



WORTHING BOROUGH COUNCIL

6 June 2017

Worthing Planning Committee

Date: 15 June 2017

Time: 6:30pm

Venue: Gordon Room, Stoke Abbott Road, Worthing

Committee Membership: Councillors Paul Yallop (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, Joshua High, Hazel Thorpe, Clive Roberts and Paul Westover.

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 before noon on Wednesday 14 June 2017.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage 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 Thursday 27 April 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 Unit 9 Ivy Arch Road
- 5.3 19 Farncombe Road
- 5.5 1-3 Warwick Street

- 5.2 7 The Steyne
- 5.4 Unit 3-4 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Part B - Not for publication - Exempt Information Reports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).

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

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



**WORTHING BOROUGH
C O U N C I L**

**Planning Committee
15 June 2017**

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0084/17

Recommendation – APPROVE

Site: Unit 9 Ivy Arch Road, Worthing

Proposal: Continued use of rooms 4, 5, 6, 7, 8, 9 and 10 as music rehearsal/recording studios plus new reception area. Revised Description.

2

Application Number: AWDM/0063/17

Recommendation – Approve subject to legal agreement

Site: 7 The Steyne Worthing West Sussex

Proposal: Conversion of No.7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bedroom maisonette (and allied alterations) and erection of infill building to provide 3 no. three bedroom apartments and 3 no. two bedroom apartments with 8 parking spaces at ground floor level

Application Number: AWDM/0064/17

Recommendation – APPROVE

Site: 7 The Steyne Worthing West Sussex

Proposal: Listed Building Consent for Conversion of No.7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bedroom maisonette (and allied alterations) and erection of infill building to provide 3 no. three bedroom apartments and 3 no. two bedroom apartments with 8 parking spaces at ground floor level

3

Application Number: AWDM/0365/17

Recommendation – APPROVE

Site: 19 Farncombe Road, Worthing

Proposal: Part two storey, part single storey rear extension and conversion of office building to form 4 no. two bedroom flats with rear first floor balconies

4

Application Number: AWDM/0193/17

Recommendation – REFUSE

Site: Unit 3-4 Northbrook Trading Estate 20 Northbrook Road Worthing

Proposal: Retrospective application for change of use from Use Class B1 to use Class D1 for hall/exhibition hire and office space (not gym)

5

Application Number: AWDM/0425/17

Recommendation – APPROVE

Site: 1-3 Warwick Street, Worthing, West Sussex

Proposal: Installation of various replacement non-illuminated and internally illuminated fascia and hanging signs

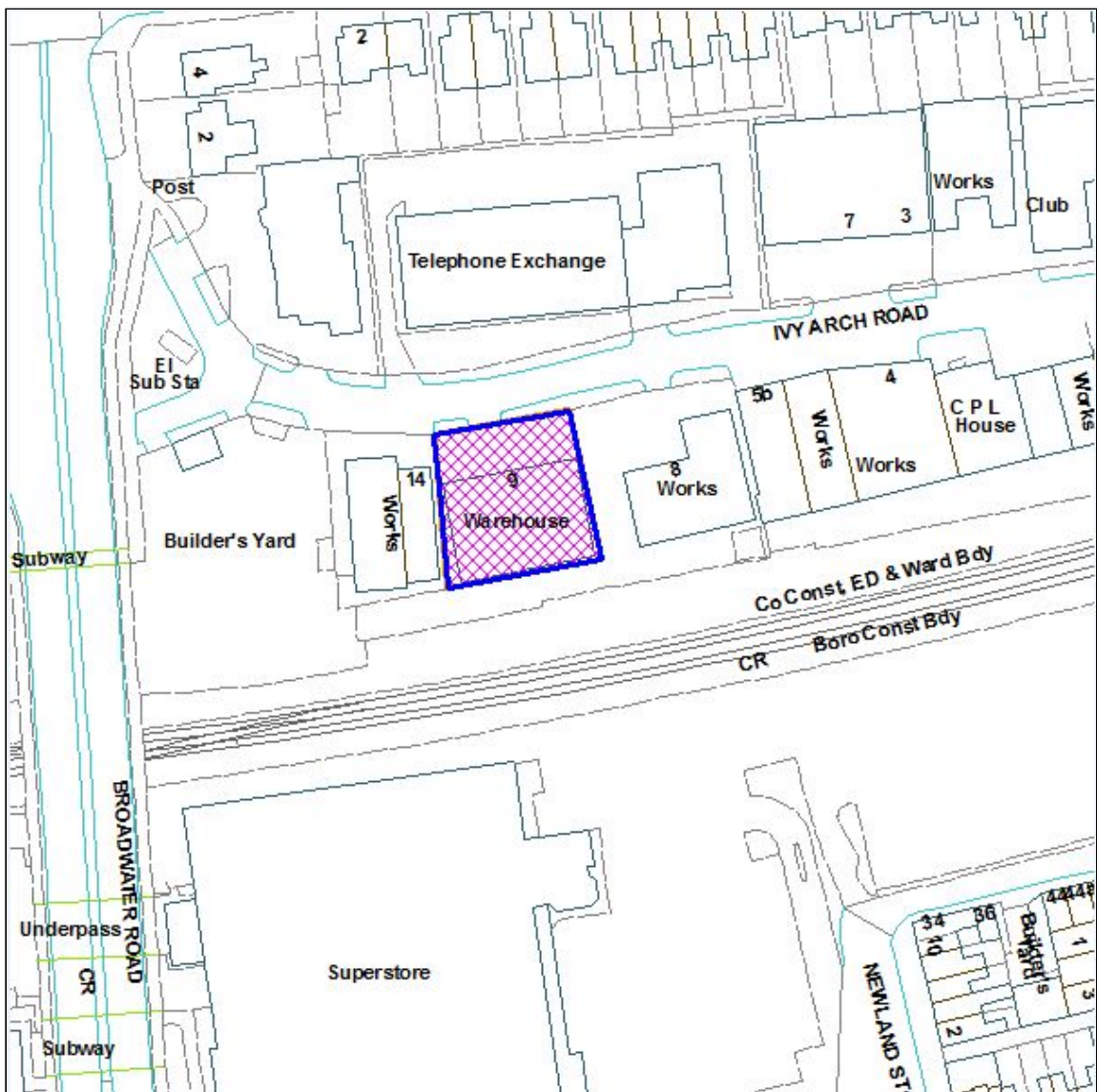
Application Number: **AWDM/0084/17** Recommendation – **APPROVE**

Site: **Unit 9 Ivy Arch Road, Worthing**

Proposal: **Continued use of rooms 4, 5, 6, 7, 8, 9 and 10 as music rehearsal/recording studios plus new reception area. Revised Description.**

Applicant: Mr. A Ladd
Case M. O’Keeffe
Officer:

Ward: Gaisford



Not to Scale

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This application was deferred from the March meeting to seek further information from the applicant regarding demand for such rehearsal space and why he has located in Unit 9, the provision of marketing information and a formal consultation response from Place and Investment.

Site and Surroundings

This application relates to a detached two storey part light industrial unit, part dance studio on the south side of Ivy Arch Road in the designated industrial estate, on the fringe of the town centre. The site is close to the western end of Ivy Arch Road and close to the pedestrian underpass to Broadwater Road. Either side of the unit is industrial units owned by Gardener and Scardifeld Builder's Merchants. The railway runs along the back of the site. There are some other non-industrial uses in this relatively small and central industrial estate including the Islamic Centre, Worthing Boys Club, the Rehearsal Rooms at No. 5B and Feba radio station, though the area still remains predominantly commercial.

Unit 9 has two floors and a total floorspace of approximately 770 sq. metres. In 2006 planning permission was granted for the use of part of the ground floor and the creation of a first floor mezzanine for use as dance studio space at the western end of the building. This space was arranged as a large dance studio at ground floor with changing rooms and an office and two further dance studios in the mezzanine level. In 2007 a fourth dance studio was created at first floor level, without planning permission, with the conversion of a further 50 sqm of industrial floorspace. The dance studio accounts for approximately 40% of the overall space. Nicola Miles Dance Company occupied the dance studio with Southern Shopfitting and Interiors (SSI) occupying the industrial space with ancillary offices at first floor level. Other first floor office space is and continues to be sublet.

In 2008 Northbrook College began sharing the dance studio space with Nicola Miles for dance classes with the college using the space between 9am and 4.30pm and Nicola Miles using it in the evenings.

Over the summer of 2012 alterations were made to the building to create two further performance studios at ground floor, two small individual practice rooms at first floor, a computer suite at first floor and dedicated office floorspace, all for use exclusively by Northbrook College. This space was created to provide a combined Music, Performance and Theatre satellite department to Northbrook's main sites at Broadwater and West Durrington for a temporary period whilst their new performance floorspace was built at West Durrington. In 2012 Committee resolved to grant planning permission for this temporary use, personal to Northbrook College, subject to a legal agreement. The legal agreement was never signed. Northbrook vacated the site in April 2016.

SSI premises remains on site, centrally positioned at ground floor between the dance studio space and music rehearsal rooms. They share the office space at first floor with other occupiers. However, SSI are no longer trading and the owner is hoping to let this floorspace.

Proposal

Last summer Mr Steve Gardner took over both the dance studio space and Northbrook rehearsal room/I.T space and opened Dance House and Sound House studios respectively in October 2016. He has invested in acoustic upgrades of most

of the rehearsal space. He reports he was unaware that the music rehearsal space did not have a full, general planning permission.

Mr Ladd, the site owner, is seeking planning permission on behalf of Mr Gardner for his continued use of all rooms previously occupied by Northbrook College for music rehearsal/recording purposes. The dance studio space continues to be used for dance studio purposes in accordance with the terms of the 2006 permission, WB/06/0892/FULL refers, though Nicola Miles is no longer on site. The application has been revised since first submitted and since your March meeting to reflect the fact that music is also now recorded on site. Recording studios are a B1 use. Had Mr Gardner only been recording music on site no planning permission would be needed. However, his use is a mixed use B1/D2 recording and rehearsal space and so planning is required.

The following statements have been received since the deferral from the March meeting.

Applicant's Supporting Statement – received 4/4/17

The premises have been marketed via Michael Jones Estate Agents and several people have been shown around the premises.

One company wanted to store chemical, to mix and prepare fertilizers, in part but did not require the office space. This use was not considered conducive to the use of the remainder of the premises. This would also require yet another planning application, together with extensive modifications to the existing structure and this was not followed up.

Another company wanted to use the premises for the storage of charity furniture but decided the premises were not large enough.

One company inspected the premises, with a view to convert caravans into trailers. They also decided the premises were too small and offered other excuses.

Yet another company, Shoe Importers, became interested as a storage facility but they required offices on the ground floor, plus independent toilet facilities, with a six monthly rolling contract. This was not considered feasible.

A further company was interested in the production of packaged foods but their investor considered the necessary hygiene works required would be too costly to achieve. They decided to take a starter unit elsewhere in Worthing.

A glass etching business was originally interested but did not follow up their enquiry.

Mr Gardner, who runs the Sound Studios did consider other premises before this one but the fact that Unit 9 had already been used for music rehearsal rooms, with considerable soundproofing already carried out, to achieve this existing use, proved a considerable factor in choosing these premises. Thus not requiring a complete, fresh start up costing. Also there was/are more than adequate parking spaces available together with there being existing transport facilities very close to

the premises both buses and trains.

The only reduction in industrial space resulting from this application amounts to some 20%, still leaving an industrial area of 25% of the overall building, together with an office usage of 16%, please also bear in mind that the existing dance studio amount to 38% of this building.

Although Ivy Arch Road is designated for industrial uses there are already several no industrial uses here, such as: The dance studios at the west end of 9 Ivy Arch Road, Worthing Boys Club, The Mosque for religious meetings etc., further recording/rehearsal studios plus offices only at unit 6. Thus there is already a considerable intrusion into the designated industrial use in Ivy Arch Road.

Mr Gardener's statements received 4/4/17

'Further to your recent email and our meeting last week, please find below some of the additional information you require. Gordon Dixon will respond separately on matters relating to the landlords attempts to let the property prior to my occupation

Firstly, and in relation to the change of use, I didn't realise at all that change of use would or may be required until the council bought this to my attention after receiving a complaint from our competition. I didn't intentionally start the recording and rehearsal business knowing that the premises did not have the appropriate permissions for these activities. At the time, I naively assumed that with the premises being used by the college for 3/4 years for music training and rehearsal, the correct permissions were already in place. Since then, we have done everything we can to comply and in fact, we believe that the use we require is B1 (music recording studio (B1) with ancillary rehearsal facilities). I understand there were some discussions last week on this with the landlord and the council is investigating the actual permission's currently in place.

*Since the start of trading in October 2016, we have seen a huge demand for our services with over **500 artists** and musicians from both the local area, and outside using our facilities. We have a **95% re-book rate** and are already at 100% capacity during our peak times with **bookings through to June 2017 and beyond.***

The following are some of the reasons, I believe, we have seen such an immediate and continuing demand in our facilities:

- **High quality product and customer service.** *All the rooms we have invested in so far within the building have seen significant enhancements and improvements. All now have recording facilities based on customer demand, enhanced soundproofing and sound dampening (ceilings, walls, floors), high quality equipment and PA systems. Customer feedback on the rooms has been 100% positive with not one single complaint from either users of the facility or local residents. The business has been founded and is run by a management team with a love of music and with 35 years corporate experience who apply the key principles of high quality product, processes and customer experience.*

- **Lack of good quality recording and rehearsal facilities in the local area to support a vibrant arts and music culture in the town.** *One studio (Marmalade) has recently closed in the town and there are very few facilities, especially west of Worthing through to Portsmouth for musicians and artists to use. In addition to high local usage,*

we have seen significant use of our facilities from clients based in Littlehampton, Chichester and beyond as well as clients from Horsham, Shoreham and Brighton etc.

- **Music facilities for all.** *Our studios and services are aimed at all groups and demographics. On a weekly basis, our facilities are used by students on music courses (due to a shortage of facilities at the colleges), elderly music/singing and wellbeing groups and we also have bands that are on the verge of big things with recording contracts and record deals. High Tyde for example, a Worthing band, have based their pre tour production at our studios and have recently signed an international recording contract.*

- **Demand for affordable recording for bands and individuals alike.** *As a result of increasing demand, all our rooms are now able to record and produce demos, show reels, voiceovers etc. The conversion of additional rooms will now focus on recording and providing much needed facilities for young artists and bands alike to produce affordable marketing and demo material for social media and audition activities. We are also partnering with local businesses such as EQ Audio to further enhance our recording facilities.*

- **Our reputation in the town has grown quickly.** *As a result, we have been contacted by a number of local charities and events to support their activities which we are in the process of doing. We have also been asked by Northbrook College to provide much needed internships to students, all of which is being discussed and progressed.*

Finally, when forming the business plan for Sound House Studios, a key consideration was the cost of the initial investment (start-up costs). The availability of the 9 Ivy Arch facility was the key driver in starting the business due to the fact that the layout of the rooms, and the fact that many of them had already had been created with music recording/rehearsal in mind for Northbrook College use. This made the start-up business viable. To create this from scratch elsewhere would have needed much greater investment and therefore would have made it far more expensive to get off the ground. Other premises were considered, but only briefly as nothing appeared suitable, or financially viable.

Part II

Since we started trading, I for one did not anticipate how busy we would be so quickly. The volume of people and acts coming through our studios has meant that increasingly, we are getting asked about recording which is why I have formed the initial partnership with EQ Audio to address the immediate need. I have also now upgraded the desks in each room to record quick and cost effective sessions for bands when they are here as required as part of a shift towards recording, albeit with straightforward rehearsals space as well. And, as you mention, as soon as this planning issue is resolved, I plan to immediately build a recording room in the main area downstairs and employ full time sound engineer/s to offer full recording facilities as there is very little else around in West Sussex that can provide what we potentially can.

Also, my meeting with the arts director at Northbrook College a few weeks back further convinced me of the need for affordable recording packages for students and young performing arts people to enable them to create show reels and audition marketing material to promote their talents. I was surprised to learn that even the college itself, with all its facilities was not able to do this for students. I subsequently conducted my own

research with the students, many of whom already use our dance facilities and it would seem that demand would be high for this type of thing which is why this would be the focus of additional rooms.

I hope this information helps clarify some of the issues raised and I look forward to hearing from you.'

Part III received 2/5/17

'Further to our conversation this morning, I can confirm that due to demand and my earlier comments below in previous emails, I will be investing further as soon as this planning issue is resolved to turn my studios into a fully equipped recording facility. The investment required to do this is between £10k to £15k which I have already and waiting. Installation of full recording studio facilities will begin as soon as this planning matter is cleared up. You will understand my reluctance to do this until this is resolved.

We also (already in place) have less sophisticated recording facilities in other rooms to provide cheaper, lower quality recording to clients on lower budgets. We will also be investing in an additional recording booth for student show reels and voice over recordings to be provided. Again, this is based on demand we are seeing.'

Part III received 23/5/17

'I've now had to employ 3 part time staff in the last few weeks as we are so busy and more staff will be required when we expand pending the application so there is more of an employment element than when we first spoke.'

Relevant Planning History

AWDM/0938/12 – Use of existing and additional floorspace as dance studio and IT training rooms (D1) for temporary 3-4 year period by Northbrook College and erection of open porch and ramped entrance. Committee resolved to Grant planning permission subject to a legal agreement 16.1.13

WB/06/0829 - Change of use of part of ground floor and first floors to a dance studio including internal alterations (Revision to WB/06/0512/FULL). Granted 6.10.06

WB/06/0512 – Construction of dormer roof extension to north and south elevations and change of use of part ground and first floors to a fitness and dance studio. Withdrawn 26.6.06

WB/95/0556 - Installation of additional fenestration to north and east elevations. Granted 25.9.95

WB/95/0233 - Amendment to condition 3 of planning consent WB/94/0720 dated 20.12.94 to permit 10 No. cars parked external of the building together with a cycle rack. Granted 23.5.95

WB/94/0720 - Change of use from general warehouse to use within use class B1.

Granted 20.12.94

Consultations

West Sussex County Council:

'The continued use of the rooms above as music rehearsal studios has been considered by WSCC as the Local Highway Authority. No objection is raised in principle however more information is requested by the LPA as such we raise no objection in principle subject to further information submitted once it is available for review.'

Subsequent No objection received.

The **Environmental Health** officer comments:

The application site is some 55m south of the nearest residential premises. There is no information on typical noise levels and insulation. Whilst the majority of the building is of brick construction there are a few weak points, particularly where windows are situated. In order to ensure that noise from music within the rehearsal rooms does not affect residential amenity I recommend the following.

- 1. All doors and windows are to be kept closed when the rehearsal rooms are in use (except for access and egress).*
- 2. Within 3 months from the date of this permission the windows on the first floor of the east elevation shall be sound insulated in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.*

Place and Investment Team:

'Ivy Arch Industrial Estate is the only mixed-use estate in Worthing and currently houses a range of industrial uses, along with a Boy's Club, Mosque, Dance Studio, Radio Studio, IT Recording Studio and Music Studio.

Unit 9 Ivy Arch Road currently houses a Dance Studio, an Industrial Workshop and the IT Recording Studio previously occupied by Northbrook College, as interim accommodation during their redevelopment plans.

This application seeks to convert the IT Recording Studio to a Music Recording Studio with ancillary rehearsal space.

The marketing evidence provided indicates that the mixed occupation of this unit is not conducive to industrial office use, due to the impact of the existing Dance Studio and that the space configuration is unsuitable for alternative industrial uses. Place & Investment are also unaware of any available Music Recording Studio space of this size in Worthing.

Place & Investment are therefore unable to raise an objection to this application, but recommend noise mitigation measures are implemented to prevent internal and external sound transfer.'

Representations

Two representations received from the owner of 5B, Ivy Arch Rehearsal Rooms summarized as follows:

1. Bleed. Noise can be heard from the building particularly on midweek days and Sundays after 7pm. We can hear it in our reception. Some rooms have windows.
2. Danger to users, ringing in ears. These rooms were not designed as rehearsal rooms; they were built as I.T./rehearsal rooms.
3. Northbrook College built I.T. rooms with temporary Council permission (D1) for a 3 year period while they were relocating the music department from Broadwater to Durrington. Northbrook completed their build and relocated about a year ago whereupon the unit reverted to warehouse (b1 industrial) permission. This was a temporary 3 year permission, personal to Northbrook students, the general public being barred. It was also stated that the use would cease at the end of the 3 year period as it was part of the Core strategy (reverting to B1 industrial).
4. There is little industrial traffic in the road after 7pm but both rehearsal studios can generate excessive traffic. As the new studios have few, if any, parking spaces, their customers are obliged to park in the road. Our studios generate enough traffic as it is, especially when the Celebration Samba come to rehearse. We have parking spaces at the rear and front and on a busy day could have 25 cars to deal with and leaves us with 10-15 cars parked in the road.

The new studios may generate 25 new cars parked in the road. There have been times when 35+ cars have been parked in the road. The new studios do direct customers to park in the ex-FEBA car park, but it doesn't reduce the traffic volume significantly.

5. I would suggest a solution to the bleed problem is to build rooms within rooms with a continuous 1 inch gap between walls and ceiling which, built with insulation filled sound board stud wall on a floating rubber padded floor, is similar to ours. I refer you to our permission documents 04/0109/FULL. We have not had complaints from neighbours or customers and nor can you hear our customers sounds from the street or room to room.
6. As a studio designer and sufferer of tinnitus I know that ringing in the ears is a pre-cursor to further aural problems. We had the environment (health) department assess our internal and external sound emissions while bands were rehearsing; you may consider doing the same there. I offer my advice freely to the new studio should they need it.
7. Further to the Planning meeting held on 22nd March, I offer any assistance you may need in your investigations.

Peter Devonport oversaw my application(s) WB/04/01089/FULL and visited the premises at 5b Ivy Arch Road (Ivy Arch Studios). As part of the application, I also had the premises monitored for excessive noise. You are

welcome at any time should you wish to re-visit or re-monitor our studio, particularly if you need a comparison between the two studios' noise emissions.

11 letters of support received, including 1 from the owner and 1 from the lessee, as well as from residents of Worthing, Lancing, Shoreham by Sea, Brighton, Reigate, East Preston, Burgess Hill and the Isle of Wight with comments such as:-

1. This is already a much needed and hugely supported music rehearsal facility in Worthing which provides state of the art facilities.
2. The Sound House is working with the local community to sponsor local festivals such as Hear and Now and the Worthing Churches Homeless Project Summer Busk.
3. They are working with Northbrook College to provide internships for students.
4. Start-up bands, bands with record contracts and numerous cover bands of all demographics have used it.
5. Best rehearsal facility for miles now, acoustically superb and would recommend to anyone.
6. A real buzz about the place.
7. A complementary addition to the area that will only enhance the towns growing reputation for education and connection to the music and arts scene.
8. A modern service sector enhancement providing employment, career opportunities, and day plus evening engagement in the town centre.
9. It would be proof of Worthing's continued forward focus on relevant new employers with added value investment and employment in an old building that was previously just storage. This should stimulate more commercial activity for the area than a benign store.
10. I have noted the objection on grounds of noise and parking. There is a main line station passing right by night and day so everybody in that area has that noise to deal with. Large office/industrial buildings opposite surely act as a barrier between Ivy Arch Road and the houses in King Edward Avenue.
11. Builders Merchants lorries are noisy in the day. In the evening the road/parking is much quieter and bands tend to van and car share.
12. Worthing needs to encourage new and exciting local projects like this.
13. In the future I hope Sound House adds recording facilities to enhance the local music offer.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 3, 4, 11, 16 and 19
Worthing Local Plan (WBC 2003) (saved policies): RES7 and TR9
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
West Sussex Parking Standards and Transport Contributions Methodology (WSSC 2003) National Planning Policy Framework (March 2012); Infrastructure Development Plan; and A commitment to culture - Adur & Worthing Cultural Strategy; Worthing Employment Land Review

Planning Assessment

Principle

The main issues for consideration are:-

- The principle of loss of business premises and impact on the operation of the remaining industrial space and nearby businesses on the industrial estate.
- Suitability for community use and community benefits
- Impact on access, parking, visual and neighbour amenity.

Principle of loss of business premises

The approved use of the application premises is mixed business use. In 1994 the entire unit was given permission for B1 (office /light industry) purposes. In 2006 part of the unit was converted to a dance studio (D1/sui generis), Nicola Miles Dance Studio. In 2008 Northbrook College began sharing the dance studio space with Nicola Miles and in 2012 the College began converting some of the industrial space into music rehearsal/performance and I.T space, approximately 235 sqm. This left SSI Shopfitters (B1 floorspace) at ground floor only with shared use of first floor office floorspace, also sublet to other office users.

At the time of the 2012 resolution to grant planning permission to Northbrook College Economic Development Officers raised real and legitimate concerns that the rationalisation of industrial space between community uses, would make the remaining industrial space more difficult to use operationally and as a result less attractive to alternative business occupiers. There is some sympathy for this view. At the time the applicant as an industrial occupier, contended that Northbrook's presence had not compromised his business use at all. Since this decision his business has ceased and the owner has tried to market the space occupied by SSI shopfitters for alternative business purposes, unsuccessfully.

The principal relevant Development Plan policy is Core Strategy Policy 4: Protecting Employment Opportunities. This safeguards existing employment areas with a specific list of key industrial estates and business parks that will be protected. This includes the Ivy Arch Road Industrial Estate. Employment uses are defined as B1 (light industry/offices), B2 (General industry), and B8 (storage/distribution). The justification for this policy is explained in the supporting text. It should be viewed in the context of Core Strategy Policy 3 which sets out the broader economic development strategy for the town. There is an identified need to provide up to 72,462sqm of industrial and warehousing space up to 2026 and 22,296sqm of office space as part of the strategy. The recent Worthing Employment Land Review (2016) has generally reaffirmed this need.

Against this background, the borough needs to protect its existing good quality business premises and locations represented by the identified industrial trading estates/business parks as the scope for providing new employment land in the town is very constrained. The proposal is therefore clearly contrary to Core Strategy Policy 4 as the policy does not, strictly speaking, entertain any exceptions to its protective stance in respect of the identified key industrial estates and business parks. However, in practice, where the site is proven to be redundant in line with the tests set out in the supporting SPD: Sustainable Economy (active and appropriate marketing for at least 12 to 18 months), exceptions may be made.

In respect of the National Planning Policy Framework, Paragraph 22 is broadly consistent with the overall approach of the Core Strategy and SPD states that:-

"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purposes. Land allocations should be regularly reviewed. Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

In terms of the impact of the proposal on the whole of the premises, the premises are purpose built for industrial/warehouse use with ancillary first floor office accommodation. However, their industrial character has long since been diluted by the introduction of the dance studios which occupies 40% of the floorspace. At the time of granting temporary permission to Northbrook College the business occupier of the premises, the same current applicant, was adamant that the presence of Northbrook College had not affected his business at all. In fact, his contention was that they had enabled him to rationalise and renew on site in the face of the real prospect of losing his business. The site was too big for his needs and he had not been able to sell or lease to an alternative employment user.

Ivy Arch Road industrial estate is in a reasonably healthy state, still, with a predominantly business feel but it is recognised that the estate is materially different to a designated key industrial estate such as the East Worthing Industrial Estate due to its town centre fringe location, small size and presence of a number of non or non-traditional industrial/warehousing/office uses, such as the Islamic centre, boys club, Feba radio and other rehearsal rooms at 5B. The estate appears to function quite adequately without obvious harm, even with the existing non business uses.

The net loss of business floorspace involved is in itself quite modest and exceedingly small compared to the overall Core Strategy target provision but it is recognized that the cumulative effect of incremental small losses over time can be as significant as a large single loss.

The previous application for Northbrook's temporary occupation of the same space included a marketing statement which purported to show that the site had been marketed in to 2011 for business purposes without take up. This evidence was flimsy at best and clearly during this time the applicant would have been in discussion with Northbrook College.

The marketing evidence supplied since the deferral is not in accordance with the adopted SPD and only relates to the central ground floor area previously occupied by SS1 Shopfitters. Nonetheless it points to a lack of real interest.

Accordingly the proposal fails against both the Core Strategies/SPD's and the NPPF's the specific tests, though the degree of harm is probably quite modest.

Also since the application was first submitted and further since the deferral the applicant has confirmed that the sound studios are being used to record music as well as for rehearsal space, see applicant's supporting statements above. The applicant has also advised that it is his real intention to significantly invest in state of the art recording equipment if this application is allowed as there is real demand for this on site and in the town generally with the closure of another studio, Marmalade, recently. Recording studios are a B1 use compatible with the sites designation in a protected industrial estate and in themselves do not need planning permission here.

The owner is also keen to stress that since May he is now employing 3 staff as demand has grown so fast. He is also thinks he made to employ more staff again if he is allowed to remain on site and expand his offer.

The application is therefore balanced against the loss of this employment floorspace to a mixed employment/leisure use and the potential benefits to the local community of these rehearsal/recording rooms and taking due account of the previous non business use permission granted to Northbrook College for a similar use.

Principle of community use

The applicant's case is that the new lessee's occupation of the dance and sound studio spaces provides intrinsic community benefits that outweigh any harm to the local economy from the loss of business premises.

Policy support for community use

Worthing Core Strategy Policy 11 expressly seeks to retain and enhance all existing provision of recreation and community uses. Elsewhere in the text of the Core Strategy, including the Strategic Vision and Strategic Objectives, various references are made to the improvement of community infrastructure where needed and the provision of community facilities to meet the requirements of the population. The Infrastructure Delivery Plan which underpins the Core Strategy echoes this. Notwithstanding the above, however, it is clear that the "in principle" support of community uses identified in the Core Strategy and elsewhere does not extend to overriding the protection expressly afforded identified employment sites in Core Strategy Policy 4.

The key question, therefore, is whether support for this community use should extend to allow continued use of this business floorspace for mixed employment/community purposes, as a departure to policy 4 of the Core Strategy.

Potential Community benefits

The use of Unit 9 Ivy Arch Road as practice and performance studios (and allied computer suite and offices) fulfilled Northbrook College's need for premises for 4 years. Their presence on site does not appear to have the use of other Ivy Arch Road sites for business purposes. The new lessee of the studio space has been operating since last October and other than comments from the owner of the rehearsal rooms at 5b Ivy Arch Road no other negative comments have been received. The new, improved rehearsal/recording rooms are attracting widespread interest and bands are travelling from the Adur and Worthing areas and beyond to use them. The applicant advises that there is a 95% rebook rate.

The current lessee has also advised that he is working with Northbrook College to provide internships for students, currently up to 10 a year. He is also involved with and sponsors other arts events in Adur and Worthing. The community use extends beyond general public use of the rooms themselves.

There are obvious strong parallels between the previous authorized use and the current proposal, albeit the current proposal is not directly linked to a key local education institution and is narrower in its scope (music).

It could materially improve the town's arts and cultural offer in line with broader corporate initiatives in this area and as a consequence support the local economy.

Impact on access, parking, visual and neighbour amenity

The site is sustainably located close to the train station, bus routes, public car parks (Teville Gate) and the town centre.

This is a relatively new venture having only been open since October 2016.

The busiest time of day for the rehearsal rooms are evenings and weekends though they do hope to be busier during the daytime in the future as they become more established. The reality is that most young bands who are the mainstay of such studios do not have access to a car, or if they do, they share it.

Pedestrians have direct access to the site via the underpass which exits very close to where the site is situated in Ivy Arch Road. There are 10 parking spaces on the site shared by all users. Ivy Arch Road is in a CPZ, Monday to Saturday 9am to 5pm, and this has reduced on street parking in the road and made short term parking (2 hours) much easier.

The Highway Authority has not objected to the proposal in principle.

In terms of neighbour amenity there are no reports of complaints from any nearby residents. The owner of rehearsal rooms at 5B has talked about being able to hear music from the building but it is not clear when this was. From site inspection, those rooms in use have been acoustically upgraded. Acoustic ceilings have been installed with double thick acoustic plasterboard, walls are carpeted and the floors matted and there are sound panelling diffusers in rooms. Studio 9, first floor, has 2 windows in it and is currently unused and unaltered. The applicant has advised he will acoustically upgrade this room and install triple glazing to the three windows on

the east elevation at first floor level in the event planning permission is forthcoming.

The nature of such uses demand being located away from noise sensitive neighbours. This makes industrial estates an attractive option. Environmental Health advise that the site is 55 m from residential properties and no noise complaints from residents have been received. Subject to doors and windows being kept closed during rehearsals and triple glazing of the first floor windows within 3 months they do not object to the proposal.

Hours of use sought are 9am to 10pm Monday to Saturday and 10am to 9pm on Sundays. These hours are consistent with those attached to the dance studio and those operated by Northbrook College.

Conclusion

To allow this application would see the permanent loss of industrial floorspace within one of Worthing's protected, albeit smaller and mixed, industrial estates contrary to Core Strategy Policy 4. The loss therefore has to be weighed against the benefit to the community of this use.

Letters of support from users of this new facility have been received and they point to a very well resourced, well supported venture. In the light of this and the fact that Northbrook College were on site for 4 years without apparent harm to the estate generally taking into account the character of the estate and recent precedents as well as the history of the premises themselves, it is considered that the community benefit of this music resource, on balance, outweighs the permanent loss of business floorspace.

A temporary permission would not be appropriate here as it is understood that further capital investment is necessary to operate the proposal fully and in a compliant manner and this would be an unreasonable burden for a short term user.

Recommendation

APPROVE, Subject to Conditions:-

1. Approved Plans
2. Replacement windows within 3 months
3. Hours of use, 9am to 10pm Monday to Saturday, 10am to 10pm Sundays
4. Car parking available at all times
5. All doors and windows to be kept shut when relevant rooms are in use for music rehearsal purposes

Application Number: AWDM/0063/17

**Recommendation – Approve
subject to legal agreement**

Site: 7 The Steyne Worthing West Sussex BN11 3DS

Proposal: Conversion of No.7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bedroom maisonette (and allied alterations) and erection of infill building to provide 3 no. three bedroom apartments and 3 no. two bedroom apartments with 8 parking spaces at ground floor level

Application Number: AWDM/0064/17

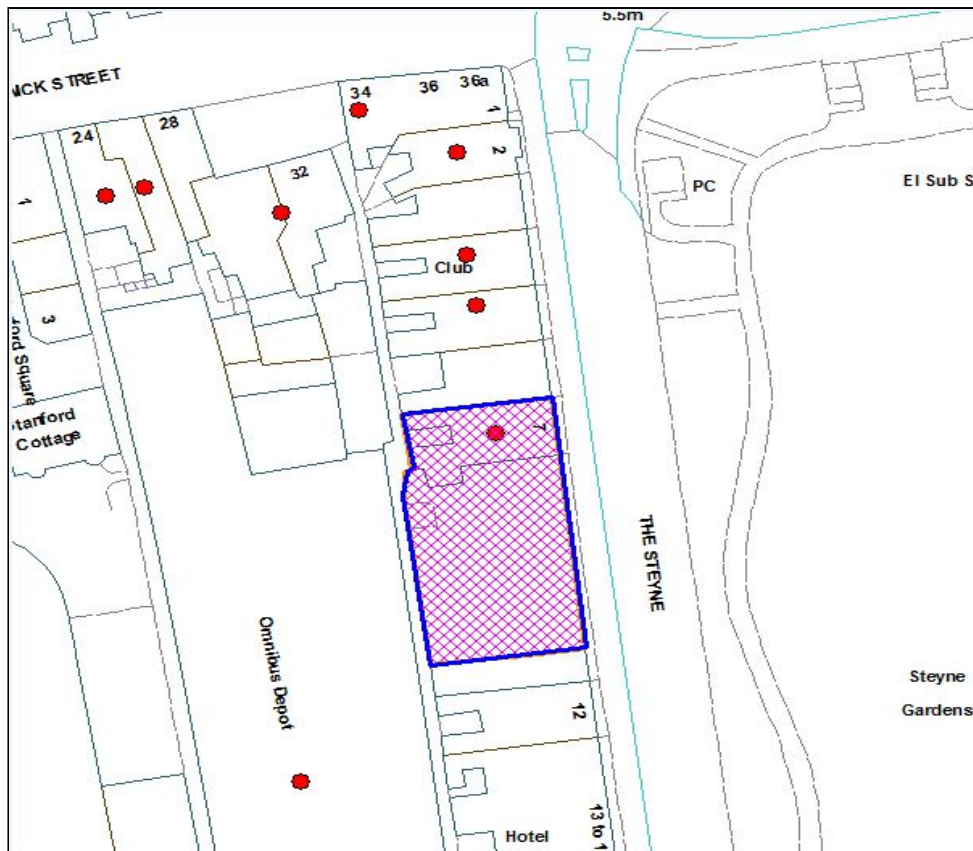
Recommendation –Approve

Site: 7 The Steyne Worthing West Sussex BN11 3DS

Proposal: Listed Building Consent for Conversion of No.7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bedroom maisonette (and allied alterations) and erection of infill building to provide 3 no. three bedroom apartments and 3 no. two bedroom apartments with 8 parking spaces at ground floor level

**Applicant: Mr Michael Clinch
Case Officer: Peter Devonport**

Ward: Central



Site and surrounds

The application site lies in the town centre, very close to the seafront.

It faces (east) to The Steyne public park, notable for its mature trees on the boundary and formal lawns and its use for public events and displays. To the south, dating from the Georgian period, is the four storey, Chatsworth Hotel and conference centre, the oldest and premier hotel in the town and a grade II listed building. This is arranged as a long terrace and accessed from The Steyne but with secondary access across small back yards to the rear twitten. No 12 is the northern most property in this terrace whose northern flank is entirely windowless.

To the west, beyond the rear twitten, is the Stagecoach bus depot whose main access is from the south, off Marine Parade. A large, hipped roof building sits hard up to the twitten adjacent to the application site, the equivalent of two storeys in height, and with sky lights. The garage site is identified as Area of Change 2 in the Core Strategy where there is the opportunity for sensitive, mixed use development, should Stagecoach wish to relocate.

To the north is another four storey with basement Georgian terrace (1-7 The Steyne), a listed building very similar to the Chatsworth Hotel. These were originally built as town houses and are accessed from The Steyne but also with secondary access across very small rear yards to the twitten. The northern properties are mostly in commercial use with some flats above but No 6 and 7 at the southern end are in residential use.

The application site comprises No 7 – the southernmost house in the northern listed terrace - and also a gap site comprising a brick walled, largish enclosed space to the south, subdivided by a timber fence, north and south. History records the intention of the developer of the two Georgian terraces either side was to link the two but ran out of money.

No 7 is occupied as a large single house (4+ bedrooms), despite a planning history where planning permission was granted for accommodation for Chatsworth Hotel staff. It not only has west and east facing windows but several in its southern facing flank, including a large bay as a result of later alterations.

The northern part of the said enclosed space is used as a lawned garden for No 7 and there is also a conservatory. The southern space is hard surfaced and accommodates a double garage at the back. The curtilage space is used for open car parking. It is accessed via garage style doors inserted in the tall brick wall which forms its Steyne frontage. Additionally, this part of the site is home to two mature trees, one of which (an oak) is the subject of a TPO 05/00026.

The listing for the two terraces is as follows:

The return facade in Warwick Street is listed under that heading, Nos 34, 36 and 36A). There are no Nos 8 to 11. Circa 1807. 4 storeys and basement with area. 3

windows each. White brick . Stringcourse above ground floor. Cornice with modillions above the 3rd floor and parapet. Iron balconies on 1st floor. Some glazing bars missing, mostly on ground floor. Rectangular fanlights to doorways. The Steyne Hotel has been a good deal altered. The ground floor of the east front has been stuccoed and rusticated, and the windows have been set in surrounds. The south front facing the sea has been entirely refaced with 2 bays of 3 windows each in the mid C19.

It has a site area of 0.057 hectares.

The site is not designated in the Core Strategy. However, the site is identified as a potential housing site in the 2015 Strategic Housing Land Availability Assessment.

The site is in the Steyne Gardens Conservation Area and a Controlled Parking Zone. The very southern tip of the open area is in Flood Zone 3 and a water protection zone and the site adjoins land identified as potentially contaminated.

The Steyne is one way (south north) and there are double yellow lines outside the open part of the site and by the northern terrace with parking bays on the opposite side of the road.

A large sewer runs across the site west /east.

The Proposal

The proposal draws on two previous similar but since lapsed permissions under WB/09/1067/FULL and WB/09/1068/Listed Building Consent.

Implementation was stalled by the recession but more importantly, the presence of the sewer running across the site which effectively prevented use of the ground floor for residential use.

Following bilateral negotiations with officers and Southern Water, the revised scheme, as submitted, has been prepared.

The substantive part of the proposal is the infill of the gap between the two listed terraces with a reproduction period building to match.

To facilitate this, the existing garage and conservatory on the site and front wall would be demolished.

The new block in the gap site reads as three town houses and would accommodate 6 new flats arranged on the first, second and third floors as 3 x three bed and 3 x two bed flats. This is accessed from the front (northern door) to a stairwell located at the rear. A southern front door shown is fake, its purpose being to maintain the vertical rhythm of the building. The doors are served by three external steps. Internal access is by lift and stairs

The ground floor is mainly given over to residents' parking, with 7 bays shown and also a cycle (18 spaces) store. Bins are stored externally in the rear yard. Vehicular access is from the Steyne, with electronic controlled garage doors.

The new building is structurally independent of Nos 7 and 12 to the south and north, though the façades are continuous.

Balconies are created on the first and second floors at the rear to serve the four flats on these floors, some partly over the rear yard.

Two gated new breaks in the rear wall are formed to allow access.

There is no basement or area on viability/technical grounds but a hard landscaped strip behind iron railings is provided.

Because the main front walls of Nos 7 and 12 either side do not line through and because of structural problems, the applicants advise that the new building's main front wall is marginally behind the adjacent front wall of No 7 (200mms) and No 12 (100mms). At the rear the building is slightly set back from its neighbours.

The two northern "town houses" have 11 windows in their façades and the third, which incorporates the garage, 14. All are faced in yellow brick. The garage doors are panelled.

The roof is pitched at the front and rear with a hidden flat central section and is faced in slate tiles.

The other part of the proposal are consequential alteration works to No 7 to remove the south facing windows and minor projections and provide some new compensatory windows to the rear, as well as internal conversion works.

No 7 is converted to 4 x two bed flats, arranged as one per floor (including use of basement). These do involve removal of some original partitions and some other changes to the original fabric to create some new internal openings but mainly changes to non-original partitions, lift shaft and cupboards.

The application is supported by a Planning, Design and Access Statement and Flood Risk Assessment.

Planning History

Change of use of existing dwelling house into a House in Multiple Occupation.
Ref. No: 02/01126/FULL | Status: Withdrawn

Application for Listed Building Consent for internal alterations to facilitate change of use to House in Multiple Occupation. Ref. No: 02/01251/LBC | Status: Conditional Consent

Change of use from single dwelling house to accommodation for hotel staff.
Ref. No: 03/00045/FULL | Status: Conditional Consent

Proposed greenhouse;Ref. No: 95/05772/FULL | Status: Conditional Consent
Application for listed building consent for the erection of a greenhouse Ref. No: 95/05773/LBC | Status: Conditional Consent

Application for Listed Building Consent for internal alterations to existing dwelling
Ref. No: 05/0066/LBC | Status: Conditional Consent

Demolition and replacement of existing balcony/portico and detached garage.
Ref. No: 05/0271/FULL | Status: Withdrawn

Application for Listed Building Consent for the demolition and replacement of existing portico/balcony and detached garage Ref. No: 05/0272/LBC | Status: Withdrawn

Demolition of existing detached garage and portico/balcony to south elevation of house; proposed new garage with attached car port and construction of new portico and balcony Ref. No: 05/0640/FULL | Status: Withdrawn

Application for Listed Building Consent for the demolition of existing detached garage and portico/balcony to south elevation of house; proposed new garage with attached car port and construction of new portico and balcony
Ref. No: 05/0641/LBC | Status: Withdrawn

Demolition of existing garage and replacement with two garages and erection of 2.4 metre high garden screen wall. Ref. No: 05/1042/FULL | Status: Conditional Consent

Application for Listed Building Consent for the demolition of existing garage and replacement with two garages and erection of a 2.4 metre high garden screen wall.
Ref. No: 05/1043/LBC | Status: Conditional Consent

Application for consent under the Worthing Tree Preservation Order No. 26 of 2005 to crown lift to 4m, crown reduce up to 3m on eastern aspect and 1-2m on southern aspect, and remove deadwood of one Turkey Oak (T1). Ref. No: 05/1334/TPO | Status: Conditional Consent

Application for Listed Building Consent to replace existing up and over garage door with new white roller shutter door. Ref. No: 07/1360/LBC | Status: Application Refused

Application for Listed Building Consent to replace existing up and over garage door with a pair of white painted timber gates. Ref. No: 08/0342/LBC | Status: Conditional Consent

Conversion of No. 7 The Steyne to provide 3 No. two bedroom apartments and 1 No. two bedroom maisonette and erection of new infill building to provide 8 No. three bedroom apartments. Ref. No: WB/09/1067/FULL | Status: Conditional Consent . WB/09/1067/FULL was the subject of a unilateral undertaking which covenanted the developer to pay upon commencement of development £2,948 towards upgrading first schools; £3,322 towards upgrading middle schools; £4,442 towards upgrading secondary schools; £209 towards upgrading fire and rescue, £4,840 towards upgrading local transport facilities and £21,247 towards improving outdoor recreation space.

Application for Listed Building Consent for conversion of No. 7 The Steyne to provide 3 No. two bedroom apartments and 1 No. two bedroom maisonette and erection of new infill building to provide 8 No. three bedroom apartments. Ref. No: 09/1068/LBC | Status: Conditional Consent

Outline application with all matters reserved; Construction of four storey infill terrace comprising 6 x two bed and 3 x three bed flats on open land between Nos 7 and 12 The Steyne. Ref. No: AWDM/0081/13 | Status: Application Withdrawn

Conversion of No. 7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bedroom maisonette and erection of new infill building to provide 8 no. three bedroom apartments. (Renewal of planning permission WB/09/1067/FULL) Ref. No: AWDM/1408/14 | Status: Application Withdrawn

Application for Listed Building Consent for conversion of No. 7 The Steyne to provide 3 no. two bedroom apartments and 1 no. two bed maisonette and erection of new infill building to provide 8 no. three bed apartments (Renewal of WB/09/1068/LBC) Ref. No: AWDM/1409/14 | Status: Application Withdrawn

Consultations

Worthing Borough Council Drainage Engineer

The site lies within Flood Zone 1, and appears to be unaffected by surface Water flooding.

By email dated 21 Feb 2017 the applicant confirmed that surface water will not be disposed of via a soakaway, due to site constraints and that the existing connection to the surface water sewer would be utilised. This is acceptable.

Therefore we have no objections to the proposals

Environmental Health Officer

The proposed development backs onto a bus depot in Library Place. Historically there have been intermittent complaints of noise and diesel fumes from buses using this depot. Although there is nothing current, I must raise this as an issue that could affect future residents of the proposed dwellings. Noise from buses arriving and departing, maintenance noise and idling engine noise occurs throughout the day and such noise could affect the amenity of future residents.

Therefore, whilst not objecting to the idea of development per se, I recommend that acoustic protection is incorporated into the design to minimise any such effects on future occupiers. Such protection could take the form of secondary or enhanced double glazing to the rear elevations. The applicant may find it useful to carry out an acoustic assessment of current noise levels experienced at the site (caused by the depot), in order to inform them of the amount of acoustic protection required.

I recommend the following condition be attached to any permission granted.

"Construction work shall not commence until a scheme for protecting the proposed dwellings from noise from the bus depot in Library Place has been submitted to and

approved by the local planning authority. The scheme shall be designed to achieve the Good standard within BS8233:2014. All works which form part of the scheme shall be completed before any dwelling is occupied."

Reason: To safeguard the amenities of the occupiers of the dwellings.

Clearly in order to determine the level of sound insulation required, a noise assessment will be required which will assess the current levels of noise experienced at the site.

I should also point out that Steyne Gardens plays host to a number of often noisy events throughout the year. Whilst the events themselves take place during the day and evening, the set-up and dismantling of such events can take place at night and result in some noise disturbance.

I am uncomfortable with the lower ground (basement) accommodation for the proposed flat 7 in that the amount of natural light and outlook to the bedrooms does not appear sufficient for physical and mental comfort and could amount to an actionable hazard under the Housing Act 2004, but will accept if it complies with building control requirements.

Site is identified as potentially contaminated.

Strategic Waste Manager

We are actively trying to remove bins from that twitten so I am not sure we want to add to the burden!

Operationally access is quite difficult and some of the existing bins are being abused.

Is there an alternative that could be considered?

Environment Agency

No comments.

Highway Authority

Summary and Context

The proposals will be accessed from The Steyne a "C" class road which is located within Worthing town centre, the road serves a number of residential properties none of which have direct access to the highway. The road is subject to a 30 mph speed limit and operates as a 'one way' route north of the site. In summary the Local Highways Authority (LHA) would require some further information from the applicant in relation to the access and parking information.

Access and Visibility

The site does have an existing vehicular access onto The Steyne in the form of a dropped crossover. As part of this application a new access to a shared parking

area is being proposed.

A review of the access onto The Steyne indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

A condition to reserve details of the access is recommended;

Within six months of the date of this planning consent, maximum visibility splays shall be provided at the site access onto The Steyne in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason – In the interests of road safety.

The crossover works will require a licence agreement from the area local engineer.

Capacity

Given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan are not required. Whilst an increase in vehicular movements will occur it is not considered that there will be no material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking

8 spaces are proposed, given the sites location this allocation of proposed parking is considered acceptable. I am happy to sort this via planning condition.

Sustainability

The submitted design and access statement does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. This is considered to be accurate with the site being in a well located and served part of Worthing. The Steyne has footway links that lead to the town centre and Worthing train station is within short walking distance of the site.

West Sussex County Council Archaeology

The proposed development is unlikely to have an impact on below ground archaeological remains pre-dating the construction of The Steyne in the early 19th century due to the level of previous disturbance in the open area of the Site. However, the conversion of No. 7, a designated heritage asset listed grade II, may have an impact upon original fabric and this should be recorded before alteration or loss subject to a condition attached to the planning consent.

Comment:

This application follows a previous proposal WB/09/1067 relating to this site. As set

out in the Design Statement (Victoria Holland Architecture 19/12/2016) the proposals principally involve the infilling of the gap to the south of No. 7 The Steyne to create a new building containing apartments which reflects the Georgian character of the listed buildings either side, and the conversion of No. 7 itself into apartments.

The Design Statement and supporting plans and drawings show that the open space to the south of 7, The Steyne is used as garden but has trees and small structures within this space. The Design Statement (DS) also makes clear that the intended terrace of town houses for The Steyne, begun in the early 19th century, was never completed, that the entrepreneur of the time went bankrupt before completing the terrace and that the gap between the buildings begun at the north and south ends remained open thereafter. This is confirmed by the 1847 Broadwater tithe map (where The Steyne is labelled 'Steyne Road') and the succession of later Ordnance Survey 25 inch to one mile editions in the 1870s, the late 1890s, the early 20th century pre-World War I and so on into the pre-World War II and post-war periods. The detail on the first edition 25 inch map of the 1870s shows the 'gap' then laid out as garden space.

The DS also notes (p5) that in 2013 the route of a public foul sewer running below the garden on an east-west alignment was established. Taking into consideration the previous disturbance generated by the excavation (no doubt to some depth) for the construction of the sewer and to a lesser extent the various structures within the garden together with the impact of the root plates of the trees I think it unlikely that any earlier, pre 1800, sub-surface archaeological evidence will have survived. Therefore I do not consider that any mitigation measures for archaeological monitoring are required.

With regard to the conversion of No. 7 itself, the DS establishes that it had been extended southwards in the 20th century by the equivalent depth of one window bay (see p3). However, internally there remain original partitions and features which should be largely unaffected by the proposals but for the functioning of the proposed apartments it may be necessary to open up what may be an original partition to create a doorway or remove an internal partition elsewhere. The DS states (p7) that "Due to the large scale renovation of No. 7 The Steyne it is relatively difficult to ascertain the age of minor partitions within the original house..." and that "...we are relatively confident that in the main we are only taking out non-original partitions...". These are fair assumptions but the DS does note that on the Ground Floor "We are also seeking to create a new door opening into the front room of Flat 7, this may be original construction..." (p7). Elsewhere, for example on page 8 discussing the Third Floor, "We are seeking permission to remove two partitions in the front of the house; these may be original partitions dividing the top floor for use by servants or later divisions to create self-contained accommodation."

These may be relatively minor impacts but I consider that it would be prudent, as a precautionary measure, to make provision for a suitably experienced historic buildings analyst and recorder to be present when such interventions to the historic fabric of the listed building are required or when hitherto unsuspected original fabric is discovered in the course of the conversion and renovation. This need not require a constant 'watching brief' presence but could be arranged with a suitably qualified historic buildings recorder (ideally with IHBC and/ or ClfA accreditation) to be

undertaken on a 'call out' basis as advised by the Site project manager and Worthing Borough Conservation Officer. Although the level of recording will need to be tailored to what is found (and its level of significance) I suggest that a Historic England 'Level 3' should be set as the benchmark but a lower level may be appropriate according to circumstances – see 'Understanding Historic Buildings' Historic England, May 2016: <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/>

Recommendation:

I recommend that a condition should be attached to the planning permission to make provision for recording any historic fabric of the listed building that will be altered or removed as a consequence of the development proposals as and when this is encountered in the course of alterations and renovations.

I suggest that a planning condition along the following lines should be attached to the permission:

No development shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Local Planning Authority. The level of recording appropriate to the designated heritage asset (listed building) shall be set out in the WSI taking into consideration Historic England's guidance document 'Understanding Historic Buildings'. A written record of the historic building recording works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any historic building recording unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of paragraphs 129, 131, 132, 134 and 141 of the National Planning Policy Framework 2012.

Southern Water

It appears that the developer is intending to build over/close to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water.

However, under certain circumstances building over a sewer may be allowed. The conditions associated with the buildover/close to a sewer are contained in Southern Water guidance notes which are available at: www.southernwater.co.uk. A formal application to build close to the sewer will be required to be submitted by the applicant.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works,

an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

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

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Conservation Area Advisory Committee

No objection, subject to acceptable materials and finishes.

Representations

None received.

Relevant legislation

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

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

S16, 66 and 72 of Planning and Listed Building and Conservation Areas Act 1990 in respect of the impact on the special character of the Listed Building (architectural or historical interest) and Conservation Area.

Planning Assessment

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 under Paragraph 14 as a material consideration. It provides for a presumption in favour of sustainable housing development which can outweigh the Development Plan's provisions where such plan policies are out of date or silent on the relevant matter or the proposal is not otherwise in conflict with specific restrictive policies in the Framework.

As a listed building the proposal is the subject of restrictive policies in the NPPF but not in conflict with such policies.

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 in relation to paras 14 and 49 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.

The main issues raised by this proposal are:-

- The principle of residential redevelopment and its form/type/size and density
- Impact on amenities of residential neighbours and quality of living environment for future residential occupiers of the development
- Quality of design and impact on the special character of the Listed Building (architectural or historical interest) and Conservation Areas as set out in S16, 66 and 72 of Planning and Listed Building and Conservation Areas Act 1990
- Access and parking
- Other environmental issues including flood risk and archaeology
- Planning obligations

As such, the proposal should be principally assessed in relation to NPPF as set out above 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 7, 8, 9, 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; Worthing Heritage Guide; 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 and Listed Building and Conservation Areas Act 1990, including S. 16, 66 and 72.

The principle of residential development and its form

The principle of this type of development was established in under WB/09/1067/FULL *Conversion of No. 7 The Steyne to provide 3 No. two bedroom apartments and 1 No. two bedroom maisonette and erection of new infill building to provide 8 No. three bedroom apartments.*

Since that time the policy framework has evolved and the presence of a sewer on the site become apparent. However, the essential case for residential development remains strong.

Firstly, the site is highly sustainably located, close to the town centre and other facilities and excellent public transport.

Secondly, the proposal would make a small but welcome net contribution toward overall Plan numerical housing targets. Given the scale of the deficit in meeting objective housing need, however, and the quantum of development involved here, this benefit, in itself, is not determinative.

Thirdly, much of the development is on brownfield land and as such enjoys a certain priority. The gap in the terraces is an historical accident which has no townscape or heritage rationale and its infilling by a sympathetically scaled and formed residential development removes this anomaly.

Fourthly, the proposal makes effective and efficient use of the site.

Fifthly, the notional loss of hotel staff accommodation is acceptable - the property has long since been surplus to requirements and in use as a family house. The proposed dwelling mix is, itself, acceptable. Whilst there is a loss of a large family house at No 7 with large garden, No7 is more suited to flats in this location and the new infill block does include three family sized (3 bedrooms) flats, albeit with limited private amenity space. However, the site is opposite a large public open space and very close to the seafront.

There is a loss of the garden to No 7 but this does not materially erode or harm any strategic function in maintaining the openness of the area. The felling of the two trees, especially the TPO tree, is regrettable but unavoidable.

The site's potential is recognised and relied upon in the 2015 SHLAA where development was considered to be suitable, available and achievable. A potential gross yield of 9 dwellings was identified, consistent with the current proposal. As such, the site is hardwired into the Plan's housing delivery assumptions as set out in

Core Strategy Policy 7.

By reason of its scale, form and location, the proposal qualifies as limited appropriate town centre infill supported under Core Strategy policies 8 and 9. Crucially, it also enjoys the general endorsement of Supplementary Planning Document: Guide to Residential Development, not least due to its public realm frontage onto The Steyne and cohesion with the pattern of development.

The potential for mixed retail, cultural and residential redevelopment of the bus garage is recognised in the Core Strategy. It is not considered that the current application prejudices this option.

As such, the proposal is consistent with the spatial strategy and the principle may be supported.

Impact on the amenity of neighbours and future occupiers' amenity

Given its location between the Chatsworth Hotel, Bus Garage, The Steyne gardens and No 7, and its form, the new infill block does not adversely impact on any sensitive neighbour. It does necessarily entail loss of the south facing windows to No 7 but adjustments to the internal layout of No 7 ensure all rooms enjoy adequate light and view. Indeed, they are not materially different to the other flats in the terrace to the north.

The new flats will enjoy splendid eastern views onto the The Steyne. At the same time, the t flats would be exposed to noise from traffic and events held on the gardens and also noise from the bus station. In line with the Environmental Health Officer's recommendations noise mitigation is justified. This may be secured by condition.

The flats all meet relevant internal floorspace standards. All also have access to a reasonably sized balcony, albeit one with a view onto or over the bus garage. The proximity of the seafront and The Steyne more than adequately compensate, however.

Recommended conditions from the Environmental Health Officer for standard hours of construction and demolition and dust suppression scheme are supported. As such the proposal is unlikely to give rise to unacceptable amenity impacts and provides an adequate standard of accommodation.

Quality of the design, impact on the listed building and impact on the Conservation Area

The starting point for consideration is the statutory duties under S16 and the relevant planning policy framework.

The property is a very important heritage asset as a grade 2 Listed Building in a Conservation Area.

The National Planning Policy Framework advises;

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The principle of an infill building here has long been established. The proposed new infill building removes an historical anomaly and realises the Georgian developer's original, but thwarted, 200 year old ambitions. It consolidates and enhances the adjacent but disjointed terraces and completes this part of the Steyne's town planning.

The form, massing, siting and design of the infill block as two "town houses" have been sensitively devised to harmonise with the adjacent neighbouring terraces. Of note is the fact that the block successfully transitions the slightly misaligned siting of its neighbour at No 7 and 12. Equally, the solution to reconciling the fenestration with the site size and its neighbours' design, is well considered and successful and the front railings, at least, evoke the presence of basements. The garage door is

somewhat anomalous in historical and Georgian architectural terms but unavoidable given the constraints of the sewer which effectively preclude residential use of the ground floor and lends itself to most effective use as a car park. That said, the door design is sympathetic, and, being electronically activated will be closed except when in use. The reproduction architecture is of a high standard. A condition to prevent painting of the exterior brick work is justified.

The alterations necessary for the conversion of No 7 are also sympathetic to the building. Changes to the historic fabric, including internal changes to layout, are relatively minor. Works to the rear are also modest and sympathetic.

Details of design and materials and protection of the remaining listed building fabric may be secured by condition.

The loss of the protected tree is regrettable. Its contribution to the character of the area is limited, however, and the many splendid trees on Steyne Gardens which do help define the area remain.

Access and parking

The site is very sustainably located by the town centre and highly accessible by all modes.

The increase in traffic generation would be very modest.

The vehicular access is close to the existing and details of design/visibility sightlines may be reserved by condition.

The 8 parking spaces are adequate for this very sustainable location and also bearing in mind this is a Controlled Parking Zone, with bays outside.

The cycle parking proposed is satisfactory.

Pedestrian access is convenient and safe, if not wholly inclusive, because of the stepped entrances. However, internal lift access within the new block is welcomed.

Construction impacts may be controlled by submission of a method statement.

Domestic bin/recycling collection from the rear twitten is an established arrangement. Unfortunately, no obvious alternative is evident and front storage would be unacceptable in relation to the listed building and Conservation Area.

Other environmental issues including floor risk and archaeology

The very southern tip site of the infill site lies in Flood zone 3 and is supported by a Floor Risk Assessment. The Environment Agency raises no objections, as the living accommodation is raised.

As the property replaces an existing dwelling in an otherwise sustainable brownfield location and given the limited available land for residential development in the town, the proposal is considered to comply with the relevant sequential and exceptions

tests of National Planning Policy Framework and Core Strategy Policy 15. The County Archaeologist has commented that the proposal is unlikely to have an impact on below ground archaeological remains pre-dating the construction of The Steyne in the early 19th century due to the level of previous disturbance in the open area of the Site. However, the conversion of No. 7, a designated heritage asset listed grade II, may have an impact upon original fabric and this should be recorded before alteration or loss subject to a condition attached to the planning consent. A condition to this effect is recommended.

Drainage provision is now acceptable and may be secured by condition.

As the site is close to potentially contaminated land, a study and remediation, as necessary, will be required, secured by condition.

Planning Obligations

Policy 10 of The Core Strategy requires a scheme of this scale to provide for 10% affordable housing in the form of a commuted sum towards off site provision. This calculates at £88,128.

National Planning Practice Guidance as set out in paragraph 031 was reinstated on 19.5.16 in respect of respect of thresholds for the provision of affordable housing as a result of the Appeal Court Case. This echoes a Ministerial Statement discouraging the collection of affordable housing contributions, such as in Policy 10, on schemes of 10 or fewer dwellings.

The PPG and Ministerial Statement are material considerations, amongst others including the National Planning Policy Framework, and, as expressions of Government views, the PPG and Ministerial Statement carry substantial weight. Following on from the full Appeal Court decision and subsequent appeal precedent as well as advice from The Planning Inspectorate, the PPG and Ministerial Statement are to be balanced against the Development Plan (Core Strategy) and the evidence base supporting the LPA's application of the policy. The decision maker has discretion in applying his or her judgment as to where the balance should lie, drawing on the evidence presented.

The application of Core Strategy Policy 10 in this light has been considered by the Executive Member for Regeneration on 28th November 2016. He resolved that *in line with Core Strategy Policy 10 and subject, to viability considerations, the Council should continue to seek 10% affordable housing (sought via a financial contribution) on sites of 6-10 dwellings.*

The applicant has agreed to supply a legal agreement to secure the requisite sum and negotiations are advanced.

Conclusions

The proposal aims to resurrect a previously approved but stalled scheme to infill an anomalous gap between two Georgian terraces in a prime seafront hinterland location. The principle of this is well established and the proposal will provide welcome good quality accommodation in the town centre and also contribute

towards acute affordable housing need. It is sustainable, avoids flood risk and advances the spatial strategy.

The scheme is sensitively designed to respect the special character of No 7 as a listed building and harmonises well in the townscape.

The proposal would not adversely impact on any neighbour. The loss of the Tree Preservation Order tree is regrettable but unavoidable.

The constraint of the sewer running across the site has been imaginatively overcome to provide the parking. The access and drainage are satisfactory.

As such it should be supported subject to the conditions recommended and a suitable legal agreement.

Recommendations

AWDM/0063/17

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

Approve subject to the following conditions;

1. Time to implement
2. Build in accordance with approved drawings
3. Surface and foul water drainage details.
4. Construction method statement including hours of construction and dust suppression
5. Agree external materials, hard landscaping and architectural details
6. Provide amenity areas, refuse storage and parking
7. Agree and provide boundary treatment/railings.
8. Build in accordance with FRA
9. Reserve details of access and electronic opening of garage doors
10. Require scheme for noise insulation/mitigation to flats
11. Require land contamination study and remediation ,as necessary.
12. No painting of exterior brickwork of infill building.
13. Communal aerial for flats

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.

AWDM/0064/17

Approve subject to the following conditions;

1. Time to implement

2. Build in accordance with approved drawings
3. Approve architectural details and materials including interiors
4. Protect listed building during construction
5. Record changes to listed building

Application Number: AWDM/0365/17

Recommendation – APPROVE

Site: 19 Farncombe Road, Worthing

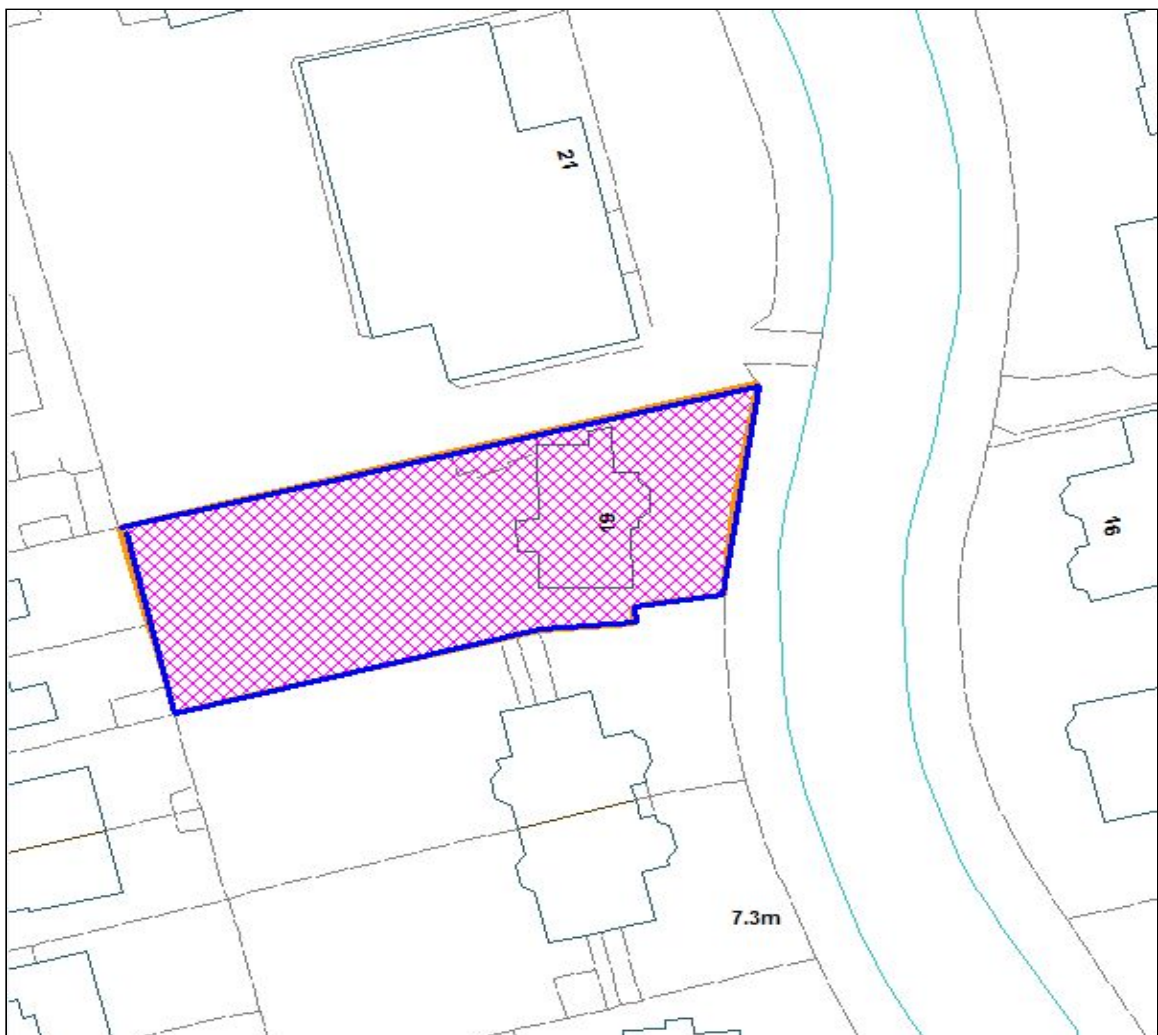
Proposal: Part two storey, part single storey rear extension and conversion of office building to form 4 no. two bedroom flats with rear first floor balconies.

Applicant: Mr. E Curtis

Ward: Selden

Case Officer: M. O’Keeffe

Officer:



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Site and Surroundings

The application site consists of a detached double fronted Victorian villa over 3 floors, including a very small basement, on the west side of Farncombe Road, north of the junction with Church Walk. The site has in and out drives and can comfortably accommodate 4 cars off street.

Both floors in the existing building are currently used as offices which fall into Use Class B1 (a). It is in a protected office location under the terms of Policy 4 of the Core Strategy.

The site is in the Farncombe Road Conservation Area but is not listed. There is a tree which is the subject of a Preservation Order in the south east corner of the front garden.

To the north of the site is the five storey mansard roofed 60's office building belonging to HSBC. To the south is a semi detached villa, extended into the roof and converted into 3 flats.

Farncombe Road is in a Parking Zone which restricts parking between 10-11am and 2-3pm to residents only.

Proposal

Permission is sought to extend the rear of this building and to convert it into 4, two bedroom self contained flats. The extension measures 8 metres in depth at ground floor and is 5 metres deep at first floor with balconies on the flat roof below for the first floor flats.

Relevant Planning History

NOTICE/0013/16 - Prior Approval for change of use from Use Class B1 (office) to Use Class C3 (dwelling) 3 x 2 bed and 1 x 1 bed flats. Prior Approval Not Required 15.9.16

AWDM/0209/13 - Re-surfacing and re-modelling layout of existing forecourt car parking area, including the formation of a second vehicular access and crossover onto Farncombe Road (to allow ingress and egress by vehicles) and ancillary works; and installation of replacement painted timber front door and re-modelling of front entrance steps. Granted 30.4.13

90/0826 – Application for Conservation Area Consent for the demolition of existing north (side) and west (rear) extension. Approved 6.11.90

90/0820 – Alterations and extension to existing building. Granted 6.11.90

86/0809 – Formation of additional vehicular access onto a classified road and erection of new gate pier. Granted 4.11.86

85/1166 – Change of use from house to offices. Granted 4.2.86

Consultations

Highways:

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

Context

West Sussex County Council was consulted previously on Highway Matters for this location for a Prior Notification application seeking change of use from Office to 4 flats (3 x 2 bed and 1 x 1 bed). Given the nature of prior notification applications no highways concerns were raised and it was determined that such development would be considered permitted development.

In principle this latest application seeks the same conversion from Office to residential, though would result in 4 x 2 bed flats and included a rear extension

Access

No changes are proposed to the existing access arrangements. As previously determined the LHA recognise that offices generate more vehicle movements compared with residential developments. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

Parking

Four existing car parking spaces are to be retained. This would be enough to allocate each flat one space, which taking into consideration the sustainable nature of the site would be considered acceptable. The dwellings may need to make use of on street car parking provision; I would anticipate this would generally be for visitors. However I would not this would not be materially different to the use of the site as offices at present.

The flats should be provided with a secure and covered cycle parking facility in the interest of sustainability. A shared facility may work better in this instance and I would advise a shared provision be large enough to store at least 2 cycles.

Conclusion

The LHA does not consider that the proposal described above would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to grant planning consent the following conditions would be advised:

Car parking space

No part of the development shall be first occupied until the car parking has been constructed and laid out 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.'

Council's Drainage Officer:

'Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1, appears to be unaffected by surface water flooding, and has no history of flooding.

The applicant has indicated the intention to use soakaways for the disposal of surface water, I assume this is only for the proposed extensions, which would be appropriate, even better if the entire property could be passed to a soakaway.

The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if the soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways.

Therefore in this instance the only comments we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build/extension be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'

Soakage tests in accordance with DG 365 (2016) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.

Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

Southern Water:

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

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

The Council's Building Control officers or technical staff should be asked to

comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

“Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.”

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

Place and Investment

Please see below the Place & Investment comments for the above application:

‘19 Farncombe Road is located next door to a large office building housing HSBC Invoice Finance UK, which provides a substantial level of employment for the area.

Place and Investment have considered the above application and appreciate that change of use to residential was established last year, under prior notice ‘0013/16’. Place & Investment also appreciate that the proposed extension has been designed to improve space standards for the approved 4 flats and not to expand the level of residents units on the site.

Place & Investment are keen to minimise any potential conflict between the residential and commercial uses, to ensure that HSBC Invoice Finance UK or subsequent commercial occupiers, are in no way constrained by the residential use next door. Place & Investment note that the proposed rear extension will result in rear windows moving closer to the commercial car park, to the rear of HSBC Invoice Finance UK.

Place & Investment are unfortunately unable to object to this application, but recommend that noise mitigation measures are implemented to the rear of the extension, to help negate any potential neighbour impact.’

Representations

Conservation Area Advisory Committee: No objection.

Relevant Planning Policies and Guidance

Core Strategy policies 3, 4, 7, 8, 12, 13, 15, 16, 17, 18 and 19
Saved Local Plan policy: RES7, TR9, H16 and H18
The National Planning Policy Framework 2012
Planning Practice Guidance (CLG 2014)
SPD: Sustainable Economy
West Sussex County Council Parking Standards guidance
Supplementary Planning Documents Space Standards adopted February 2012 and
Guide to Residential Development adopted November 2013

Planning Assessment

Principle

This proposal involves the conversion of office floorspace into 4, two bedroom flats facilitated by a large ground and first floor rear extension. Of primary consideration is the principle of the loss of viable, occupied office floorspace against the provision of four valuable 2 – bed flats, two of which are suitable for family occupation as they have large rear gardens. The impacts of the rear extensions and rear balconies on neighbour amenity and the conservation area must also be considered and highway impacts.

Employment Floorspace

The principal relevant Development Plan policy is Core Strategy Policy 4: Protecting Employment Opportunities. This safeguards existing employment areas with a specific list of key industrial estates and office areas that will be protected. This includes Farncombe Road office area. The justification for this policy is explained in the supporting text. It should be viewed in the context of Core Strategy Policy 3 which sets out the broader economic development strategy for the town. There is an identified need to provide up to 22,296sqm of office space up to 2026. The recent Worthing Employment Land Review (2016) has generally reaffirmed this need.

The scope for providing new employment land in the town is very constrained. The proposal is therefore clearly contrary to Core Strategy Policy 4 as the policy does not, strictly speaking, entertain any exceptions to its protective stance in respect of the identified key office areas. However, in practice, where the site is proven to be redundant in line with the tests set out in the supporting SPD: Sustainable Economy (active and appropriate marketing for at least 12 to 18 months), exceptions may be made.

In respect of the National Planning Policy Framework, Paragraph 22 is broadly consistent with the overall approach of the Core Strategy and SPD states that:-

"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purposes. Land allocations should be regularly reviewed. Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

Also of material significance is the Government's allowance of change of use of office space to residential space under the GPDO via the Prior Approval route.

The existing offices on site are occupied by the applicant who runs an accountancy firm from the ground floor. The first floor is sub let to a firm of graphic designers. The applicant intends to retire in the foreseeable future. Last year prior approval for the conversion of the building into 4 flats under Part O of the GPDO was issued. This is the applicant's fallback position. However, he would like to extend the rear of the building and create four larger 2 bed flats.

The loss of employment floorspace is regrettable in this protected office location. However, the applicant has advised that he will implement the Prior Approval permission if necessary and possibly re-apply for the extensions at a later date were this application to be refused. The 'fall back' position is therefore significant and the applicant's ability to implement the prior approval is reflective of government policy. There would appear therefore no real prospect of retaining this office accommodation. In the circumstances it is considered appropriate to consider the borough's competing need to provide good quality housing.

Housing Provision

This property was built as a single villa and only converted to office floorspace in the 1980's. It has an extensive west facing rear garden and off street parking. The adjoining building to the south, No. 17 is converted into 3 flats and this side of Farncombe Road appears to be largely residential other than the adjoining HSBC building and the St John's ambulance site on the corner of Lyndhurst Road.

The site is well suited to residential use and the four flats to be provided could all be described as family accommodation as they are all 2 bedrooms and all have direct access to some outdoor spaces, albeit the first floor flats have rear balconies only. The ground floor flats will benefit from an extensive rear garden.

Neighbour amenity

The proposed rear extension is a minimum of 4.5 metres off the shared boundary with No. 17, to the south, but is set at an angle so is further off this boundary the deeper into the site you go ending 6.2 metres off this boundary. No.17 has its main flank wall 6.5 metres off the same boundary.

The proposed extension is 8 metres deep at ground floor and 5 metres deep at first floor. The first floor addition roughly lines through with the rear projection of No. 17. No. 17 has a secondary bedroom window and door in its ground floor side wall. There is an external staircase giving access to the first floor flat and a means of escape access to the second floor flat. The first floor flat has its front door in the side wall together with a bathroom window and secondary bedroom window. At second floor level, above the extension, there is a door and kitchen window in the side wall.

It is not considered that flats at No. 17 will suffer any significant loss of light or outlook from this development, given the separation distances involved. No first

floor side windows are proposed in the development and the first floor balconies are to have 1.7 metre high privacy screens at each end. The extension angles away from the boundary with No. 17 so views into the rear garden of No. 17 will not be direct.

Conservation Area

The rear extensions will be little glimpsed from the road as they are set in from each flank by 450mm. They are sympathetically designed under a shallow pitched roof to match the original build. The Conservation Advisory Panel has not raised an objection to the proposal.

Quality of accommodation

The 4 flats to be created are each 2 bedrooms. Three of the flats comfortably meet the floorspace standard of 66 square metres with the ground floor flats exceeding 90 square metres and one of the first floor flats at 77 square metres. The fourth flat falls a little short at only 60 square metres. The first floor flats each have a rear balcony of roughly 10 square metres, 2.5 metres in depth. The ground floor flats share the remaining 25 metre deep rear garden, though the exact split is not shown.

Certainly the ground floor flats provide good quality family accommodation with their direct access to large rear gardens. Arguably a family, including up to 1 child could occupy either of the upper flats and enjoy the balcony proposed. The seafront and Homefield Park are within easy walking distance too.

The flats proposed in the application are more generously spaced than the more cramped flats approved under last year's Prior Approval scheme and as such meets the Core Strategy objective of providing good quality housing.

The only downside of the location is the fact that the rear garden is overlooked by the five storey HSBC office building. However, this was the case when this office building was granted planning permission in the 1960's and the site was occupied as one dwelling. This is not sufficient reason to withhold planning permission.

Conclusion

The loss of office floorspace is regrettable especially in this protected location but as it would appear this floorspace is to be lost to a residential use in any event securing better proportioned flats suitable for family occupancy appears to be sensible in this case.

Recommendation

APPROVE subject to the following conditions:-

1. Approved Plans
2. 3 years
3. Materials to Match
4. Details of doors and windows
5. Details of rear garden sub division
6. One parking space provided to each flat at all times
7. Details of cycle parking
8. Details of soakaways
9. Hours of construction

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

3. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

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

5. Soakage tests in accordance with DG 365 (2016) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas. Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

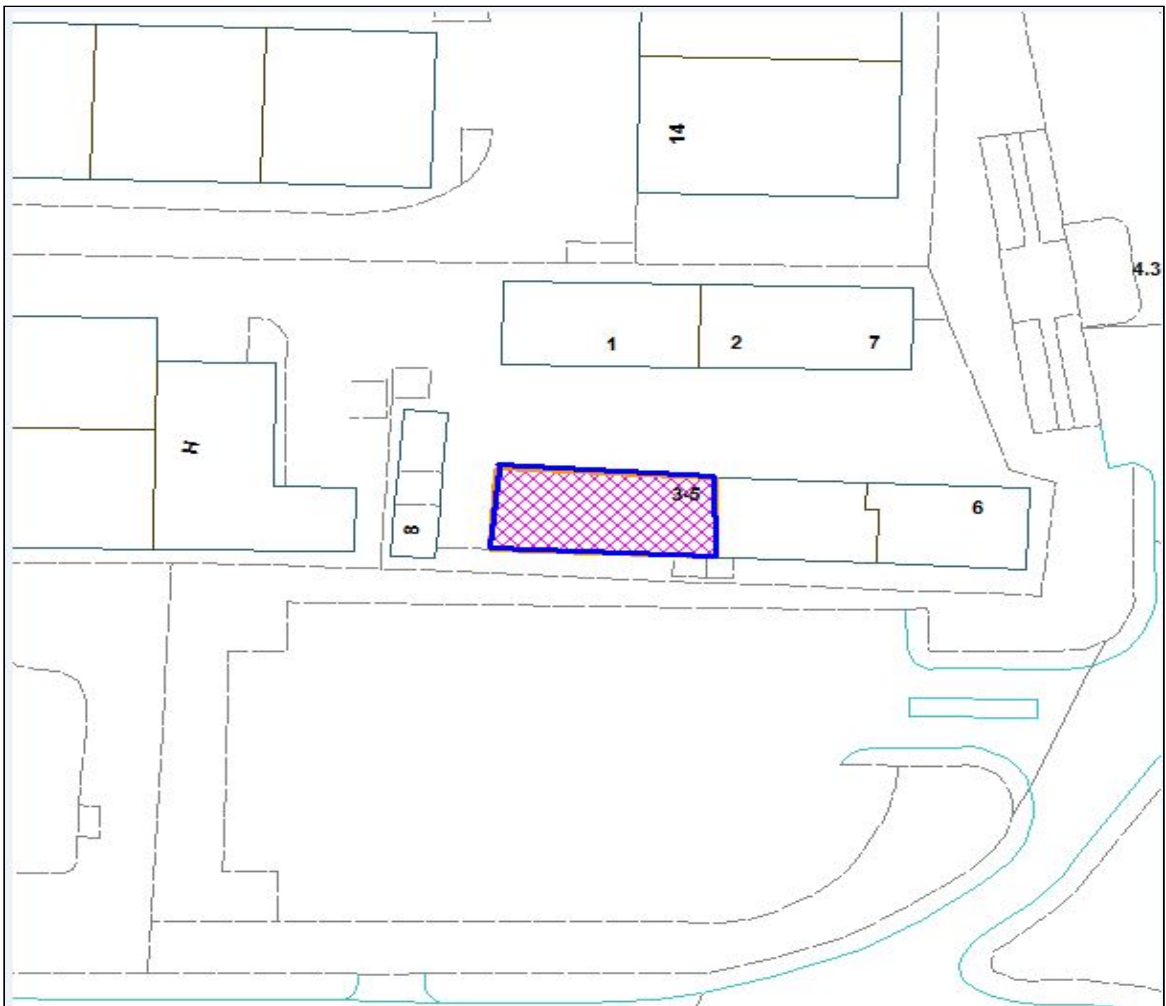
Application Number: AWDM/0193/17 Recommendation – REFUSE

**Site: Unit 3-4 Northbrook Trading Estate 20 Northbrook Road
 Worthing**

**Proposal: Retrospective application for change of use from Use Class
 B1 to use Class D1 for hall/exhibition hire and office space
 (not gym)**

**Applicant: Boss Building Contractors Ltd Ward: Broadwater
 & Worthing Fitness Studio
 Hire**

**Case Gary Peck
Officer:**



Not to Scale

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Proposal, Site and Surroundings

This application seeks retrospective permission for change of use from Use Class B1 to use Class D1 for hall/exhibition hire and office space

The current occupation of the unit is understood to have commenced in April 2016. The unit is said to be split roughly 70% and 30% between the hall and exhibition and office space respectively.

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

There is no planning history relevant to the determination of the application.

Consultations

Place and Investment

Northbrook Trading Estate is located within Broadwater Business Park, providing a range of industrial floor space with associated parking spaces and one access/egress point. Unit 3-4 Northbrook Trading Estate provides 1,115sqft of industrial floor space.

It is noted that this application does not include marketing evidence to demonstrate that this property is no longer viable for industrial use. Place & Investment are aware that Unit 3-4 Northbrook Trading Estate was not listed on the Worthing Commercial Property Register between Spring 2010 and Spring 2016.

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

Please note that Place & Investment are currently aware of 9 available industrial units across the whole of Worthing, with only 2 of these units falling below 1,500 sqft. Place and Investment also note that 5 industrial units have recently been placed 'under offer' in Worthing, with 2 of these units falling under 1,500 sqft.

Worthing currently has limited stock of available industrial floor space with a current buoyant industrial market. It is therefore important to retain a stock of available industrial floor space to enable natural churn for business growth and creation of local employment opportunities.

Place and Investment raise a strong objection to this application as it does not satisfy the criteria outlined in the Sustainable Economy SPD, to demonstrate that this unit is no longer viable for industrial use. Place & Investment would welcome local commercial marketing of this unit.

Waste Services

No objection

West Sussex County Council:

This retrospective change of use from B1 to D1 use has been considered by WSCC

as the Local Highway Authority.

The site is small (only 103sqm) as such the associated car parking demands for a space of this size are not as high as if it was a larger space. The plot comes with 6 spaces for cars and 5 spaces for cycles. WSCC car parking standards for D1 use is 1 space for every 22sqm, this equates to 5 or 6 spaces.

Access to the building is from a private industrial estate, with the main access onto the public highway at the junction with Northbrook Road, where there is a mini roundabout. Visibility here is good and WSCC would raise no objection to this change of use.

Environmental Health

No comments

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policies 4, 11 & 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 stated:

'As landlords we would never rent these premises out to anything else except offices and we don't class these units...as light industrial so with this in mind we will only be renting these units out as offices as they have been over 25 years and never change this to light industrial.

The supporting information then lists the history of the use of the units which, up until the current use, appears to contain uses that are light industrial in nature, including occupation for 19 years by an office equipment company.

The supporting information then states:

'We are not a fitness gym taking monthly memberships or have members we hire the studio/exhibition space out...on that basis we would apply for a D1 licence because we use our facilities for exhibitions, art, photography, filming and training centre and administration office for our building company as well.

Your officers contacted the agent to require further clarification in respect of the supporting information given that an office use could comply with the requirements of the SPD (and indeed it appears that a small part of the unit is currently used for such purposes) yet the application seeks a full D1 use. Further details of marketing were also requested as well as details as to why a suitable B use class could not be accommodated in the building. At the time of writing this report, with the request for information almost a month old, no response had been received from the agent.

As it stands, 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 recall that an application for a D2 use in unit 6 (AWDM/1581/16) was refused earlier this year. In the planning assessment for that application it was stated:

Members will also recall that application AWDM/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, that previously refused at unit 6 and the appeal decision outlined above, where the Council's position was supported by an Inspector. Accordingly it is considered that the application should be refused.

Recommendation

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

The retention of the D1 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 commencement of enforcement proceedings to require the cessation of the unauthorised use.

Application Number: AWDM/0425/17

Recommendation – APPROVE

Site: 1-3 Warwick Street, Worthing, West Sussex

Proposal: Installation of various replacement non-illuminated and internally illuminated fascia and hanging signs

Applicant: HSBC Group PLC
Case: Matthew Porter
Officer:

Ward: Central



Not to Scale

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Proposal, Site and Surroundings

The site is a prominent corner building between Warwick Street and South Place, in the town centre. The building has an exterior stone finish and is occupied by HSBC. It is designated a Local Interest building. The site is in the South Street Conservation Area and adjacent to 5 Warwick Street, a Listed Building.

Permission is for replacement advertising on the Warwick Street, Chapel Road, and corner walls of the building. The existing adverts consist of non-illuminated individual letter and corporate logos, almost flush with the stone, as well as 2 no. internally illuminated projecting signs. The new signage would be likewise, simply reflecting an upgrade to the company's corporate branding.

Relevant Planning History

WB/07/0153/ADV

Installation of various advertisements including non-illuminated individual lettering and corporate logo, plus illuminated projecting signs to side and front elevations

Granted Consent 02-04-2007

Relevant Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider the application having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest. In considering amenity, the Committee may, if it thinks fit, disregard any advertisement displayed.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome; whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device.

Express consent for the display of advertisements may not contain any limitation or restriction relating to the subject matter, content or design, unless necessary in the interests of amenity or public safety.

Consultations

Conservation Area Advisory Committee: *No objection to new signage. New signage to read HSBC-UK as opposed to HSBC.*

Representations

None received

Relevant Planning Policies and Guidance

National Planning Policy Framework (March 2012)

Worthing Core Strategy 2006-2026 (WBC 2011): 16

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18

Planning Assessment

The determining issues relate to the amenity impact of the new adverts on the character of the building and the Conservation Area and on the setting of the adjacent Listed Building. The limited illuminance involved means there would be no significant impact on public safety.

The application site is an attractive stone building in the South Street Conservation Area, providing an attractive backdrop to the public space of South Place. No.5 to the east is a 3 storey Grade II listed building with a modern shopfront.

The existing signage is of appropriate proportion and its siting is sympathetic to the stone work detailing of the building. The new signage is similarly acceptable.

Accordingly, no material harm would arise onto the external appearance of the local list building and the special qualities of the Conservation Area would be preserved.

Recommendation

Approve

Subject to the following conditions:-

1. Standard 5 Advert conditions
2. Approved Plans

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.