

## Worthing Planning Committee

<b>Date:</b>	<b>Wednesday 15 February 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 14 February 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 18 January 2017, 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 | 72 Tarring Road | 5.2 | 2-4 Southey Road  |
| 5.3 | Field Place     | 5.4 | Unifax, Woods Way |

### 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## Part B - Not for publication - Exempt Information Reports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.



**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1292/16                      Recommendation – REFUSE**

**Site:                      72 Tarring Road**

**Proposal: Conversion of 3 bed house into 1 x 1 bed flat and 1 x studio flat.**

**2**

**Application Number: AWDM/1919/16                      Recommendation – REFUSE**

**Site:                      2 – 4 Southey Road**

**Proposal: Part demolition of existing ground and first floor at south east corner and construction of new ground and first floor in same location and creation of additional floor to create an additional 12 rooms to the existing house in multiple occupation (HMO) with increase in pitch, new traditional dormers to all elevations and roof lights to south, north and east elevations and alterations to parking and landscaping.**

**3**

**Application Number: AWDM/1814/16                      Recommendation – APPROVE**

**Site:                      Worthing And District Society Of Model Engineers Field Place  
The Boulevard**

**Proposal: Construction of extension to clubhouse, addition of model railway technical machinery (steaming bay and head shunt) and retrospective application for Victorian gas lamp post.**

**4**

**Application Number: AWDM/1273/16                      Recommendation – APPROVE**

**Site:                      Unifax, Woods Way**

**Proposal: Application to vary conditions 3, 6, 7 and 8 of previous planning approval AWDM/0128/13 (new hard standing at front to provide additional parking to be enclosed by fence and hedge and new bulk bag stores, timber storage on racks and cantilever racking at rear).**

**Application Number: AWDM/1292/16**

**Recommendation – REFUSE**

**Site: 72 Tarring Road**

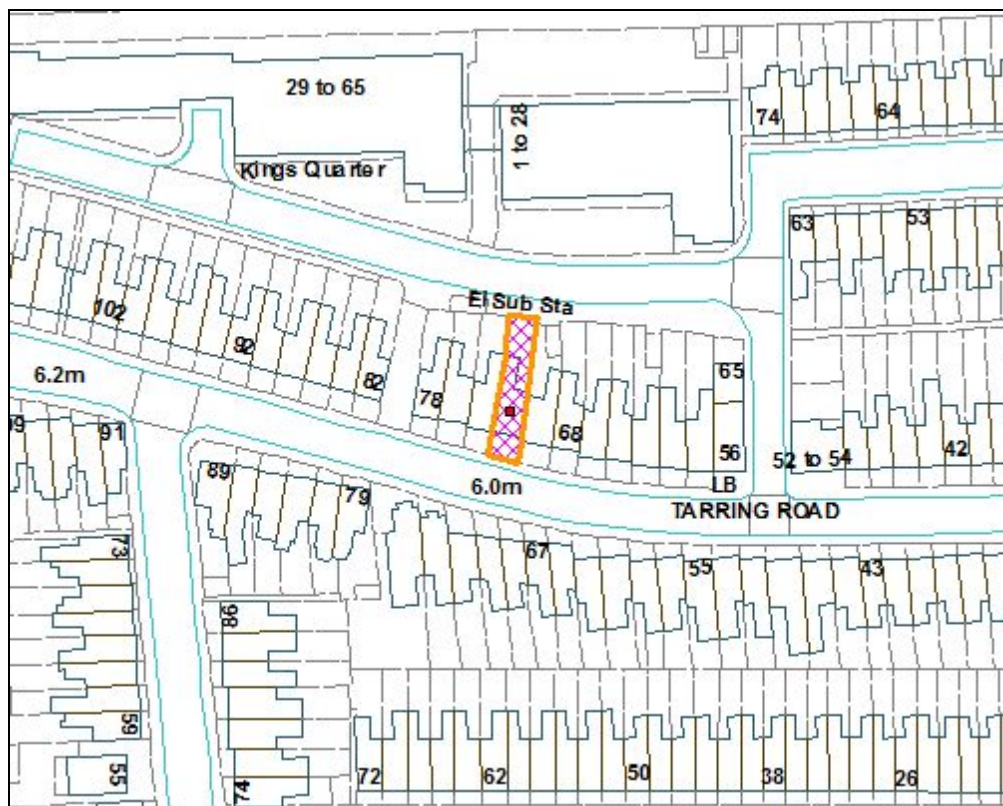
**Proposal: Conversion of 3 bed house into 1 x 1 bed flat and 1 x studio flat**

Applicant: Mr R Snow

Ward: Central

Case: Matthew Porter

Officer:



**Not to Scale**

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

The proposal is to convert the 3 bedroom dwelling house into a studio flat at ground floor, and a 1 bed flat at first floor. The studio flat would have its own private courtyard at the rear, with access to a single parking space. A bin store is proposed in the front garden for the first floor flat (the bins for the studio flat will be stored in its courtyard).

The application property is a two-storey Victorian terrace dwellinghouse in a street made up of similar building types, in an inner neighbourhood of Worthing. It has a truncated rear garden that provides a small courtyard and on-site parking for 1 vehicle, off Orme Road.

This application has been called-in by a Ward Member.

The applicant has provided a supporting statement. This is summarised below:-

*My elderly, widowed father moved to Worthing in August 2015 so that he could be near my wife and myself and his grandchildren. After illness, he died in Worthing Hospital.*

*My brother, Richard Snow, suffers from C4 C5 spondylosis. This is a degenerative arthritis of the neck and spine, roughly around the shoulder area. Unfortunately his condition is deteriorating. He is unmarried and has always lived with my parents. When my father moved to Worthing he moved with him and also lived at 72 Tarring Road, where he is still living.*

*The spondylosis makes certain movements very difficult; looking up and down, which is vital for negotiating stairs, is particularly problematic. This was one of the considerations we took into account when discussing in which part of the house Richard wished to live. It is a concern that stairs will increasingly become a problem for him and also we are not too happy that he should be alone in the house.*

*We also took the long term view. As he does not like change, he will not wish to move again, unless there is a very compelling reason. He is happy living where he is at 72 Tarring Road and does not want to move. This house was chosen as it is very convenient for him because of its short walking distance to town and shops as he does not drive.*

*With this in mind, ground floor living will, in theory, mean this could last him into his old age. This is why we have made the minimum of alterations on the ground floor. We have made the lounge larger so that it will accommodate a single bed, sofa and table with ease. This makes the ground floor open plan, which is not a problem for a single person.*

*The intention is that Richard should continue to live in the ground floor flat and the first floor flat should be let with myself acting as landlord.*

*Although the two flats would be completely self-contained, there would be somebody in the house should an emergency arise.*

*The two flats would remain in the one family ownership and we have no intention to sell either flat. The flat would be privately rented out to a suitable person who would not disturb Richard. Part of the rent would be used to help Richard in his needs and bills, as he will not be able to work.*

*Part of the works will be soundproof between the flats to the environmental standards.*

*I hope you will give this application your favourable consideration.*

### **Relevant Planning History**

None

### **Consultations (summarized)**

West Sussex County Council as Highway Authority: *Application Form states two off street car parking spaces will be provided as opposed to the previous one space. From inspection of local mapping and measurement of the parking area demonstrated on the proposed plan, there does not appear to be enough width for two cars side by side. The applicant should mark out parking bays of at least 2.4 m by 4.8 m. The applicant should clarify whether this is achievable and if not confirm that only one standard car parking space will be provided between the two flats. In this scenario they should also confirm how the one space will be allocated considering there does not appear to be space for two cars according to WSCC standard dimensions for parking bays.*

Adur & Worthing Councils Environmental Health: *With reference to the above planning application, I have concerns about noise transmission between the two properties. The stacking of rooms, with the 1<sup>st</sup> floor bedroom situated above the ground floor kitchen and the 1<sup>st</sup> floor lounge situated above the ground floor lounge/bedroom could lead to loss of amenity and noise complaints. If possible, I would suggest reconfiguring the layout to avoid these concerns. As there is potential for noise disturbance between dwellings sound insulation should be provided and sound insulation testing should be carried out between these areas to confirm compliance with Approved Document E specifications before occupation.*

Adur & Worthing Councils Drainage Engineers: *Site lies within flood zone 1 may be affected by surface water flooding, but there is no recorded history of flooding. Applicant indicated the intention to use the public sewer for the disposal of surface water, which in this instance would be appropriate. The proposals will not affect surface water run off so we have no further comments.*

### **Representations**

None

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

Worthing Core Strategies Policies 7, 8, 9, 16, 19  
Saved Worthing Local Plan policies H18, RES7, TR9  
Supplementary Planning Document titled 'Space Standards' (Feb 2012)  
The National Planning Policy Framework  
National Planning Practice Guidance

### **Relevant Legislation**

The Council, in determining the planning application has the following main statutory duties to perform: to have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and other material considerations (Section 70(2) Town & Country Planning Act 1990) and to determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

## **Planning Assessment**

### ***Principle***

The proposal would result in the loss of a 3 bedroom family dwelling house.

The two flats are not forthcoming as affordable housing tenure and neither is the conversion providing improvement and maintenance of an older property which is unsuitable or unaffordable for single family accommodation.

In response to the requirements under NPPF, the Council has published the Worthing Housing Study (June 2015). This set out the full Objectively Assessed Need for housing in the borough. It also estimated the demand for different sizes of market housing required from 2013 to 2033.

The study estimates a requirement for an additional 8,909 market dwellings with the majority of these being two-and-three bedroom homes. It recommends:-

- *the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households (summary report para 3.8)*

The conclusions of the Worthing Housing Study support the emphasis within the Core Strategy on retaining and increasing the supply of family housing.

Core Strategy Policy 9 seeks to protect the existing housing stock, and most particularly, the family housing stock. This policy was informed by the Strategic Housing Market Assessment (up-dated in 2012) which identified that 92% of all housing completions over the period 2006-2011 consisted of one and two-bedroom properties.

Whilst the conversion of this dwelling would provide two small flats, the evidence base underpinning the housing policies of the Worthing Core Strategy clearly demonstrate a key objective should be to retain, wherever possible, existing family housing.

### ***Visual Amenity***

Bins for the ground floor flat would be stored in the rear courtyard, out of public view. Bins for the first floor flat would be placed in the front garden in a covered and vented timber store.

Although bins in front gardens along Tarring Road are not an absent sight, this arrangement would give rise to unsightly clutter to the detriment of the visual amenity and character of the area.

### ***Residential Amenity – future occupiers***

The Council has adopted 'space standards' that set out specific internal space and layout standards to make sure residential conversions do not create living space which is sub-standard.



Until a new Local Plan is adopted, these standards should be complied with: although there is also nationally published space standards these do not apply to conversions.

### External space

The Council applies a minimum of 20 square metres of private outdoor space per flat (normally in the form of communal areas). The ground floor flat would have access to a small private courtyard, but the conversion would leave the upper flat with no amenity space.

### Internal space

The Council's minimum standards (square metres) are:-

<i>Studio flat:-</i>	<i>1 bed flat</i>
<i>Total minimum floor area 32</i>	<i>Total minimum floor area 51</i>
<i>Storage space 1.5</i>	<i>Storage space 2.5</i>
<i>Living, cooking &amp; eating 22</i>	<i>Living, cooking &amp; eating 22</i>
<i>Sleeping area 7</i>	<i>Sleeping area 12</i>

*Living rooms should not be narrower than 3.3 metres*

*Single bedrooms should not be narrower than 2.6 metres and not less than 7 square metres*

### *Proposed Studio Flat*

The total floor area of the studio flat would meet the standards, but only due to the incorporation of the family bathroom within this flat. The combined living, cooking and eating and sleeping floor area would fall only marginally short of the standard by 2 square metres. However the living and sleeping area would be almost entirely reliant on the front room and this lacks privacy as it faces the public street. This internal space is also narrower than the standard.

### *Proposed First floor flat*

The total floor area of the first floor flat would represent a substantial variance of the Council's standard by 18 square metres. Additionally there would be shortfalls in the living, cooking and eating area and sleeping areas, each by 2 square metres. There would be no dedicated storage provision.

Although certain standards would be satisfied and the room shapes are regular sized, the shortfalls for both flats is sufficiently compelling alone not to overcome the benefit of bringing the building into future use as a two dwelling scheme.

An additional shortcoming is the room stacking of the first floor lounge over the ground floor living and sleeping area. However, the planning agent has indicated their intent for soundproofing to mitigate this (which can be required by condition).

### *Both flats*

Although both flats would be single aspect, future occupiers are to be provided with a good standard of natural daylight and southerly outlook onto the street.

The Council's standards do allow for an element of flexibility in relation to conversions, but only when acceptable living accommodation is deliverable.

In this case, the shortfall in floor area standards is indicative of the over-intensive development of the property giving rise to sub-standard and cramped living conditions for future occupiers to the detriment of their residential amenities. In short, it is not considered that an acceptable standard of accommodation would be provided.

### ***Residential Amenity – impact on the neighbours***

Different room uses at first floor would alter the nature of overlooking onto neighbours (ground floor views would be screened by existing boundary treatment).

However the propensity for overlooking would only increase marginally as the rear gardens of immediate neighbours are currently overlooked; the effect on privacy would not be substantially different to the existing situation.

Noise transference between buildings is dealt with under the Building Regulations.

### ***Access and parking***

The Highway Authority has queried the accuracy of the original plan drawing. A revised drawing shows 1 parking space on site to serve the ground floor flat has been submitted. There is no space for separate cycle storage to either flat.

The site is sustainable located within close walking distance of convenience shops in Tarring Road and South Farm Road, Worthing rail station and bus routes. In the circumstances the shortfall of parking provision for the first floor flat and lack of cycle storage for both flats would be an acceptable arrangement.

### **Recommendation**

The NPPF is clear that whilst personal circumstances of an occupier may be material to the consideration of a planning application, such arguments seldom outweigh the more general planning considerations.

Although the appellant had offered to accept a personal permission, the advice in NPPG is that the imposition of a personal condition will seldom ever be justified in the case of permission for a permanent conversion.

That said it is for the local planning authority to decide what weight should be attached to a particular material consideration. If the medical circumstances of the occupant give rise to a situation where downstairs accommodation is needed, there may be compassionate grounds for allowing an exception to normal control standards. After all, different standards of accommodation may be appropriate for different users.

However, in this case it is not believed the appellant's circumstances should override the conflicts identified with local planning policy due to the loss of a family home and the failure to comply with the Council's Space standards which indicates the building is not suitable for conversion to the two flats without consequential unsatisfactory living conditions. This is in line with the Local Plan and National Planning Policy Framework's aim to secure a good standard of amenity for all.

## **REFUSE**

For the following reason:-

The proposal would result in the loss of an existing family house for which there is an acknowledged need in the Borough. In addition, the proposal would give rise to an over-intensive development of the property as indicated by the inadequate layout and shortfall of the proposed flats from the Council's adopted Space Standards, the cumulative effect of which would provide an unsatisfactory standard of accommodation for future occupiers. The proposal is therefore contrary to policies 9 and 16 of the Worthing Core Strategy and the Council's allied 'Space Standards' Supplementary Planning Document, and the relevant advice set out in The National Planning Policy Framework.



Application Number: AWDM/1919/16

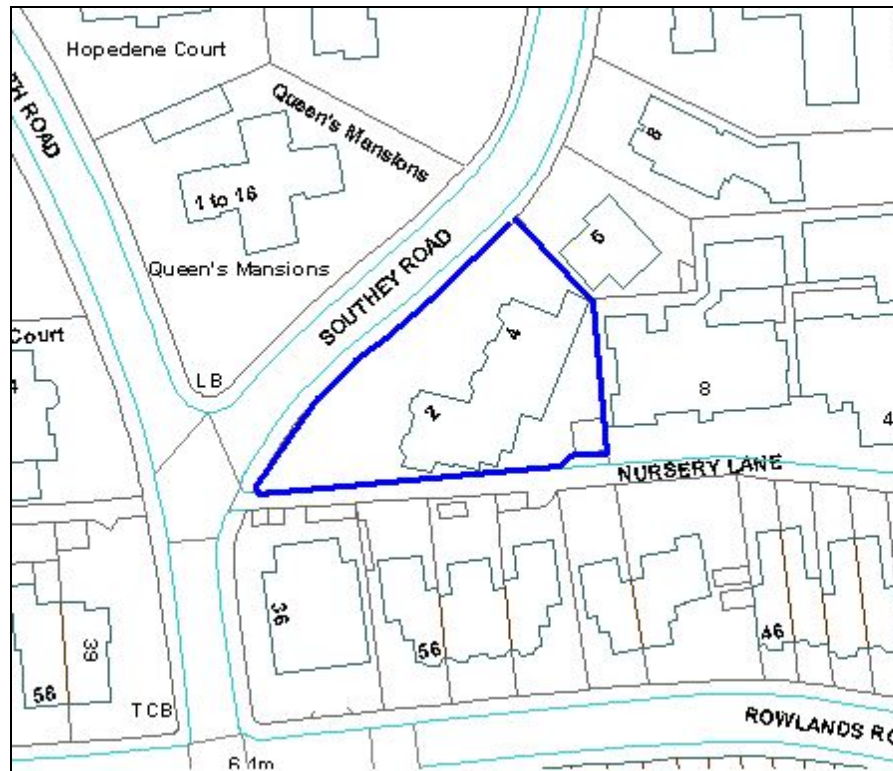
Recommendation – REFUSE

Site: 2-4 Southey Road, Worthing BN11 3HT

Proposal: Part demolition of existing ground and first floor at south east corner and construction of new ground and first floor in same location and creation of additional floor to create an additional 12 rooms with increase in pitch, new traditional dormers to all elevations and roof lights to south, north and east elevations and alterations to parking and landscaping.

Applicant: Bravo Properties Ltd  
Case: Marie O’Keeffe  
Officer:

Ward: Heene



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### Proposal, Site and Surroundings

This application relates to a pair of rendered and white-painted Victorian villas on the south-east side of Southey Road, close to its junction with Wordsworth Road, just to the east of the town centre. The buildings are prominently positioned on this corner site. In the mid 80’s the two villas were linked by a subordinate two-storey extension to facilitate an extended care home use. Other extensions have been added to the rear and at the north end.

The villas are attractive properties, double fronted with double height bay windows and lots of articulation including their staggered position to the street.

They are recessed from the road and have significant front gardens set behind an attractive flint wall and mature hedge. The front gardens are in part hard surfaced to provide car parking for approximately 10 cars off two driveways. The rear gardens are shallow. The site adjoins Nursery Lane, to the south, which runs along the rear of Rowlands Road properties and also gives access to a new development of sheltered accommodation for disabled young adults.

The general area is a mixture of institutional uses and private flats and some HMOs with some commercial activity on Rowlands Road. The site is not within a Conservation Area and the buildings are not listed. There are no protected trees on the site.

The whole property (both No's 2 and 4) was used as a rest home for the elderly from the mid-1970s until 2007 when it closed. In 2008 No.2 and the link extension began use, without permission, as 14 units in an HMO (House in Multiple Occupation) with No.4 being the private residence of the owner. In August 2011 planning permission was granted to convert the whole property to 25 bedsits, plus a manager's studio flat (AWDM/0088/11). In practice, few of the rooms are traditional bedsits with own kitchenettes and are more properly styled as rooms in an HMO, sharing kitchens, WCs and baths/showers.

AWDM/0088/11 was a temporary 3-year permission made personal to the applicant and conditional upon his occupation of the on-site manager's flat (or by another on-site manager as agreed by the Council). In 2014 these conditions of use were removed, with permission, (AWDM/0271/14 refers).

Planning permission is now sought to extend to the rear of No. 2 in the south east corner and to add a new roof to the entirety of the two properties with an increased ridge height and dormer windows. An additional 12 rooms are to be created to create a 37 bed House in Multiple Occupation.

#### Extracts from Applicant's Planning Statement

##### *Intensity Of The Use*

- 6.1. *The existing site operates as a sui generis HMO for twenty five rooms. The site has demonstrable planning history that there have been no issues with the site being used as a HMO and the property provides suitable low cost accommodation within a sustainable location within the town.*
- 6.2. *The proposal incorporates a Manager's flat which will enable supervision of all the rooms, maintenance and appropriate levels of security and control of the HMO. The Manager's flat whilst a self-contained unit is considered to be ancillary to the HMO and therefore part of the same overall planning unit. It will not be devisable from the HMO.*
- 6.3. *We consider that the reconfiguration of the rear extension together with re-roofing the property in order to allow for additional accommodation makes the best use of this site within a sustainable location.*
- 6.4. *Increasing the intensity of the use also has a knock on effect for issues such*

*as transport and travel. Whilst in a sustainable location and accessible to multi modes of travel the proposal incorporates increasing car parking on site by four spaces. The provision of dedicated motorcycle spaces and the development of covered cycle storage space within the curtilage of the site is also provided. This allows for the proposed development to meet some of it's demands for transport and travel.*

#### *Design & Amenity*

- 6.5. The proposal seeks to remove the existing low pitched roof and replace it with the more modest pitch that allows for accommodation within the roof space. The proposal also seeks to remove rear extensions and consolidate floor levels in order to make the most effective use of space. The design of the roofscape will accommodate front facing dormers. These will front onto Southey Road. Two traditional dormers were proposed with aspect looking west. The roofscape has also been changed to the west to allow for a new gable elevation on the rear of the property.*
- 6.6. Immediately to the east of the site along nursery lane are properties that are chalet bungalows with rooms in the roof. These all have front and rear facing traditional dormers designed as part of the roofscape.*
- 6.7. The design of the proposal for Southey Lodge seeks to minimise any impact of overlooking with oblique views that will not have a negative impact on the amenity of adjoining neighbours.*
- 6.8. The front facing dormers face up to Southey Road and as the property is set back from the road there is limited impact on any neighbours on the opposite side of Southey Road. Distance is as such that we consider there not to be any issue of overlooking.*
- 6.9. The design also incorporates a shared garden area to the front. Whilst some of this available at present the proposal allows for soft and hard landscaping around the shared surface areas.*
- 6.10. The Design and Access statement also shows the proposed changes to the roofscape as a 3D sketched up layout. When compared to the existing dwelling whilst the changes are notable their impact is consistent with the design of the host property.*

#### *Transport Impact*

- 6.11. The proposal seeks to increase the number of parking spaces from ten at present, to fourteen following implementation of the proposal. It also incorporates twelve cycle spaces and five motorcycle spaces. There is indication that a number of the present occupiers use motorcycles rather than cars. Accordingly the provision of motorcycles in lieu of car parking spaces is as a result of identifying this issue.*
- 6.12. The site lies in a highly sustainable location and there are multi modal methods of transport available to the occupiers.*

6.13. *The site lies in proximity to high order services within Worthing Town Centre and occupiers of the property have a significant level of choice of shops and services all found locally.*

6.14. *We therefore consider that the development meets its transport needs.*

## **7. CONCLUSION**

7.1. *We are instructed by our clients Bravo Properties Ltd to submit an application for extension and alteration to Southey Lodge.*

7.2. *The property at present is occupied as a twenty five bed sui generis HMO. The proposal seeks to unify the various extensions to allow for more efficient layout which in turn allows for an intensification of the use. The proposal also incorporates a Manager's flat.*

7.3. *The design is considered to be in accordance with policy and the site is in a highly sustainable location.*

7.4. *We consider the proposal meets the requirements of the development plan and the National Planning Policy Framework.'*

## **Relevant Planning History**

AWDM/0271/14 - Removal of condition 1 (temporary permission to 19th July 2014); condition 3 (personal permission) and condition 4 (need for an on-site manager) to planning permission AWDM/0088/11: Change of use from residential care home to house in multiple occupation, comprising of 25 bed sitting rooms with shared kitchens. (7 bedsits with en-suite bath/shower, w.c. and wash hand basin, 10 bedsits with w.c. and wash hand basin and 8 bedsits with wash hand basin only - shared w.c's and bathrooms). Granted 22.4.14

AWDM/0821/11 - Change of use from residential care home to 4 x 1 bed flats, 2 x 2 bed flats with own gardens, 3 x studio flats and 10 bed sitting rooms (6 bed sitting rooms with en-suite bathroom/shower rooms, 2 bed sitting rooms with cloakrooms and 2 bed sitting rooms with hand basins. Communal bathrooms and kitchens to ground and first floor. Granted 26.9.13

AWDM/0088/11 – Change of use from residential care home to house in multiple occupation comprising 25 bedsitting rooms with shared kitchens (8 bedsits with en-suite bath/shower/WC and wash hand basin, 8 bedsits with WC and wash hand basin and 9 bedsits with wash hand basin only, with shared WC's, bathrooms and kitchens) and a manager's studio flat. Granted 19.7.2011

88/388 – Two-storey extension to existing rest home to provide additional bedrooms. Granted on appeal 22.12.1988

86/1077 – Two-storey extension link between No's 2 & 4 including first-floor extension to side elevation. Granted 27.1.1987

74/209 – Change of use to rest home. Granted 9.4.1974



64/606 - Change of use of detached house (No.4) from private hotel to nursing home. Granted 6.10.1964

## **Consultations**

### **West Sussex County Council:**

*'The proposal to create 12 additional rooms to provide a 25 room House of Multiple occupation in Southey Road has been considered by WSCC as the Local Highway Authority. No objection is raised to the proposal for the following reasons.*

*The site is located sustainably within walking distance to Worthing Town Centre and all of its amenities. Car parking is provided alongside motorcycle parking spaces and cycle storage. As the site is considered as a sui generis use class there are no specific parking standards and the proposed number of spaces would provide 1 space for every 3 bedrooms. On-street parking in the roads around the site is controlled by parking vouchers which would allow visitors to park on-street. As the occupants of these dwellings tend to be young people car ownership is often lower than if it was a C1 dwelling and therefore these can be reduced. Therefore WSCC are satisfied with the proposed parking allocation for the site.*

*During demolition a construction management plan should be submitted to ensure any related highway movements are accommodate on-site, the condition below can cover this:*

### **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.'*

### **The Environmental Health Housing Team makes the following points:**

*'I have looked over the proposed plans and make the following comments:*

*In both its existing and proposed use this property will be a House in Multiple Occupation (HMO). The proposed ground and first floor accommodation is formed*

*entirely of bedsits that have their own washing facilities but share cooking facilities. The proposed second storey is formed entirely of rooms sharing washing facilities, WCs and cooking facilities. The proposed layout would therefore be treated as being a mix of bedsits and shared accommodation.'*

### History

*This property is known to us but the only housing complaint we have received in recent years was about sound transmission between flats. The addition of a third storey will bring this property within the criteria for mandatory licensing.*

### Provision of facilities and amenities

*The kitchens shown do not all have a clear indication of the provision of cooking/food preparation facilities and I can see no mention of this in the accompanying access statement. The provision of kitchen facilities must be sufficient for the number of households present. The following is a link to the document 'Standards for Houses in Multiple Occupation' produced by the CIEH Sussex Housing Group which sets out the various requirements for HMOs, either prescribed by legislation or that meets the Ideal, as set out by the Housing Health and Safety Rating System or similar guidance*

*<https://www.adur-worthing.gov.uk/media/media.138922.en.pdf>*

*The provision of sinks/drainers, cooking appliances and work top space does not appear to be adequate to meet the requirements set out in section 3. The provision of additional appliances such as dishwashers and microwave ovens could remedy this.*

### Living space

*There is no separate living space shown on the proposed second floor layout. Where a room is less than 10.5sq.m in size then additional living space is needed. Whilst there are no measurements given for each room the smaller rooms appear to be close to or under the minimum room sizes (6.5sq.m) when allowing for the ceiling height. These two factors increase the likelihood of a hazard arising under crowding and space. Proposed amendments to the legislation seek to implement a minimum room size of 6.5sq.m and so care should be taken now or risk exclusion of these rooms in the future.*

### Noise

*The proposed layout of the property means that rooms labelled G-3, F-5, F-6 and S-2 are located above, below or next two kitchens which could equate to significant disturbance from sound transmission into the sleeping rooms, which would increase the risk from the hazard Noise under the Housing Health and Safety Rating System. This is particularly significant for the second floor kitchen which is proposed to serve*

14 people. It would be better to stack the kitchens vertically to reduce the risk of sound transmission becoming an issue. If the existing layout remained then particular care would have to be taken with the sound insulation to factor in the use and the typically poor acoustic insulation of kitchen floor coverings.

The high occupancy level of the building (I note many rooms are shown as double rooms) may increase the effect of any noise problems.

### Heating provision

I acknowledge that the following matter is not one that can be put forward as a Planning constraint, nor is it enforced by Building Regulations, however I request that this be sent on to the developer for their information as it may be a matter enforced by the Private Sector Housing team (Environmental Health).

No mention is made of the heating provision within the building, and I would suggest that consideration for this is given now at the development stage.

Heating must be fixed and must be effective, efficient and economical and must be suitable and sufficient for the property. It should be possible to heat each habitable room to 19°C when the outside temperature is -1°C. Heating must be fully controllable for the occupants. Assuming that the tenants will be liable for the cost of heating, for an existing building this will only be achievable by installing either:

- Gas-fired central heating with radiators to each of the bedrooms, living rooms, hallways and bathrooms; or
- High Heat Retention Storage Heaters (HHRSH) in each of the bedrooms, living rooms and hallways with a 2kW wall mounted heater in the bathrooms on a tariff that utilises an off-peak supply. There would need to be a dual rate compatible meter in place in each flat; or
- Modern slim line combi-storage heaters in each of the bedrooms, living rooms and hallways with a 2kW wall mounted heater in the bathrooms on a tariff that utilises an off-peak supply. There would need to be a dual rate compatible meter in place in each flat.

NB. The provision of heating to the communal areas will reduce the heating output required within the individual rooms.

I trust that the above information is clear, however please do not hesitate to contact me should you wish to discuss this matter further. I am happy to discuss any of the above comments with the developer.'

### **Pollution Control:**

'As the works are being carried out in such close proximity to neighbouring properties I would recommend that all works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours  
Saturday 09:00 - 13:00 Hours  
Sundays and Bank Holidays no work permitted.

*Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.*

*I have concerns about noise transmission between some of the kitchens and bedrooms. A number of kitchens are positioned directly above, below and adjacent to bedrooms. Given the number of users allotted to each kitchen, these dissimilar rooms positioned in this way is likely to lead to loss of amenity and noise complaints.*

*I would advise that sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.'*

### **Technical Services:**

*'The site is situated in flood zone 1, is unaffected by predicted surface water flooding and has no history of previous flooding.*

*Whilst the modifications to the building would make very little difference to the extent of hard surfacing, I note that at paragraph 3.2 of the Supporting Statement it states*

*"A new landscaped front garden to accommodate hard landscaping for parked cars (increasing the provision to fourteen spaces)".*

*In light of this I consider that there is scope to introduce either soakaways or some form of retention in the front garden, rather than directing all the surface water flow to the public sewer.*

*Therefore unless there is any reason why some form of Suds system cannot be introduced on this site I **object** to the application.*

*It appears from records that the building would drain to the surface water sewer in Southey Road , so there would be no difficulty intercepting this pipe run, and taking both roof and parking area flows to a suds system.'*

### **Sussex Police**

*The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Worthing district being above average when compared with the rest of Sussex, it will be important to consider all appropriate crime prevention measures when viewing the proposals.*

*Whilst I have no concerns regarding the design and layout I recommend the following security measures to be implemented within the development;*

- Communal front entry doors and rear entry doors are to have an access control system incorporated into them.
- Secure external post boxes that conform to TS009 to be fitted externally or within the main entrance lobby, postal worker access will be required for the latter.
- If individual flat front doors are to be replaced they are to conform to PAS 024-2012 or have fit for purpose locks fitted that conform to security standard TS 007 if the original doors are to be retained.
- Any ground floor windows that are being replaced are to conform to PAS 024-2012. Any windows that are being retained are to be fit for purpose and have adequate fit for purpose locks or security measures fitted.
  - Lighting within the hall and entrance lobby is to be dusk till dawn operated with the remaining corridors having PIR operated lighting.
- External lighting to the main and rear entrances is to be operated by dusk till dawn switching.
- Gates that lead to the rear amenity space are to be lockable. If push button style lock is to be used precautions are to be taken to protect the thumb turn release lever from being accessed from the outside. A shroud would remove unauthorised access from the attack side to the thumb turn lever.

Should the applicant require information regarding SBD, I direct their attention to our website at [www.securedbydesign.com](http://www.securedbydesign.com) where the specifications and requirements of SBD can be found.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.'

## **Representations**

1 neighbour letter received (unaddressed).

'The design and access statement says that all flats will have en-suite facilities. However, the plan for the 2<sup>nd</sup> floor shows that there are 2 shared bathrooms and one shared toilet for the flats. Which is correct?'

## **Relevant Legislation**

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

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

## **Planning Assessment**

This proposal should be considered against the background of rising demand for HMO accommodation; the history of the use and the potential impact of the extent and nature of the extensions and the increase and intensity of occupation.

The main issues raised by this application are therefore:

i) Principle of extending an already large HMO to the scale proposed and local impact,

ii) The impacts of the extensions on the appearance of the buildings and the wider area;

and

iii). The adequacy of the parking provision and drainage should be considered.

The relevant Core Strategy policies are Policy 7; Meeting the Housing Need; Policy 8: Getting the Right Mix of Homes; Policy 9: Existing Housing Stock; Policy 10: Affordable Housing; and Policy 16: Built Environment and design and Policy 15 Flood Risk and Sustainable Water Management;. The relevant Saved Local Plan policies are H18: Reduction in amenity for local residents and TR9; Parking provision; Policy issues relating to Houses in Multiple Occupation report 19.10.16 and the National Planning Policy Framework and Planning Practice Guidance (CLG 2014). Standards for Houses in Multiple Occupation' produced by the CIEH Sussex Housing Group is also relevant.

### ***Principle of Extending the properties to create an HMO of this scale***

There are no development plan policies directly governing provision of HMO accommodation. Government planning policy is set out in the National Planning Policy Framework (NPPF). Paragraph 50 seeks to "deliver a wide choice of high quality homes, widen opportunities for homeownership and create sustainable, inclusive and mixed communities..." The NPPF also states that local planning authorities should "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

The adopted Development Plan for Worthing is the Core Strategy (2011). Although the Core Strategy does not include any specific policies relating to HMOs the following policies are of relevance: Policy 8 -Getting the right mix of homes -this policy seeks to ensure that a wide choice of high quality homes are delivered to meet the needs of the community and Policy 16 - Built Environment and Design - this policy seeks to ensure that new development is of high quality. These, and other policies in the Core Strategy, are also supported by the Guide to Residential Development Supplementary Planning Document (2013). However, it should again be noted that this SPD does not specifically address any issues relating to HMOs.

*Standards for Houses in Multiple Occupation'* produced by the CIEH Sussex Housing Group is a useful benchmark for assessing what constitutes a high quality home in respect of HMOs and compliance with Core Strategy Policy 8.

In October last year Planning Policy produced a report on the subject of HMO's which concluded that there was no need, at this time, to create a specific HMO policy. An over concentration of HMO's was not identified in the borough as a whole, any particular ward or in and around Worthing Town Centre.

The policy report did identify that there is greater pressure for more HMO accommodation and that the planning system has an important role to play in meeting this growing need whilst protecting and enhancing the local area. Houses in Multiple Occupation (HMOs) are recognised as a valuable source of low cost accommodation for a number of sections of society including students, temporary workers, those on low incomes and/or benefit and young professionals. They play a particularly key role in the context of housing affordability, where open market housing is increasingly unaffordable and, following changes to the housing benefit system, this form of accommodation is often the only option available for specific parts of the housing market.

Whilst HMOs are an important type of housing, poorly designed and managed HMOs can lead to problems both for the occupants and for neighbours due to the large number of people living in high density housing. HMOs can have high concentrations of more vulnerable and transient young people and this can, in itself, raise concerns for existing communities.

There has been an HMO on this site since approximately 2008, firstly in No. 2 and the link building and then extending into No. 4 also with a small flat-let for a resident manager retained at 4. The 2014 permission for this site resulted in the permanent provision of a high density HMO, unprecedented on this scale in Worthing in recent times with the possible exception of Greena Court on Shelley Road.

There are no reports of complaints associated with this site from neighbours or the police.

It is not known exactly how the building has been used since the 2014 permission or the intensity of the use. It is believed that the current applicant, Bravo Properties, took ownership of the building in late November 2016. Again numbers of recent occupants is unclear.

The supporting statement with this application does not provide any background information on Bravo Properties and their track record in the management of HMOs. The application is not accompanied by any management plan, though it does refer to the acceptability of imposing one by condition. Manager's accommodation is once again shown within the ground floor.

The future management of HMOs has been a key consideration in the past by the Planning Committee when assessing applications for new HMOs. The quality of the management of HMOs is seen as essential to their effective and neighbourly running.

The HMO approved under the terms of the 2011 permission had 25 bed sitting rooms and a manager's flat. Members may recall that the need for an on-site manager, and therefore, manager's flat, was removed with the 2014 permission, along with the temporary and personal conditions. Occupancy rates were not identified at the time but not all of these 25 rooms are doubles. At least 3 of them, possibly more, are single rooms. This gives a maximum occupancy rate of approximately 47 persons.

The proposed application, with 12 additional rooms, is more explicit in terms of capacity. It shows 12 en-suite double rooms on the ground floor and a manager's flat, 15 en-suite double rooms on the first floor and on the new second floor 4 doubles and 6 single rooms. Bathroom and kitchen facilities are shared on the second floor. This gives a maximum on site occupancy rate of 68 persons and a manager's flat.

This is a considerable increase in capacity. This would be the largest HMO in Worthing. The good management of such a sizeable HMO will be critical to how it co exists with its neighbours. The absence of this information with this application is concerning and it would have been far preferred to have seen it set out as part of the submission. However, it is possible to leave this to condition.

The Housing Team within Environmental Health have raised concerns in relation to *Standards for Houses in Multiple Occupation* about the quality of the layout shown and the provision of facilities shown. Several rooms are shown as being above, below or next to a kitchen and this is identified as a potential source of noise nuisance to occupiers. The second floor kitchen is also identified as possibly not being of adequate size or adequately resourced to meet the needs of so many occupants.

Further, they raise the issue of whether the new accommodation on the second floor meets minimum floor areas of 6.5 sqm and 10.5 sqm. Where rooms less than 10.5sqm are proposed a separate living room is required under housing legislation. No such living room is shown to be provided. Advice is that the room sizes at second floor cause concern and '*increase the likelihood of a hazard arising under crowding and space.*'

It has not been demonstrated that the new accommodation proposed will provide the quality of accommodation expected to meet the needs of future occupiers and required to avoid issues of overcrowding and potential anti-social behaviour as a result. It is therefore in conflict with policy 8 of the Core Strategy and the NPPF.



Concerns are underlined by the absence of a management plan and any reassurance provided over the applicant's track record in HMO provision and management.

### ***Design and Streetscene***

Policy 16 of the Core Strategy looks to new development *'to display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. The preamble supports the need for development to 'complement or improve local character'. Good design will be seen to encompass 'architectural design; form; height; massing; scale; proportions; siting; layout; density; orientation; prospect; materials and detailing. Good design will incorporate all of these things and collectively contribute towards an overall improvement in the quality of the living environment.'*

Para 64 of the National Planning Policy Framework states that: 'permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area'.

It is proposed to demolish an unsightly flat roofed two storey addition in the south east corner of No. 2 and to rebuild a two storey rear extension in this general position adjoining Nursery Lane. It is further proposed to remove the existing roof over the two buildings and the link extension and to replace it with a roof with a steeper pitch and with dormer windows in all roof slopes of two different sizes. A new gable roof is proposed over a further existing flat roofed rear addition. All these extensions are necessary to facilitate the provision of a new second floor and 12 additional HMO rooms.

The existing villas have shallow pitched roofs and are linked by an extension with a shallower mock pitched roof. This roof form is typical of the original villas in the area. The buildings have prominent double height bays with decorative pitched roofs. Because of the stagger in the original building lines of the two villas and the subordinate form of the roof of the link extension the scale and form of the two original houses remain apparent.

It is proposed to increase the ridge height by 1.5 metres and run a continuous ridge line at this height across the buildings. Five dormers are shown on the front elevation, one on the south elevation (not shown on the front elevation), two on the north elevations and two on the eastern (rear) elevation.

The increase in ridge height and the long continuous ridge line proposed across both buildings would be harmful to their appearance and would degrade their original distinct forms in a way that the subordinate link has avoided. The new roof would not be in keeping with the roof form of the other original villas in the area.

Also proposed are 10 dormers of two different sizes. The addition of so many dormer windows would further bulk out the roof and give the building a clumsy top heavy appearance.

The dormers themselves are poorly designed with the larger of the two designs being particularly unsuccessful. They do not have the scale, form or design integrity

of the dormers added to the new building at 36 Wordsworth Road or to the building to the rear of the site on Nursery Road and are not sensitive to the character of the original villas. The larger dormers are overly wide and overly tall. Their position in the roof extending directly off the ridge line and their depth is incongruous. The dormers proposed for the side hips (x3) further extend the ridgeline and add increased bulk to the roof.

The scale, form, mass and detailed design of the extensions proposed at roof level do not *'respond positively to the important aspects of local character'* and *nor do they 'complement or improve local character'*. They will not improve the quality of the living environment.'

The loss of the original roofs to the prominent front bays further degrades the appearance of the buildings.

The proposals at roof level are therefore contrary to Core Strategy policy 16 and the National Planning Policy Framework, harmful to the appearance of and character of the property and, given the importance and prominence of the properties in the streetscene, detrimental to the character of the area.

The principle of the replacement and squaring off of the rear addition is not in itself objectionable. The addition of a pitched roof to the deeper flat roofed rear extension would also improve the appearance of the rear elevation though the gabled form of this extension is considered to be intimidating in its relationship with the site behind.

### ***Neighbour amenity***

The new rear extension to No. 2 is sufficiently removed from neighbouring properties not to be directly harmful to neighbour amenity.

However, the new higher roof and the rear gable addition are in very close proximity to the diminutive building behind in Nursery Lane. This building provides assisted living to residents and has habitable room windows in its side wall. It is considered that the increased bulk and mass at roof level, including the new gabled roof on the existing rear extension, will result in an oppressive sense of enclosure for residents of No. 8 Nursery Lane harmful to their living conditions. The proposed Juliet in the new gable will also result in an increase in overlooking.

That said, the rear dormers and other rear Juliet balconies look over the front parking area of No. 8 Nursery Lane and down the Lane itself. They will be visible from the rear of properties in Rowlands Road but at either some distance or at an oblique angle.

The front dormers proposed look over Southey Road and are a considerable distance from the flats across the road. The north facing dormer in No. 2 will look over the main front garden area of the site and is some distance from 6 Southey Road. The north dormer in No. 4 will look obliquely towards secondary habitable room windows, a bathroom window and a kitchen window in No. 6. This is not an unacceptable relationship and there is already a first floor habitable room on site facing these windows, without objection.

The south side dormer window will look towards habitable room windows in the rear of 36 Wordsworth Road and in the rear of the house at 56 Rowlands Road, as will a new first floor kitchen window. It would be possible to fix and obscurely glaze the lower pane of the kitchen window for privacy purposes but this is unlikely to be acceptable at second floor level for means of escape purposes. Therefore the south side dormer will also increase the perception of overlooking for residents of these two properties.

### ***Parking***

Four additional parking spaces are proposed in the front garden. These are created by hard surfacing a central lawn area. This leaves the south west corner front garden area for amenity use and a small rear garden for clothes drying etc. The Highway Authority is satisfied that a total of 14 spaces for an HMO of this size is adequate in this sustainable edge of town centre location. Motor cycle parking, cycle parking and refuse storage are again shown off of Nursery Lane but with some additional cycle parking in the frontage.

### ***Drainage***

As the front garden is being dug up to create additional car parking the Council's drainage engineer sees no reason why a sustainable drainage scheme to deal with surface water from the site cannot be introduced in this area. This is something that could be secured by condition.

### ***Conclusion***

Well managed and well-designed Houses in Multiple Occupation provide a valuable contribution to the housing offer of Worthing. However, this need does not override the requirement for new development to be well designed and to complement or enhance the appearance of an area.

### **Recommendation**

**REFUSE** for the following reasons:

1. The scale, form, mass and detailed design of the roof extensions proposed are unsympathetic to the character of the original villas and would give the buildings a top heavy appearance which would be harmful to their appearance and that of the wider area contrary to saved local plan policies H16 and H18, Core Strategy policy 16 and the National Planning Policy Framework.
2. The bulk and mass of the roof extensions proposed and their proximity to the boundary with No. 8 Nursery Lane would result in an oppressive sense of enclosure for adjoining residents and the south side dormer would also increase overlooking for residents of 36 Wordsworth Road and 56 Rowlands Road, harmful to living conditions. The proposal is therefore contrary to saved local plan policies H16 and H18, Core Strategy policy 16 and the National Planning Policy Framework.
3. The applicant has failed to demonstrate the resulting accommodation would be of a high standard in relation to the kitchen facilities and additional living

accommodation for the occupiers of the second floor, contrary to policy 8 of the Core Strategy and the National Planning Policy Framework.

**Application Number: AWDM/1814/16**

**Recommendation – APPROVE**

**Site: Worthing & District Society of Model Engineers Field Place  
The Boulevard**

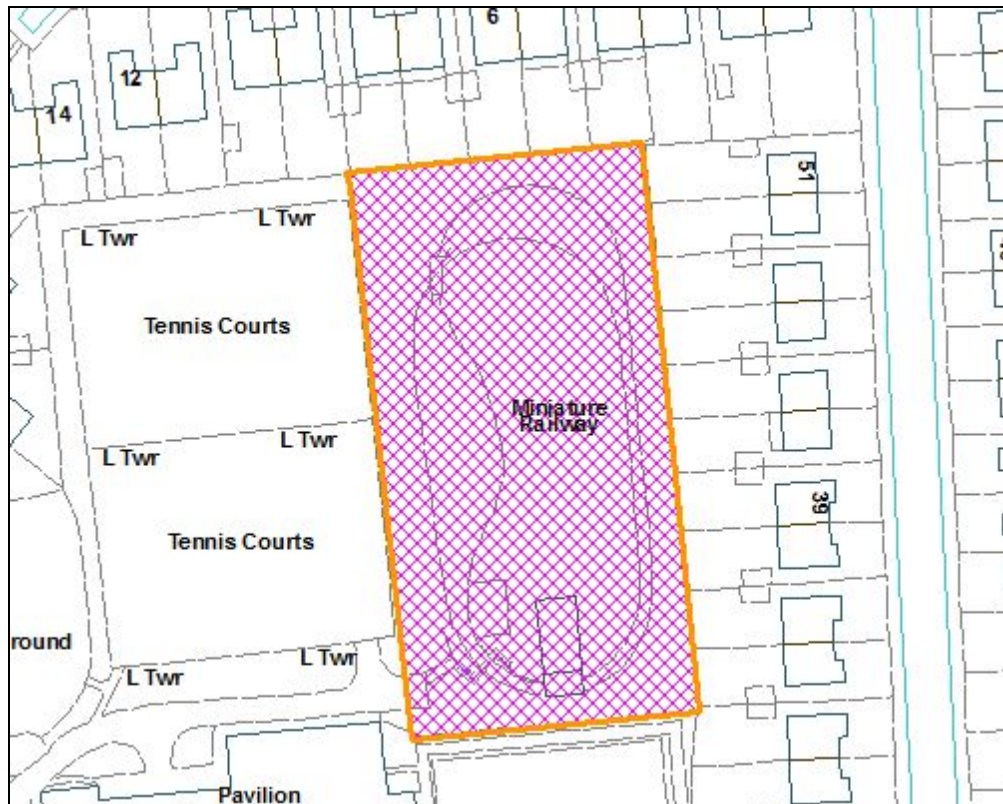
**Proposal: Construction of extension to clubhouse, addition of model railway technical machinery (steaming bay and head shunt) and retrospective application for Victorian gas lamp post.**

**Applicant: Worthing & District Society of  
Model Engineers**

**Ward: Castle**

**Case Officer: Matthew Porter**

**Officer:**



**Not to Scale**

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

The proposal relates to the miniature railway at Field Place. It involves an extension to the clubhouse building, together with a new short section of track (to allow for the trains to be prepared for hauling) as well as the retention of a restored Victorian gas lamp post.

The clubhouse extension is to provide a disabled toilet. It would measure 3.5 metres in width, 5.6 metres in length, and 4.4 metres in height. Its exterior materials and finishes would match the existing clubhouse.

The 'Pavilion' barn and its outbuildings to the south-west of the miniature railway is a Grade II Listed Building. Worthing Borough Council is the freeholder.

### **Relevant Planning History**

AWDM/0628/11

Proposed store building for passenger cars of miniature railway, including a new hinged section of rail

Approved Conditionally 14-12-2011

WB/07/1220/FULL

Concrete footpath between the entrance to the footbridge and the paved area outside the clubhouse, in order to provide wheelchair and disabled access to the clubhouse.

Approved Conditionally 12-12-2007

99/00127/FULL

Single-storey pitched roof extension to the east elevation of the existing miniature railway building and provision of additional railway bays together with paved area between station house and track

Approved Conditionally 06-04-1999

### **Consultations**

None

**Representations (summarised):** Support from Councillor Proudfoot: *Addition of a disabled toilet is most welcome. Brilliant to see much loved group in the community is adding disabled toilet to allow disabled people to more easily use the fantastic Worthing and District SME site. Has my full support.*

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

Worthing Core Strategies Policies 11, 16

Saved Worthing Local Plan policies H18, RES7

The National Planning Policy Framework

### **Relevant Legislation**

The Council, in determining the planning application has the following main statutory duties to perform: to have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and other material considerations (Section 70(2) Town & Country Planning Act 1990) and to determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

## **Planning Assessment**

### ***Principle***

National and local plan policies support the principle of upgrading and enhancement of existing leisure and tourist related facilities in the borough.

### ***Character and appearance and setting of Listed Building***

The extension in terms of its scale, form and external materials and finishes, including its matching roof shape, would be sympathetic to the existing clubhouse building.

The Victorian gas lamp is a fine example of restoration efforts by the train enthusiasts. The new section of track is well integrated with the existing track and rail apparatus.

Because all three elements would be relatively unobtrusive and very much in keeping with the existing character and appearance of the immediate area it would not have a detrimental impact upon the setting of the adjacent 'Pavilion' Listed Building.

The statutory test related to the avoiding harm to the setting of the Listed Building has therefore been satisfied.

### ***Neighbours***

All three new elements are to southwest of the site near to the Pavilion building, and so well away from neighbouring buildings.

This separation distance is sufficient to avoid any adverse harm onto the living conditions of occupiers - including by way of noise and disturbance.

## **Recommendation**

### **APPROVE**

Subject to:-

1. Approved Plans
2. Standard time limit
3. Exterior materials and finishes of extension to match existing clubhouse





**Application Number: AWDM/1273/16**

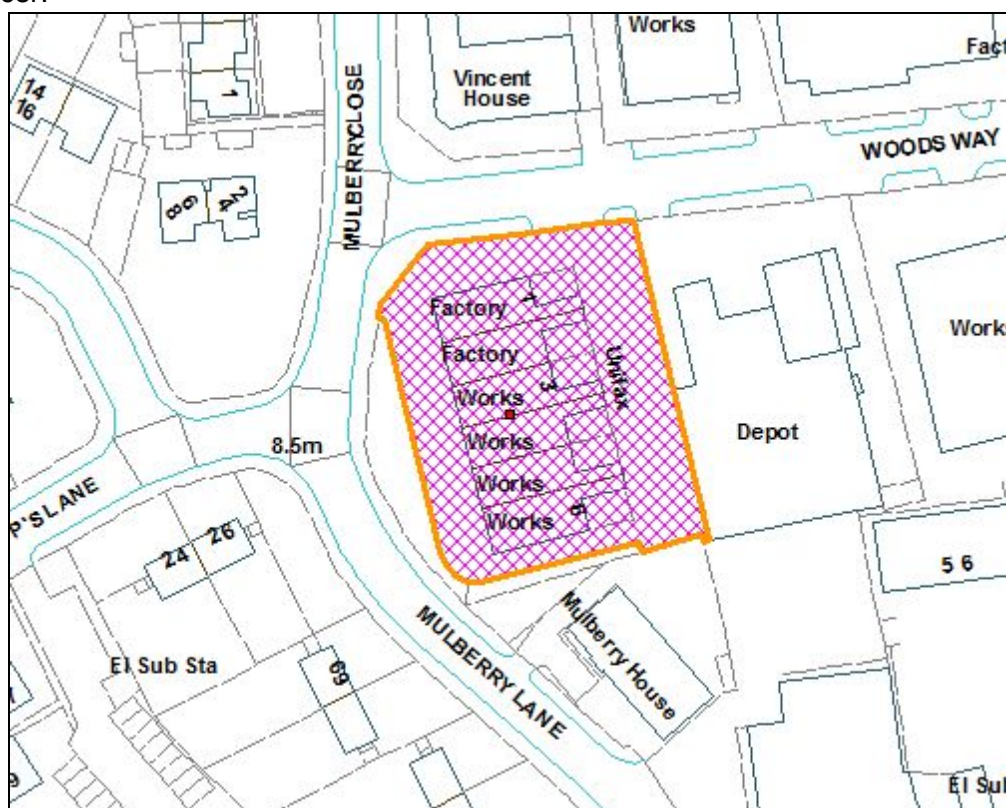
**Recommendation – APPROVE**

**Site: Unifax Woods Way Worthing**

**Proposal: Application to vary conditions 3, 6, 7 and 8 of previous planning approval AWDM/0128/13 (new hard standing at front to provide additional parking to be enclosed by fence and hedge and new bulk bag stores, timber storage on racks and cantilever racking at rear)**

Applicant: Mr C Harris  
Case: Matthew Porter  
Officer:

Ward: Goring



**Not to Scale**

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

The proposal is to vary conditions of the planning permission for the Builders Merchants, reflecting the changing needs of the business.

This involves new hard standing at the front for additional parking to be enclosed by 1.8 metre high palisade fence and a hedge, and the introduction of external storage (bulk bag storage and timber storage on racks and cantilever racking at the rear). The cantilever racking will measure 5 metres in height from ground level with a length of 2.8 metres.

The application property is an industrial unit occupied by a Builders Merchants on

the outer edge of a business park, in an outer suburb of Worthing. Residential properties are opposite.

Worthing Borough Council is the freeholder.

### **Relevant Planning History**

AWDM/0128/13

Change of use from Use Class B1, B2 and B8 to use as Builders Merchants, Use Class 'Sui Generis' with both retail and trade counters

Approved Conditionally 01/03/2013

### **Consultations**

West Sussex County Council as Highway Authority: *It is proposed to increase the supply of overspill car parking provision within the site but paving the area adjacent to the existing parking provision. The LHA raises no objection to this variation.*

Adur & Worthing Councils Parks and Estates: *have quotations for supply of plants, but have not included any labour costs at this stage. Alternative species which will be both cheaper to plant and maintain. Limit the maintenance height to about 5ft as compared with the applicant's proposed fence which will be 2m high. My recommendation would be to plant the whole hedge with Berberis Stenophylla, dotting few Julianae throughout, which would be cheaper to plant and maintain. Would however limit maintenance height to 5ft to allow simple maintenance throughout the year - allowing hedge to grow higher would increase maintenance cost through need to use climbing stands etc for pruning.*

### **Representations**

None

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

Worthing Core Strategies Policies 3, 4, 16, 19

Saved Worthing Local Plan policies H18, RES7, TR9

The National Planning Policy Framework

### **Relevant Legislation**

The Council, in determining the planning application has the following main statutory duties to perform: to have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and other material considerations (Section 70(2) Town & Country Planning Act 1990) and to determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

### **Planning Assessment**

#### ***Principle***

The new outside storage reflects changing business needs. The parking at the front

is to accommodate parking at the rear displaced by the new outside storage.

The fence is required to secure the site (there have been instances of trespass). The hedge will eventually grow to screen the fence and activity at the front of the unit.

Upgrading the site in such a way to serve the commercial occupier is not resisted in principle.

### ***Character and appearance***

The new outdoor storage would be positioned mostly at the rear of the site, and seen against the background of the existing business park.

The industrial unit is elevated from Mulberry Lane. This means the fence and parking would be more visible in the residential edge of the business park. However the hedge proposed will eventually grow to screen these.

### ***Neighbours and adjoining land uses***

There are no changes to operating hours etc.

Some additional noise and disturbance would occur from the new parking in front of the industrial unit.

However when viewed against the backdrop of existing activity from the current occupier and the wider business park, the severity of any increased activity would not be result in harm to neighbour amenity. The properties are opposite the site rather than sharing a boundary.

### ***Access and highways***

The highway authority has not raised issue with the proposal, including the suggested parking provision, vehicle turning and manoeuvring on site and safe access in and out of it (the palisade fence allows for sufficient visibility at the point of access).

### **Recommendation**

#### **APPROVE**

Subject to:-

1. Approved Plans
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. Within the first planting season following the completion of the fence, the planting of the hedging shall be carried out in accordance with the approved plans. Any plants which within a period of 5 years from the installation of the fence die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.

4. The parking spaces hereby approved shall not be used unless and until all vehicular access and circulation space and parking spaces have been provided. The areas of land so provided shall not thereafter be used for any purpose other than vehicular access and circulation and parking incidental to the use of the premises concerned.

Reason: In the interests of highway safety and to retain adequate off-street parking space and to comply with Worthing Core Strategy Policy 19 and saved policies RES7 and TR9 of the Worthing Local Plan

5. No working, trade or business whatsoever (including arrival, reception or dispatch of deliveries) shall take place on the site except between the hours of 7.30 am and 5.00 pm of the same day, Monday to Saturday nor at any time on Sundays or Bank/Public Holidays.

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

6. The extent of the ancillary shop (retail) area and trade counter shall be limited to the area shown on drawing number 1082/002 approved under planning permission AWDM/0128/13.

Reason: In the interests of safeguarding employment floor space having regard to Worthing Core Strategy Policy 4 and to retain adequate off-street parking space and comply with saved policies RES7 and TR9 of the Worthing Local Plan.

7. No raw materials, finished or unfinished products or parts, crates, packing materials, nor any other items shall be stacked, stored or displayed on the site except within the buildings or storage areas shown on the approved plans.

Reason: In the interests of amenity and highway safety having regard to saved policies RES7 and H18 of the Worthing Local Plan.

8. No external working shall take place on the site except external activities associated with the outside storage.

Reason: In the interests of amenity and to retain adequate off-street parking space and to comply with saved policies RES7 and TR9 of the Worthing Local Plan.

9. No goods loading and unloading shall take place on site except at the rear of the building in the area as demarked on the plans approved under planning permission AWDM/0128/13.

Reason: In the interests of amenity and the environment and to retain adequate off-street parking space to comply with saved policies TR9, RES7 and H18 of the Worthing Local Plan

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the building shall not be extended or altered externally or any incidental building erected on the site.

Reason: In the interests of amenity and the environment and to comply with saved policies RES7 and H18 of the Worthing Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external plant or machinery shall be installed, erected or replaced on the application site.

Reason: In the interests of amenity and the environment and to comply with saved policies RES7 and H18 of the Worthing Local Plan.

12. All HGV deliveries to the site shall be supervised with a banksman (reversing assistant) at all times.

Reason: In the interests of amenity and the environment and to avoid the potential for a danger to highway safety to arise and to comply with saved policies RES7 and H18 of the Worthing Local Plan.

13. All site vehicles shall operate with White Sound Reversing alarms (bbs-tek) unless agreed otherwise in writing by the Local Planning Authority

Reason: In the interests of amenity and the environment and to comply with saved policies RES7 and H18 of the Worthing Local Plan.

## **INFORMATIVE**

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

*example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.*

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.