

## Worthing Planning Committee

<b>Date:</b>	<b>Wednesday 18 January 2017</b>
<b>Time:</b>	<b>6:30pm</b>
<b>Venue:</b>	<b>Gordon Room, Stoke Abbott Road, Worthing</b>

**Committee Membership:** Councillors Kevin Jenkins (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, Diane Guest, Hazel Thorpe, Paul Westover and Paul Yallop

### 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 Tuesday 17 January 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 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 meetings of the Committee held on Wednesday 14 December 2016, which have been emailed to Members.

**4. Items Raised Under Urgency Provisions**

To consider any items the Chair of the meeting considers urgent.

**5. Planning Applications**

To consider the reports by the Director for the Economy, attached as Item 5 -  
5.1 112-114 Chapel Road                      5.2 Unit 6 Northbrook Trading Estate

**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**Part B - Not for publication - Exempt Information Reports**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	Caroline Perry Solicitor 01903 221086 caroline.perry@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.



**Planning Committee  
18 January 2017**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: ~~Yes~~ / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1542/16      Recommendation – Approve subject to legal agreement**

**Site:                    112-114 Chapel Road, Worthing, West Sussex BN11 1BX**

**Proposal:            Proposed demolition of existing buildings (Bunces Home Hardware Store) and construction of a mixed-use development comprising 32 No. residential dwellings and 235 square metres (GIA) commercial floorspace with the potential for A1 (shops), A2 (professional and financial services), B1a/b (offices etc) and D1 (medical) uses in the form of a part 3, 4 and 5 storey building together with associated parking, landscaping and re-location of the site access from Chapel Road to Lennox Road.**

**2**

**Application Number: AWDM/1581/16      Recommendation – Refuse**

**Site:                    Unit 6 Northbrook Trading Estate, 20 Northbrook Road, Worthing, West Sussex BN14 8PN**

**Proposal:            Retrospective application for Change of Use from B1 to D2 (Assembly and Leisure) for classed based martial arts and fitness studio.**

Application Number: AWD/1542/16

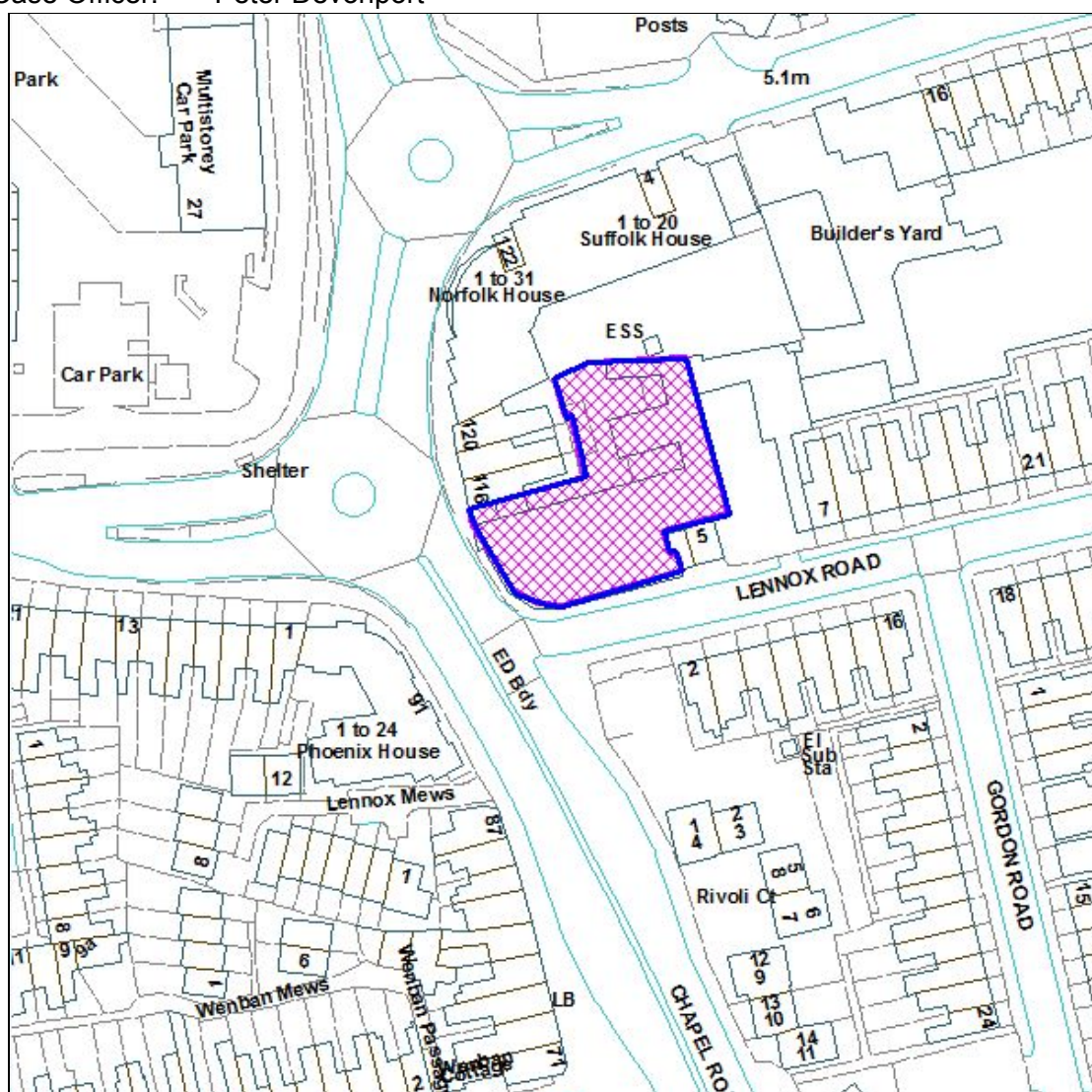
Recommendation – Approve  
subject to legal agreement

Site: 112 - 114 Chapel Road Worthing West Sussex BN11 1BX

Proposal: Proposed demolition of existing buildings (Bunces Home Hardware Store) and construction of a mixed-use development comprising 32 No. residential dwellings and 235 square metres (GIA) commercial floorspace with the potential for A1 (shops), A2 (professional and financial services), B1a/b (offices etc) and D1 (medical) uses in the form of a part 3, 4 and 5 storey building together with associated parking, landscaping and re-location of the site access from Chapel Road to Lennox Road.

Applicant: Rocco Homes (No 7) Ltd  
Case Officer: Peter Devonport

Ward: Central



Not to Scale

## Site and surrounds

Bunces is located in the northern gateway to the town centre by the A24 in a mixed commercial and residential area and has a given site area of 0.13 hectares.

It sits on the north-east side of Chapel and Teville Roads roundabout, abutting to the north, a small surviving, 3 storey mixed use, Victorian terrace 116-120 Chapel Rd (providing several flats on upper floors and rear ground floor but mainly vacant retail on ground floor frontage). A twitten bounded by a tall brick wall runs behind their rear two storey outriggers. Beyond and wrapping around this lies the recently built 6 storey Norfolk and Suffolk House mixed used redevelopment (flats on upper floors), including the car park which abuts the application site. The common boundary at this point is a tall brick wall.

Opposite (west), is Teville Gate and Phoenix House- a 4 storey block of flats. Adjoining to the east is Wenban Smith timber yard and a small workshop and electricity substation. Facing the premises to the south is two storey Victorian terraced housing in Lennox Rd and the car park of the 1990s two storey residential development of Rivoli Court.

Bunces hardware store has recently closed on the site and it is now vacant. Formerly, it provided some 1761 sq ms of retail space (A1) and employed 10 staff (fte). The business had been present on this site before the war and the Chapel Road store was the headquarters with five other branches around Sussex. Until the 1980s the frontage building had much the appearance of a department store but, prompted by major road works in the 1980s, the store was remodelled with a new façade. Much of the original department store and earlier, substantial Victorian buildings on the eastern and northern part of the site, remain, however. These earlier buildings include the pitched roof two storey Malthouse and stables at the rear.

The current frontage building is mainly two storey (with small second floor on the Chapel road frontage) but the scale drops down by Lennox Road. This building accommodates the retail area. It is red brick faced with a clock face on the apex and a tall parapet conceals the original 1929 department store building. The other buildings provide storage.

The pedestrian entrance is on the corner whilst vehicular access is from the northern edge of the Chapel Road frontage through an undercroft. This undercroft also provides rear access to a rear twitten serving the flats in adjacent Victorian terrace, 116-120 Chapel Rd. The rear servicing yard is small and provides for three parking spaces.

Loading/unloading is from Chapel Road in Lennox Rd by the double yellow adjacent the store. Double yellow lines also mark the Chapel Rd frontage. The area is in a CPZ and residents' parking bays operate from 9am to 6pm Monday to Saturday (which allow visitors for a max of one hour) along Lennox Road, including the remainder of the premises' frontage, and adjacent residential streets. Lennox Road is one way.

The site is identified as in Flood Zone 1 (least risk) and is close to a site identified as potentially contaminated.

The site itself is not designated in the Core Strategy nor close to a Conservation Area or any designated heritage asset but is close to Area of Change 5 (Teville Gate) and Area of Change 6 (Newland Street Superstore Site).

There is no relevant planning history.

## **Proposal**

The proposal is to redevelop the Bunces site for a mixed use development, comprising 33 flats and a flexible commercial space for A1 (shops), A2 (professional and financial services), B1a/b (offices) or D1 (medical) uses.

The application was the subject of pre-application discussions, and, following negotiations, has seen a small number of design and land use mix refinements to improve the appearance the development; improve its quality and to address neighbour amenity.

All the existing buildings would be demolished and a new block constructed- L shaped in footprint. The principal part of the new block follows the sweep of the site's street frontage but a subsidiary part (mews) returns behind the workshop/electricity substation and runs parallel with the Wenban Smith timber yard.

The principal part of the block is 5 storeys on the bulk of the street frontage but dropping down to four abutting the Victorian terrace 116-120 Chapel Rd ( and single storey flanking part of the adjacent outriggers) and, briefly, four, and then, three storeys by the workshop/electricity substation in Lennox Road. The five storey element is fully recessed but also the ground floor slightly set back, most notably in Lennox Road.

The flexible commercial space occupies the ground floor of the principal block. The upper floors accommodate 22 flats.

The subsidiary part of the block (or mews block) is 3 storeys (top storey recessed slightly) and faces inwards (west) to an inner courtyard. It provides nine flats.

Vehicular access is switched to Lennox Road through a tall and wide undercroft next to the workshop/electricity substation. This serves the inner courtyard where twelve car parking spaces (including two disabled spaces) and storage for 32 cycles arranged in two modules is provided. It also provides pedestrian access to the subsidiary (mews) residential block. The one affected residents' parking bays would be relocated, close by. Cycle parking for visitors (5 spaces) is provided on the Chapel Road frontage.

Pedestrian access to the flexible commercial space is via the street corner and to the upper floor flats in the principal block from a separate entrance in Lennox Road. A secondary pedestrian undercroft access runs from Chapel Road to the rear of the main block and the inner courtyard.

The main refuse and recycling storage is contained within the rear of the principal block, accessed from the inner courtyard, with a secondary storage area leading off this at the rear.

The proposal aims to take advantage of independent WSCC planned revisions to the existing parking controls in the CPZ. These would convert part of the double yellow lines in Lennox Road adjacent to the site to no waiting between 9am to 6pm Monday to Saturday (except Public Holidays) where servicing would take place. This area will be available for informal parking (two cars) at night and weekends. The applicants have confirmed the existing servicing to the Victorian terrace 116-120 Chapel Road would be unaffected.

The design of the development is contemporary and takes some influences from the nearby Norfolk/Suffolk house. The principal block has a flat roof with small canopy on the fifth storey and this block curves round the corner, close to the existing building line. The upper floors over-sail the ground floor along the street frontage and the stagger in the northern section of the Chapel Road frontage is particularly pronounced and sits flush with the upper floors of Nos 116-120. Scooped balconies arranged in vertical stacks feature in all elevations and give prominence to the three main pod elements. A horizontal band of terraces serving the flats in the fifth storey and a small recessed terrace serving the one ground floor flat in Lennox Rd also feature. The commercial unit is mainly glazed with brick columns in between. The block is faced in mainly light brick (pods) with darker brick in the recessed areas and in Lennox Road.

The mews block is also in contemporary style and is faced in darker brick. It has a mansard style roof and tall windows. The mews block is slightly staggered and also features balconies and ground floor terraces on its front elevation. Its exposed southern elevation from Lennox Road now incorporates some windows along with a pediment and slightly recessed panels.

The mews has a green roof as do the outer parts of the main block. There is soft landscaping at the front and rear of the mews and by the NW corner of the car park.

The main roof of the principal block accommodates a large area of photo voltaic panels and substantial roof plant.

The flats are arranged as 11 x one beds and 21 x two beds. Three are wheelchair accessible. The upper floors in the main block are served by a lift. All the flats are market housing.

The commercial unit provides 235 sq ms floorspace.

The application is supported by an ecology study; site waste plan; Landscaping study; Drainage report; archaeology study; Design and Access Statement; Planning Statement; Noise study; Air Quality statement; Archaeology Report; Daylight/Sunlight report; Sustainability Energy Statement; Landscape Strategy Transport Statement; and Statement of Community involvement.

A Viability Appraisal has also been submitted on a confidential basis.



## **Extract from Supporting Planning Statement**

### **6.3. Design, Form and Appearance**

*6.3.1. The carefully considered scheme demonstrates a high quality, contemporary design which would enhance the character and appearance of the local area.*

*6.3.2. The development proposal has positively responded to the height, mass and scale of the surrounding built context, and local materiality. The scheme would comprise up to five storeys in height which would naturally integrate into the street scene, and responds to the height and scale of the buildings to the north along Chapel Road. And also the two storey dwellings along Lennox Road.*

*6.3.3. The design of the scheme has sought to retain the curvature of the existing building which has been a prominent feature of the local area.*

*6.3.4. The careful design of the scheme has also considered drainage (with the inclusion of green roofs and landscaping), neighbour amenity and daylight/sunlight, and has been designed to accord with sustainable design and construction requirements.*

*6.3.5. The proposed scheme also includes the re-location of the existing access to the site from Chapel Road to Lennox Road. This element of the design would lead to significant public benefits as it would prevent any further dangerous use of the existing access which is illogical and inappropriate.*

#### **Transport**

*6.4.1. The site is in a highly accessible location with a good quality pedestrian network surrounding the site, and the National Cycle Network located nearby. The site has excellent public transport access, with frequent buses serving stops adjacent to the site and Worthing rail station within easy walking distance. The site is located within the centre of Worthing, well located to nearby shops, schools, leisure facilities and local employment. The principle of locating new development in a highly sustainable location is compliant with the objectives of Section 4 of the Framework (promoting sustainable transport).*

*6.4.2. The existing (sub-standard) access from the A24 Chapel Road/A2031 Teville Road roundabout will be closed and replaced with a new access from Lennox Road. This is a benefit of the development proposal in highway safety terms.*

*6.4.3. The proposed access arrangement complies with the relevant guidance in the Manual for Streets with regard to visibility.*

*6.4.4. The development proposal includes 12 car parking spaces, which will be allocated to individual flats. Local Census data demonstrates a very low level of car ownership by existing residents of flats and maisonettes in the local area – indeed, more than half of these residents successfully live in this location without needing to own a car.*

*6.4.5. The travel demands of the development proposal will be very modest – some one vehicle every eight minutes in the AM and one vehicle every seven minutes in*

*the PM. Most trips will be by walking, cycling and public transport given the highly sustainable central location of the site. The level of impact will certainly be well below the 'severe' threshold that paragraph 32 of the NPPF identifies as the only transport reason for preventing development from coming forward.*

*7.2. The principle of development, of making a more efficient and effective use of a previously developed site, within a highly sustainable location which has been identified for regeneration is strongly supported by both National and local planning policy guidance. Therefore it is strongly contended that the development proposal fully accords with the development plan, and thus under the guidance of Paragraph 14 of the Framework, should be approved without delay.*

*7.3. The carefully considered scheme demonstrates a high quality, contemporary design which would enhance the character and appearance of the area. The development proposal has positively responded to the height, mass and scale of the surrounding built context, and local materiality.*

*7.4. The proposed 33 No. dwellings would be a significant contribution to the substantial need for housing within Worthing. As Worthing Borough Council cannot demonstrate a five year housing land supply, the relevant local policies for housing are considered out-of-date, and the application is to be considered in the context of the presumption in favour of sustainable development.*

*7.5. Therefore, in the first instance we consider the first bullet point of Paragraph 14 of the Framework (for decision-taking) is engaged with regards to full accordance of the development proposal with the development plan, and approval without delay. However, if the view is taken that the scheme does not fully comply with the development plan, the second bullet point is engaged which confirms where relevant policies are out-of-date (due to a lack of a five year housing land supply), permission is to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.*

*7.6. In our view, the significant benefits of the development proposal clearly outweigh any potential adverse impacts, and therefore the scheme should be approved on this basis, if the first bullet point of Paragraph 14 is not engaged.*

*7.7. Consequently, under the presumption in favour of sustainable development, we respectfully ask for full planning permission to be granted.*

## **Consultation Responses**

### The Strategy and Development Manager, Communities

The required contribution towards affordable housing if accepted as a commuted sum towards off site affordable housing is;

11 x 1bed @ 30% = 11 x £23,686 = £260,546

21 x 2bed @ 30% = 21 x £24,255 = £509,355

Total AH contribution = £769,901

## Environmental Health

The area has been identified as likely containing carbon di oxide and a full land contamination condition is required.

### 1. Air Quality Impact Assessment

*The applicant has not followed the Air Quality & Emissions Mitigation Guidance for Sussex (2013). This states that following an air quality assessment, an emissions mitigation calculation should be completed (see flowchart below). The purpose of an emissions mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment, even if the air quality impact assessment has concluded the national air quality objectives will not be breached. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated.*

*The assessment should have used the latest version of the emissions factor toolkit, v7.0. This means their conclusions (particularly predicted levels of NO<sub>2</sub>) may be incorrect in terms of construction impacts I recommend that a mitigation scheme be submitted, secured by a condition such as Construction work shall not commence until a scheme for protecting nearby residential and commercial properties from dust arising from construction and demolition has been submitted to and approved by the local planning authority.*

### 2. Noise Impact Assessment

*The noise impact assessment correctly identifies that the proposed dwellings facing the A24 (and those on the corner of the A24 and Lennox Road) will be exposed to high levels of traffic noise and therefore appropriate mitigation will be necessary in order to meet the criteria within BS8233:2014. I recommend that this mitigation includes the provision of acoustically treated mechanical ventilation, thereby giving occupiers the option to ventilate those rooms without the need to open windows (which would permit traffic noise into those rooms). I recommend that the air intake for this ventilation is furthest away from the A24 (e.g. at the rear of the building) in order to avoid bringing in traffic fumes. This could be achieved by condition (as suggested by the report), such as "Construction work shall not commence until a scheme for protecting the residential units from traffic noise has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed in accordance with the approved details before the development is occupied. The scheme shall be designed to achieve the Good standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the above standard is met and the results submitted to and approved by the local planning authority.*

*There is no mention of the proposed hours of operation of the ground floor commercial uses. If these were normal daytime hours then the acoustic protection between the ground and first floor residential uses should be adequate. However if*

*the use were to extend into the evening then I recommend that the level of acoustic insulation between the ground and first floors be enhanced in order to protect residential amenity. Again this could be achieved through a suitable condition, such as "Construction work shall not commence until a scheme for protecting the first floor flats from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall be designed to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). In order to protect residential amenity I recommend that all deliveries to and collections from the commercial units are restricted to 07:00 to 20:00 Monday to Saturday and 09:00 to 18:00 on Sunday".*

*I also recommend the hours of demolition and construction are limited to 08:00 to 18:00 Monday to Friday and 09:00 to 14:00 Saturdays only.*

#### Highway Authority

*West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been reconsulted on the proposed development, as outlined above. The LHA has previously requested further information in order to undertake an assessment of the proposed development, and additional information has subsequently been supplied in the form of Technical Note ITL2143-001A.*

*The site is located to the north of Worthing Town Centre, adjacent to the A24 Chapel Road and its junction with Lennox Road. The application proposes the demolition of the existing building, used for hardware sales, and the erection of a mixed use development of 33 flatbed dwellings and 201m<sup>2</sup> of commercial floorspace. In addition, it is proposed to relocate the access from its existing location on Chapel Road to a new position on Lennox Road.*

*It is considered that the site accords with para 32 of the National Planning Policy Framework (NPPF). No objection is raised, subject to conditions.*

#### Sustainable Access

*The site is well located to provide access to key services and facilities by sustainable modes of transport. Whilst the development will exert additional pressure on existing infrastructure, the scale of the development is not such that existing capacity of this will be exceeded, nor that the development requires the provision of additional specific infrastructure to make the development acceptable in planning terms (CIL Reg 122).*

#### Site Access

*The existing site access onto the A24 is to be permanently closed. Access is to be relocated onto Lennox Road, which will provide both vehicular and pedestrian access to the site. An additional pedestrian/cyclist access is to be provided from the A24 Chapel Road footway, to the north side of the retail unit.*

*To facilitate the access, the existing 11m bay will be split into two bays of 5m either side of the site access, thus retaining existing on-street parking capacity.*

*Given the low level of movement that would be generated by the access, it is recommended that the access is constructed as a crossover as opposed to a kerbed arrangement. It will also be necessary to amend the existing Traffic Regulation Order (TRO) to relocate the parking bay and introduce the proposed waiting restrictions. The Applicant would be expected to fund the advertisement, promotion and consultation associated with the necessary changes. This is currently charged at £7,000.*

*A visibility splay of 2.4m x 25m has been provided, commensurate with speeds of 20mph based on Manual for Streets parameters. This is considered to be appropriate, given the low entry speeds into Lennox Road.*

*A Road Safety Audit has previously been requested. However, it is evident from the further information provided by the Applicant, that the development will not generate a significant level of traffic. Daily movements are not expected to be in excess of the 50 vehicle movement threshold, within the WSCC Road Safety Audit policy, that is considered to be 'intensive' use of an access, and the access is designed in accordance with Manual for Street guidance. An RSA is therefore not required.*

### *Servicing*

*WSCC have recently consulted on changes to the Traffic Regulation Orders in the vicinity of the site, which are due to be implemented in early 2017. This includes the introduction of a single yellow line 'no waiting' restriction, between 0900 and 1800, to the west of the Lennox Road/Chapel Road junction. This restriction allows for loading/servicing to take place at this location.*

*The Applicant has tracked a 7.5t box van to demonstrate that servicing, associated with the commercial use, can take place without obstruction to either Chapel Road or Lennox Road. Should permission be granted, the LHA recommends that a 'Service Management Plan' be included as a planning condition, committing to the use of vehicles no longer than an 8.1m rigid vehicle.*

### *Parking*

*The WSCC Parking Demand Calculator indicates that there would be a parking demand for 12 unallocated spaces of car parking provision, on the basis of all dwellings be 'affordable dwellings'. This demand increases to 20 spaces if all dwellings were to remain private market homes.*

*It should be noted that the area is subject to blanket regulation orders, and that on-street car parking is subject to a Controlled Parking Zone. Therefore, an under-provision of parking would not lead to a highway safety concern. Enforcement of either restrictions or obstructive parking would be the responsibility of either the Civil Enforcement Officers or the Police, as appropriate. There is high demand for on-street permits, and it should be noted that there is no guarantee that new residents would be able to obtain a permit immediately upon purchase of a property. The LPA should consider the amenity impact of any under-provision, and increased competition for on-street parking provision.*

## *Conditions*

### *Access*

*No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.*

*Reason: In the interests of road safety.*

### *Access closure*

*No part of the development shall be first occupied until such time as the existing vehicular access onto Chapel Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of road safety.*

### *Visibility*

*No part of the development shall be first occupied until visibility splay of 2.4 metres by 25metres has been provided at the proposed site vehicular access onto Lennox Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.*

*Reason: In the interests of road safety.*

### *Car parking space*

*No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.*

*Reason: To provide car-parking space for the use*

### *Cycle parking*

*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.*

*Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

### *Construction Management Plan*

*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. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,*

- the anticipated number, frequency and types of vehicles used during construction,*
- the method of access and routing of vehicles during construction,*
- the parking of vehicles by site operatives and visitors,*
- the loading and unloading of plant, materials and waste,*
- the storage of plant and materials used in construction of the development,*
- the erection and maintenance of security hoarding,*

- *the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),*
- *details of public engagement both prior to and during construction works.*

*Reason: In the interests of highway safety and the amenities of the area.*

#### *Servicing Management Plan*

*No part of the retail store shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, vehicles used to service the site and frequency of servicing, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.*

*Reason – to safeguard the operation of the public highway.*

#### County Archaeologist.

*RECOMMENDATION: No objection on archaeological grounds is made to the proposals, subject to appropriate mitigation measures, to be provided for through the use of planning conditions.*

#### Planning Condition (Archaeology)

*No demolition of existing buildings or other development shall commence within the site until:*

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and*
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.*

*REASON: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with paragraph 141 of the National Planning Policy Framework (Conserving the Historic Environment).*

#### **SUMMARY:**

- *Early and later prehistoric and Roman archaeological deposits and features are known to have existed near the application site; these may exist or once have existed also within the application area.*
- *Behind the street frontage buildings, an early 19<sup>th</sup>-century malthouse and stables are still standing and although altered, preserve some original features.*
- *A historic building archaeological record of these buildings should be made before their demolition.*
- *Breaking out of existing floor levels and concrete slabs, both below the malthouse and stables and on the remainder of the site, should be observed*

- by an archaeologist so that any archaeological deposits surviving immediately below may be identified and recorded.
- Following demolition of all standing buildings on the site, small-scale trial trenches and test pits should be excavated by an archaeologist. Areas where archaeological features and deposits are found to survive, but would unavoidably be removed during the course of development, should be fully investigated and recorded.
- Provision for archaeological and historic building recording should be made through the use of a suitable planning condition.

#### COMMENTS:

*The Archaeological Desk Based Assessment submitted in support of this planning application (L-P Archaeology) presents a fair assessment of known archaeological and historical sites and finds in the close vicinity of the application area.*

#### *Below ground archaeological impacts*

*The site is located on the southern edge of the infilled valley of the Teville Stream and within a silted-up north-south valley of last Ice Age date, contemporary with early prehistoric human occupation of the area (Palaeolithic period, before 50,000 years Before Present). The gravel found at a depth of 2.5 metres in previous ground investigation on the site may form part of the valley deposits;*

*Depending upon the type of building foundations intended for the development (especially if deep piled foundations are intended), and the depth below existing ground level of the base of the new lift shaft, there will be some disturbance of the Late Ice Age valley deposits.*

*It has been noted in the Archaeological Desk Based Assessment that buried later prehistoric archaeological remains have previously been observed and reported in the centre of Worthing (e.g. at St Paul's Church Hall extension, Worthing Library, and 12 North Street).*

*Roman ditches have been observed at 12 North Street and Roman finds are reported to have been discovered in 1900 in Chapel Road, probably on the eastern edge of the present Teville Gate former shopping centre, opposite the application area. Buried prehistoric and Roman archaeological features, if also present within this site, are likely to exist at only shallow depth, if they have survived earlier development, and be affected by new foundation works and the lift shaft excavation.*

#### *Standing buildings*

*The existing former brick and flint built Malthouse and stables, of early 19<sup>th</sup>-century date, behind Lennox Road, still retain some original features (Archaeological Desk based Assessment, Plate 5). These buildings would be demolished as part of the development proposals.*

#### *Archaeological and historic building mitigation measures*



*The recommendation in the Archaeological Desk Based Assessment, to the effect that these buildings should be recorded before demolition (as an archaeological record), is appropriate.*

*A Level 2 (Historic England recording levels) historic building archaeological record, including a written description, photographic record, building plan and section and building development phase plan, and brief historical background (using documentary source referred to in the Desk Based Archaeological Assessment) should be made of the former malthouse and stables, before their demolition.*

*During demolition of the site, any exposure of the believed sealed entrance to the malthouse cellar and malthouse floor levels should be observed and architectural features such as earlier malthouse floor surfaces, or the cellar hatch and any visible steps should be noted and briefly recorded by an archaeologist.*

*Following demolition and site clearance, small scale archaeological investigation (excavation of small trenches and deeper test pits) should be carried out to ascertain whether ancient archaeological features survive. If they do survive, they should be fully investigated and recorded in areas where they would be reduced or removed in connection with new development.*

*The breaking out of concrete floor slabs should be monitored by an archaeologist, so that if any ancient archaeological features survive just beneath the concrete, they will be investigated and recorded.*

*Planning condition (archaeology)*

*Provision for archaeological investigation and historic structure recording should be made through the use of a suitable planning condition.*

### WBC Engineers

*The site lies in flood zone 1 and the roads around it are subject to surface water flooding but the existing building appears unaffected except for occasional swash from passing vehicles, Future predicted surface water flooding may affect the footprint of the building.*

*The drainage strategy, acknowledges the above points, and recommends ground floor thresholds be raised, which we agree with.*

*The Drainage strategy is well prepared and contains good arguments; unfortunately it is all hypothetical, based on proposed designs.*

*The strategy suggests permeable paving and green roofs to reduce the amount of on-site storage required, these ideas need to be confirmed by on site investigations and confirmation of design. I would also be dubious about the longevity of the green roof, and would like to see a reduction in the anticipated storage to reflect the possible failure of the green roof in time.*

*In the absence of any ground investigation details or finalized drainage details in support of the application we request that should approval for this new build be*

*granted it be conditional such that 'no development approved by this permission shall commence until full details for the storage and disposal of surface water has been approved by the Planning Authority'.*

*Soakage tests in accordance with DG 365 (2016) will be required, and full design calculations should be provided for the ensuing permeable paving, green roof and drainage storage design, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.*

#### West Sussex County Council: Flood Risk Management

*West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.*

*The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, advice and conditions.*

#### Flood Risk Summary

<i>Modelled surface water flood risk</i>	<i>Moderate risk</i>
<i>Comments:</i>  <i>Current uFMfSW mapping shows that the majority of the proposed site is at 'moderate' risk from surface water flooding. The main A24 adjacent the site is shown to be at higher risk.</i>  <i>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</i>  <i>Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.</i>	
<i>Modelled ground water flood risk susceptibility</i>	<i>High risk</i>
<i>Comments:</i>  <i>The proposed development is shown to be at high risk from ground water flooding based on the current mapping.</i>  <i>Ground water contamination and Source Protection Zones.</i> <i>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</i>	
<i>Records of any local historic flooding?</i>	<i>No</i>
<i>Comments:</i>	

*We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site itself has never suffered from flooding, only that it has never been reported to the LLFA.*

*Ordinary watercourses nearby?*

*No*

*Comments:*

*Current Ordnance Survey mapping shows no watercourses running near or across the site.*

*Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.*

#### Future development - Sustainable Drainage Systems (SuDs)

*The Sustainable Drainage Strategy for this application proposes that, green roof, permeable paving, underground attenuation tank with restricted discharge to the main sewer would be used to drain the developed site's surface water. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.*

*The proposed development has shown mitigation of the flood risk by both reducing the impermeable area within the site and restricting surface water run-off to 2 l/s which will provide a significant betterment over the existing brownfield run-off rates for all events up to and including the 1 in 100 year plus climate change event.*

*Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. As part of the proposal is to dispose of surface water via infiltration methods, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.*

*Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. Long term maintenance of the green roof is key to ensure it continues to function as originally designed. The scheme shall subsequently be implemented in accordance with the approved designs.*

*Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.*

#### Southern Water

Initial investigations indicate Southern Water can provide foul and surface water drainage connections. If permission is granted a condition requiring details of foul and surface water drainage to be approved.

#### Waste Strategy Manager

Any collections from the Chapel roundabout should be avoided. Provision for servicing generally, including collections, from Lennox Road is noted but it is essential that any servicing plan prioritizes refuse/recycling collections and allows for the size of vehicle necessary.

### **Representations**

#### The Worthing Society

*'We are broadly supportive of this scheme. It seems to be a reasonable proposal in an appropriate location and the addition of a medical centre is most welcome.*

*Our one major concern is parking provision. The proposal for just 12 spaces seems inadequate given 33 residential units and 201 square metres of commercial space including the medical centre. The roads around this location are already congested with parked cars and it is difficult not to envisage significant parking problems for both existing residents of this area and those living in the new building. The proposed patients of the medical centre arriving by car are also likely to experience significant parking problems.*

*We very much hope you can persuade the applicant to increase the parking provision to a level commensurate with the proposed scale of the development.*

#### Ground Floor Flat 11 Lennox Road

- *I was not included in the list for local consultation and was unaware of the development (neither was the top flat at the same address).*
- *Parking in this area is atypical compared to the advisory studies. Despite the transport amenities available, there are insufficient spaces for existing residents with vehicles, to park and many vehicles can be found in Lennox Road, Gordon Road and Ashdown Road parked overnight and weekends, outside the marked bays.*
- *The height of the development will restrict sunlight to the rear of at least 7, 9, 11 and 13 Lennox Road, especially in the latter part of the day in Spring and Autumn.*
- *The height of the development indicates the upper floors will overlook the rear of at least 7, 9 and 11 Lennox Road resulting in a reduction of privacy.*

### Top Floor Flat 12 Lennox Road

- *The development is for 33 flats of various sizes, the site will have 12 parking spaces, are these only for residents or for the business development in the ground floor? The proposal states that the entrance will move onto Lennox road, to do this I assume at least 2 on street parking spaces will be lost, not helpful!*
- *Bunces made a statement that they were relocating as their customers had issues parking! How will developing the site with minimal parking help this situation. Parking in this area is an increasing problem, I often have to drive around looking for a space normally parking streets away.*
- *I appreciate Worthing needs more housing but feel frustrated that Teville Gate which could provide a great space for residential, commercial and parking are sitting vacant.*

### Ground Floor Flat 26 Lennox Road Worthing West

- *I have lived on Lennox Road for over 10 years, during which parking has become increasingly difficult. This is due in part to the recent residential development across the road and behind the Bunces site.*
- *This proposed development of 33 flats has again neglected to take into account adequate parking.*
- *The provision of 12 spaces including 2 disabled spaces that could go unused if there are no blue badge holders is inadequate. Potentially leaving 21 households with no option other than parking on the already over-crowded surrounding streets.*
- *This is on the presumption that all spaces are for residents and not for the business element of the development.*
- *Another parking issue is the relocation of the site entrance from Chapel Road to Lennox Road, the proposed new entrance runs straight through two existing resident parking bays which will decrease the available parking*

### Flat 1 116A Chapel Road Worthing West Sussex BN11 1BY

- *I will be overshadowed by the size of the building leading to loss of light and privacy. There will be more noise as there will be a large car park to the side of my property and bin area opposite. Security is also a concern as my yard is currently sealed within the Bunces compound between 6pm until 8am giving me complete peace of mind. I have a key to a small door to use during these times.*
- *I will lose the day time vehicle access to my front door. My disabled friends and relatives will no longer be able to visit me and I will not be able to take deliveries or get my furniture out of my flat ever.*
- *Access and security problems with large door in Chapel Road being shut during the day and open at night.*

### Lick Music 120 Chapel Road

- *Highway access; loss of general amenity; privacy*

- *I am concerned that the previous developments and road alterations made by WBC have greatly restricted access and therefore business relating to the three smaller shops 120,118,116 Chapel.*

### Bunce's Home Hardware

*As owners of Bunces, we established our business on the site in 1928 and have since grown to become an established name within Worthing and across West Sussex. However, it became increasingly clear to us that the store no longer meets the needs of the business, which must adapt to a rapidly changing retail environment. Whilst wanting to retain our presence in Worthing, we therefore identified the need for alternative premises for the business to continue to prosper.*

*We are therefore extremely pleased that we are in the process of establishing our town centre store at 24 Portland Road. This will better serve our retail customers and will also benefit from increased footfall to assist with business growth. We are also opening a new Unit on the Hambridge Trading Estate, this unit will be the company's main warehouse with greatly improved access and storage. We will also have a Trade counter at the new site for our trade customers who require parking and loading facilities that were absent at the Chapel Road store.*

*The realignment of the business in this way would not have been possible without the sale of the Chapel Road site for redevelopment. However, with a strong loyalty to the site, and to Worthing, we are keen to see that our former store is redevelopment appropriately. We are therefore pleased to see that Rocco Homes has come forward with a high quality development befitting the site and would like to express our support for the planning application as submitted. This will also ensure that the site will remain in active use and an asset to the town in years to come.*

### Statement of Community Involvement

In addition, to the above, the applicants report as follows:

*2.1. The consultation strategy has been to involve a wide range of interested parties. The target groups for engagement included:*

- *Local residents*
- *Worthing Borough Councillors*
- *Stakeholders and businesses in close proximity to the site.*

*2.2. On 14th July 2016, Worthing Borough Councillors and local residents were invited to attend a public exhibition at St Paul's Arts Centre, 55b Chapel Road, Worthing to be informed of the proposed mixed use redevelopment at 112-114 Chapel Road (the Former Bunce's Home Hardware store).*

*2.3. The exhibition was publicised through 150 invitation letters (see Appendix B) distributed among local residents and 5 laminated notices which were placed in prominent locations around the site. Borough Councillors were informed of the exhibition by email.*

*2.4. All attendees were invited to sign the attendance book and record their comments by filling out a comments and feedback form. In total, 30 attendees*

*signed the attendance book and 11 of these (36%) completed the form, with 100% of respondents supporting the proposed redevelopment, 45.5% of which had reservations but none registering opposition. Feedback from the exhibition is summarised in Section 6.*

*2.5. The public consultation raised a number of interesting points which Rocco Homes (No 7) Ltd have taken into consideration. The vast majority of comments made by local residents expressed support for the proposed scheme. The main concerns raised related to how the proposal will address parking in regards to the residential and retail aspect of the application.*

### **Planning Assessment:**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and, Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

The main issues raised by this proposal are:-

- The principle of flexible commercial use and residential development including impacts on regeneration and housing need, dwelling mix and tenure and density
- Height and form of buildings and quality of the design and loss of existing buildings and impact on local character and townscape
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts including archaeology, drainage, contaminated land and sustainability
- Development contributions including affordable housing and viability of the development

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. 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 (albeit recent case law indicates approval of development which is contrary to the Development Plan will be the exception)

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 Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which constrain housing delivery in the Core Strategy are out of date in respect of the National Planning Policy Framework. Accordingly the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study was published last year to this end. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan by 2018 has been produced.

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed (as far as they are relevant with the weight attached to be determined by the decision maker) by saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 19, as well as Worthing Borough Council Supplementary Planning Documents on Residential Space Standards and Guide to Residential Development and Development Contributions; West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010); Planning Noise Advice Document Sussex; Sussex Noise Sussex; Air Quality and emissions mitigation guidance for Sussex Authorities; and Worthing Heritage Guide.

**The principle of flexible commercial use and residential development including impacts on regeneration and housing need, dwelling mix and tenure and density**

This is a highly sustainably located site at the gateway to the town centre and very close to two strategic development sites (Teville Gate and Morrisons). High density mixed use redevelopment is appropriate here, complementing the aspirations for these sites and building on the more recent successful mixed use redevelopment at Norfolk/Suffolk House as well as residential development at Phoenix House.

The proposal makes effective use of this brownfield site and optimises its development potential.

Retail on the site is not protected under any planning policy. However, the Committee will take some assurance that Bunces opened a small new shop in Portland Road in advance of the Chapel Road store's closure to retain a retail high street presence in the town centre. They have also more recently opened a Home Hardware storage unit (as a base for e- sales but also with trade counter) at Unit 5, Hambridge Industrial Estate, Willowbrook Road in The East Worthing Trading Estate.

Commercial use is retained at ground floor on the main street frontage reflecting the character of and ambitions for this gateway and adding life and colour and also in recognition of the constraints posed by the traffic and allied activity at the roundabout.



The flexible commercial permission sought allows for restored retail or other suitable commercial uses and is a sensible arrangement that maximises the scope for take up of the new floorspace.

All sought commercial uses are, in principle, acceptable but it is appropriate to regularise any medical use to D1 (a) only as uses such as nursery would be inappropriate in the circumstances.

The proposal will make a moderate and welcome contribution to meeting housing targets and the mix of one and two bed flats is appropriate for this town centre fringe site.

As such the proposal conforms with the broad spatial strategy, provides an appropriate land use mix and will assist regeneration objectives.

As it stands the proposal is for market housing exclusively. The case for this in the face of affordable housing policy 10 is discussed elsewhere.

### **Height and form of buildings and quality of the design and loss of existing buildings and impact on local character and townscape**

None of the buildings on the site are designated heritage assets (e.g. listed or in a Conservation Area) as set out in National Planning Policy Framework.

The loss of the 1924 road frontage buildings with their undistinguished 1984 facades is acceptable, having little architectural merit, though of some local historical interest.

Conversely, the early Victorian storage buildings at the back of the site, particularly the Malthouse, are much older and have a more interesting, history and an attractive period character. They are identified in the archaeological study and the County Archaeologist considers them important enough to warrant formal recording (*including a written description, photographic record, building plan and section and building development phase plan, and brief historical background before their demolition*).

They remained until Bunce's closure in active use, although largely concealed from view from the street.

They have no statutory protection such as listed buildings or unlisted buildings in Conservation Areas. However, they are worthy of treatment as non-designated heritage assets as defined by the National Planning Policy Framework and so at least have *a degree of significance meriting consideration in planning decisions*.

Their total loss would be regrettable and the applicants were encouraged to consider their retention and conversion, if practicable, at pre-application discussion stage.

However, the applicants dispute their heritage value and significance and advise that *their retention cannot be justified on the basis that the retention/conversion of these buildings would render the redevelopment scheme to not be viable*.

*Therefore, it would not be practicable to retain these. The substantial benefits of the proposed mixed-use redevelopment would offset the loss of these outbuildings.*

The viability argument has some merit. The applicants report the viability of the overall scheme is marginal and the cost and smaller floorspace of retention/conversion would prejudice viability still further. Against this background, their loss could not be resisted.

Turning to the new development itself, the form, height and massing and layout of the frontage buildings respond well to the site and surrounds. In this sense, the development addresses the street and reinforces the characteristic pattern of development. Importantly, it presents its tallest elements towards the roundabout. Correspondingly, it steps down in Lennox Road, and, more modestly, adjacent 116-120 Chapel Rd (mirroring Norfolk/Suffolk House at this point) to achieve an acceptable transition to these neighbours, bearing in mind the substantial distance (with Travis Perking in the middle) between the development and the closest houses in Lennox Road.

It is recognised that the maximum height at 5 storeys is significantly taller than the existing street frontage building but the top floor is subserviently recessed and the height is appropriate for this location and is appreciably less than Norfolk /Suffolk House. In the context of the surrounds and regeneration aspirations, the development reinforces the gateway function of the area by the roundabout and complements the height and form of the townscape.

The architecture itself is, if not outstanding, robust and self-confident and the contemporary approach is appropriate in this location. Overall, it is of an acceptable quality with plenty of modulation, and, following recent negotiated improvements to the south elevation of the mews block, provides good articulation and visual interest. The palette of facing materials responds well to its context.

The mews element at the rear is, at 3 storeys, substantial and untypical of such a form and is positioned close to the street frontage building. However, for a town centre fringe site this is acceptable and the siting/footprint, at least, echoes the existing Victorian buildings here. A full aspect onto Lennox Road would be preferable but the large undercroft vehicular access here does provide an acceptable window into this element of the scheme from the street. The mews, including parking court, does have a pleasing and intimate sense of place. Architectural details and facing materials and landscaping may be reserved by condition.

### **Impact on amenity of neighbours and amenity of new dwelling occupiers**

As Bunces was a long established retail use, the continued presence of a business use here would not, of itself, cause any harm to neighbours and hours of operation, deliveries/collections and plant and machinery may be controlled by condition.

Although the footprint is not that different, the proposed development is substantially taller than the existing Bunces buildings. However, adequate separation of the main block with the nearest residential neighbours is retained on the north side of Lennox Road where the main block also steps down at its closest point and the

substantial racking structures of Wenban Smith already interpose. The only upper floor flank window to the nearest Lennox road property serves a bathroom anyway. The new block looks across the south side of Lennox Road but, given this is a public street and directly opposite is a car park, this relationship is satisfactory.

Similarly, the mews block is well separated from the residential terrace on the north side of Lennox road, with Wenban Smith in between, and also the flats above Norfolk/Suffolk House to the north.

The mews block is closer (16 m) to the two storey rear outrigger of the flats above 116-120 Chapel Road. However, the upper floor windows in this rear (east) elevation and (south) flank elevation of 116-120 Chapel Road serve mainly bedrooms and the submitted daylighting study demonstrates that the siting and massing of the new block avoids any unacceptable loss of light to these. The ground floor flats' rear view is substantially screened by their tall back wall anyway.

Unacceptable overlooking from the upper floor windows of the mews block to rear elevation of 116-120 Chapel Road is avoided due to the difference in floor levels such that the opposing first floor windows are significantly misaligned. Careful refinement of the scheme as a result of negotiations complements this arrangement by making the facing lower part (up to 1.1m high) first floor windows of the mews obscure glazed and obscure glazing the balcony screens at first and second floor levels. Adding doors to the cheeks of the projection in the mews, which open out onto the balconies also assists by redirecting outlook. Bearing in mind this is a town centre location; these features are considered sufficient and may be secured by condition.

Controls on the demolition and construction will be required, secured by condition.

The occupiers of the new flats would enjoy a satisfactory environment. The flats meet the nationally prescribed technical floorspace standards and all have access to a decent sized patio, balcony or roof terrace.

The flats facing Chapel Road would be exposed to traffic noise as will all flats above the commercial units. Suitable sound insulation may be secured by condition. Controls on the operation of the ground floor commercial uses, as previously discussed, will also be required to prevent disturbance at unsocial hours.

The site is also near to an area with historically relatively high levels of air pollution (albeit declining and below Local Air quality Management Area criteria) but traffic levels are unlikely to increase significantly from the development itself. Air quality would be acceptable. The opportunities for mitigation are very limited from the development itself but it is noted that it is very sustainably located, reducing the need to travel by private car and incorporates solar panels (PVC) to reduce reliance on fossil fuels and measures to minimise dust during construction are proposed and may be secured by condition as requested by the Environmental Health Officer.

### **Parking and access arrangements**

The proposal is very sustainably located by the town centre with excellent public transport and access to public parking. Its dense form and mixed use also help reinforce sustainable patterns and modes of travel.

The twelve on-site residents' parking car parking spaces is, understandably, a point of concern for some local residents. However, it is acceptable against the background of sustainable location and bearing in mind the dwelling types and mix which is likely to appeal to a demographic accepting the limitations of town centre living. Copious storage for 32 cycles also helps. Moreover, the site and surrounds are in Controlled Parking Zone G (and adjacent to zones F, H, K and N) where on-street parking is tightly controlled in the day time (excepting Sundays) by restricting parking to residents with permits and visitor short term parking and thereby strongly deterring car ownership by anyone without a permit. Finally, this level of on-site parking (or less) is increasingly the norm in the town centre, such as Norfolk/Suffolk House where 48 flats share 5 spaces, albeit now all affordable housing.

There is no customer car parking for the proposed flexible commercial space but this is no different to that which prevailed with Bunces and visitor parking is available closeby in public car parks.

No net loss of existing on-street parking spaces results from the development and the proposal is compatible with the emerging updates to the Controlled Parking Zone.

The new vehicular access in Lennox Road is satisfactory, subject to securing the sightlines by condition, and the closure of the access off the roundabout is a welcome improvement. Sightlines and closure may, respectively, be secured by condition

Pedestrian access and cycle storage is adequate and may be safeguarded by condition.

The site is constrained by its roundabout frontage but servicing arrangements in the form of the designated area in Lennox Road are acceptable, subject to a servicing management plan. This would need to consider prioritising refuse/recycling collections and making an exception to the Highway Authority's request for the maximum sized vehicle of 8.1ms long rigid vehicle for such purposes. A servicing management plan may, likewise, be secured by condition.

In terms of inclusive access, the main block has internal lift access and the two disabled parking spaces are welcome.

The applicants have agreed to fund the necessary amendments to the Traffic Regulations Order required by the Highway Authority to relocate the parking bay and introduce the proposed waiting restrictions.

Physical access to the flats at 116-120 is retained. The applicants confirm their existing rights of way are also unchanged. Retained physical access may be secured by condition.

The Highway Authority raises no objections subject to suitable conditions on provision of new access and closure of the existing; visibility at the new access ; provision of the car parking and cycle storage; and agreement to a construction

management plan and a servicing management plan and applicant funding of necessary changes to the TRO.

### **Other environmental impacts including archaeology, drainage, contaminated land and sustainability**

A desk top archaeological assessment has been submitted and the County Archaeologist requires a condition to investigate and record any relevant findings, including the Malthouse and stables.

The site is in the lowest risk flood zone and the Drainage Engineer, WSCC and Southern Water welcome the sustainable drainage elements and support the scheme subject to a suitable condition to control details of surface and foul drainage.

The site is urban, brownfield site and the submitted ecology study has confirmed it has very limited wildlife value, not even with any evidence of bat roosting.

The history of the adjacent site indicates the land may be contaminated and a suitable condition is justified.

The scheme proposes to site an extensive area of solar panels on the roof and incorporates some green roofs as well. These are welcomed in terms of sustainable design. No commitment to achieve a suitable BREEAM sustainable design accreditation for the commercial buildings is sought but the proposal notes that, due to the careful design of the building fabric alone, a substantial improvement on Building Regulations is achieved anyway in terms of energy and water efficiency. The solar panels and green roofs may be secured by condition.

### **Development viability, including provision of affordable housing**

Core Strategy Policy 10 requires a scheme of this type and scale to provide 30% of the proposed dwellings as affordable housing on site i.e. 9.6 units, subject to:

*the economics of providing affordable housing*

*the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site*

*the mix of units necessary to meet local needs and achieve a successful development.*

The policy also states;

*Where the Council accepts that there is robust justification, the affordable housing requirement may be secured through off-site provision.*

In this case the sum would work out at £769,901

The applicants have submitted a confidential detailed financial viability appraisal to indicate that such provision, whether on site or paid as a commuted sum towards off

site provision, renders the scheme unviable. No provision was therefore made in the scheme as originally submitted.

This appraisal has been independently assessed by specialist consultant to advise the Council on such claims.

After, considerable discussion, the applicants have agreed to pay a commuted sum of £25k towards off site provision on a without prejudice basis. This represents a shortfall of £744,901.

The independent specialist consultants advising the Council states;

*'we have found the submitted approach to assessing viability of the proposed development to be appropriate...it seems clear that the scheme as presented is undeliverable by any normal standards and that it is not the affordable housing or any other planning obligation affecting the viability of the scheme.'*

*Although we do not agree with all of the assumptions put forward by the agent, and, accepting that in theory debate could continue, in this instance a 25k contribution towards affordable housing, given the previously presented deficit is reasonable in the circumstances especially given the 'risk-management' with regards to the possible planning appeal scenario.*

On this basis, officers, conclude that however disappointing the proposed serious under provision is, a refusal on the basis of failure to provide the full affordable housing contribution would not be appropriate. Officers are mindful, in particular, that the scheme, even without affordable housing, would return a rate of profit of 13.9% on scheme Gross Development Value, compared to an industry norm of 18% or higher. Valuation is also not an exact science and the differences in opinion on the assumptions used are not uncommon. In any event, even if the more optimistic assumptions of the independent consultants were accepted by the applicants, this would have still required the applicants to take a similar reduced return and only have delivered at best £233k available towards affordable housing. The prospects of sustaining such an argument at appeal are questionable.

Core Strategy Policy 10 expressly recognises that provision is subject to viability and here the regeneration and other benefits are significant in themselves and the scheme otherwise acceptable. These weigh in favour of the scheme before the Committee.

That said, the economics of development can change and for this reason it is appropriate to require the viability of the scheme to be formally reviewed and the development contribution adjusted as necessary, if the build out of the scheme is materially delayed (clawback scheme). This would be secured in the (S106) legal agreement.

Quite apart from the above, the development will be subject to a Community infrastructure Levy (discussions on the requisite amount are ongoing) and attract the New Homes Bonus as well as need to cover the costs of any S278 payments to the Highway Authority to cover the costs of any consequential works to the highway and amendments to the TRO.

## Conclusions

The principle of redevelopment may be supported at this important sustainably located, prominent gateway site. It makes effective use of brownfield land and will deliver important planning and regeneration benefits. The mix and form are appropriate and it will make a modest contribution towards meeting housing targets.

The scheme has been sensitively planned to minimise impacts and the design responds well to its context. Access and parking are satisfactory and no unacceptable impacts on the environment should occur.

The very large shortfall in affordable housing contributions is disappointing but not unusual in the current economic climate and the case on viability grounds is accepted.

The recommend conditions provide the necessary safeguards and the proposed legal agreement would secure the modest development contribution negotiated as well as provide for a clawback if appropriate.

## Recommendation

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE HEAD OF PLANNING AND DEVELOPMENT TO SECURE A LEGAL AGREEMENT IN RESPECT OF DEVELOPMENT CONTRIBUTIONS TOWARDS OFF SITE AFFORDABLE HOUSING AS AGREED WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified by any other conditions attached to this planning permission.
03. No development shall commence unless and until Construction and Demolition Method Statement, including dust emissions, has been agreed and all demolition and construction shall comply with this.
04. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive, except between 9am to 1pm on Saturdays.
05. No demolition of existing buildings or other development shall commence within the site until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.
06. No D1 use shall be allowed except D1(a) medical or health services
07. No residential dwelling or commercial unit shall be occupied unless and until the accesses, parking and turning space as designated in the approved plans have been provided and the redundant access points closed and stopped up in accordance with The Highway Authority's requirements. Thereafter the said provision shall be retained.
08. No dwelling hereby approved shall be occupied unless and until a *scheme* for protecting the residential units from traffic noise has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed in accordance with the approved details before the development is occupied. The scheme shall be designed to achieve the Good standard within BS8233:2014 to minimise noise in residential dwellings.. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the above standard is met and the results submitted to and approved by the local planning authority.
09. No dwelling hereby approved shall be occupied unless and until a scheme for protecting the first floor flats from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall be designed to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB
10. All deliveries to and collections from the commercial units are restricted to 07:00 to 20.00 Monday to Saturday and 09:00 to 18:00 on Sunday”.
11. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.
12. No part of the development shall be first occupied until such time as the existing vehicular access onto Chapel Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
13. No part of the development shall be first occupied until visibility splay of 2.4 metres by 25metres has been provided at the proposed site vehicular access onto Lennox Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety.



14. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
15. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans
16. No part of the retail store shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, vehicles used to service the site and frequency of servicing, and set out arrangements for the collection of refuse and recycling. Once occupied the use shall be carried out only in accordance with the approved Plan.
17. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, and details of foul water sewage for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. As part of the proposal is to dispose of surface water via infiltration methods, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.
18. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
19. No dwelling or commercial use shall be occupied unless and until the domestic and commercial waste/recycling storage and access, including loading and unloading, for refuse/recycling collection vehicles has been provided in accordance with the approved plans or as amended under condition 15 or any other condition attached to this permission . Thereafter the facilities shall be retained.
20. Provide and retain access to rear of 116-120 Chapel Road and provide domestic waste and recycling storage facilities as shown on approved plans.
21. Provide solar panels and green roofs prior to first occupation.
22. Agree architectural details; facing materials; hard landscaping and boundary treatments
23. No new plant or machinery shall be installed unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority

and implemented in accordance with any such approval. The approved machinery/plant shall be maintained thereafter in accordance with the manufacturer's instructions.

24. The Mews block west facing lower part (up to 1.1m high) first floor windows and the balcony screens at first and second floor levels shall be obscure glazed.
25. Details of the external lighting.
26. No works unless and until investigations and any necessary remedial works undertaken in respect of land contamination.

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE HEAD OF PLANNING AND DEVELOPMENT BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

18<sup>th</sup> January 2017

**Application Number: AWDM/1581/16**

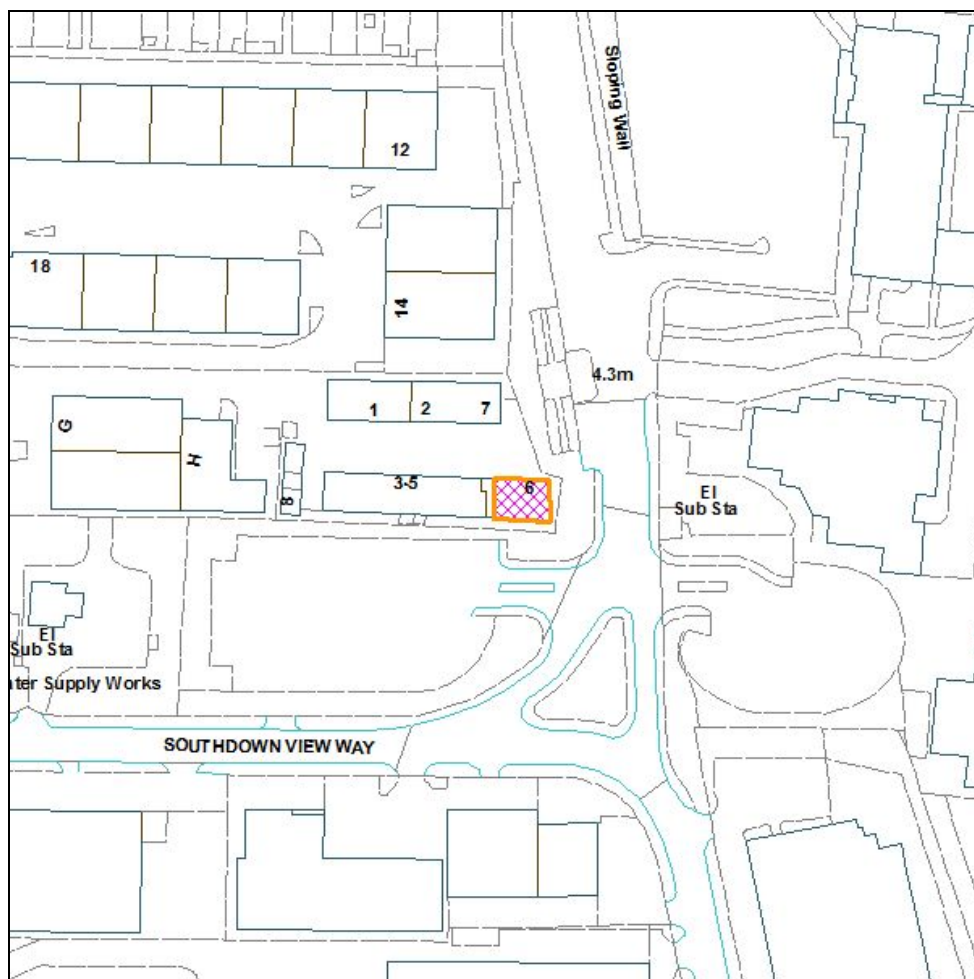
**Recommendation – REFUSE**

**Site: Unit 6 Northbrook Trading Estate, 20 Northbrook Road Worthing**

**Proposal: Retrospective application for Change of Use from B1 to D2 (Assembly and Leisure) for classed based martial arts and fitness studio**

**Applicant: Mr Dean Evans**  
**Case Officer: Gary Peck**

**Ward: Broadwater**



**Not to Scale**

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### **Proposal, Site and Surroundings**

This application seeks retrospective permission for Change of Use from B1 to D2 (Assembly and Leisure) for classed based martial arts and fitness studio. The application has been submitted following an investigation by the Council's Enforcement team which established that planning permission was required for the change of use.

(Members are requested to note that a similar investigation has taken place regarding an unauthorised fitness use at units 3-4, despite requests for an application to be submitted to regularize the use, no application had been received at the time of writing this report)

The application site is situated at the eastern end of the Northbrook Trading Estate, accessed via Northbrook Road, where the road narrows. It is a small modestly sized single-storey unit.

### **Relevant Planning History**

None relevant

### **Consultations**

### **Place & Investment**

Northbrook Trading Estate is a small industrial estate which forms part of the wider Broadwater Business Park and provides a range of industrial units to meet local B uses. The estate has a single access point and limited parking. Unit 6 is a 950 sq ft unit that is situated at the far end of this estate where the road narrows and only has 3 dedicated parking spaces.

Worthing is currently experiencing unprecedented high level of industrial occupancy and Place and Investment are only aware of around 9,000 sq ft of available industrial floor space over 4 units across the whole of Worthing. One of the 4 available units is a 3,337 sq ft unit located on Northbrook Trading Estate which only came on the market in September 2016. Place and Investment are also aware of current interest in one of the 4 available units and expects this unit to become under offer shortly.

Please note that the April 2016 Worthing Economic Research and Employment Land Review has identified that Worthing has insufficient supply of industrial floor space to meet current and future needs and recommends retention of existing industrial floor space.

Place and Investment have reviewed the marketing evidence provided for this application and has concluded that the evidence does not satisfy the criteria outlined in the Sustainable Economy SPD. The evidence does not demonstrate the site has been actively marketed for a suitable period of time to demonstrate non-viability for B uses.

Place and Investment raise a strong objection to the continued use of this industrial unit for D2 use on this estate, to ensure that Worthing has a stock of available B class units to support the economy and supply chain.

### **Environmental Health**

No comment

## **West Sussex County Council Highways**

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

Northbrook Trading Estate is served via a private highway not maintained by WSCC. Consequently, these comments are for your advice only.

The proposal is to change the use of Unit 6 to D2 from the existing B1 use. In terms of parking, the existing use is considered to be a more intensive use than the proposed. The site is 88.23sqm in total, a single parking space per 30sqm is required for a B1 use according to PPG Maximum Standards. A single space per 22sqm of floor space is required for a D2 use which would be better served with the 3 spaces available.

Currently the access serves various other B1 office units, and therefore the change of use of this single unit is not considered to materially alter trip generation. Parking and turning within the site is anticipated to continue as is existing; with vehicles exiting at the junction onto Northbrook Road in a forwards gear. The site utilises an existing junction onto Northbrook Road according to the most recent available accident records there have been no recorded Road Traffic Collisions (RTC's) within the vicinity. The Local Highway Authority (LHA) is therefore content that the junction is operating safely at present.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal. Should planning consent be obtained, a condition securing cycle parking is advised to be sealed alongside it.

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policies 4 & 16  
Sustainable Economy SPD 2012  
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 main issue is whether the proposal is acceptable in policy terms.

The application site is designated as a protected area under policy 4 of the Core Strategy. This policy given further detail by the Sustainable Economy SPD which states at paragraphs 2.4 and 2.5:

*2.4 The Council will assess all applications for the redevelopment of employment sites/premises on their individual merits (for the purpose of this policy employment uses are defined as B1, B2 and B8 of the Town and Country Planning Use Classes Order 2005). However, the Council's starting point will be to retain all employment sites/premises that are considered suitable, in land use terms, for continued employment use.*

*2.5 This SPD adopts a sequential approach towards proposals for the redevelopment of employment land: To retain suitable and viable sites in employment uses as the first preference in all cases; Where a site is not deemed suitable and/or viable against the tests in this SPD, then the preference is for other employment-generating uses (B class uses) on the site (subject to other material planning considerations) and/or a mixed use development which can be used to cross-subsidise the delivery of new employment uses as part of the site; To consider alternative employment generating uses outside of the 'B' use classes*

Further at paragraph 2.7 it is stated:

*The Council will need to have sufficient evidence provided by the applicant in order to properly consider any proposed loss of employment space. The key questions are: Is the site/premises redundant? Is the current use viable? Has sufficient and effective marketing been carried out? Have all employment alternatives been fully explored?*

For the purposes of the policy, the existing permitted use class at the site B1 is defined as an employment use while the current use, D2, is not.

The supporting information submitted with the application contends that the premises were vacant for a year before the current users moved into the unit although the estate agent details submitted appears to only definitely confirm that the unit was vacant for 4 months as that was the period the estate agent advertised the property for. The rental price was dropped after 2 months and the estate agent states there was no interest shown in a B1 use but also confirms that were 12 viewings of the unit which included users looking for office space and storage.

The submitted information is therefore far below the requirements of the SPD and even appears contradictory in part. Certainly, it cannot be considered that the unit is no longer viable for B1 purposes. As such, therefore, the application is clearly contrary to policy.

Members will also recall that application AWD/1136/14 for retrospective permission for change of use from mixed industrial/storage and distribution (B1/B8) to gym (D2) and storage/distribution (B8) at Southdownview Works, 12 Southdownview Road was refused and a subsequent appeal dismissed. In her appeal decision, the Inspector stated:

*'Employment uses' for the purposes of Policy 4 is defined in the Core Strategy as B1, B2 and B8 uses. The D2 use would therefore not be consistent with this definition. I note the appellant's contention that a D2 use could provide employment, and that Policy 11 of the Core Strategy encourages recreational and community uses. However, it is clear to me that the purpose of Policy 4 is to safeguard specific employment opportunities and employment uses by seeking to protect under Part 1 the key industrial estates and business parks, rather than being a general policy relating to all potential employment sources. By focusing on specific employment opportunities and uses, the wording and objectives of Policy 4 is also consistent with Policy 3 of the Core Strategy that seeks the provision of a diverse and sustainable economy.*

*Thus, the general support in Policy 11 for recreational use does not override the specific protection for B1, B2 and B8 uses provided in Policy 4. Furthermore, the supporting text to Policies 3 and 4 set out the identified need to provide industrial and warehousing floorspace up to 2026 and the particular demand for smaller units. Evidence from the Council's Economic Development Team presented during the course of the planning application indicated a low availability of vacant industrial units of a size similar to the appeal premises; I find the Council's evidence more specific on this matter than the appellant's, due to their reference to similar sized units...*

*The use of the premises as proposed would therefore be contrary to Part 1 of Policy 4 and so lead to the loss of an identified and protected employment use within the Borough...*

*On the basis of the evidence presented to me, I am not convinced that the premises are genuinely redundant: the past occupation of the building does not appear to show it is no longer needed. The marketing of the building was for a relatively short period before occupation by a non B Class occupier – notably shorter than the 12 months period set out in the SPD – which further does not reassure me that there is no demand for continued B Class use and that the premises are redundant.*

*Having had regard to all I have read and seen I therefore remain of the opinion that the proposed use of the premises would conflict with Policy 4 of the Core Strategy, which seeks to protect the key industrial estates and business parks in the Borough, and that there are no exceptional circumstances to warrant a departure from this objective of the development plan.*

Your officers see little difference between this proposal and that considered under a similar application where the Council's position was supported at appeal. Accordingly it is considered that the application should be refused.

## **Recommendation**

To **REFUSE** permission for the following reason:

The retention of the D2 use would result in the loss of a viable business premises on a protected industrial estate to the detriment of the local economy and spatial strategy, contrary to Core Strategy Policy 4, guidance contained within the Sustainable Economy Supplementary Planning Document and the National Planning Policy Framework.

The Committee are further requested to authorise the serving of an Enforcement Notice to require the cessation of the use of the land as a martial arts studio and to remove all equipment, apparatus and furnishings used in connection with the unauthorised use with a time for compliance of 6 months after the notice takes effect.

18<sup>th</sup> January 2017

## **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.