather. Similar seating is provided at Buckingham Park in Shoreham on such a basis and is seen as a significant benefit to users of the Park. With suitable controls in place, it is not considered that the outside seating will cause harm to the parkland setting or detract unduly from the enjoyment of the Park.

There have been concerns raised that the location of the coffee shop means that it is some distance from the children's playground (110 metres) and that it will not be possible for parents to be able to supervise their children if they decide to go for a coffee. This is not a planning matter however as the choices made by individual users of the facility cannot be controlled. It is hoped that the coffee shop will be used by a wide range of park visitors and to object to it because of its position in relation to one particular facility is not considered to be reasonable.

A concern has been raised about the possible impact of the coffee shop on the café within the Leisure Centre run by Impulse; however, competition is not a material planning consideration.

### ***Residential amenity***

The proposal will introduce a coffee shop and farm shop use to buildings currently used for storage of maintenance equipment. As such there is likely to be an increase in activity which would be noticeable for nearby residents, the nearest of which at 13 The Moorings is just 12m from the entrance to the car park.

The applicant has advised that the coffee shop is to be open from 'dawn to dusk' but this is more likely to be 8am to 8pm during the summer months and 8am to 5.30pm during the winter months. It is a coffee shop rather than a restaurant or café and the applicant has explained that the intention is to sell hot and cold beverages and warmed snacks such as paninis, a selection of homemade cakes and warmed savoury snacks. Items such as soup and ice creams will also be available depending on the season. No food will be cooked on the premises. There will be no hot food takeaway. It is likely to follow the business model of a Costa Coffee shop in this respect.

The main users of the coffee shop are likely to be visitors to the park who wish to have a coffee and a snack after walking their dogs or some other such activity. It is not expected to be an attraction in its own right which would generate specific trips just to use the coffee shop. The farm shop, which is also proposed as part of this application, is a smaller aspect of the business in floor area terms but may generate specific trips for those people wanting fresh farm produce, but any activity associated with the farm shop is nevertheless anticipated to be low.



Table and chairs sited outside the building would be to the south of the buildings and would be sufficiently distant from neighbouring residents, and screened by the buildings and flint wall to not have an adverse impact through noise.

The car park is already in use by park visitors and the groundsman's sheds are also in use for maintenance purposes. There is already, therefore, a certain level of comings and goings in this part of the Park which needs to be taken into account when considering the impact of this proposal on local residents.

It is considered that, subject to suitable controls over hours of use and deliveries, the proposal is not likely to result in activity and noise levels which are harmful to the residential amenities of the area. Sussex Police has not raised any concerns about the use.

As no primary cooking will be taking place on the site, there is no need for an extract system and there are no concerns over adverse smell nuisance from the facility. The Council's Environmental Health Officer has not raised an objection to the proposal subject to control over opening hours and any lighting that may be necessary. With regard to lighting, none is proposed with the application as the facility is expected to only be open during daylight hours, but it is recommended that a condition be included to control any provision of lighting in the future.

### ***Traffic and parking***

The overriding objection to this proposal from local residents relates to traffic and parking. There are concerns that The Street is narrow, its width reduced further by cars parked along one side of it. The existing car park is small, with only 11 parking spaces, including 2 for disabled users. The car park is not to be reserved exclusively for users of the coffee shop and farm shop and is to be shared by all park users, as is currently the case. There are strong concerns locally that the proposed facility will generate a high level of traffic and activity, with a resulting increased demand for parking spaces that cannot be accommodated within the car park and which will lead to increased congestion on The Street and other residential roads close to the facility. There are fears that the extra activity and parking congestion will lead to safety and amenity issues to the detriment of the wellbeing and amenity of local residents.

The Highway Authority has considered the proposal carefully and has carried out a site visit. They acknowledge that The Street is narrow and that drivers will have to wait for an approaching vehicle which could lead to a delay and some inconvenience. However, it is not considered to have a severe impact in capacity or highway safety terms.

With regard to parking provision, they have assumed that no parking is available for the use as the car park is not within the control of the applicant. They acknowledge that only limited space is available on The Street but have stated that "provided the owners of the car park (District Council) and LPA are satisfied that users of the park and coffee shop will use the public car park as a combined use we could assume

these 11 spaces could be used in conjunction with the use and are within the maximum standard.”

They have also calculated the likely level of traffic based on comparisons with a pub use both with and without a restaurant. The results indicate that such a use would generate around 67 trips, which is the equivalent of 7 trips in the peak hour 6-7pm, or an equivalent of 1 movement every 8 minutes. However, the Highway Authority also accepts that given other more sustainable modes of transport to the site trip rates would be likely to reduce to around 3 trips without a restaurant or 5 trips with a restaurant in the peak hour.

It should be stressed, however, that the current proposal is not for a pub or a restaurant but is for a relatively small coffee shop and farm shop only. Trip rates to the facility are likely to be much lower than a pub or restaurant and it is anticipated that the majority of users will be people who are already visiting the park rather than generating specific vehicle trips to the coffee shop. The farm shop may generate some specific trips but the level of activity is not expected to be significant. WSCC Highways have stated that the overall trip rate for a pub with restaurant and shop would be 10 trips per hour which would equate to 1 movement every 6 minutes. This is not considered severe in highway capacity terms and no highway objection is raised.

With regard to parking provision, as the majority of users are expected to be existing visitors to the park, it is not considered that parking demand will be such that it will cause an unacceptable increase in demand on surrounding roads. 2 full time members of staff are proposed with 4 part time. The applicant has confirmed that staff will be required to park off site to enable the car park to be available for park users. This could have a slight impact on parking availability on surrounding roads but the Highway Authority has confirmed that it has no concerns with the proposal in highway safety or capacity terms. Visibility from the access into the car park is considered to be acceptable, as it accesses onto a no through road where speeds are low.

With regard to deliveries, the applicant has advised that, *“these types of deliveries do tend to happen overnight or early morning. However, I am talking to various suppliers about delivery times as they have specific routes and to an extent, I will be able to control the times they get to me to after 7am. I certainly do not want deliveries any earlier than that as there will be no one on site to receive them. As an alternative, I do have other options such as getting supplies delivered close by, not directly to the site and then bringing them in ourselves to the coffee shop after a reasonable time in the morning. I would stress though that at most there will be 2/3 deliveries per day in vehicles no bigger than supermarket delivery vehicles so I really do not anticipate any disruption.”*

A planning condition will be able to control the hours of delivery to ensure that these do not occur at unreasonable or unneighbourly hours. It is suggested that deliveries should not take place before 8am or after 6pm on any day.

With regard to the issue of traffic and access, it is therefore considered that, with suitable controls in place, the proposal will not cause serious harm to highway safety; result in unsustainable levels of parking congestion or cause harm to the amenities of local residents.

## ***Waste and refuse***

The applicant has advised that bins can be placed just inside the entrance to the car park or where they are collected from now, in the south east corner of the car park. It is understood that there are already bins there that are collected weekly so the collection of waste from the coffee shop should not be any more problematic.

The Council's Waste and Refuse Manager has not expressed any concerns. Final details of bin storage can be reserved by condition.

## ***Conclusion***

This application has generated a lot of interest locally with a large number of objections received but also a high number of letters of support. The concerns of local residents in particular with regard to traffic issues as well as concerns about the impact on residential amenity and on park users' enjoyment of Manor Park are understood. However, for the reasons set out in this report, it is not considered that those objections are sustainable. There have been no objections from West Sussex Highways, Environmental Health Officers or Sussex Police.

It is considered that the proposed facility will be of benefit to park users and will be a positive addition to Manor Park without detracting from the wider area or harming the amenities of nearby residents.

## ***Recommendation***

**APPROVE, subject to receipt of a satisfactory amended plan reducing the site area to the south and east of the building and to the following conditions:**

1. Approved Plans
2. Standard 3 year time limit
3. External materials (windows/doors/roof) to be agreed
4. Opening hours, 8am to 8pm 1 April – 30 September and 8am to 5.30pm 1 October- 31 March
5. Waste storage details to be agreed
6. Delivery hours to be restricted to 8am -6pm every day and shall take place using small transit vans or cars only and no HGVs.
7. No lighting to be installed without prior approval
8. No extraction system to be installed without prior approval
9. Permitted use as coffee shop and farm shop only and shall not be used as a café/restaurant within Use Class A3. No primary cooking shall take place on the premises and there shall be no hot meals/hot food takeaway or private functions
10. No fences to be erected
11. There shall be no extension or alteration of the buildings beyond that hereby approved
12. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.
14. An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing before the commencement of building works.

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26<sup>th</sup> June 2017

Application Number: AWDM/0301/17

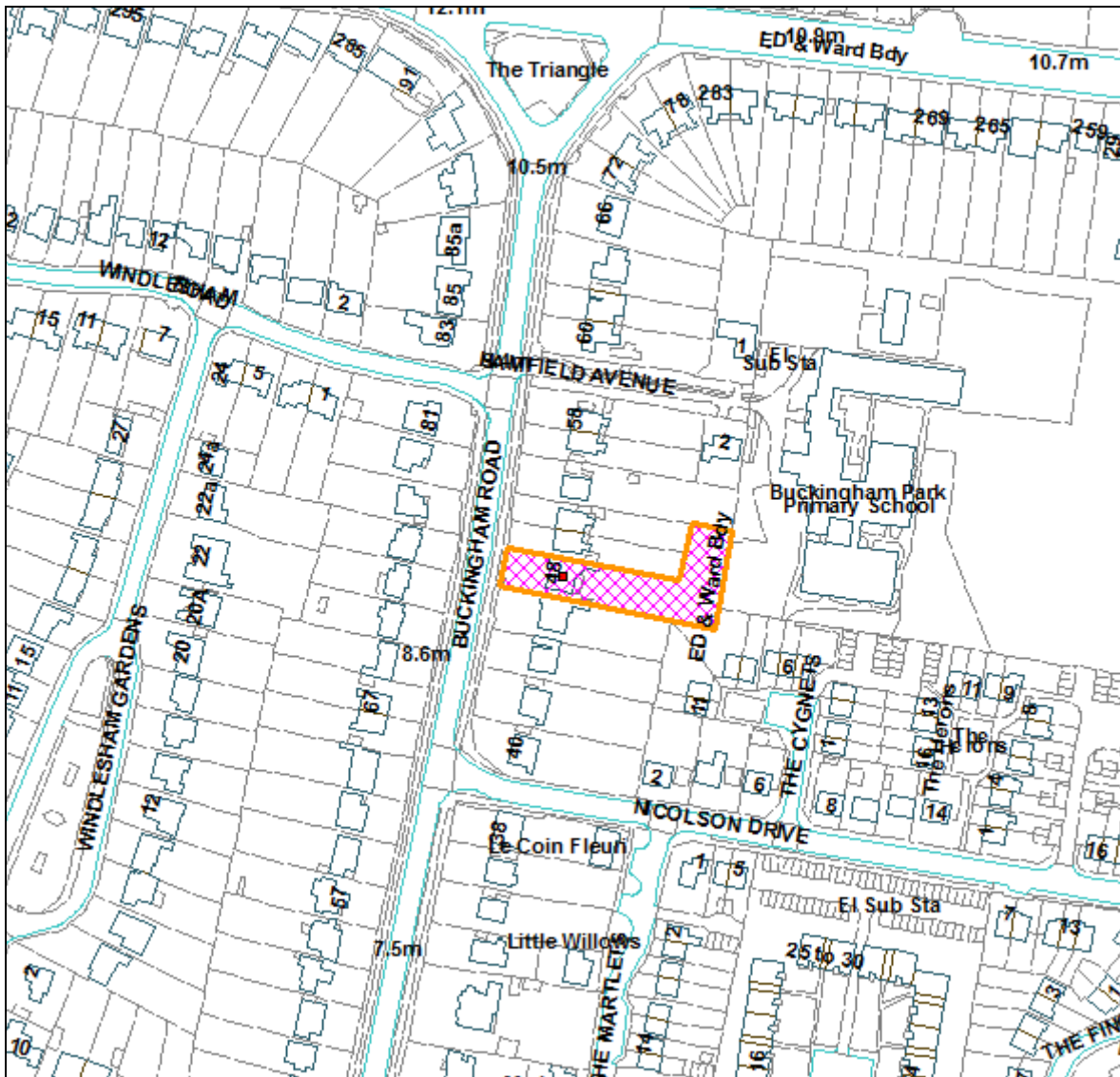
Recommendation – REFUSE

Site: 48 Buckingham Road, Shoreham-By-Sea

Proposal: Change of use from single dwelling house to daycare nursery (to accommodate up to 75 children) with single flat and replacement of existing conservatory with single storey extension

Applicant: Mr Ray Phoon  
Case Officer: Peter Barnett

Ward: St Nicolas



Not to Scale

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## Proposal, Site and Surroundings

The application relates to a large 6-bedroom detached dwelling on the east side of Buckingham Road, between the junctions with Hamfield Avenue and Nicolson Drive. This part of Buckingham Road predominantly consists of similar-sized residential dwellings with generous rear gardens. Hamfield Avenue to the north is the access road to Buckingham Park Primary School, part of which abuts the application site. The site has an L-shaped rear garden which partly runs along the rear of 50 and 52 Buckingham Road to the north.

It is proposed to change the use of the dwelling to a children's nursery for up to 75 children. A 1 bedroom flat is also proposed within the roof and first floor for use by an employee of the proposed nursery. The application includes the replacement of a rear conservatory with a single-storey rear extension.

The rear garden would be separated into sections with the garden area behind numbers 50 and 52 Buckingham Road used as a wildlife area with limited access. At the end of the garden there is proposed to be a vegetable allotment with the remainder of the garden used for play. A number of items of play equipment are to be installed.

The front garden would be given over to car parking for 5 staff vehicles.

The application is supported by a Planning Statement, a draft Garden Management Plan and a Transport Statement, including a parking survey.

In support of the application, the Planning Statement advises that there has been a growing need for childcare places in recent years and there is a high demand for good quality nursery places in the area. The applicant company, Tinysaurus Nurseries Ltd, runs a number of nurseries within residential areas in Hove and Shoreham (including the Littlesaurus Nursery at 418 Upper Shoreham Road). The application will create up to 18 full time and part time jobs.

## Consultations

**West Sussex County Council:** The **Highway Authority** originally **objected** to the application on the grounds that:

- *There is no drop-off/pick-up parking provision for parents' vehicles.*
- *There is no on-site parking provision for parents who need to stay longer than drop-off/pick up.*
- *Parking adjacent to the site is legally and practically limited.*
- *The on-site car park increases the risk to parents and children visiting the site because of the need to reverse vehicles across the path of pedestrians within the site.*
- *There is no provision for the parking and turning of service vehicles on site.*

*Given the location of the site and the small size of the site frontage, it does not appear feasible to address these issues by means of a travel plan or by demonstrating that*

*on-street parking is available nearby. In addition, it is understood that traffic congestion occurs around the local primary school at peak times and no proposals have been put forward to address this issue within the information provided.*

The **Highway Authority** then **reconsidered** its approach based on the likely impact of the development in the light of the National Planning Policy Framework (NPPF). It considers that the development will have a noticeable impact on traffic and pedestrians in the immediate area. However, it does not consider that the residual impact (after taking into account the measures in the framework travel plan, etc.) will be severe. Therefore, there is **no objection** to the application.

*The LHA's experience of the effect of children's nurseries is that children are dropped off and picked up at a variety of times over the day. Even peak usage times associated with parents' working patterns tend to be spread over a reasonable time period, such that parking issues are few and quickly resolved. As highlighted in the transport statement, a proportion of users will in any case not use a car to access the nursery.*

*Having reviewed in detail the applicant's (original) parking survey, it is clear that there is adequate room on the surrounding road network for drop-off/pick-up parking provision for parents' vehicles. In addition, this approach was agreed with the applicant's consultants at pre-application stage. The same off-site parking provision is adequate for parents who need to stay longer than drop-off/pick up.*

*The LHA recognises that, although parking adjacent to the site is legally and practically limited, this is likely to be aimed at ensuring safety and free flow of traffic in connection with Buckingham Park School. As long as nursery users adhere to the restrictions and comply with the advisory speed limits timed to coincide with school opening and closing, the nursery is unlikely to exacerbate the known congestion associated with the school.*

*As noted within the transport statement, the on-site car park for staff is likely to be utilised on the margins of nursery opening and closing times. While there is an increased risk to parents and children because of vehicle movements, this risk is likely to be adequately managed. In addition, it has been shown within the transport statement that service vehicles can turn and park temporarily.*

*A plan has been provided showing visibility at the site entrance. While visibility for emerging vehicles is likely to be compromised from time-to-time, the wide footway and verges give enough viewing space to take into account risks from approaching vehicles.*

*While the framework travel plan is adequate for planning purposes, the LHA suggests that a pre-opening condition is included in any consent to ensure submission and LHA approval of the final plan.*

It was subsequently discovered that the original parking survey had been carried out on the day of a rail strike which may have affected the results. A new survey was

therefore requested and submitted. Following consideration of the new survey, the **Highway Officer** has advised:

*I agree with the consultants' view that there is sufficient parking capacity within a reasonable walking distance of the development site to accommodate the nursery's needs. However, the location in relation to the school is not ideal and I reiterate my request for a planning condition requiring the submission of a formal travel plan before the site opens for children.*

**Adur & Worthing Councils:** The **Environmental Health** officer has no objections.

The **Private Sector Housing** Officer advises that, subject to the second floor flat meeting minimum size requirement set out in planning policy and to the means of escape in the case of fire from this flat meeting building control requirements, then no objection to the development.

The **Engineer** has no objections.

## **Representations**

35 letters of objection received from residents in Buckingham Road, Hamfield Avenue, Windlesham Road, Windlesham Gardens:

- Buckingham Road is already very busy during peak hours with parents dropping off and picking up children from Buckingham Park primary school
- School runs breakfast club and after school activities, thereby extending congestion times
- Commuters park in Buckingham Road, as do visitors to nursing home
- Road is main thoroughfare for traffic from Upper Shoreham Road to the train station and town centre
- Nursery will worsen traffic congestion
- Already difficult for buses to travel along Buckingham Road
- Level crossing adds to traffic congestion in street
- Will obstruct emergency services vehicles
- People park across resident's driveways and on pavements and grass verges
- Increased risk of accident and risk to highway safety
- Increased noise from up to 75 children playing in the garden
- Out of character with a residential area
- Existing nurseries in Upper Shoreham Road are in less congested areas where there is a wider road and more on street parking
- Previous refusal of an application at 40 Buckingham Road for a change of use of dwelling to a dental surgery on grounds of being out of character and likely parking problems
- Parking survey was carried out on a rail strike day and does not represent normal parking situation as all-day commuter parking would have been absent
- Need stronger enforcement of illegal and obstructive parking
- Unlikely that parents will park five minutes walking distance away
- Inadequate staff parking provision



- Loss of family house, contrary to saved policy AH6 and NPPF which requires LPAs to increase housing stock
- Staff flat will be limited in size and totally inadequate compensation for loss of family house
- Introduction of commercial use and significant activity into a residential street
- Increased noise and disturbance for neighbouring residents
- Loss of front garden and replacement with car park will be visually harmful
- Proposed flat appears to be unworkable and contravenes Building Regulations (*NB the plan has been checked by Building Control Officers and is found to be acceptable*)
- Increased air and noise pollution

30 letters of support received from current employees and parents of children in other nurseries run by the applicants from addresses in Shoreham, Southwick, Lancing, Sompting, Portslade:

- Proposal will create more job opportunities and enable staff to progress in their professional development
- Shoreham needs more good quality nurseries

### **Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH6, ACS5  
 Submission Adur Local Plan (2016) Policies 15, 21, 29, 34  
 National Planning Policy Framework (March 2012)

### **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 Development Plan comprises the saved policies of the Adur District Local Plan and the emerging policies of the Submission Adur Local Plan.

Saved Local Plan policy ACS1 states:-

“The District Planning Authority will permit new education facilities on sites within the built-up area, as defined on the Proposals Map, subject to compliance with other policies in this Local Plan.”

Saved policy ACS5 states:-

“The District Planning Authority will support or permit proposals to develop, extend or improve community facilities within the built-up area subject to compliance with other policies in this Local Plan.”

The other relevant policies of the Local Plan are AG1, which states that development will generally be permitted in the built-up area subject to other policies and to it not detracting from the existing local urban environment, and AH6 which states that changes of use leading to loss of existing dwellings especially those suitable for small households and those not easily able to complete in the existing housing market will not be granted.

Policy 15 of the Submission Adur Local Plan states that development should, among other criteria,

- *Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*
- *Have safe access to the highway network, and not result in harm to highway safety;*
- *Have acceptable parking arrangements (in terms of amount and layout).*

Policy 21 states “*In order to protect the existing residential stock, proposals which result in the loss of dwellings to non-residential use will not be supported. An exception may be made if the loss would facilitate the provision of a community facility.*”

The supporting text to Policy 34 defines social and community facilities as “*community venues, cultural buildings, places of worship, education and health facilities, and pubs where evidence demonstrates they have a community value.*”

Policy 29 states that development should “*incorporate appropriate levels of car and cycle parking having regard to West Sussex County Council guidance, taking into consideration the impact of development upon on-street parking.*”

The site is not identified for any particular use or development in the Local Plan. As quoted above, saved Local Plan policies ASC1 and ACS5 support new educational and community facilities within the built-up area, as do policies in the new Plan, even where it involves the loss of a dwelling.

However, despite these permissive policies, there are important criteria that development must meet in order for it to be considered acceptable. Saved policy AG1, for instance, requires that development must not detract from the existing local urban environment. Policy 15 of the Submission Plan states that development must not have an unacceptable impact on adjacent properties, particularly residential dwellings, and have acceptable parking arrangements. Policy 29 also requires appropriate levels of car parking and consideration of the impact of development on on-street parking.

These issues will be explored more fully in the following sections.

### ***Visual amenity***

The proposed development will not involve external changes to the building at the front and a modest, acceptable extension at the rear. The front garden is already hardsurfaced to a large degree and the remaining planted areas will be removed to provide 5 staff parking spaces. While this will have some visual impact, it should be noted that planning permission is not required to hardsurface the front garden (as a number of properties in the road have done) and, as such, there are not considered to be any sustainable reasons to object to the proposal on visual amenity grounds.

### ***Impact on the character of the area and residential amenity***

The site lies within a predominantly residential area to the north of the commercial centre of Shoreham. The loss of this dwelling and its replacement with a childrens' nursery for up to 75 children would represent a significant change to the established character of the area. It would introduce a level of activity that is not usual for a domestic residential property and, as explored in the next section, it will have amenity impacts in terms of increased traffic levels and parking availability in the area.

The application is supported by a management plan for outdoor activities which explains that children will be allowed to 'free flow' between indoors and outdoors which leads to them being calmer and more able to control their excitement and noise levels. Use of the garden will be structured and controlled with children going out in smaller groups. The Plan states that "*it would be impractical and unmanageable if we were to allow all children to go out at once.*" At any one time, the Plan envisages "*at any one time it is likely that only up to 18 children will make use of the garden.*"

The applicants are proposing to provide a contact for neighbours in order to report and log issues with noise and to keep a register of complaints or suggestions from neighbours. The garden area at the rear of Nos. 50 and 52 will be a wildlife area and not for play. Finally, the applicants run a number of nurseries in residential areas which are recognised as being "*very well run and sympathetic to their neighbours.*"

The nursery will operate between the hours of 8am and 6pm with use of the garden between 9am and 5pm. While it will cater for up to 75 children, the Planning Statement suggests that "*typically on any one day there is 72% attendance, which for this nursery would be 54 children.*"

Adherence to the management plan and use of the garden, plus opening hours, can all be controlled by planning condition and it should be noted that the Council's Environmental Health Officer has not objected to the proposal.

Nevertheless, it is considered that the proposal would result in the introduction of a use, with an associated high level of activity, within an established residential area which would be harmful to its residential character. While there is a primary school nearby, this is discreetly located in a 'backland' location within extensive grounds and is not within Buckingham Road itself. It should also be noted that the applicant's existing nursery in Upper Shoreham Road is located in a property which had previously been used as a rest home and a guesthouse and is on a main road within an area where a number of dwellings have had a change of use in part of full to business use, including care home, beauty treatment, dental laboratory and aromatherapy clinic. The character of this part of Buckingham Road is considered to be markedly different.

### **Residential amenity – proposed flat**

The 1 bed flat will have a bedroom, bathroom and living room within the roofspace, with a kitchen at first floor level. It will be occupied by a staff member and this can be controlled by condition.

The floor area of the flat is approximately 36m<sup>2</sup> which is just short of the 39m<sup>2</sup> specified in the National Space Standards for a 1 bed 1 person flat. While there is a slight shortfall, it is considered that, as it is a staff flat above the nursery, it will provide a sufficient standard of living accommodation.

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

The issue which has caused the highest number of objections is the potential impact of the proposal on highway safety. Buckingham Road is a busy thoroughfare, being one of the main routes between Upper Shoreham Road and the town centre and railway station. At school drop off and pick up times the road becomes busier as a result of parents visiting Buckingham Park Primary School, the access to which is just 60m away from the site. Objectors have referred to the existing parking congestion in the road, especially at peak times, but also through the day as commuters tend to park in the street and then catch a train from the station at the southern end of the road. Objections have referred to cars blocking driveways, parking on verges and obstructing buses at times. There are strong concerns that the nursery use will introduce an unsustainable increase in traffic leading to more congestion and demand for parking spaces, particularly as no space is to be available off road for visitors to the nursery.

The applicants originally carried out a parking survey which demonstrated that there is capacity in surrounding roads during peak periods to accommodate those dropping off and picking up children from the nursery. However, it was subsequently discovered that the survey had been carried out at the time of a rail strike and there were concerns that the results were not reflective of the true daily parking situation. A second survey was therefore commissioned and the results have been submitted.

The second survey found that the parking demand began to increase after 8am as parents/carers arrive to drop children off at Buckingham Park Primary School, which would coincide with the drop-off period at the proposed nursery. However, the survey demonstrated that even during the busiest period (between 08:30 to 09:00) there were still on average 9 kerbside parking spaces within a 2 minute walk of the site.

The applicants' transport consultant has stated that, *"based on experience at other nurseries, the average turnaround time for dropping-off and picking-up children is less than 5 minutes. Therefore if parents/carers walk for 2 minute on average to and from their cars, their vehicle will be parked on-street for no more than 10 minutes.*

*It is therefore assumed that one space can be occupied by approximately 6 vehicles on average within an hour. As such, the 37 vehicles associated with parents/carers who drive to the nursery can be accommodated within 6 car parking spaces within an hour. These vehicles can be accommodated within the busiest period (between 08:30 to 09:00) when there were on average 9 available parking spaces within a 2 minute walk of the site."*

They go on to state that *"although the most recent parking survey indicates there are slightly more vehicles parked along the surveyed roads, the parking survey demonstrates that the surrounding roads have capacity to accommodate the vehicles associated with the 37 children whose parents/carers drive to the nursery during the afternoon/evening peak period. In any case, the results indicate sufficient spare capacity within Zones 3 to 5 (within a 3-5 minute walk of the site). Therefore, our conclusion that there is sufficient spare capacity along the nearby surrounding roads to accommodate parking associated with members of staff and parents/carers dropping-off/picking-up children from the proposed nursery is still valid."*

These conclusions assume that parents will be willing to park up to 5 minutes walk away. They also demonstrate that cars associated with the nursery will overspill into surrounding roads in order to find a parking space.

WSCC have concluded that there are no grounds to object, having considered the results of the survey, but they acknowledge that the proximity to the school is "not ideal" and that Travel Plan should be submitted by the applicants before the nursery opens for business. They also acknowledge that the proposal will *"have a noticeable impact on traffic and pedestrians in the immediate area."*

While there is no objection from WSCC, it is nevertheless considered that this proposal raises serious amenity concerns with regard to increased traffic and increased pressure on parking, which will affect local residents already exposed to high levels of school traffic. The survey assumes that nursery-related cars will arrive at an even period throughout the peak hour so that spaces will be available and does not factor in if more than 9 cars were to arrive within the same 10 minute period. It also assumes that parents would be willing to park up to 5 minutes walk from the nursery, which may not always be the case, particularly in periods of bad weather or if they were running late.

The survey results highlight the limited number of spaces available in the street at peak times and it is highly likely that the proposed use will worsen the existing situation in Buckingham Road to the detriment of the amenities of local residents. The site is close to Shoreham Railway Station and a travel plan would help to encourage staff to use public transport or non-car means of getting to work. The applicants' transport consultants have stated that they estimate that only 2 members of staff will drive to the nursery. Their report however goes on to state that the 5 spaces to be provided will be allocated to staff and that the surrounding roads have sufficient spare capacity to accommodate parking associated with members of staff and parents/carers. This does not equate with the assumption that only 2 members of staff will drive.

It is also acknowledged that some children will live locally and will be able to get to the nursery on foot (the applicants estimate 30% of children) but this will still leave a relatively high number of cars (the applicants estimate 38 trips assuming 72% attendance on any one day) at peak time. These, it must be remembered, will be in addition to the existing levels of traffic associated with the nearby school.

It is therefore considered that the provision of a nursery use of this scale in this location would result in an increase in traffic and parking demand which is likely to harm the amenities of local residents to the detriment of the surrounding area. As such, it would fail to meet the requirements of policies 15 and 29 of the Submission Adur Local Plan.

## **Recommendation**

**REFUSE** for the reason:-

1. The proposal, by reason of the associated activity, increased traffic and resulting pressure for on street parking spaces in the vicinity of the site during peak times, would be harmful to the residential amenities of local residents and detrimental to the residential character of the area. The proposal is therefore contrary to saved policy AG1 of the Adur District Local Plan and policies 15 and 29 of the Submission Adur Local Plan.

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26<sup>th</sup> June 2017

Application Number: AWDM/0176/17

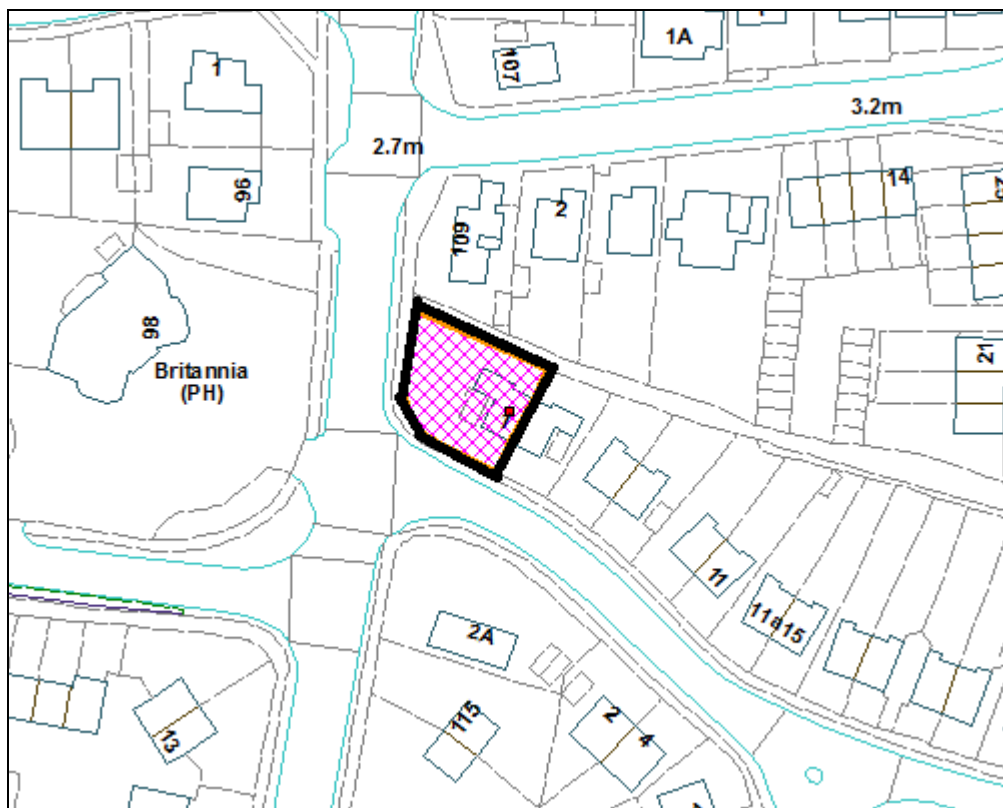
Recommendation – APPROVE

Site: 1 Monks Avenue, Lancing

Proposal: Attached three bedroom dwelling incorporating existing single-storey side extension. (Revised Proposal)

Applicant: Mr S Boyle  
Case Officer: Marie O'Keeffe

Ward: Mash Barn



Not to Scale

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### Proposal, Site and Surroundings

This application relates to the site of a semi-detached house on the north side of Monks Avenue at its junction with Grinstead Lane. The property has a single storey side extension and a sizeable side and rear garden.

The application proposes to extend to the side of the property, incorporating the existing single storey side extension and to create an end of terrace 3 bedroom dwelling. The application has been revised since first submitted to alter the design, to

reflect more closely the existing pair of houses, and to adjust the rear garden boundary separation to allow the existing house to retain a larger rear garden. The site boundary includes half the width of a drainage ditch which runs along the back of all houses on this side of Monks Avenue.

The new dwelling will in effect extend 2 metres further towards the western boundary and will line through with the front and rear walls of the existing dwelling. Permission is also sought to extend the crossover and create one additional parking space for the new dwelling whilst leaving the existing dwelling with one forecourt parking space.

The site is not in a conservation area and does not relate to a listed building. There are no protected trees on the site.

### **Relevant Planning History**

L/183/79 – Extension to west elevation replacing garage. Granted 21.6.79

L/33/60 – Kitchen extension. Granted 15.3.60

L/126/50 – Garage. Granted 7.11.50

### **Consultations**

#### **Southern Water**

*The attached plan shows that the proposed extension lies over an existing public sewer. An investigation of the sewer is required to ascertain its condition, the number of properties served, and potential means of access, before any decision can be made as to whether it would be acceptable for the proposed development to be constructed over or close to the sewer. Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker – in this case Southern Water. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

*Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

*Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:*



*“A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.*

*The Council’s Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.*

*The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council’s technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.*

*It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order*

*a Adequate soakaway or infiltration system*

*b Water course*

*c 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 occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.’*

**Council’s Drainage Engineer:**

*‘The site lies in flood zone 3.*

*The site is affected by Surface Water flooding*

*The site has a public foul water sewer running east - west across the bottom of the garden.*

*The site is bounded by a ditch which the applicant is responsible for keeping clear.*

*The previous surface water flooding was caused by problems with the gully in the road in Monks Avenue. The works did not include a pipe from the gully to the ditch as I believed, so a new build will not affect the solution.*

*The EA have not required a minimum floor level, so that can be ignored, the ground floor of the new property should therefore be the same as No 1.*

*The foul sewer issue will be dictated by Southern Water and building control.*

*The purchaser of the new property should be made aware of the issue of riparian ditch maintenance but that's not a planning issue.*

*Surface water from the new build should preferably go into a soakaway - so the usual soakaway condition - requiring percolation tests will suffice.*

*Otherwise no issues'*

### **Environment Agency:**

*'We can confirm that the Environment Agency has no objection in principle to the proposed development as submitted.*

### *Advice to Local Planning Authority (LPA) / Applicant:*

*It is our understanding that any historic flooding in this area has been resolved. The councils own drainage engineers should be able to verify this.*

*With regards the small ditch which runs to the north of the site, an Ordinary Watercourse Consent may be needed if any works take place within the channel itself. You should liaise with the relevant Lead Local Flood Authority on this issue. Again the council's own drainage engineers will be best placed to comment on this aspect.'*

### **Highways:**

*I refer to your consultation in respect of the above planning application and would provide the following comments.*

### **Context**

*This application seeks consent for the erection of an attached three bedroom dwelling incorporating existing single-storey side extension at 1 Monks Avenue, Lancing. The site is located and accessed via Monks Avenue, which is unclassified. The site is a corner plot and its western boundary is located on Grinstead Lane, A2025.*

### **Access & Visibility**

*An off street car parking provision will be provided to the proposed dwelling. This will be created by extending the existing dropped crossing which serves 1 Monks Avenue. This effectively creates an access point in close proximity to the junction with Grinstead Lane, A2025. However I'm conscious vehicles will be required to slow on Grinstead Lane when turning left into Monks Avenue.*

*Using WSCC Mapping a maximum achievable visibility splay onto Grinstead Lane of 2.4 x circa 37 metres (or 45 metres if measured along the alignment of the carriageway) would be achievable if the western boundary treatments of the development site were reduced in height no greater than 0.6 metres. This would be considered appropriate for vehicles approaching at speeds of 31 mph. Given the junction of Grinstead Lane and Monks Avenue vehicles would not be anticipated to be traveling past the site at this speed.*

*The LPA would be advised to consider the visual implications of the formation of the splay.*

*Any access works on the public highway must be implemented under licence to a specification obtained for WSCC highways.*

### **Parking**

*The application documents detail that one space is existing and this will be retained to serve 1 Monks Avenue. From a desktop study it does appear that the site is currently afforded two off street car parking spaces. The plans provided detail that the proposed dwelling will be provided one off street car parking space.*

*Having assessed the existing provision against the WSCC Car Parking Demand Calculator it would be considered that 1 Monks Avenue is afforded an appropriate quantity of car parking. The proposed would result in a car parking demand of four car parking spaces being required. Only two spaces are proposed on site at present and the proposal would therefore result in additional on street car parking being created.*

*The Local Highways Authority is only in a position to object to the creation of on street car parking in situation where a Highway Safety Issue will be created. It is likely that this small quantity of parking could be accommodated on street safely within a reasonable walking distance of the site so the Local Highways Authority would not wish to raise this as a substantive concern. The LPA may wish to consider the amenity implications of this.*

*Given the above the applicant would however be advised to consider providing increased off street car parking on site if achievable, these matters can be dealt with via condition.*

### **Other Matters**

*I have consulted with WSCC Highways with regard to their view on this application. These comments will be forwarded on if provided.*

### **Conclusion**

*The LHA does not consider that the proposal for one dwelling 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.*

*If the LPA are minded to grant planning consent conditions and an informative note would be advised:*

### **Pollution Control**

*'The area of development adjacent to Grinstead Lane has been identified on DEFRA noise maps as being severely affected by traffic noise. I would ask for an acoustic assessment to be undertaken to ascertain the exact noise exposure of the property including a scheme to protect the habitable rooms and amenity areas from excess noise. This can be dealt with by condition.*

*The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwelling is occupied.'*

### **Public Health Housing –**

*'I have now had the opportunity to review the above application and would make the following comments, which may mirror comments made by my colleagues in Public Health and Regulation:*

*The new dwelling puts a noise sensitive room (bedroom) next to the bathroom and toilet of the existing dwelling. This is unsympathetic stacking and could result in disturbance that cannot be addressed with public health legislation. This risk could be mitigated by altering the internal layout of the new building so that staircases and bathrooms are contiguous to the existing dwelling.'*

### **Representations**

Lancing Parish Council objects to the proposal for the following reasons:

1. Overdevelopment of the area;
2. Risk to flooding
3. 1 & 3 Monks Avenue are currently semi-detached. This proposal will make them terraced with all the disadvantages that comes with that including devaluation.

No neighbour representations have been received.

### **Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5 and AH7 and Appendix 11 including Supplementary Planning Guidance comprising 'Development Control Standard No.2 'Space Around New Dwellings and Flats' and No. 3 'Extensions and Alterations to Dwellings' Submission Adur Local Plan (2016). Policies 2, 15 and 21  
The National Planning Policy Framework (CLG 2012)

### **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 proposal comprises new housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, future occupiers living conditions, highway safety and the effect on the character and appearance of the street scene.

The saved Local Plan policies and the Submission 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.

Saved local plan policy AH2 states:

*New residential development by way of infilling or redevelopment will be acceptable in the built-up area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-*

- (a) its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard-surfaced areas;*
- (b) it respects the existing natural features of the site, including land form and trees;*
- (c) it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*
- (d) it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook and privacy.*
- (e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12; and*
- (f) it accords with the standards adopted by the District Planning Authority.*

This is a brownfield site, albeit garden land, within the built up area boundary. The land is not allocated for any other purpose.

### **Visual amenity**

The proposed dwelling has been revised to reflect the design and scale of the existing pair of semi-detached houses. It now includes the angled front ground floor bay and

canopied entrance etc. It has a hipped roof to match the existing property and is to be largely rendered and painted, with a brick plinth, to match the existing houses also.

It does not breach the established Grinstead Lane building line as it is still behind the front building line of the chalet bungalow to the north, No.109, which fronts Grinstead Lane and also houses to the south at 2a Monks Avenue and 119, 121 etc. Grinstead Lane.

In visual terms the application is considered to be acceptable.

### **Neighbour amenity**

The proposed dwelling has been rearranged so that the bathroom in the new house is paired with the adjoining bathroom to avoid nuisance. The new first floor bedroom window has been relocated from the rear wall and is now in the west facing flank wall in order to minimize intrusion to 109 Grinstead Lane.

A distance of approximately 12 metres is maintained between the rear of the proposed dwelling and the flank wall of the chalet bungalow at 109 Grinstead Lane. This elevation has two secondary windows at ground floor only and as such this distance is considered to be acceptable. There are also a number of tall, dense conifer trees in the garden of 109 on the shared boundary. Adequate light will be received to these windows as they do not directly face the proposed house. Overlooking is avoided with the relocation of the first floor bedroom window. In order to prevent future loss of privacy permitted development rights for extensions to the new dwelling are proposed to be removed by condition.

### **Residential Amenity - proposed occupiers**

The proposed dwelling would have a floor area of 80 sqm, comparable to the two adjoining semis. This is below the minimum national space standard of 93sqm expected for a 5 person 3 bed house. The 2 double bedrooms shown meet the minimum floor space standards and width required. The single bedroom is small at less than 7.5 square metres. Nonetheless the house is of a comparable size to the existing house. The existing house is shown to be modified to incorporate the small front bedroom into the large front bedroom to create a 2 bedroom house, thus meeting the minimum floor space standard for a 2 bed, 4 person dwelling.

Adur's adopted Supplementary Planning Guidance document No. 2 'Space Around Dwellings and Flats' seeks a minimum rear garden depth of 11 metres and a minimum size of 50 square metres for a 2 bed terraced dwelling and 65 square metres for a 3 bed terraced dwelling.

The existing garden has a maximum depth of 6.5 metres, with the rear fence moved back closer to the ditch in line with neighbouring boundaries. The applicant advises this land is in his ownership and that his ownership boundary runs down the middle of the drainage ditch. The division between the existing and proposed boundary has been adjusted to ensure the existing house retains a garden of approximately 55 square metres. The proposed house is expected to be left with a rear and side garden

in excess of 65 square metres. The applicant has been asked to provide a new block plan which more accurately shows the garden boundaries. Members will be updated at their meeting. The SPG allows side gardens to be included in any garden calculation providing it is secure and private. The side garden is already behind a front fence of 1.8 metres in height. This will have to be relocated to allow for the new parking space to be created. The side boundary with Grinstead Lane is defined by 1.8 metre high fencing and planting on the outside edge. The side garden is private to the roads.

The existing house is to be made 2 bedrooms and so a garden area of 55sqm is sufficient. The new 3 bed house will have a garden in excess of 65 sqm, again acceptable in area terms.

The depth of the gardens is less than expected in the SPG but not very different to other adjoining properties in the area.

The shortfall in floorspace for the new dwelling is not considered to be sufficient reason to withhold planning permission.

### **Parking and access**

The application shows the existing crossover to be widened and shared between the two dwellings. One additional off-street parking space for the new dwelling is shown with the existing dwelling retaining a forecourt parking space. WSCC has not raised an objection to the proposal and considers any potential parking overspill can be accommodated in Monks Avenue in close proximity to the site.

To achieve the required visibility splay they would like to see planting on the western boundary reduced in height to 600mm or less. It is considered appropriate to do this to half the depth of the side garden but beyond this the dense shrubbery is required to provide, privacy, screening and sound reduction to the garden area of the new dwelling.

### **Flood Risk**

The site lies within Flood Zone 3 and has in the past experienced significant surface water flooding. The Environment Agency is not objecting to this proposal and has not required any specific conditions. The EA also believes that the surface water issue was resolved in the recent past by WSCC. The Council's drainage engineer has confirmed that these works did not involve any pipework crossing the site between Monks Avenue and the drainage ditch at the rear of the site and as such is not objecting to the scheme.

A foul sewer crosses the sites rear garden and this is likely to serve a number of houses. Building close to this sewer and connecting to it is a matter for Southern Water. The applicant is aware of the need to obtain their express consent to connect to the foul and surface water drains before commencing any works. Connection to the foul sewer is not a planning matter. Surface water drainage details are and a condition requiring details to be submitted is recommended. Surface water drainage is likely to

be dealt with by means of a soakaway. If constraints prevent this then the Council's drainage engineer has advised that draining to the ditch is likely to be acceptable.

## **Conclusion**

It is considered that the revised plans overcome previous design objections and garden space concerns. Neighbour amenity is not significantly affected in the revised scheme and drainage concerns appear to be surmountable. The shortfall in floorspace is regrettable but not inconsistent with the size of neighbouring properties. The impact on property values is not a planning matter. It is therefore recommended that planning permission is granted.

## **Recommendation**

### **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. External materials to match
4. No development shall commence until the vehicular access serving the development has been widened and one additional parking space provided with adequate visibility splays – details to be submitted
5. Cycle parking details
6. Construction plant and materials
7. Removal of PD rights for future extensions and outbuildings
8. No new windows
9. Details of fencing, including relocated front fence.
10. Surface water drainage details
11. Rear bathroom window obscure and fixed below 1.7 metres
12. The development hereby permitted shall not be commenced until a scheme for protecting the proposed dwellings and outside amenity areas from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014. The scheme shall also try and achieve as far as reasonably practicable the WHO guidelines for external amenity areas. All works which form part of the agreed scheme shall be completed before the permitted dwelling is occupied.'

#### Informatives:

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
2. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water,



Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

3. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
4. The applicant is reminded of his riparian responsibility, as landowner, to maintain his part of the ditch at the rear of his garden.
5. 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.

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26<sup>th</sup> June 2017

**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.