



Planning Committee
22 July 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0467/15 Recommendation – Approve

Site: The Victoria Parkview, 7 Madeira Avenue, Worthing, West Sussex

Proposal: Change of use from former residential care home (C2 Use Class) to form 10 bedroom HMO (House in Multiple Occupation) (Sui Generis)

2

Application Number: AWDM/0169/15 Recommendation – Approve

Site: 99 Littlehampton Road, Worthing, West Sussex

Proposal: Retention of use of part of ground floor as beauty salon (retrospective)

3

Application Number: AWDM/0946/15 Recommendation – Delegate Authority to Officers to approve subject to no new adverse material issues arising from the remaining consultation period

Site: Littlehampton Book Services Limited, Faraday Close, Worthing, West Sussex

Proposal: Temporary steel building for storage purposes situated northwest of site

4

Application Number: AWDM/0806/15 Recommendation – Approve, subject to there being no adverse material comments received during the consultation period

Site: 51 South Street, Tarring, Worthing, West Sussex

Proposal: Remove existing defective clay tiles to roof and replace with plain concrete tiles (ground and first floor flat)

Application Number: AWDM/0467/15

Recommendation – APPROVE

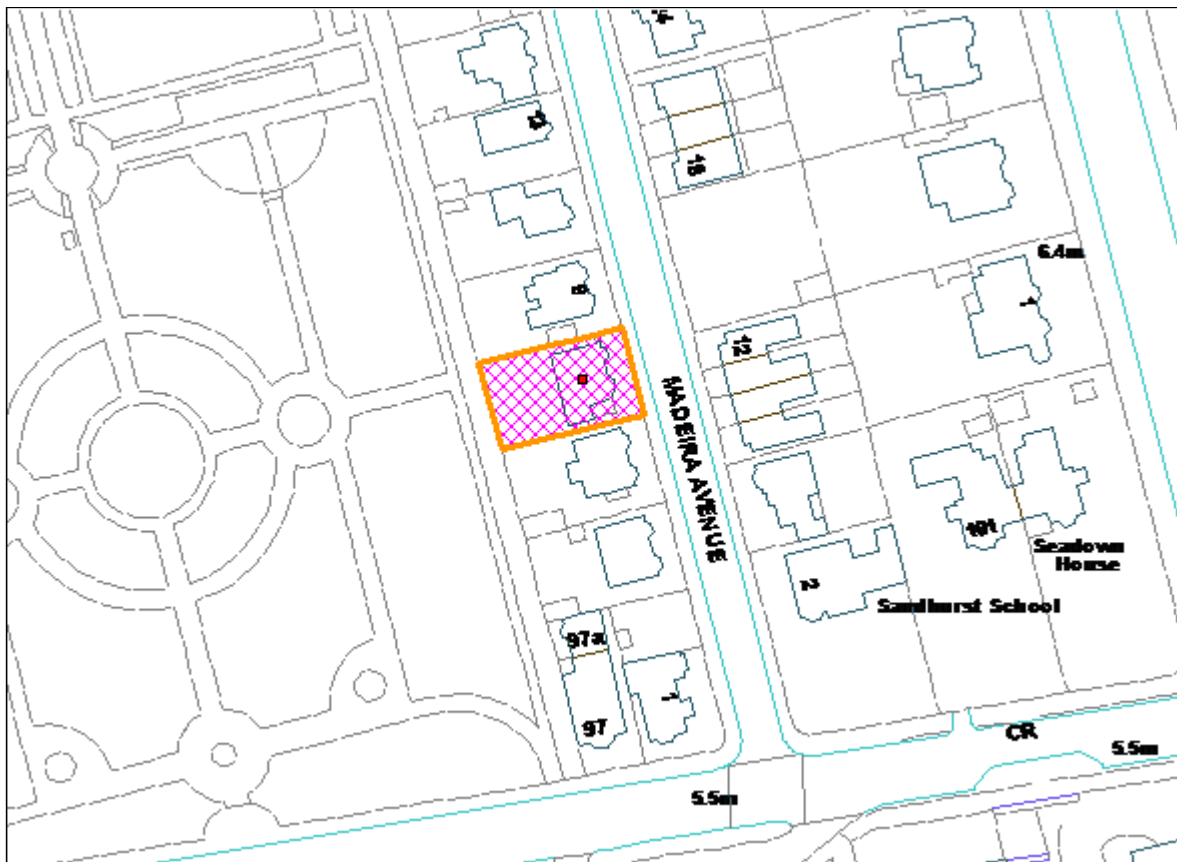
Site: The Victoria Parkview, 7 Madeira Avenue, Worthing

Proposal: Change of use from former residential care home (C2 Use Class) to form 10 bedroom HMO (House in Multiple Occupation) (Sui Generis)

Applicant: Mr Anthony Brown

Ward: Central

Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application relates to a two storey detached Victorian house which was formerly in use as a residential care home. It is located on the west side of Madeira Avenue close to its southern end, in a residential area. To the north and south of the site are similar detached dwellings. Beach House Park is to the west.

The application seeks permission to change the use of the building to form a 10 bedroom House in Multiple Occupation (HMO). The proposal will result in 10

affordable rooms to rent, 7 of which will have en-suite WC facilities. There will be 3 communal WC's and 1 communal bathroom, kitchen diner and living room. No external changes are proposed and, because of the previous use as a care home, no internal changes are required either.

There is one off street parking space available at the front of the building.

Relevant Planning History

WB/1151/89 - Change of use to residential care home – approved 1989

Consultations

West Sussex County Council: No objection from a transport/highways aspect subject to conditions requiring cycle parking. Comments that WSCC Parking Standards advise that a HMO should provide 0.5 parking spaces per room/unit, with this in mind the applicant should be providing 5 parking spaces. The applicant proposes to retain the two already in situ; we would seek clarification if the remaining 3 spaces could be provided off street. Madeira Avenue and nearby roads are subject to a proportion of on street parking. Whilst it is likely that the proposal will add to on street parking in the area, the scale of the development is not such that a highway safety concern would result. The Local Planning Authority (LPA) may wish to consider the implications to on street parking and may wish to consider it necessary for the applicant to arrange for a Parking Capacity Survey to be carried out given the amount of comments in the representation letters regarding parking in the vicinity of the site.

The property is situated in a sustainable location, within walking distance of East Worthing Station and bus stops; hence there is no such reliance as such on the use of the private car.

Following receipt of the first parking survey, they comment that they would have expected the parking survey to have been undertaken early in the morning or late evening when residents are more likely to be at home, however due to the current use of the property and the application for change of use to a House of Multiple Occupation the Local Highway Authority would not see this application as having a severe impact on the highway network so would not object to this application.

A second parking survey was therefore submitted with further surveys being carried out in 0700 hours and 1830 hours. Following receipt of the survey, West Sussex County Council commented that based on the results, their advice had not changed and they did not wish to raise any objection to the application.

Adur & Worthing Councils: The **Environmental Health** officer comments that the property will not require a licence under the mandatory licensing regime, but it will still be subject to The Management of Houses in Multiple Occupation (England) Regulations 2006, as well as the provisions of the Part 1 of the Housing Act 2004 (Housing Health and Safety Rating System).

The property has ten bedrooms and seemingly will cater for a maximum of 10 people, but this is not confirmed. The plans indicate no additional kitchen or washing facilities. We expect to see at least one bathroom with a fixed bath or shower for every five occupants. Whilst there are basins and one room has an en suite bathroom, there would need to be an additional communal shower or bathroom for residents to use.

We expect to see a sink and drainer for each 5 occupants, although a dishwasher can be accepted in place of a second sink. There should be an electric or gas hob with four rings and an oven with a grill per 5 occupants. For each hob there should be an electrical extractor fan. There should be a single cupboard (wall or floor mounted, but not the cupboard beneath the sink) per person. There should be a large fridge freezer per 5 occupants

It is difficult to make specific observations from the current plans and should Planning Permission be granted then the Private Sector Housing team will want to inspect this property and ensure that it is free from serious hazards.

The **Housing** Officer has no objections. From a homeless perspective this additional accommodation would benefit the town because there is currently a shortage of this type of accommodation available for single homeless people. We would, therefore, be particularly supportive if there was some way in which a condition could be imposed stating that the landlord must accept nominations of tenants through the council for a set period of time. This would help to reduce the numbers of homeless people in the borough and would free up spaces in the homeless hostels for other people coming through the system. We are currently working with another landlord in the area who is prepared to work with the council on this basis.

The **Planning Policy** Officer has no objections. Although the submitted planning statement highlights that Policy 8 states 'The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community', the overall aim of this Policy is to redress the imbalance in the housing mix that has dominated recent new development namely smaller flats to meet the needs for family housing. However, there are no development plan policies directly relating to HMOs and can therefore confirm there are no policy objections to the proposal as submitted.

The **Safer Communities** Officer advises that, as far as she is aware, the site is not within an area that causes any particular issues with anti-social behaviour. However, HMOs are problematic when the mix of persons living there is wrong and the management of an establishment is not well run.

She advises that the areas around Rowlands Road and the high concentration of HMOs there is not only causing issues but that the people occupying the properties are very transient and this further diminishes the community make-up.

Sussex Police: Our local approach is now that any requests from the Council's planning department, about anti-social behaviour matters, should be pushed directly to the Council's ASB team which they can liaise directly with. Otherwise, it is duplication of work. For this area it is the Adur & Worthing Council's Safer

Communities Team. We want to keep a neutral approach and we will only highlight issues if there are significant concerns about a planning application where we feel that we have no choice but to comment. Therefore, there are no comments from us on this one.

Representations

35 letters of objection received from the occupiers of 2A, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 17, 22, 23, 27, 30, 34, 50, 52, 62 Madeira Avenue, 79 Marine Parade, 1 St George's Gardens Church Walk, 5 Ash Grove and from a Planning Consultant representing the occupiers of 5 Madeira Avenue.

- Increased noise and use of garden– previous nursing home use was quiet
- Parking problems will increase – Madeira Avenue is already overcrowded as there are not enough spaces to serve current occupants of street, particularly at evenings and weekends
- Existing residents are on waiting list for a permit
- Adding 10 new residents and their visitors will make parking situation worse
- Already suffer from users of Splashpoint parking in Madeira Avenue
- Only enough space for 1 car on site, not 2
- No provision for bicycles or motorcycles on site
- Care home occupants would not have had their own cars and staff would have been aware of lack of parking
- Loss of privacy
- 1 Madeira Avenue has already been converted to an HMO which has caused problems with noise, litter and anti-social and intimidating behaviour
- HMO tenants are transient and do not integrate into community
- Students or lower paid workers will occupy property
- HMO properties are poorly managed, not maintained and fall into disrepair
- Negative impacts can result in areas where there are concentrations of HMOs – other authorities state that they should be no closer than 100m apart but 1 Madeira Avenue is closer than this
- Increased fear for safety of elderly residents in the street
- Increased rubbish and refuse/bins left in street/smells
- Out of keeping with family housing in Madeira Avenue
- Contrary to policy 8 of Core Strategy which favours family homes
- No valid reason to change the use – previously poorly run care home does not mean a future care home owner would manage it in such a way
- Lack of justification as to why an HMO is only viable use of property
- Care home only closed in December 2014 and has not been on the market very long
- May cause deterioration in appearance of street
- Infrastructure and local services cannot cope and will be further overstretched by this and future Aquarena redevelopment
- Increased fire risk – increased congestion on road could obstruct emergency vehicle access
- Permission for HMO at 2 Queens Road should not be seen as setting a precedent as there were different circumstances with that case, such as it had previously been a guest house

- Parking survey should have been carried out at a time when residents are at home, not in the middle of the day
- Second parking survey does not include any photographic evidence to support its findings
- This HMO will not require a license and any regulation or checks will be minimal
- Extent of local objection must be taken into account - existing residents do not want this development to go ahead
- Need for caretaker/resident supervisor if approved
- Would be better if converted into flats
- Pre-application advice was not sought
- Loss of property value
- While the property may be managed, there will still not be any assessment in terms of the actual tenants themselves who may well satisfy all of the tests nor will there be any control over the actual visitors who may come to visit those tenants at the premises, and there will not be any resident manager within these premises to assess the actual activities of the potential tenants and the visitors to the building.
- Future residents are highly unlikely to secure any parking spaces within the area
- There is a requirement to provide 5 spaces on site which cannot be met
- The applicant could sell the property and someone else could manage it in an irresponsible manner
- Shocked that the prospective purchaser of the property has paid £800,000 for the property considering when Robert Luff were selling this property it was actually "under offer" at £550,000. It is not necessarily a planning factor in assessing how much they purchased the property for but it is nevertheless true that this property could equally be used as a single family dwelling.
- How far back will potential occupants history be checked?
- What thresholds will be applied for meeting these checks?
- Who will verify accuracy of documentation?
- What checks will be carried out if occupant has lived overseas or not been employed during the vetting period?
- What international credit checks will be conducted?
- Will ID checks be conducted?
- What re-screening policy is in place?
- What reassurances can be provided about the management of the HMO should permission be granted?

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 11
 Worthing Local Plan (WBC 2003) (saved policies): H18, TR9, RES7
 Supplementary Planning Document 'Space Standards' (WBC 2012)
 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 proposal will result in the loss of a care home. The previous care home was closed down following receipt of an “inadequate” Care Quality Commission Report in January. There is no policy relating to the retention of care homes in the Core Strategy and it is considered that Worthing is well served by such facilities. Consequently, there is no policy objection in principle to its loss.

There are no Development Plan policies directly governing the provision of HMO accommodation. In these circumstances the National Planning Policy Framework advises that proposals should be supported unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Historically, planning practice has been to protect good quality HMO/bedsit accommodation where it exists, but to generally discourage extensive new market provision in favour of self-contained flats or studios (including, where suitable, family accommodation in recognition of established housing priorities), or, where appropriate, socially managed institutional provision.

The applicants have submitted a Planning Statement in support of the proposed change of use which explains why they consider alternative uses would not be viable. The previous care home use was rated as ‘inadequate’ before closure and the applicant’s agent argues that it is not viable to reinvest in the care home to bring it up to standard. It was a 9 bed care home and the income generated by it would not cover the additional staff required by current legislation.

Use as a family home would require extensive refurbishment works which would be prohibitively costly. The existing building’s layout reflects its former use as a care home, with bedrooms, en-suite and separate toilets, bathrooms and a lift. The cost of removing the lift and re-shaping the layout is estimated at £250,000, making its conversion to a single dwelling unviable.

Conversion to 3 x 3 bed flats is physically possible, but again total revenue from such a conversion is not seen as viable. A guest house would also not be viable due to the extensive renovation works required. The agent argues that the market for guesthouses in Worthing is diminishing in the face of competition from budget hotel operators such as Travelodge and Premier Inn. He quotes examples such as the closure of the former Mayfair Hotel, Cavendish Hotel and Queens Lodge (converted to HMO use) in support of this argument.

In his view the use of the building as a regulated HMO is the best use of the property, in terms of financial viability and in providing small affordable residential accommodation to meet a local need.

Comments have been raised about the sale value of the property although it should be noted that this not a material planning consideration. The applicant's agent has confirmed that the sale price increased due to competition.

It is recognised that HMOs/bedsits do meet a rising market demand for low cost, basic residential accommodation and to this extent, is consistent with Core Strategy Policy 8 which commits to delivering a wide range of choice of high quality homes to address the needs of the community. The cost of accessing home ownership; the shortage of social housing to rent; economic hardship, together with changes to the housing benefit system have all contributed to increased demand for this type of lower quality accommodation. The demand for such accommodation in and around the town centre is evidenced by the increased registration of HMOs by Environmental Health Officers and granting of recent planning permissions at 2-4 Southey Road and 2 Queens Road. Provision would contribute marginally to meeting the Borough's housing provision target in Core Strategy Policy 7.

Residential amenity – effect on existing dwellings

The proposal involves no significant external physical works and so the relationship between neighbouring properties would remain unaffected.

The main potential for impact would be the way in which the accommodation is to be used. The property was formerly in use as a care home. This would have generated a certain level of activity on a daily basis through staff comings and goings, deliveries and visitors. The proposed HMO would be relatively large. However, the intensity of activity associated with an HMO is not necessarily likely to be significantly greater than the care home use.

There are concerns locally over potential impacts upon the predominantly residential character of Madeira Avenue through anti-social behaviour problems. Concerns have been exacerbated by the use of 1 Madeira Avenue at the southern end of the street, approximately 30m away. That property has a lawful guest house use but is understood to be used as a 'halfway house' providing temporary accommodation for those in need. While there may be problems associated with that property, the risk of antisocial behaviour problems generally relates directly to the quality of the management.

Following representations received during the application on this matter, the applicant's agent has submitted further information in support of the proposal. They state that the applicant has "considerable experience of owning and managing private rental properties" and has a portfolio which includes care homes. His intention is to provide "good quality, well-managed private rented accommodation in order to retain longer term tenants." The building is to be "refurbished and redecorated and kept to a high standard of maintenance. "

The applicant's agent has confirmed that the property will be managed by Robert Luff & Co, a well-established local estate agent. A letter has been submitted by that firm confirming that tenants will have to pass a strict referencing procedure including background checks, previous tenancy history, affordability, employment history, any outstanding financial commitments and a requirement to have a UK bank account and eligibility to work in the UK. They hope to retain tenants for years rather than months and will provide 7 days a week management service to keep the property to a high standard.

The property would also be regulated under The Management of Houses in Multiple Occupation (England) Regulations 2006, as well as the provisions of Part 1 of the Housing Act 2004 (Housing Health and Safety Rating System).

The applicant has advised that he would be very pleased to work with the Council's Housing team to accept Council-nominated tenants. His agent has stated, "*What would be imperative though is that every prospective tenant is put through the same strict referencing and tenancy requirements that would be carried out by Robert Luff & Co. The issues raised by local residents in response to the planning application indicate that the premises must be a neighbourly one and on this basis the applicant would welcome suitably disposed persons who would meet the referencing procedures. Tenants nominated by the Council would be welcome on this basis.*"

While the Housing Officer has referred to possible use of a planning condition to require the applicant to only accept Council-nominated tenants, it is not considered that such a condition would be reasonable or necessary. An alternative, which would be of more benefit in the long term, would be a condition requiring a management plan for the premises which would ensure that the property is well managed, even if the current applicant sells the property on. Such a condition could also include a commitment to work with the Council. A management plan would help to prevent anti-social behaviour and would help to avoid the potential problems identified by the Safer Communities Officer.

The applicant's agent has suggested that a management plan should cover the following aspects:

- Management company and responsibilities;
- Access and Security;
- Risk Assessment;
- Building and Garden Maintenance;
- Duties of residents.

The applicant's agent goes on to state:

"To reiterate these premises will be managed by Robert Luff & Co. who will have the ability to terminate contracts should tenants cause disturbance. In the hypothetical event that residents should cause noise and disturbance to neighbours, then such neighbours would have to follow the normal channels of complaints to the managers, Council, Safer Neighbourhood Team and indeed the Police. It must be noted that noise and disturbance from neighbours is not isolated to tenants in HMO's and could be experienced from tenants who would occupy a family property

or indeed one that has been split into flats. The above condition would give the Council some additional controls to those exercised by their Environmental Health teams over current or future operators.”

In terms of other planning controls, whilst some authorities have policies governing HMOs, the Council has no Development Plan policies which specifically seek regulation of HMOs and other uses such as care homes/hostels and facilities for vulnerable groups on such grounds.

That said, the issue of neighbour amenity, including anti social behaviour, is a legitimate concern on all applications and is subject to the general tests of saved Worthing Local Plan Policy H18 and The National Planning Policy Framework. However, from the information submitted with the application, and with the use of a management condition as referred to earlier, it would appear that the proposed accommodation would be well managed and therefore less likely to result in future concerns over residential amenity. Accordingly, a refusal along these lines is not considered to be justified.

Accessibility and parking

The site only contains one off street parking space and there are strong concerns amongst residents that the proposal will cause a significant worsening of parking problems already experienced in the street. Madeira Avenue is within a Controlled Parking Zone with permit parking in place during 9am to 6pm Mondays to Saturdays. Residents have stated in their objections that many of them are still on the waiting list for a permit and in the evenings and at weekends the road becomes very congested, with users of Splashpoint in particular parking in the street. The addition of 10 residents plus visitors to the application property will cause further problems in their view.

The applicant has carried out a parking survey, initially during the daytime when the street would not be expected to be as heavily parked, and a second survey during early morning (7am on a Friday) and early evening (6.30pm on a Thursday). The results show 11 spaces were available within a 200m radius within Madeira Avenue on each occasion, as well as availability on adjoining roads.

West Sussex Highways have not objected to the proposed change of use. The previous use of the property as a care home would have been likely due to have generated a number of vehicular movements and a demand for parking by staff and visitors. The proposed use is not considered to be likely to result in a significant increase in demand. In terms of alternative uses, if this property was converted to a family home it could accommodate 6 or more bedrooms and if it was converted into flats the property could accommodate 3 flats with a minimum of perhaps 6 bedrooms. Such alternative uses would generate potential parking requirements which would also not be able to be accommodated within the site curtilage.

Furthermore, the site is in a sustainable location, close to the town centre and within walking distance of East Worthing Station and bus stops. There is therefore a reasonable expectation that there would be less reliance on the use of the private car. The future residents would also have to apply for a permit like any other

resident. Finally, the applicant has confirmed that cycle parking is to be provided within the existing outbuildings in the rear garden.

While the concerns of residents are understood, it is not considered that a reason for refusal based on the lack of parking provision on site is justified or sustainable.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard time limit
2. Approved Plans
3. The change of use hereby approved shall not commence unless and until details of the cycle parking and domestic waste storage have been submitted to and agreed in writing by the Local Planning Authority and provided in accordance with any such approval. The agreed facilities shall be retained thereafter.
4. Use shall not commence unless and until a management plan has been submitted to and approved in writing by the LPA. The approved plan shall thereafter be implemented and adhered to.
5. No new windows shall be inserted in the upper floor of the side elevations of the building.

22nd July 2015

Application Number: AWDM/0169/15

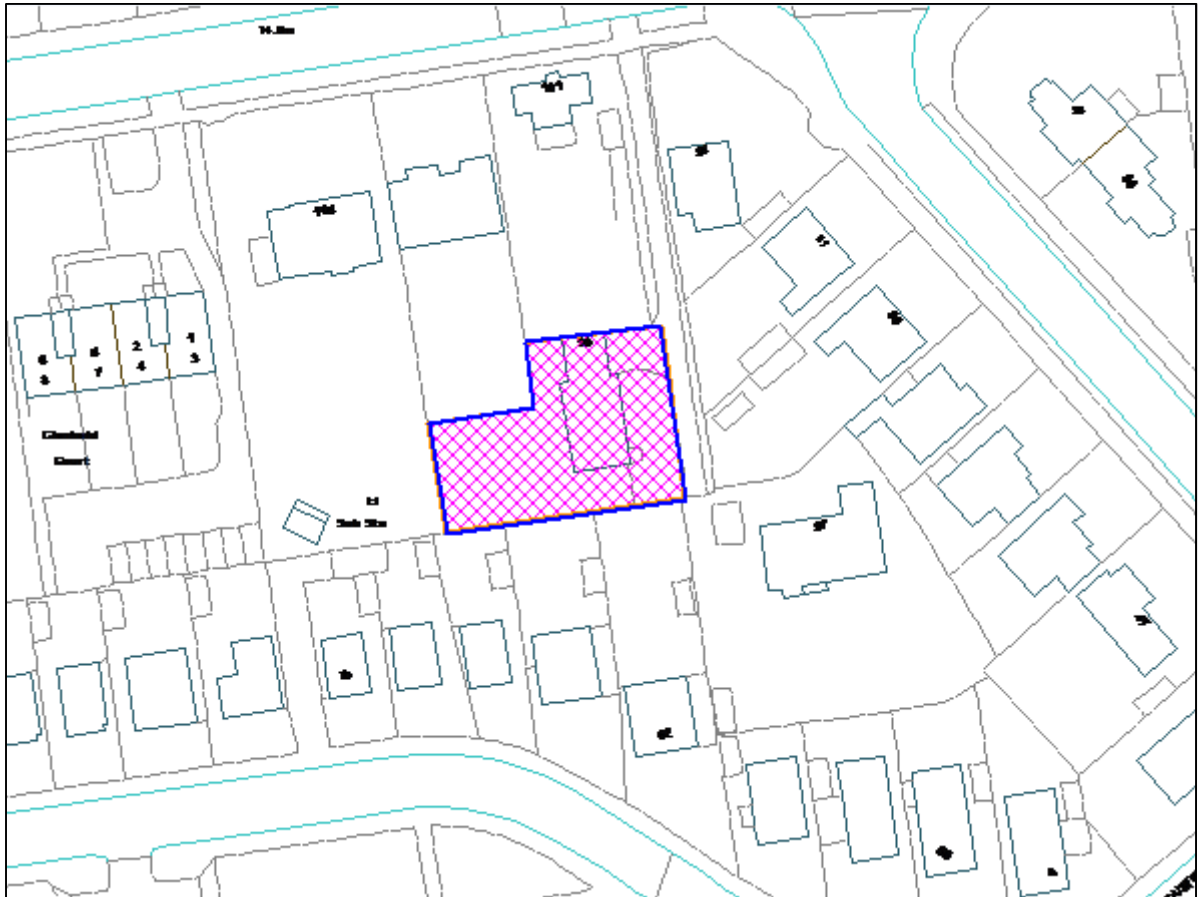
Recommendation – Approve

Site: 99 Littlehampton Road, Worthing, BN13 1QU

Proposal: Retention of use of part of ground floor as beauty salon (retrospective)

Applicant: Miss Emma Hopper
Case Officer: Marie O'Keeffe

Ward: Tarring



Not to Scale

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Councillor Smytherman has requested that this application be determined by Committee.

Site and Surroundings

No. 99 Littlehampton Road is a two bedroom bungalow built in a backland position on the south side of Littlehampton Road very close to the junction with Lindum Road to the east.

It sits behind No. 101 Littlehampton Road and shares its access with No. 97 Littlehampton Road further to the south east.

In 1980 planning permission for a single storey extension (granny annexe) was granted to the then owner for a bedsitting room, bathroom and kitchen. This permission was granted on a personal basis to the applicant, Mr White, for his occupation, and enabled his daughter and young family to move into the main dwelling. The same planning condition established that, upon Mr White moving out, the extension reverted to ancillary residential accommodation. This remains the lawful use of the extension in planning terms.

The main dwelling has two parking spaces (at the northern end). It has been suggested that an attached former garage at the northern end has been converted to living accommodation, and, certainly, the characteristic garage door has been removed and brick and glazed infill introduced. A third forecourt parking space was created when the extension was built at the southern end.

It is not known exactly when the Whites vacated but the current owner of the bungalow rented out the extension as a separate dwelling (contrary to the 1980 planning permission) for some time before allowing her daughter, the current applicant, to begin her beauty salon business from the site in October 2013.

There are no parking restrictions on this part of Lindum Road and restrictions on the junction with Littlehampton Road are limited to the west side of the bellmouth. Most of the houses in the adjacent part of Lindum Road benefit from off-street parking. Buses run along Littlehampton and Rectory Roads and there are several schools nearby.

The property is not in a Conservation Area and is not a Listed Building. There are no protected trees on the site.

Proposal

Planning permission is sought to continue this unisex beauty salon business (Vanilla Pod Beauty) within the annexe extension to the dwelling at No. 99 Littlehampton Road. Such a use is typically classified as *sui generis*- i.e. not falling into any of the formal categories.

A range of treatments are advertised on the web site – from botox injections, laser teeth whitening, spray tan, manicure and pedicure to massage and pamper parties. Since moving in the applicant has made some modifications to the internal layout. There are now two treatment rooms as well as the reception area and WC. There is no internal door into the bungalow and the annexe benefits from a separate entrance although the drive is shared with the bungalow. The extension measures approximately 35 square metres, including porch.

The applicant works from the site 6 days a week. The operational hours given on the web site are 9am to 4.30pm on Mondays; 6pm on Tuesdays; 6.30pm on Wednesdays; 8pm on Thursdays; 7pm on Fridays and 4pm on Saturdays.

A second therapist works 3 days a week and a third works for 2 hours on alternate Wednesdays. The salon has just taken on a fourth member of staff, an apprentice

who will work 30 hours per week and will be a receptionist and receive training in some treatments.

The applicant has advised that, following complaints from a neighbour, staff and clients now park in Lindum Road instead of the access drive.

Planning History

351/80 – Erection of single storey extension at side to provide bedsitting room. Granted 22.4.80

Consultations

Highways: No objection.

'With 4/6 cars parking in Lindum Road in connection with this business in any given hour I do not require a parking survey. A parking capacity survey would show the number of available spaces only.'

If the main issue is unsafe parking on the junction of Lindum Road we could ask the applicant to give clear parking instructions to her clients in all of the advertising. Preventing parking on junctions can only be controlled by enforceable parking restrictions which could be applied for at a cost to the applicant. However this is a lengthy process and the justification for doing this does not seem reasonable given the nature of the application.'

Would you consider conditioning the number of treatments the business can offer in the future; to prevent any increase in parking associated with the business.'

Representations

Seven letters of objection received, from residents of Lindum Road and from Nos. 95 and 97 Littlehampton Road summarised as follows:

- 6 days a week up to 30 cars per day are parked on Lindum Road as a result of this business. They park on pavements, grass verges, across our drives, turn in our drives and throw rubbish in the street. The site has no parking for clients.
- Because the site itself has no off street parking staff and clients are forced to park on Lindum Road. They park on both sides of the road and cause great difficulty in entering or exiting our drives and obscuring our views.
- Clients and staff park as close to the junction with Littlehampton Road as possible. This is a very busy wide junction but Lindum Road narrows quickly beyond it. Cars entering from the east often do so at speed. The business related parked cars increase the risk of an accident happening.

- It is impossible to safely turn right out of the driveway at 95 Littlehampton Road due to Vanilla Pod related parked cars on Lindum Road. An accident will occur.
- The related parked cars on Lindum Road, close to the junction with Littlehampton Road, make it dangerous for school children to cross safely.
- Emergency vehicles visiting or using Lindum Road will have great difficulty due to the cars parked as a result of this business.
- This business offers a very extensive list of treatments and has grown in scale. It should be being run from commercial premises and not from this bungalow in a residential area. The Council should be able to help them relocate to more suitable commercial premises.
- A business like this should not be down a private lane in a residential area with no parking spaces. It is too big a concern for the site.
- I have great concern that health and safety and Environmental Health regulations have not been properly followed for the safety of customers and more importantly nearby residents.
- The applicant is required to upkeep the front garden area. This has not happened.

The Chair of the Tarring Neighbourhood Watch and Community Forum has also objected as follows:

'Parking problems and obstructions have been evident at the junction of Littlehampton and Lindum Road caused by customers seen coming and going from the premises. The constant coming and going of customers from early morning to mid evening is causing a noise nuisance and disturbance to residents in Lindum Road. Customers have been observed parking on pavements, kerbs and verges which is unsightly, damaging and obstructive. No parking is available 'on site' for customers. The inevitable use of chemical and other hazardous material is of great concern to local residents. The area is wholly residential and this commercial venture is not suited to this location. The Worthing area has a plethora of vacant retail and commercial site where such businesses can be more suitably located. I urge you to deny this application.'

Councillor Smytherman comments:

'I have now managed to retrieve a photo taken by Mrs Loveland showing the parking situation in Lindum Road.'

I am also concerned that since your request for information from the applicant they have clearly instructed their clients to park elsewhere and therefore a Highway survey will be of little use as things have improved since the issues have been raised with Planning.'

As County Councillor I would like to formally object to the premises being open on Sunday's and Bank Holidays as parking is much more difficult for residents as they have their own visitors at that time.

I would also request that if the Committee are minded to grant this retrospective application then conditions be imposed on the number of clients at any one time and hours of use due to the residential nature of the site.

Planning Appraisal

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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 which requires the decision to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Core Strategy, including Worthing Saved Local Plan policies, comprises 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 or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this and the Council is in the process of agreeing a revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and progress a new Local Plan for the Borough.

The main issues for consideration in this application are;

- the principle of use- the loss of residential accommodation and the importance of the business to the local economy and whether this commercial use is appropriate in this location;

- Traffic and parking and related highway safety issues;
- Neighbour amenity i.e. noise and disturbance.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18 and TR9 and Core Strategy Policies 3, 4, 9, 16, Space Standards Guide to Residential Development and Sustainable Economy Supplementary Planning Documents; West Sussex County Council Parking Guidance and The National Planning Policy Framework and allied Practice Guidance.

Principle of business use and loss of residential accommodation

The National Planning Policy Framework has a principal goal of delivering a strong competitive and sustainable economy and states that;

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Local planning authorities should ‘facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.’

Core Strategy Policy 3 has the main aim of *Delivering sustainable economic growth by ensuring that the right conditions are created.*

The business is successful and popular, employs 4 staff and it exemplifies the small business entrepreneurship encouraged by the Government.

It is certainly desirable in the vast majority of instances for business use to locate in commercial centres and trading estates, especially as some lower order centres are struggling and such businesses can often improve such centre’s offer and viability.

However, many low impact small businesses, such as certain B1 office uses or beauty salons, can and do, co-exist amicably in residential areas, even suburban areas. This may be indicative of structural changes to the economy and can help with start-up costs. In many cases planning permission is not even required if the use remains ancillary to the main dwelling and the impact is minimal. In the past, a number of such businesses have grown to scale where required a planning application is necessary and have been granted permission, including a beauty salon at No. 12 Parklands Avenue (WB/06/0753/FULL).

At least the site is advantageously located, close to a main road and a number of local facilities and is not remote from local shops. It is also served by a reasonable bus service and is inconspicuously sited at the rear of backland dwelling. The scale of operation is effectively limited by the size of the annexe, supplemented by the safeguarding conditions referred to below.

The economic benefits of supporting such a business will weigh heavily in any judgement.

Turning to loss of part of a residential dwelling, as a residential annexe, it meets the notional standard for a studio apartment identified in the adopted Space Standards Supplementary Planning Document and successfully provided linked and independent self-contained accommodation for most of the period since the early 80's.

Certainly, the establishment of this business in the annexe deprives the Borough of part of a bungalow in a pleasant residential suburb. Such a loss is regrettable but, even so, a 2 bed bungalow with converted garage (likely additional bedroom) and substantial garden would remain. It is arguable this still comprises a family house for the purposes of Core Strategy Policy 9 and allied Supplementary Planning Document Guide to residential development which protect family houses, especially given its history of use and garage conversion. On the other hand, the opportunity to reinstate use as a residential annexe would be lost at a time when these are growing in popularity and importance to support extended families.

Traffic and Highway safety

It is clear from the representations received in response to this consultation that the traffic, and in particular the cars parking on Lindum Road in connection with this business use, has increased. Cars are being parked close to the junction with Littlehampton Road predominantly on the east side and close to neighbours' driveways but avoiding the junction itself. Neighbours consider both the level and nature of this parking to be causing a traffic hazard for them entering and exiting their drives and for other road users and pedestrians at the junction of Littlehampton Road.

The Highway Authority visited the site and do not object to this application. Initially, they asked for a traffic survey of available on street parking spaces in the area to be undertaken. As most, if not all, houses in Lindum Road have off street parking there are many on street parking spaces available on Lindum Road. This availability combined with the relatively low number of spaces required by staff and clients of the business in any given hour (4/6) meant the Highway Authority withdrew their request for a survey. The main problem for neighbours appears to be that clients and some staff are parking as close to the junction with Littlehampton Road as possible, rather than further down the road, and causing an obstruction to visibility for residents as a result.

The limited parking restrictions at Lindum Road were honoured at site inspection times and so it appears the on-street parking complained of is not therefore illegal (subject to highway code). The Highway Authority does not consider a significant traffic safety hazard is being caused by the associated parked cars. They also do not consider the level of associated parking justifies requiring the applicant to pay for parking restrictions to be added to Lindum Road in the vicinity of the junction. Here it is noted that Lindum Road is relatively wide and performs a role of more

than simply an access road; and most of the drives at the northern section of the road are on the west side anyway.

The Highway Authority's suggestion is to encourage the applicant to publish advice to her clients about parking further down Lindum Road. This could only ever be advice however, as securing such by condition would be problematic at best due to the impracticality of enforcement. It is worth noting that the bellmouth junction is wide and allows cars to leave/enter Lindum Rd faster than, say, a traffic clamed junction design such as with tighter radii. However, physical traffic engineering would be still more costly and even more difficult for the Highway Authority to justify.

At least it would seem that the earlier problem of parking outside the site or within the narrow access road to the site and causing an obstruction to residents of No. 97 Littlehampton Road has stopped as a result of clients parking in Lindum Road.

In the absence of a Highway Authority objection a refusal on highway grounds could not be sustained and it is relevant that the test in the National Planning Policy Framework and allied Practice Guidance set for refusing application on highway grounds is;

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

It is worth noting however, that the site does not operate to capacity at present. Currently the applicant works full time 6 days a week. She has just employed an apprentice who will work 30 hours a week and will be trained to undertake certain treatments. There is a part time therapist 4 days per week and a fourth member of staff for 2 hours on alternate Wednesdays. Time and staff are currently available to intensify the use of the two treatment rooms. Vehicle movements may increase as a result. Consequently if planning permission were granted, conditions are recommended limiting the use to the two existing treatment rooms and a maximum of 4 clients per hours. Likewise, Sundays and Bank Holiday working would be prevented and the hours of use are restricted to those identified on the website, as confirmed by the applicant and not the extended hours on the form.

Other neighbour amenity issues

In amenity terms, operating a small scale or ancillary business from a residential dwelling is normally acceptable where it does not impact upon the residential character of an area and where it will not result in intrusive noise or other disturbance to adjoining neighbours.

Neighbours have not referred to other nuisance issues from this use. The activity itself is quiet and noise from footfall to and from the site has not been identified as problematic by neighbours.

Operating hours appear to be not unduly unsocial.

The premises are discreetly sited and do not radiate the ambience of commercial use.

At present the business is operating from an extension to the main bungalow which is occupied by family members. Were the business to be sold to another user, or were the main bungalow sold to another family conflict could occur. It is therefore considered necessary to make this permission personal to the applicant Miss E Hopper if planning permission were to be granted and only whilst a family member occupies the main dwelling.

Conclusion

The issues here are finely balanced with loss of residential accommodation set against helping a small business and no significant amenity uses have been identified. Whilst neighbours have raised concerns over highway safety, the Highway Authority does not consider these sufficient to resist the application and control over the hours of use and number of clients may be secured by condition. In these circumstances, it is recommended to grant planning permission subject to the safeguards set out in the conditions below.

Recommendation

Grant planning permission subject to the following conditions:

1. Conform with Approved Plans
2. Personal to Miss E Hopper and whilst a family member lives in the main bungalow and grant permission to revert to living accommodation ancillary to the bungalow if said circumstances change.
3. Operate Mon –Sat only, no Sundays or Bank Holidays.
4. Hours of use limited to Mondays and Saturday 9am to 4pm, Tuesdays 9am to 6pm, Wednesdays 9am to 6.30pm, Thursdays 9am to 8pm and Fridays 9am to 7pm.
5. No more than two treatment rooms, max 4 clients per hour.

Background Papers

Observations by the Highway Authority
Representations by Members of the Public

Application Number: AWDM/0946/15

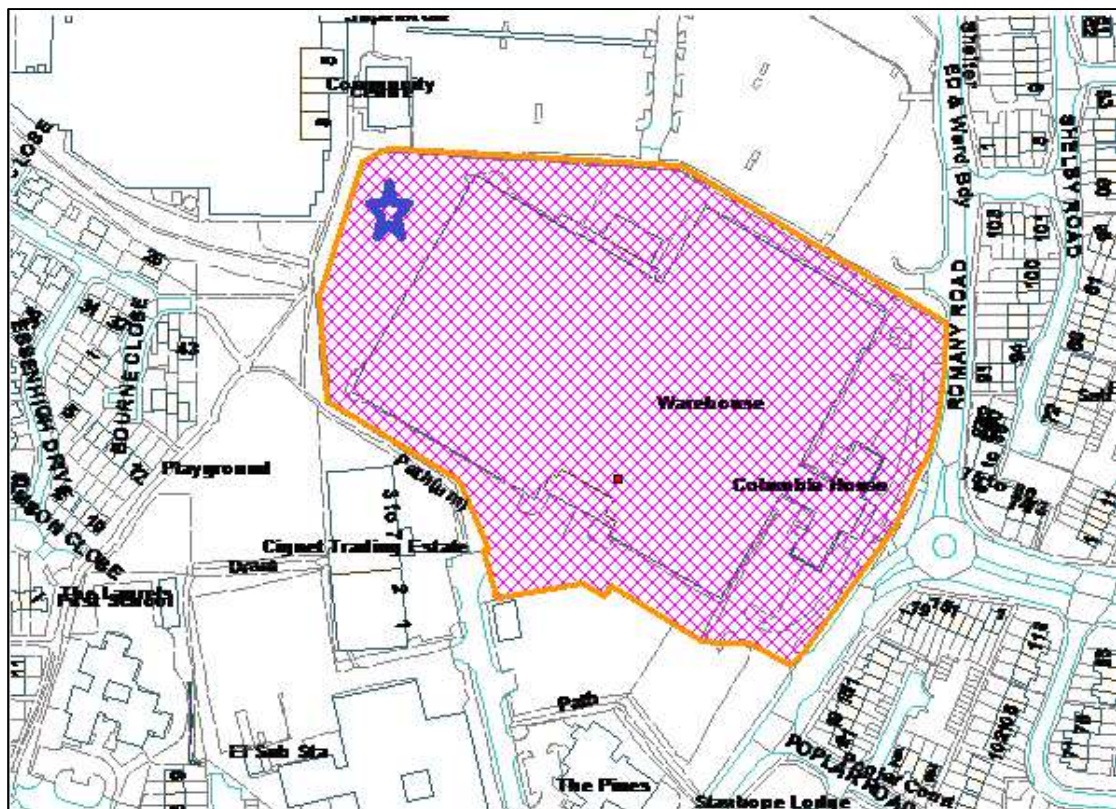
Recommendation – Delegate Authority to Officers to approve subject to no new adverse material issues arising from the remaining consultation period.

Site: Littlehampton Book Services Limited Faraday Close Worthing West Sussex

Proposal: Temporary steel building for storage purposes situated northwest of site

Applicant: Mr Larry Greenway
Case Officer: Peter Devonport

Ward: Northbrook Ward



Not to Scale

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Site and Surroundings:

The site relates to Littlehampton Book Services Limited's premises in West Durrington on the north-west fringes of the urban area.

This long established business site (formerly occupied by Nissans) is part of a designated industrial trading estate in the Core Strategy which also incorporates the Cignet Trading estate (including Eurotherm and Compass Travel bus depot) and Pines Adult Training centre to the south. To the north sits the District centre,

including Tesco's superstore, whilst open countryside (National Park) and new residential estates are located to the north west beyond a public park and New Road/Romany Road and residential estates to the east. It operates one way system with ingress from Faraday Close and egress from Romany Road.

The site is substantial (2.6 hectares) and comprises a very large warehouse (approx. 25,000 sq ms floorspace); 10 ms tall; 182 ms long and 144 ms wide) behind a smaller office building (Columbia House) with curtilage space used for parking and servicing, though the New Road/Romany Road frontage is soft landscaped. The terrain is largely flat.

The part of the site subject of the application proposal is an area in the NW curtilage currently used for the storage of loose pallets within the servicing yard. It is bounded by a substantial palisade security fence and tall screen tree planting (10 -12 ms high) and frequently bushes set on a bund.

The whole site is identified as potentially contaminated land (due to history of landfill) but the only part of the site falling in Flood zones 2 or 3 is remote from the area subject of this application.

Details of Proposal

As a major application by virtue of its size, this is required to be determined by Committee. The applicants have requested urgent attention because of the timetable and importance of the proposal to the business.

LBS Ltd are one of the leading book distributor's within the UK, with the LBS media distribution facility handling service orders worldwide.

The proposal is to locate a temporary building adjacent to the North East elevation near to the boundary corner, some 3-4 ms off the boundary. The applicants explain that this provides close proximity to the warehouse main access doors to enable fluid stock transfers to take place.

The temporary building is required to house pallets of stock (around 500). The building protects stock from weather and provides a secure area within the facility boundary.

A temporary 5 year period up until the end of February 2020 is sought.

The proposed new temporary building is to be 15 metres in width and 30 metres in length with low eaves of 4.2 metres and shallow roof pitch of 18 degrees. It has been designed as an independent structure from the existing warehouse which will not obstruct the main perimeter service lane.

The visible elevations are single skin steel construction with a PVC panelling roof. A manual roller shutter door is incorporated within the 15 metres width elevation and is 4.8 metres wide by 3.5 metres high.

No allied plant, machinery or lighting is proposed.

Access into the new temporary building is provided by one independent roller shutter doors for fork lifts and other vehicle access. Provision for pedestrian access is provided via two personnel access doors, one to the front of the unit and one to the rear

The proposed building provides 450 sq ms of floorspace.

Operational hours are given as 5am to 10 pm Monday to Friday but the applicants have agreed that access to the building by counter balance trucks will be limited to 8am to 10pm.

The proposed building is “free standing” in that there are no footings required and that the building simply bolted to the concrete surface. The applicants confirm that no services or foundation work is required.

Rain water from the temporary building will be directed over and into the existing storm drain system.

Existing 102 car parking spaces are unaffected. The existing 199 FTE staff is unchanged.

The application is supported by a Design and Access Statement.

Consultations

Economic Development Officer

Littlehampton Books are a major book distributor who moved to Worthing in 1998 and currently have 199 FTE employees. They are based on the industrial estate at Faraday Close, in a 250,000 sqft unit, that previously formed part of Nissan UK.

Littlehampton Books have identified a business critical need for an additional 4,843sqft of warehousing space, to support their output between now and Christmas. The temporary build will be used to house 500 pallets of books, will be access during working hours and will not require electricity or plant.

The Summer 2015 Worthing Commercial Property Register highlights that there are currently seven industrial units available in Worthing, none within the size range of 3,347 sqft and 24,800 sqft.

Economic Development fully supports this application.

The Highway Authority

Comments are awaited and the Committee will be updated.

Environmental Health Officer

If the ground surface was to be broken for foundations/services, etc., then the full potentially contaminated land condition would need to be applied (this begins with a desk top study). As this is not the case, I would recommend addition of the precautionary condition (which to paraphrase, states the developer must contact us if anything suspicious is identified during works).

Representations

None received at time of writing.

The consultation period expires on 30.7.15.

The Committee will be updated at the meeting.

Planning Assessment:

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 requires the decision to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Core Strategy, including Worthing Saved Local Plan policies, comprises 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 or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework.

The main issues raised by this proposal are:-

- Principle of business development
- Impact on amenity
- Impact on appearance and the character of the area
- Impact on the environment, land contamination and flooding
- Impact on access /parking

As such the proposal should be primarily assessed against; saved Worthing Local Plan: Policies RES7 and H18; Core Strategy Policies 4, 15, 16 and 17

National Planning Policy Framework and Practice Guidance; and Sussex Noise Guidance and the statutory objectives of the National Park under the 1949 Act.

Principle of business development

The site sits in a designated and protected industrial estate in the Core Strategy.

The principle of such business development is supported within the confines of such a designated, established trading area and the proposal would meet a compelling and urgent need for this very important business to the local economy to function and prosper. Accordingly it would help secure the future of the site and local jobs.

This is underlined by the support of the Economic Development Officer.

It is accordingly welcomed.

The site occupied by the building would be reinstated upon its redundancy.

Impact on residential amenity

The new building is just under 70 ms from the back garden and rear wall of the nearest houses to the west in Varey Road/Bourne Close and screened and buffered by a small park and tree/bush belt which itself is relatively busy as it provides a direct access to the shopping centre. The park and landscaping shield and separate these houses from the site.

No plant or machinery or lighting is proposed and the negotiated access hours are not unsocial.

Usage of the facility is not expected to be significant.

The amenity impact is, accordingly, negligible.

Impact on appearance and character of the area and setting of National Park

The site is within an established industrial area characterised by large buildings and structures and similar temporary buildings have been sited here before and one remains on the northern part of the site. The proposed new building is not excessively large and the design finishes are in themselves acceptable.

Certainly it would not be visible from the main public frontage along New Road/Romany Road.

It is close to the NW boundary but, even with its height, it is unlikely to be visible from any significant vantage points to the north and west, because of the screening provided by the bunded boundary tree planting. Any residual view between trees would be very limited and viewed against the backdrop of the existing industrial buildings. Bearing in mind its temporary nature, no visual harm would result, including to the setting of the National Park.

Impact on environment

The site sits on potentially contaminated land. The Environmental Health Officer has advised that as long as the ground surface is not broken, then a desk top study is unnecessary and precautionary condition is adequate. Measures to address asbestos risks may be addressed by a suitable informative.

The part of the site where the temporary building would sit falls outside of zones 2 or 3 of the Flood Risk area and the development is not classed as vulnerable.

Drainage is unaffected.

No harm to the environment would result. The site would be reinstated to its current condition after cessation.

Impact on access /parking

This is an established site in a sustainable location with adequate parking and servicing areas.

No parking spaces are shown as lost and overall traffic generated on the site is not expected to materially increase.

The comments of the Highway Authority are awaited.

Recommendation:

THAT THE APPLICATION BE DELEGATED TO OFFICERS TO APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS, AFTER THE EXPIRY OF THE CONSULTATION PERIOD AND SUBJECT TO NO NEW ADVERSE MATERIAL ISSUES BEING RAISED.

1. Temporary planning permission with building removed by 1.2.20 and land reinstated to prior condition.
2. Build in accordance with approved plans.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
4. No plant or machinery.
5. Operational hours 5am to 10 pm Monday to Friday with access to the building by counter balance trucks limited to 8am to 10pm.

Background Papers

Comments of Economic Development Officer
Comments of Environmental Health Officer

22nd July 2015

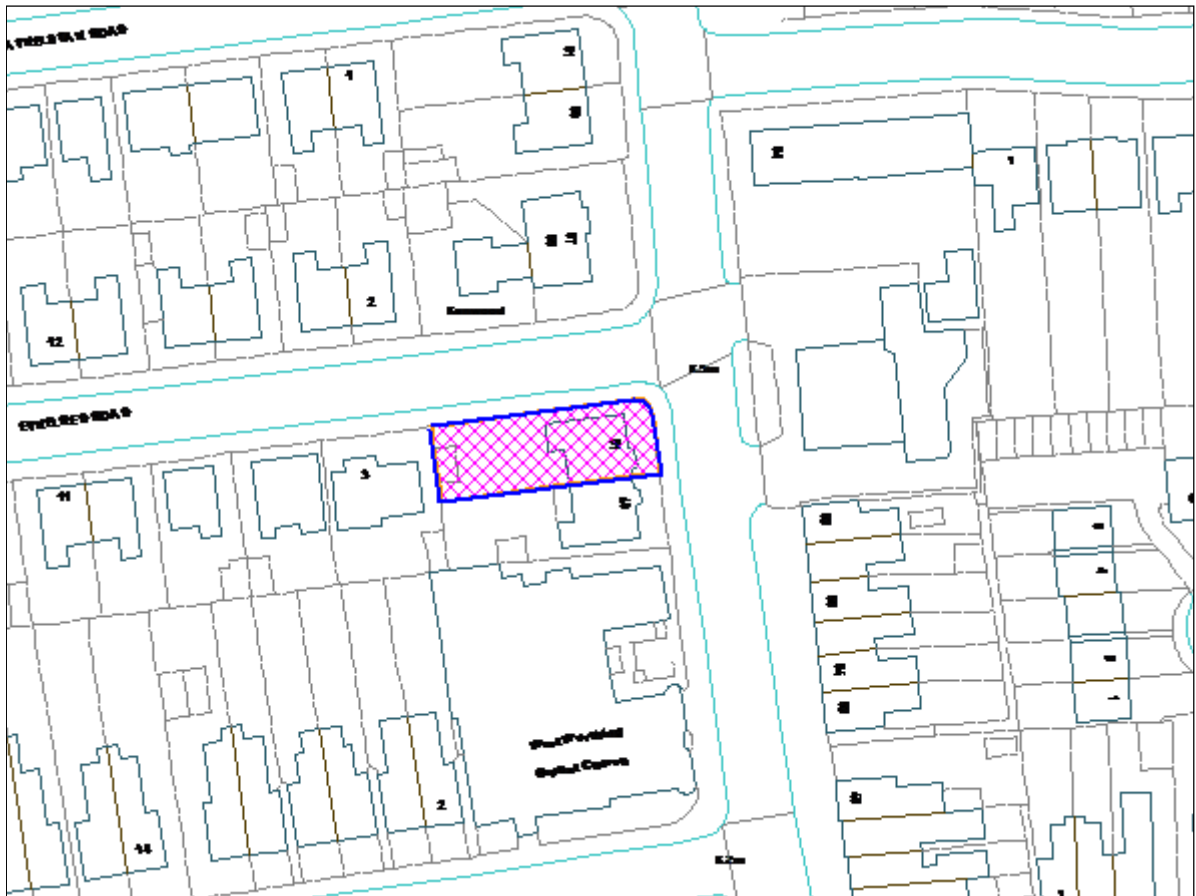
Application Number: AWDM/0806/15

Recommendation – APPROVE,
subject to there being no
adverse material comments
received during the
consultation period

Site: 51 South Street, Worthing

Proposal: Remove existing defective clay tiles to roof and replace with plain concrete tiles (ground and first floor flat)

Applicant: Mike Peckham, Adur & Worthing HIA Ward: Tarring
 Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission to remove existing defective clay tiles to the roof of the building which serves a ground and first floor flat and replace with plain concrete tiles.

The application is on the western side of South Street at its junction with Ethelred Road and is the northern half of a pair of semi-detached flats. The building is not listed and the site is outside of the Conservation Area. The building is of fair visual quality with an attractive open porch over the front door.

Immediately to the south is West Worthing Baptist Church and opposite to the east is a car dealers.

The application has been submitted by the Housing Department and hence needs to be brought to committee for determination. The tenant has expressed concern about the state of the tiles to various officers of the Council and has requested a swift determination of the application.

Relevant Planning History

There is no planning history relevant to the application

Consultations

Any consultation responses will be reported verbally at the meeting.

Representations

Any representations will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 6 & 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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

Planning Assessment

The application site is not within a Conservation Area, nor is the property listed and therefore the upgrading of existing residential premises is acceptable in principle.

Nonetheless, policy 16 of the Core Strategy still requires a high standard of development.

It is apparent that the existing clay tiles are defective and has caused some degree of anxiety to the occupier. Clay tiles are ordinarily more attractive than concrete tiles but there are a variety of materials in the area and to a certain extent it is apparent that the clay tiles are showing their age in visual terms as well as functionally.

It is stated that the concrete tiles will match in colour and style the existing and so provided this is the case, it is not considered that the proposal would be sufficiently harmful as to warrant a refusal. It is certainly likely that the replacement of the existing tiles will improve the property for the occupiers and in light of the lack of visual harm; it is considered that the proposal is acceptable.

Recommendation

To GRANT permission subject to there being no adverse comments raised during the consultation period

Subject to Conditions:-

- 01 Time Limit
- 02 Materials to match in colour the existing
- 03 Approved Plans

22nd July 2015

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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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.