



**WORTHING BOROUGH
COUNCIL**

**Planning Committee
19 September 2018**

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

**Application Number: AWDM/0530/18 Recommendation – Delegate to Approve
subject to completion of S106 agreement**

Site: Land South of Malthouse Way, Durrington

**Proposal: Installation of underground surface water pumping station and
associated manholes and above ground electrical cabinet (land South of
20-22 Malthouse Way).**

2

Application Number: AWDM/0123/18 Recommendation – Approve

Site: Chiltingtons, 127-131 Lyndhurst Road, Worthing

Proposal: Change of use from C2 Residential Institutions to C1 Hotels/Guest House.

3

Application Number: AWDM/0703/18 Recommendation – Refuse

Site: 6 New Street, Worthing

**Proposal: Variation of condition 3 of approved application WB/05/0225/Full for Food
Restaurant for permanent planning permission for opening hours 8am to
1am Monday to Saturday and 8am to 12 midnight Sundays and Bank
Holidays (as permitted temporarily under AWDM/0202/17).**

4

Application Number: AWDM/1003/18 Recommendation – Refuse

Site: 14 St Lawrence Avenue, Worthing

**Proposal: Detached single-storey two-bedroom bungalow with sedum roof fronting
Balcombe Avenue (in rear garden of 14 St Lawrence Avenue) with car
parking space and detached bike store.**

Application Number: AWDM/0530/18

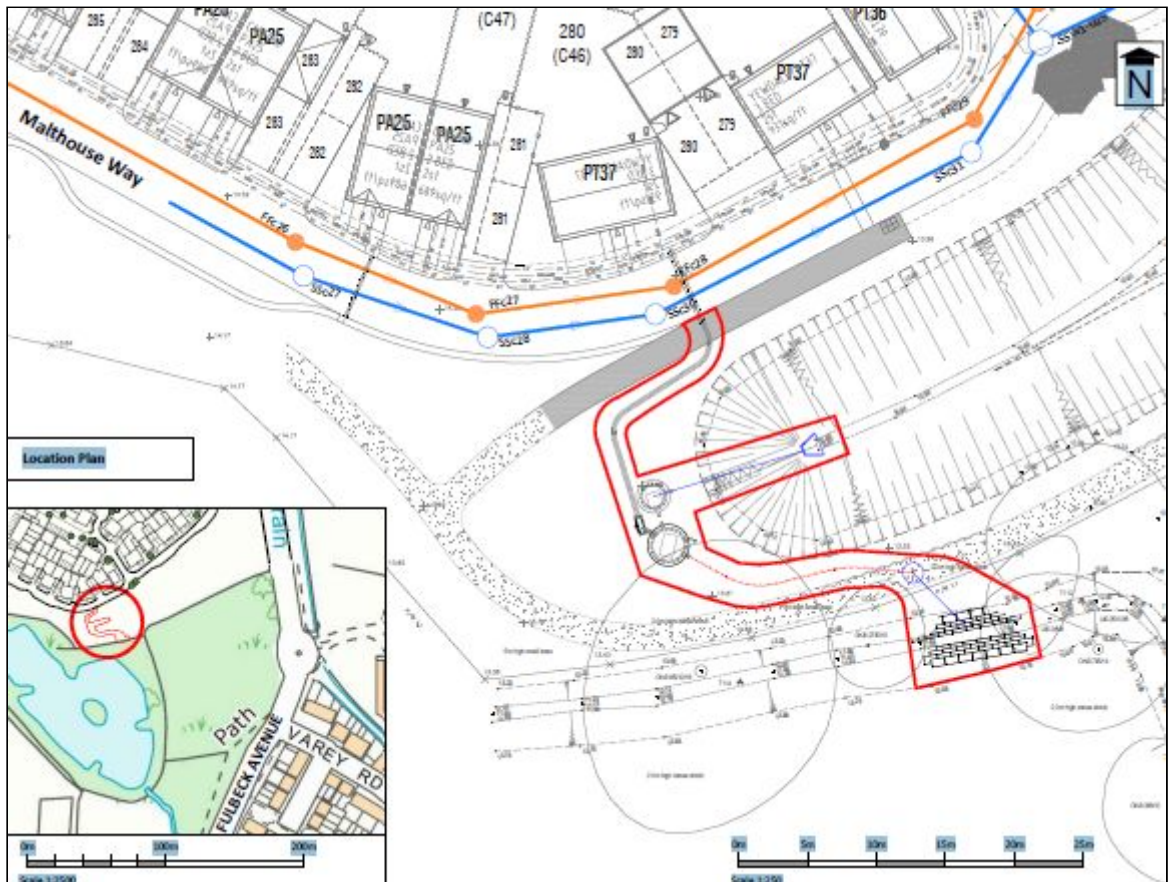
Recommendation – Delegate for S106 and Approval

Site: Land south of Malthouse Way, Durrington, Worthing

Proposal: Installation of underground surface water pumping station and associated manholes and above ground electrical cabinet (land South of 20-22 Malthouse Way).

Applicant: West Durrington Consortium
Case: Stephen Cantwell
Officer:

Ward: Northbrook



Not to Scale

Reproduced from applicant's red line application plan

Site and Surroundings

The site lies within an area of public open space at the western edge of a new drainage attenuation basin which is located at the south western edge of the West Durrington development. The site is approximately 0.023ha in area and adjoins the tapering western end of the basin, where an outlet pipe is designed to convey excess water from the basin into the pre-existing ditch which flows southwards immediately outside the boundary of the development area.

The area is currently uneven and incomplete, pending the completion of levelling and landscape planting. The pumping station, the subject of this application, has already

been partly constructed. It is approximately 18 – 25 metres to the south of the nearest new houses in Malthouse Way, all of which are occupied and which face towards the site and open space.

Proposal

The proposal is largely retrospective. It is for the installation of an underground water-pumping station which comprises two underground, concrete-lined chambers one metre apart. One of these is 3.5m deep, the other 4.5m. At the base of the deeper chamber a pair of water-pumps would be installed. One pump would be in service, the other would be a back-up in case of failure.

Each chamber is accessed via a manhole, set into a concrete surround at ground level. In between these chambers would be an above-ground electrical control cabinet, 1.1m high and 1.1m wide by 0.45m deep, on a slightly wider concrete slab. This would replace a slightly larger cabinet already installed.

The pumping station is needed to pump surface water (rainwater) from an adjoining attenuation basin, which comprises part of the public open space. The attenuation basin is part of the new and largely completed surface water drainage system, which serves the western side of the West Durrington development. The pump would operate when water levels in the basin rise after periods of rainfall. Water would be pumped out, into the ditch, which adjoins the south west of the West Durrington development site and which flows southward into the Ferring Rife system.

The application has been amended to include a spill-way at the south west end of the basin, just below its upper rim. The spillway is a concrete and stone-lined channel of approximately 35-50 centimetres depth, 1.5 metres width and 10 metres length. This would convey excess water from the basin to the ditch in the event of pump failure in a high rainfall event. It acts as an added safeguard.

The application is accompanied by:

- Proposed Surface Water [Location / Layout] Plan
- Detailed Design of Pumping Station
- Non-Technical Summary
- Noise Commentary and Noise Level Test
- Amended plans
- Management & maintenance documents.

Relevant Planning History

WB/11/0275/OUT – Outline application for development of land north of Fulbeck Avenue, West Durrington, for residential development (up to 700 units), recreation, community and education purposes; ground stabilisation; and speed management measures on Titnore Lane. Principal vehicular access and bus routing via Fulbeck Avenue, with Tasman Way providing vehicular access limited to the community facilities and bus routing, and Cherwell Road providing emergency vehicular access only.

STATUS: APP 27th April 2012

AWDM/0661/14 - Approval of Reserved Matters pursuant to Planning Permission WB/11/0275/OUT relating to the appearance, landscaping, layout and scale of 84 dwellings in Area 1c

STATUS: APP 10th December 2014

AWDM/0663/14 Approval of Reserved Matters, pursuant to the outline permission, relating to the Phase 1 area in respect of strategic roads, drainage, landscape and recreation areas outside the residential development parcels.

STATUS: APP 13th February 2015.

Consultations

West Sussex County Council - Drainage: Comment

The development cannot increase flood risk elsewhere. Any proposed discharge to the ditch over and above what was approved will require assessment of potential impacts downstream. A spillway in the event of pump failure is considered to be best practice according to the Environment Agency and presumably would only activate in the event of failure of both the primary and secondary pumps. The joint probability of this would be very low but the probability should be assessed.

Technical Services - Borough Engineer: Comment

The spillway design drawing is acceptable. The exceedance drawing confirms apparently that the houses will not flood up to the exceedance event / basin water level used in the modelling. The over-flows shown along the south of the basin (towards neighbouring land) are therefore incorrect if the spillway is in use.

The amended kiosk has no hasp and padlock which was agreed to by the Consortium but it's possible the two locks would suffice.

The outfall safety grill drawing indicates the use of a 700mm diameter pipe but a correction is needed to the scale of the drawing in order to determine what this would look like on the correct diameter pipe and headwall. The landscape drawings also need to be amended to include the spillway and correct layout of the basin

Reinforcement is needed to the spillway / ditch to prevent scour and the path around the rim of the basin needs to be gently sloped into and out of the spillway so that walkers do not notice the reduction in levels, this is shown on one of the planning drawings and appears adequate. It will be an area which will require inspection to ensure no erosion by water / feet or vandalism has occurred.

By introducing a spillway there is a reduction in maximum storage capacity of the basin, therefore storage capacity should be re-checked, and confirmed.

I have read through the submitted maintenance documentation, if the maintenance follows this document and callout times are achieved, the pump should run and the drainage system function adequately for the foreseeable future.

Environmental Health Officer - public health: Comment

I have previously commented that I have concerns about noise and vibration of the pump causing disturbance for the nearest noise sensitive properties.

The information submitted gives no mention to vibration and the noise level submitted is not specific to the pump being proposed. The Noise Level Test submitted notes that a centrifugal pump is being proposed but it is not clear whether the noise level given is specific to the centrifugal pump or a propeller pump. The Noise Commentary highlights the fact that noise data is not available for the proposed pump, only for a significantly larger pump. To ensure the application is not held up longer than necessary I recommend the following condition:

Noise from the pumping station shall not exceed 45dB LAeq_{15mins} with no tonal components at the boundary of the nearest noise sensitive property. The vibration dose value (VDV) shall not exceed the 'low probability of adverse comment' level contained within BS6472:2008 inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

Southern Water Services: No objection

It should be located no closer than 15m from habitable rooms, due to vibration, noise and potential odour. Council's technical staff should comment on the adequacy of the proposals to discharge to the watercourse. Any public sewer found during construction should be discussed further with Southern Water.

Representations

New West Durrington Residents Association (NWDRA)

The NWDRA originally provided a petition of approximately 150 signatures. Their comments following the amended plans are as follows:

Objection:

The NWDRA, whilst appreciating the need to prevent flooding, wish to defer approval of the application for the following reasons;

1. The original design for the approved Sustainable Drainage System (SUDS) (application AWDM/0661/14 approved December 2014) makes no mention of any mechanical means to remove water from the balance ponds into existing watercourses. There has been no explanation as to why it would not have been possible to modify the land appropriately especially when the landscaping had to be redone again as it was not to specification.
2. The current application still has not provided the following details:
 - a. Any defined warranty period from the manufacturer
 - b. What level of maintenance will be provided during the warranty period

- c. What the full costs are for the maintenance contract that is now to be put in place that meets the requirements put forward by Council and Residents. This contract will have a financial impact to residents if they as WYG (the developer's technical consultant) states in their letter dated 21/Aug/2018 are expected to now fund for a West Durrington Consortium error.
- d. There is no breakdown of replacement parts or indication of repair call out costs that fall outside of the maintenance agreement
- e. There is no start date for the contract that is being put in place
- f. There is no mention of the West Durrington Consortium to provide assurances to the Council or Residents that they will provide a "sinking fund" with no financial impact to either parties to cover the Initial 3yr Maintenance and cover the repair costs during that maintenance period should a failure occur
- g. There is no confirmed hand over period defined between the West Durrington Consortium and Chamonix Estates (who today manage the Management Company for the West Durrington Consortium until it is handed over to residents when development is completed). This is important to residents as it defines the date they may reasonably be expected if required to pay for ongoing maintenance
- h. There is no schedule of maintenance or indication of skills required to be carried out by Chamonix or anyone else with regards to the 'Micro drainage' (*officer note: this is assumed to mean the proposed spillway*) which is the back stop in the event of total pump failure. Whilst the maintenance of these is required under the legal agreement for the swales etc., beginning with the Consortium and over time, passing to the management company. Due to the changes being implemented downstream of the pump, the immediate section of the neighbouring ditch is not defined and requires clarification to avoid confusion for the future.

Other individual letters from residents, in summary:

3 no Object:

- Pumps are due to design error and impose additional costs on residents
- Object for noise issues
- Work has already taken place which has not allowed residents to comment or appeal.

Relevant Planning Policies, Documents and Guidance

Worthing Core Strategy 2011: Policies 12, 14, 15, 16.

Worthing Local Plan 2003 (saved policies): RES12, BE1, H18, LR8

Supplementary Planning Document: Developer Contributions (2015)

National Planning Policy Framework (2018)

National Planning Practice Guidance: Floodrisk and Coastal Change (2014)

DEFRA: Sustainable Drainage Systems – Non Technical Standards (2015)

CIRIA: The SUDS Manual 753 (2015) (Sustainable Drainage)

The Development Plan comprises the Core Strategy and Saved Local Plan policies.

The National Planning Policy Framework (NPPF) has considerable status as a material consideration which can outweigh Development Plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the recent NPPF, 2018 states that development should be approved unless: it would

cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against NPPF policies overall; or if the NPPF affords particular protection to assets or areas of importance, (recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

In assessing Development Plan policies relevant to this case alongside the recently published NPPF, it is considered that the following which are relevant to the current case are in conformity with it.

Development plan policy 15 requires that all development should ensure there is no net increase in surface water run-off and that sustainable drainage should be used in specific locations, (including major development sites). Development should not result in unacceptable harm to residential amenity, according to policy H18. The delivery of high quality infrastructure to meet needs arising from development is supported by policies 12 and RES 12. This can include green infrastructure and open space, the provision of which is required by policies 14 & LR18 to meet the needs of communities and which may serve serves multiple functions (such as informal recreation and drainage). All development should demonstrate good quality design and landscaping, including well designed open spaces according to policies 16 and BE1.

The National Planning Policy Framework, 2018 (NPPF) also requires that new development should include appropriate sustainable drainage systems (SUDS). These should have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development. Their management should not lead to increased flood-risk elsewhere.

The non-technical national guidance of 2015 for SUDS states that pumps should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity. Drainage components must be designed to ensure integrity of the system and anticipated loading, taking into account the requirement for reasonable levels of maintenance. CIRIA (2015) advises that the impact of blockage or failure of any key component should be assessed.

Other national planning guidance 'Floodrisk and Coastal Change' advises that planning authorities will want to be satisfied that the proposed minimum standards of operation are appropriate. Also there should be clear arrangements in place for ongoing [maintenance](#), using information no more than is necessary. CIRIA adds that initial cost estimates should be included in detailed planning applications.

The Council's Developer Contributions SPD states that where SUDS are provided arrangements must be put in place for their management and maintenance. Developers are expected to fund or contribute to measures, (such as SUDS), which mitigate the impact of development. If this cannot be ensured by use of a planning condition a legal agreement will be required. This can require specific operations or activities to be carried out (for instance, maintenance). The obligations of the agreement run with the land in perpetuity affecting those with a future interest in it (such as management companies).

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

The main issues raised by this proposal include:-

1. Principle of Development
2. Drainage and Flood Risk
3. Appearance and Open Space
4. Residential Amenity
5. Management and Maintenance

1. ***Principle of development***

- 1.1. Policies and national guidance support the provision of sustainable drainage systems (SUDS). Although many SUDS rely on gravity, national guidance acknowledges that pumping sometimes may be needed. In the current case the proposed pump is needed at the terminal point of the West Durrington SUDS system, in order to lift water from the final drainage basin, up to the height of the adjoining ditch, at the south western boundary. The pump would operate during periods of high rainfall, to pump away excess water. The spillway would convey water only if the pumping station fails and the basin fills close to its rim in a high rainfall event.
- 1.2. The original design of the West Durrington SUDS relied on gravity to convey excess water to the ditch through a single outlet pipe. However, the difference in land levels between the system and the off-site ditch has been found to be greater than had been expected at the original design stage. The pump ensures that excess the water will be conveyed into the ditch, rather than over-spilling from the southern edge of the basin, onto neighbouring land to the south.
- 1.3. It is noted that the installation of underground pumping stations and associated cabinets may be undertaken as a Permitted Development, when carried out by drainage bodies and statutory undertakers. Planning permission is needed in this case because the works are undertaken by the development Consortium and because the pumping station constitutes a variation of the originally approved SUDS drainage scheme.

2. ***Drainage and Flood Risk***

- 2.1. The SUDS drainage system, of which the pumping station is part, is designed to ensure that the rate at which surface water leaves the newly developed West Durrington site, is no greater than the natural rate which applied before development took place. Water is held in the series of recently constructed swales, ponds and basins. Some of this water soaks into the ground, the remainder flows gradually towards the pumping station.
- 2.2. When the amount of the water in the deepest part of the Malthouse Way basin, reaches approximately 1m depth the pumping station will begin to pump it out into the ditch. From here it will flow into the Ferring Rife system.
- 2.3. The importance of the pump is to ensure that new homes at West Durrington are protected against flooding from surface water which would otherwise accumulate in a high rainfall event. The severity of a high rainfall event is defined nationally as a '1:100 year' rainfall event.
- 2.4. The combination of the pumping station and the capacity of the drainage system ensures that sufficient water is stored and pumped away in this rainfall event. The system as approved includes 30 percent above the 1:00 year storage capacity. This addition was made in order to accord with Government predictions for future climate change and increased rainfall. Government has recently increased this national prediction to a factor of 40 percent.
- 2.5. Whilst this increased capacity cannot be applied retrospectively to SUDs which have already been approved, the opportunity was taken during recent repair works to the Malthouse Way basin during summer 2018, to increase its volume. The applicant has provided information regarding the resulting capacity, although the Borough Engineer has asked for clarification regarding any effect of including the proposed spillway close to its rim.
- 2.6. Subject to this information and the effective future operation of the pump, the SUDS drainage system is considered to meet national requirements for the storage and conveyance of water.
- 2.7. Mindful of national guidance (CIRIA 753), which recommends assessment of blockage or failure of key drainage components, such as pumps, the applicant has tested a pump failure scenario during severe rainfall event. This assessment identifies that excess water would eventually overflow from the basin onto the neighbouring land immediately to the south, which is owned by the Council. There is no information as to the speed and depth of this over-spillage, but it appears likely to affect much of this land which is largely a lower level than the basin.
- 2.8. National guidance (NPPF) states that the management of floodrisk in new developments should not lead to increased risk elsewhere. Accordingly there are two considerations in the current application: Firstly to ensure that the risk of pump failure is minimized, so that water is pumped into the ditch. Secondly to ensure that in the event of pump failure, the overflow is directed away from neighbouring land and into the ditch.

- 2.9. Minimising the risk of pump failure is considered at the Management and Maintenance Section below(section 5)
- 2.10. In order to direct overspill, the amended application includes the proposed 'spillway' channel (approximately 35cm – 50cm deep), which would set into the rim of the storage basin and connect the off-site ditch. The spillway would be stone-lined on a concrete base. It would act as a by-pass in the event of a pump failure during a high rainfall event. Excess water would find the spillway, rather than over-spilling onto the neighbouring land.
- 2.11. The spillway, which is 10m long, would cross the route of an approved amenity footpath, which will follows the southern edge of the basin, and which is yet to be constructed. Details are needed to show how the footpath would be amended in order to cross the spillway at a suitably shallow gradient (1:12), to cater for people of all abilities. Future inspections will need to check for wear and tear or damage and remediate accordingly.
- 2.12. Information has also been sought from the applicant to ensure that their section of the ditch will been have cleared before the pumps are commissioned, in order to allow water to flow freely downstream. The downstream section has been recently cleared by the Council as neighbouring landowner.
- 2.13. Subject to these remaining points, it is considered that the spillway will reduce the risk associated with pump failure. As stated by the Borough Engineer, this relies on effective future maintenance, which is discussed further below.

3. ***Appearance and Open Space***

- 3.1. The proposed cabinet would replace and existing one which was installed earlier this year. It would be 1.1m high and 1.1m wide by 0.45cm deep. This is approximately 10cm shorter and 10cm narrower than the existing, but 5cm deeper. It would be similar in appearance comprising, a dark green metal box with plywood lined interior for additional strength. Unlike the existing cabinet it would have no external alert lamp (which protruded and was vulnerable to damage). It would include a double lock, for security, although the Borough Engineers initially recommended an additional hasp and padlock.
- 3.2. The cabinet and concrete surrounds to the manhole covers of the underground chambers, would be set among new shrub planting of golden dogwood and close to a cluster of wild cherry and maple trees in the open space at the western edge of the drainage basin. To the south is dense hedgerow. The cabinet would be seen among and against a backdrop of vegetation. The appearance and limited impact on the open space is considered to be acceptable. An amended landscaping plan is required to confirm this arrangement.
- 3.3. The proposed spillway would be lined and edged with stone bedded onto a concrete base. The adjustment to the approved pathway along the southern side of the basin is needed to ensure that all users can easily cross the spillway. This can also be provided with an amended landscape drawing.

3.4. In summary, the proposal is considered to be compatible with the multiple functions of the open space for public access and enjoyment, its visual and drainage function.

4. ***Residential amenity***

4.1. Policy H18 requires that development should not adversely impact neighbouring amenities. The residents of neighbouring houses, facing towards the pump and spillway will be able to see the above-ground cabinet and probably the spillway. However, as new planting matures it is considered that the visual impact is unlikely to be significant. (s.106 maintain new planting)

4.2. In consideration of the risk of noise and vibration, it is noted that the pumps are housed in an underground concrete chamber at a depth of approximately 4m. They are slightly further from neighbours than the 15m distance recommended by Southern Water. In order to assess risk to neighbouring amenities some noise information has been provided, although this is not specific to the particular model of pump but a larger one.

4.3. Further noise and vibration Information is required. The Environmental Health officer has recommended the use of a planning condition which sets the maximum noise limit and a low vibration value. This would be verified within three months of installation. It is recommended that this approach is adapted to ensure that of predicted levels are submitted before installation, with verification afterwards, including the opportunity to agree and implement remedial measures, if needed.

4.4. The submitted information regarding future maintenance includes checking for noise and vibration as part of routine regime, which is discussed in the following section.

5. ***Management and Maintenance***

5.1. The applicant states that it has appointed a management company to execute ongoing management and maintenance responsibilities, including the overseeing of a specialist contractor who will maintain and service the pump for the first three years. Thereafter it will be the responsibility of the management company to procure future maintenance contracts.

5.2. The maintenance schedule has been submitted with the application. It includes periodic inspections to check the pumps, electrical and warning systems and to clear the pump and inlet chambers. This will include checking for excessive noise and vibration, for example due to worn bearings. Post inspection reports will be issued to the Council.

5.3. This initial regime would comprise three inspections per year, which is more frequent than would normally be the case. This frequency is intended to ensure that the performance of the pumping station is kept under observation as the West Durrington development progresses and the drainage system enlarges and as CIRIA, the potential loading on the pumps increases. At the end of this

period a revised schedule, based on these observations will be submitted for approval.

- 5.4. The proposals also include an inlet grille of suitable gauge, across the inlet pipe which is located close to the base of the basin. This will reduce risk of litter and debris entering the pump chamber and affecting or clogging the pump; an amended plan is required to confirm the gauge of the inlet pipe itself.
- 5.5. Maintenance of the spillway should be added to the maintenance proposal already submitted. This to include checking and remediation of wear & tear and damage based on an amended plan which is needed to show the intersection of the spillway and footpath.
- 5.6. The above-ground cabinet will house telemetry apparatus; this comprises electrical equipment. It will monitor the pumps for any electrical or mechanical failure or for high levels of water in the chamber. Such events would trigger a phone alert (via internal antenna) to the contractor, who would then attend the site within six hours. In the event of mains power failure the telemetry system would remain active via battery back-up; if this were also to fail it would also trigger an alert to the contractor.
- 5.7. The overall risk of failure is considered to be reasonably low and is acceptable to both the County Drainage officers and Borough Drainage Engineer. The proposal includes a pair of pumps, one in service, and the other as a back-up. The maintenance regime and its review in the third year, will allow for observations to be made as the loading on the system increases to its ultimate level, and the maintenance regime to be adjusted accordingly. In the event of mechanical or electrical failure, the response time of six hours is considered suitable. The spillway provides a by-pass route to the ditch, if the pumps were to fail during a high rainfall event and water were to rise close to the rim of the basin.
- 5.8. In terms of ensuring effective management and maintenance of the pumping station and spillway, it is noted that the original legal agreement for West Durrington, includes the option that maintenance of open space areas which include parts of the SUDS, may be carried out by a private management body appointed by the owner, the West Durrington Consortium. However, that agreement does not include the proposed pumping station and spillway, which present particular on-going maintenance requirements and costs. The extent of the pumping station, telemetry and spillway system needs to be clearly defined in order to ensure that effective ongoing management is properly targeted.
- 5.9. Accordingly it is recommended that a new legal agreement or deed of variation be entered into to ensure:
 - i. Responsibilities are set out for the management and maintenance of the pumping station by the owner,
 - ii. The extent of the pumping station, telemetry and spillway system and their component parts, are clearly identified and defined,

- iii. Provision is made for a private management body to carry out future management and maintenance responsibilities and to let future maintenance contracts.
 - iv. Maintenance contract to be in place before the pumping station and spillway become operational and successive contracts thereafter,
 - v. Issuing of reports of maintenance for first three years, and review of maintenance to be agreed for year four onward
 - vi. Provision of a sinking fund to cover replacement costs of the pumps and electrical system.
- 5.10. A further requirement is to amend the red-line of the current planning application in order to ensure that the spillway is contained within it.
- 5.11. The New West Durrington Residents Association (NWDRA) has raised objections concerning the additional costs of the pumping station, which will need to be covered by increased contributions by the residents to the Consortium's appointed management company. It considers that this is an unreasonable imposition, especially given that the SUDs drainage was originally designed as a gravity system and that need for a pump is due to an error by the development Consortium.
- 5.12. NWDRA also comments a manufacturer's warranty should be obtained against the failure of the pumps; also that the Consortium should pay for installation costs and the first three years of operation. Furthermore that a financial non-performance bond should be lodged by the Consortium; this would provide funds for the local authority to step in and deal with a failure of the pumping station if the management company fails to do so.
- 5.13. In consideration of these points, planning guidance acknowledges that pumping can sometimes form part of a SUDS system. Whether or not this is due to an error would seem to have little weight in planning terms, but it is acknowledged that this is an unforeseen cost. The applicant has not provided a breakdown of these costs, which would give insight into the reasonable planning question of whether the pumping station is an affordable solution. The the NWDRA refers to a first year bill which has been received by residents for £4700. It is unclear whether this is for the proposed pump and whether it would cover installation and/or a 12-month maintenance cost. Clarification has been sought from the Consortium.
- 5.14. Subject to ascertaining that approximate installation and annual maintenance costs are affordable, it would not then be reasonable in the planning context, to prescribe that these costs should be borne by the developer, rather than passed onto a management company and residents. However, it may be reasonable to require, through the legal agreement, that a sinking fund is established, which would pay for replacement of the pumps and electrical system in the future. This would ensure that these costs are spread over several years of contributions, thus reducing the possibility of an extraordinary cost in any particular year.

- 5.15. Regarding bonds, CIRIA lists these among the possibilities for the financing of SUDS. However, the CIRIA guidance was written at a time when it was expected that SUDS would become the responsibility of new lead drainage authorities (such as Country Councils) who might then incur consequent costs. However, subsequently Government has indicated that these responsibilities will not pass to local authorities and it has not introduced the legal mechanism to do so. It is therefore very unlikely that the Borough or County Councils would step-in if other arrangements failed. Consequently it is particularly important that management responsibilities are made explicit and clear by means of a legal agreement.

6. **Summary**

- 6.1. In summary, the inclusion of a pumping station is considered acceptable in principle, and is within the scope of national guidance and policies. The proposal is considered to be compatible with the use and appearance of the public open space and neighbouring amenities. The visual impact and control of noise is capable of control by planning conditions for amended landscaping, including the spillway footpath crossing and reinforcement. Details of noise / acoustic performance and vibration are required and subsequent verification, before the pumping station becomes operational. An amended plan is also required for the gauge of the inlet pipe. The red line boundary plan of the site should also be amended to ensure that the spillway is fully included.
- 6.2. Confirmation of capacity of the Malthouse Way basin is also required, following the inclusion of the spillway in the proposals. The legal agreement is needed to ensure that all parts of the pumping station and spillway system are identified and maintained in perpetuity. Initial and annual maintenance costs are needed to ensure that the pumping station is affordable. A sinking fund via the legal agreement should cover subsequent replacement, in order to minimise risk of extraordinary costs.
- 6.3. A Grampian-type planning condition is required to ensure that the applicant has cleared the ditch, to ensure a continuous and efficient connection to the off-site network.

7. **Recommendation**

- 7.1. **It is recommended that authority be delegated to the Head of Planning to APPROVE the application, subject to the completion of a satisfactory legal agreement and/or deed of variation and subject to the following planning conditions:**

Conditions:

1. The development hereby approved shall be fully implemented within six months of the date of this notice of permission, unless another time period is first agreed in writing by the Local Planning Authority.
Reason: To ensure that the partially implemented development hereby approved, which is important in the overall drainage of the West Durrington development site,

is implemented expeditiously, in the interests of effective land drainage and floodrisk management.

2. Approved plans (to be listed)
3. Within three months of the date of this notice of permission, an amended landscaping plan, together with details of the intersection of the spillway and amenity footpath, (with sections and including reinforcements), and of plant, type, variety, size and number or planting density, shall be submitted to and approved in writing by the Local Planning Authority. All landscaping works, including any planting, shall be carried out during the next planting season following the approval of these details under this condition. Any tree, shrub or plant forming part of that approved scheme which dies, becomes diseased or is removed within five years of planting, shall be replaced by another of similar type and size, unless the Local Planning Authority gives prior written approval for any variation.
Reason: To ensure that drainage features are robust and compatible with the multi-functional and accessible open space and the amenities of the area.
4. Noise from the pumping station shall not exceed 45dB LAeq_{15mins} with no tonal components at the boundary of the nearest noise sensitive property. The vibration dose value (VDV) shall not exceed the 'low probability of adverse comment' level contained within BS6472:2008 inside the nearest property. Details of the predicted acoustic performance and vibration of the pumping station shall be submitted to and approved in writing by the Local Planning Authority, before the development first becomes operational. The pumps and associated apparatus shall only be installed in accordance with these details.
Reason: To control risk of noise and vibration and to safeguard the amenities of the area, including nearby residents.
5. A test of the actual noise levels and vibration environment to demonstrate compliance with the levels approved under condition 4 above, shall be undertaken within 3 months of the development first becomes operational and submitted to and agreed in writing by the Local Planning Authority. Any remedial action which is required by the Local Planning Authority shall be implemented within a further three month period, or such other period as may be mutually agreed in advance.
Reason: To control risk of noise and vibration and to safeguard the amenities of the area, including nearby residents.
6. The pumping station and spillway shall not become operational until the ditch adjoining the site has been cleared and dredged and after this has been verified by inspection by the Drainage Engineer of the Local Planning Authority.
Reason: In the interests of effective land drainage and floodrisk management.
7. The spillway shall be constructed in accordance with the approved plans, including those pursuant to condition 3 above, before the pumping station becomes operational, and it shall have been verified first by inspection by the Drainage Engineer of the Local Planning Authority and it shall be maintained permanently thereafter.
Reason: In the interests of effective land drainage and floodrisk management.

Application Number: AWDM/0123/18

Recommendation – APPROVE

Site: Chiltingtons 127-131 Lyndhurst Road Worthing

Proposal: Change of use from C2 Residential Institution to C1 Hotel/Guest House

Applicant: Mr Sungur

Ward: Selden

Case Officer: Rebekah Smith



Not to Scale

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This application has been called in to the Planning Committee at the request of Councillor Keith Bickers.

Update

At the June meeting of the Committee, Members resolved to defer the application to seek further clarification from the applicant regarding the proposed use of the building. The previous committee report is appended.

Following the Committee, the applicant provided the following statement to support the application:

Statement of Intention

This statement has been prepared following the Committee meeting and the Case Officer's request for further clarification to support the application submitted under reference number AWDM/0123/18.

It appears that there was a misconception at the Committee meeting regarding the type of visitors intended by the applicant for the proposed guesthouse / hotel. The representative of the language course, who gave a speech at the meeting in order to support the application, focused on how they would use the proposed premises from their point of view. However, this does not at all mean that the premises would be used as a student accommodation.

In actuality, the applicant's main intention is and always has been to attract visitors in the area for business, local tourist attractions such as many of the National Trust sites nearby, Worthing Sailing Club, aviation clubs at Goodwood, Shoreham Airports, people visiting the patients at the local hospital, and the families of national and international students throughout the year. Also, as the Highway Authority mentioned in their report, the site is on National Cycle Route 2, so it can be used as stopover accommodation by the cyclists as well.

The services to be provided as standard throughout the year for all visitors would include serving breakfast only (no other meal) by a member of staff, cleaning occupied rooms and communal areas on a daily basis, providing fresh towels and toiletries for each room, a 24 hour staffed reception for assisting visitors.

In light of the comments made by the Members at the previous meeting, it was considered that further clarification was still required and as a result, the following additional response provided:

The language school would like to use the proposed hotel/ guest house accommodation mainly for their mature students who are usually working professionals, coming to the UK for a short term (3 to 6 weeks) intense language courses. These students are most likely to be independent adults and would not be comfortable staying with host families.

For example, 12 solicitors are coming from Turkey in November to attend 'English and Law' course, a special programme organised by an educational agency that the school has connection with.

In May 2018, 13 teachers from Switzerland came for 'English for Teachers' course and they are due to come again in September.

Furthermore, the language school have international connections with travel agencies and educational consultants from all over the world. Several times a year some of them visit the school either as small or big groups. For instance, group of 14 people coming from Japan to visit the school for 4 days from 25th October.

These are only a few examples of what type of people the applicant expecting from the school. All these people need some sort of accommodation at a reasonable cost during their visit. Although, the applicant would be keen to work with the school as they would give the opportunity to generate business, the guest house would not be exclusively limited to that type of clientele. Peak times for demand from the school would be March, July and August months.

I hope this information sufficient for further clarification.

Assessment

This application has proven difficult to determine given the application as originally submitted appeared to simply propose a standard hotel/guest house use. During representations at the June meeting, it became clear that the proposed use was not just for conventional tourists as such. Members will also recall from the last report that a number of residents had raised objections, some of which were regarding the intended use of the premises.

The application as submitted proposes a change of use to C1 use. Unless there is evidence to the contrary, then the application must be assessed on that basis and, as outlined in the previous report, such a use complies with Core Strategy policy and similarly there is no objection to the loss of the C2 use. While there may be concern as to the viability of the proposal, this is not a reason in itself to resist the proposal.

The definition of a C1 use is *Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels)*.

The definition of a hostel use, which is sui generis (no use class) can provide more problematic but ordinarily, a hostel use would include occupiers who reside in the premises permanently or those who would no other home to go to.

The additional information submitted by the applicant does not suggest that this will be the case and, therefore, your officers are satisfied that the application can be assessed as originally described.

However, in light of the information that has been provided during the determination of the application, it is considered that more stringent conditions should be applied than may otherwise be the case for an application of this sort. Most particularly, it is considered that a management plan should be submitted prior to the change of use taking place with, in particular, controls on the maximum length of stay by an occupier (for example no longer than 6 weeks as stated in the supporting information, and only by occupiers such as students whose primary residence remains elsewhere).

A condition is also proposed limiting the use to hotel/guest house only, which would prevent any further changes under permitted development. Any use as a hostel would require planning permission irrespective of the condition is imposed, but nonetheless it is felt important to provide clarity on the approved use in the decision notice.

Recommendation

APPROVE

Subject to Conditions:

1. Approved Plans
2. Standard 3 year time limit
3. Use limited to hotel/guest house only
4. Management plan to be submitted prior to commencement of development
5. Standard hours of demolition/construction/works
6. Storage of refuse/recycling to be agreed
7. Cycle storage to be agreed
8. Travel Plan Statement to be agreed

19th September 2018

APPENDIX – PREVIOUS COMMITTEE REPORT

Proposal, Site and Surroundings

The application site relates to a vacant two storey building located on the north side of Lyndhurst Road on the corner at its junction with Ladydell Road formerly in use as 'Chiltingtons' residential care home. The building appears to be formed of a terrace of three dwellings (that would have originally continued westwards) that have been amalgamated to form one large detached building. The main pedestrian entrance is on the south side of the building with access from Lyndhurst Road and with a garage and hardstanding with vehicular access onto Ladydell Road to the east. The site is enclosed by a low brick wall and with hedges screening the corner garden area to its frontage. The building has previously been used as a residential care home with 19 bedrooms and communal lounge and dining facilities. Residential uses surround the site.

Permission is sought to change the use of the existing vacant care home (class C2) to a hotel/guest house (class C1). No external alterations are proposed. Internal modifications would be made to include en-suite shower/wc rooms, accessible ground floor bedroom with wet room, removal of the lift, consolidating rooms to form a larger dining room and installing a new office. The hotel/guest house would comprise 19 bedrooms, one of which is indicated to be for staff use only. Four car parking spaces are indicated on the plans including the existing garage which are served by the existing dropped kerb. Covered bicycle storage is proposed within the rear (north/west) yard. Five full time equivalent staff would be employed.

Extracts from the Applicants supporting statement:

This proposal seeks planning permission for the change of use of the existing property from C2 (Residential Institution Use to C1 use (Guest House/Hotel).

The application site is located within the Built-up Area Boundary of Worthing where in accordance with paragraph 14 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal would involve no changes to the external façade of the building.

Some minor changes and re-configuration to the internal layout are proposed as part of the development. It is our view that these would not detract from the character of the building or surrounding area, which is mixed in character.

The building has been in use as a residential care home that provided accommodation for up to 18 residents in 16 single and 1 shared rooms. The site was formerly a private owned care that was registered to provide care for persons who are of old age, and/or suffering from Dementia, physical disability, and Sensory Impairment. However, this use ceased, and the premises are vacant.

The proposed Guest House/Hotel would provide 19 No. bedrooms. It is our view that although the level of occupation would marginally increase as a result of the development, the intensity of activity associated with a Guest House/Hotel is not likely

to be significantly greater than the care home use. Indeed, during the winter months, it may in fact be reduced.

Local and national policy highlights support for increased and improved visitor accommodation, and the proposed use accords with these policies, including Core Strategy Policy 5.

The proposal will not result in any demonstrable impact upon residential amenity by way of noise or disturbance.

The site is located within a highly sustainable area; within easy walking distance of a small precinct of shops to the east, and Worthing Town Centre, which is located to the west. The site is well served by transport links, in the form of main bus routes. In addition East Worthing railway station is within easy reach of the site.

Vehicular access and existing parking arrangements are to be maintained via Ladydell Road.

Cycle storage can be provided if this is required by the Council.

The proposal meets all the necessary policy requirements, and will cause no significant harm to the character of the surrounding area. In our opinion the overwhelming weight of evidence supports the proposal as it is shown to comply with all relevant Development Plan policies.

Consultations

The **Highway Authority** has commented as follows:

Summary

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on change of use of 19 bedroom C2 residential care home to 19 bedroom C1 guesthouse/ hotel use.

The building is located on corner of Lyndhurst Road ('C' classified) and Ladydell Road ('D' classified). Both roads are subject to a 30 mph speed restriction and areas of controlled parking between limited times. The junction is protected by double yellow road markings deterring illegal parking in locations that would be detrimental to highway safety.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been three recorded injury accidents at the junction of Lyndhurst Road with Ladydell Road. However, from an inspection of accident data it is clear that this was not due to any defect with the junction.

Access & Parking Arrangements

Under WSCC Parking Standards Adopted November 2003 a C2 residential care home use could see a demand for one car parking space per twenty residents, one car parking space for visitors per eight residents and one car parking space for staff per five residents. On the basis of 18 residents being accommodated a maximum demand for seven spaces could therefore be provided.

A C1 hotel use could see a maximum demand of one space per bedroom. Nevertheless the LHA appreciate the town centre location and proximity to local amenities and sustainable modes of transport. It should also be noted that these are maximum parking standards.

No vehicle parking details have been submitted with the application. From an inspection of local and WSCC mapping vehicle access is in place from Ladydell Road in the form of a dropped kerb vehicle crossover (VCO). The agent has stated that the existing off-street parking and garage will be retained. It should be clarified how this will be allocated and whether this would be for staff only. A detailed parking plan including the dimensions of the existing garage and hardstanding area should be provided in order that the LHA can assess the proposed arrangements.

We would also advise that bicycle parking for staff be provided in a secure facility. How many staff are anticipated to work at the hotel?

Sustainable Transport

The LHA acknowledge the sustainable location of the site in proximity to Worthing Town Centre with a range of amenities and services within walking distance along street-lit footway links. East Worthing Train Station is approximately 3 minute cycle ride distant and main bus services along Lyndhurst Road provide onward routes to nearby towns and villages. On-street parking is limited in the vicinity due to the controlled parking zone with controlled hours to permit holders only and junction protection prohibiting on-street parking in locations that would be detrimental to highway safety.

Given the restrictions for parking in the locality the LHA encourage the applicant to provide a Travel Plan Statement outlining mitigation measures for sustainable transport. Guests of the hotel should be encouraged to utilise sustainable modes of transport when staying by providing information on local bus services, directions to amenities in the vicinity and encourage cycling and walking as well as the nearby train station as alternative yet realistic means of transport.

Conclusion

In summary the LHA do not raise a highway safety or capacity concern to the principle of the application however clarification is sought on the existing car parking arrangements. Will these be for staff use only? How many staff are proposed? Will cycle parking facilities be provided for both staff and guests of the hotel? The applicant should ensure that the existing hardstanding is capable of providing sufficient sized parking bays (2.4m by 4.8m) so that cars do not overhang the adjacent footway. We would also anticipate that a single garage be at least 3m by 6m to be counted toward parking provision for the use.

The applicant should also provide a Travel Plan Statement setting out measures that will be undertaken to encourage use of sustainable traffic modes for staff and guests considering the restrictions to on-street parking in the vicinity.

Following the receipt of the applicants Travel Plan Statement and parking layout, the **Highway Authority** commented as follows:

Parking

The revised layout plan indicates that the existing dropped kerb from Ladydell Road will be used to access three car parking spaces on the existing hardstanding. From an inspection of the plans there is sufficient depth and width across this hardstanding to accommodate this. The existing garage is insufficient depth to be counted as an allocated space however the LHA appreciate the historic use of this and consider it could be used as a staff parking space. Two of the external spaces are not marked as staff parking thus it is assumed that these could be used for guests of the hotel. As per previous comments a maximum demand for seven spaces, as set out in WSCC Supplementary Planning Guidance, could be provided for the use. Whilst a shortfall in 5 spaces the LHA acknowledge the location of the site in regard to sustainable modes of transport being realistically utilised. Furthermore on street parking is restricted within the Controlled Parking Zone and the nearby junction with Lyndhurst Road is protected by double yellow line road markings. The LHA do not consider that any additional parking as a result of the proposals would occur in locations deemed detrimental to highway safety. Furthermore the applicant has promoted sustainable transport by supplying a Travel Plan Statement.

Travel Plan Statement

Considering the location of the site the LHA advised that a Travel Plan Statement be provided to encourage and promote use of cycling, walking and public passenger transport for guests. This has been prepared and reviewed by the WSCC Senior Local Transport Improvements Officer, who has raised the following points:

- The adoption of modal shift targets is welcomed. Consideration should be given to the timeframe over which the targets should be achieved. This is usually five years from first occupation of the site.
- Please include a contact email address and telephone number for the Travel Plan Co-ordinator (Mr Burak Sungar).
- Please note that, unfortunately, it is likely that the www.travelwestsussex.co.uk multimodal journey planner will be decommissioned shortly. Paragraph 4.3.2 will therefore need to be amended to reflect this. Instead, the Traveline South East and the National Rail Enquiries websites can be promoted (alongside other services such as Google Maps) to provide public transport information to staff and guests. The West Sussex Cycle Journey Planner and www.westsussexcarshare.com will continue to operate and therefore may be promoted to staff and guests. The provision of paper maps (as outlined in the TPS) will support the provision of journey planning information.
- The provision of cycle parking is welcomed (paragraph 6.3.3) however it may be necessary to provide more than 3 spaces given that, potentially, these could all be occupied by employees bike. Is there scope to provide a secure, covered cycle shelter for guests' bikes and/or utilise the garage space to the rear of the property?

- *The location of the hotel is conducive to promoting the use of sustainable transport to guests. Locations such as Brighton and Shoreham are accessible by both bus and rail. Moreover, National Cycle Route 2 is just a few hundred metres from the site. The hotel may therefore wish to position itself as 'cycle-friendly' stop-over accommodation for tourists cycling between Dover and St Austell, or as a base for those wishing to access the Downs Link (30 mins cycle) Brighton (70 mins) and other local attractions served by the route. The availability of a track pump, some basic tools, and puncture repair kits at the hotel would be of great benefit to guests arriving by bicycle.*

The applicant is encouraged to take the above into account. A modified Travel Plan Statement can be secured via condition. The LHA would also advise that additional secure and covered bicycle parking is provided for use of guests as well as staff.

Conclusion

The LHA does not consider that the proposal 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 approve the application the following conditions should be secured:

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.

Travel Plan Statement (to be approved)

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Adur & Worthing Councils: The **Environmental Health** Officer has commented as follows:

- hours of demolition/construction/works – standard hours to apply;
- dust - appropriate suppression methods submitted prior to works (if necessary);
- AQ - no comments;
- light - no comments;
- contaminated land - no comments;

- noise - appropriate sound insulation to be achieved through Building Control, in particular between:
 1. the kitchen and Bedroom 19
 2. the fire door and Bedroom 17
 3. the wet room and Bedroom 18
 4. the reception/lounge and Bedrooms 14 and 15
 5. the plant room and Bedroom 11.

The **Private Sector Housing** Manager has raised no objection.

Representations

Thirty letters of representation received that raise the following concerns/objections:

- Lack of parking/traffic problems – proposed use would exacerbate congestion/parking problems/highway safety issues, travel plan does not offer solution to lack of parking
- Noise from hotel activity
- Disturbance/anti-social behaviour/safety problems
- Disturbance caused by lights left on at night
- Loss of privacy
- Would change character of residential area
- Overdevelopment
- Existing hotels and air bnb create surplus of tourist beds in Worthing
- Use not likely to attract genuine tourists
- Concern that hotel/guest house would be occupied by people requiring emergency accommodation/for people in crisis/hostel, and not by tourists, with no support for potential occupants who may have problems/be vulnerable. Associated difficulties, disturbance, risks to other residents and school children
- Shortage of C2 care home places affecting hospital discharge
- Trees/garden should be maintained and not removed for parking

One representation received from the Worthing Society raising particular concern over traffic and parking problems.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2012
 Core Strategy policies 3, 5, 16, 19
 Saved Local Plan policy: RES7, TR9 and H18

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.

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

Planning Assessment

The genuine intention of the use has been called into question in the representations with suggestions made that the use may operate as a hostel, emergency housing or similar. The applicant has indicated an intention for as a hotel/guest house use for visitor accommodation and to that end has clarified that the business would operate as follows:

Bed and breakfast, therefore no evening meal offered. Cleaning will be provided for each room and the communal areas on a daily basis. The reception will be manned at all times and there will be at least one member of staff staying at the bed and breakfast overnight.

Hostels are not included within the C1 use class. If a hotel/guest house was approved and the nature of the use and its operation differs from that described, consideration would need to be given as to whether a material change of use had occurred at that time. However, this application must be assessed at face value as described, as a proposed Hotel/guest house.

Principle

Although the proposal would result in the loss of a C2 residential care home, there is no specific policy contained within the core strategy that resists the loss of the C2 use.

Core Strategy Policy 5 supports the retention, upgrading and enhancement of visitor accommodation to meet the changing consumer needs. The Council supports suitable new tourist and leisure facilities with a particular focus on the town centre and seafront area. The overall aim is to enhance visitor accommodation to support the regeneration of the town and help seasonality.

There is a need to provide accommodation for a variety of visitor needs from lower budget to more 'high end' corporate requirements. It is not clear from the application details precisely who the target market for the proposed accommodation would be, but the proposal would make a small contribution towards the visitor economy by providing 18 new bed spaces with a mix of en-suite rooms and those with shared bathroom facilities, catering for a range of visitor needs. The site is sustainably located within walking distance of local facilities and public transport connecting to the town centre and surrounding area.

The loss of the former care home is acknowledged but there are no policy grounds to resist the proposal on these grounds. The principle of conversion of the existing care home to form hotel/guest house accommodation would therefore be acceptable subject to detailed consideration of the impacts on visual amenity, the amenities of neighbouring residential occupiers and on parking and access.

Visual amenity

No external alterations are proposed to the building. There would be no significant harm to the visual amenities of the site or surrounding area subject to suitably designed cycle storage to be agreed by condition.

Residential amenity

The site is located in a predominantly residential area with neighbouring houses and flats sited close to the boundary with the application site at 125 Lyndhurst Road to the west, where there is a vehicular access to a rear parking area to the immediate west of the site, and 1 Ladydell Road to the north.

Although the number of bedrooms remains as per the former care home use with 19 rooms proposed, one of which would be reserved for staff use, the use as a hotel/guest use may result in some increase in the level of activity at the site in terms of arrivals and departures. However, there is no bar or restaurant or evening meal service offered and so noise or odours from such activities would be absent here. The Council's Environmental Health Officer has raised no objection to the proposed use. Bedroom configurations remain similar to the former care home use and would not result in any significant loss of amenity to neighbouring occupiers.

Accessibility and parking

Four parking spaces are detailed on the site plan, including the existing garage which the Highway Authority considers could be used for staff parking and a further staff parking space, representing a shortfall of 5 spaces against maximum demand. The application site is located in a sustainable location, with access to local facilities and public transport links. The site is within the Controlled Parking Zone. A Travel Plan Statement has been prepared in order to encourage and promote use of cycling, walking and public transport for guests.

Although a parking shortfall would exist, the Highway Authority considers that the sustainable location of the site would make sustainable transport modes a realistic option for guests, and makes suggestions to improve the travel plan including promoting the hotel as a 'cycle friendly' destination. The Highway Authority considers that existing parking controls would ensure that additional on street parking would not be detrimental to highway safety and does not consider that there would be a 'severe' impact on the highway network therefore, in accordance with the NPPF, there are no transport grounds to resist the proposal. Parking and access is considered acceptable.

Recommendation

APPROVE

Subject to Conditions:

1. Approved Plans
2. Standard 3 year time limit
3. Use limited to hotel/guest house only
4. Standard hours of demolition/construction/works
5. Storage of refuse/recycling to be agreed
6. Cycle storage to be agreed
7. Travel Plan Statement to be agreed

27th June 2018

Application Number: AWDM/0703/18

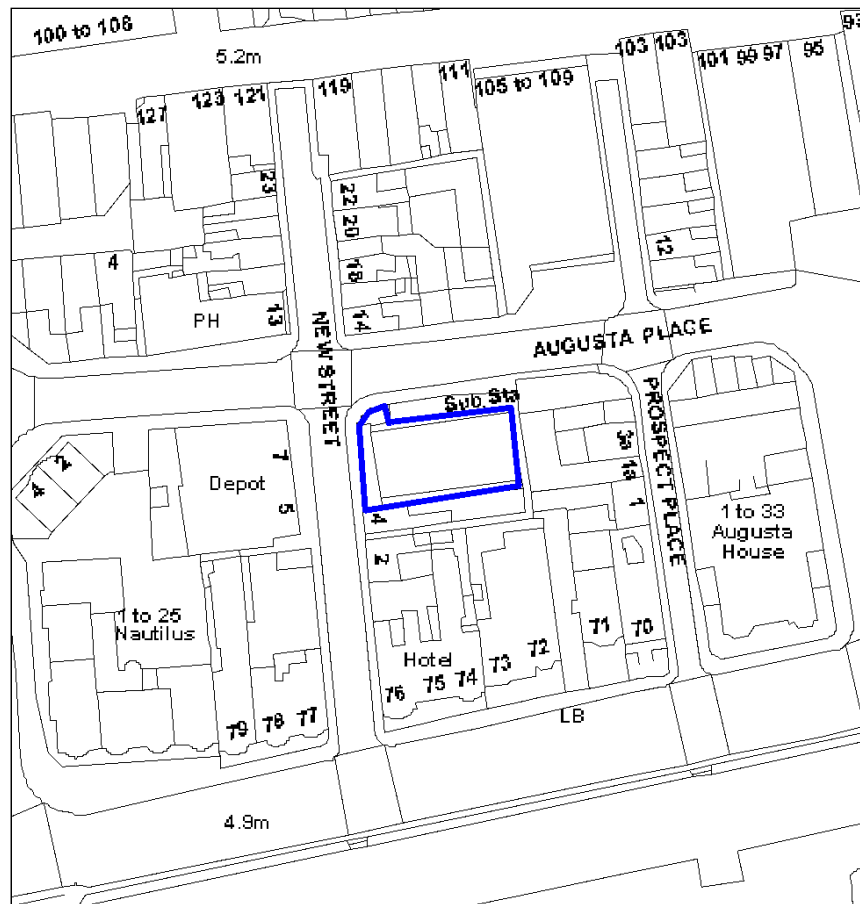
Recommendation – REFUSE

Site: 6 New Street, Worthing, BN11 4RE

Proposal: Variation of condition 3 of approved application WB/05/0225/Full for Food Restaurant for permanent planning permission for opening hours 8am to 1am Monday to Saturday and 8am to 12 midnight Sundays and Bank Holidays (as permitted temporarily under AWDM/0202/17).

Applicant: Mr Andrew Sparsis
Case: Eve Hearsey
Officer:

Ward: Central



Not to Scale

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Site and Surroundings

The property is within the old town centre of Worthing, with the Seafront approx. 85m to the south, and the main, pedestrianized shopping area of Montague Street approx. 60m to the north. The area between is characterised by residential dwellings and commercial uses. Directly to the south of the application site is a pair of residential cottages, no.'s 2 and 4, with no. 4 being separated from the application site by a side

access of approx. 1m in width. These cottages appear to be old fisherman's cottages and are positioned directly abutting the pavement; this positioning allows an enclosed forecourt to the application site.

There are also cottages to the north of no. 6 in New Street and Augusta Place. The side flank wall to no. 14 has no fenestration or doors within it and a side boundary wall directly behind no. 14 abuts the pavement. A later addition dwelling sits behind no. 14 which has a Sussex hipped roof, and next to that a pair of cottages, which have been extended extensively to the rear to form a Mews type development, but old maps, show that these buildings were once outhouses to the rear of properties to New Street. These dwellings are accessed through between no's 18 and 20 New Street and are numbered 18a, 18b, 18c, and 18d. Residential also is prevalent at Marine Parade to the south, some being in flats and hotels.

Opposite the application site is a Car workshop and associated car works while a Mexican bar and grill is located at 13 – 15 New Street on the opposite corner of the junction with New Street and Augusta Place.

The restaurant building itself is detached and faces onto New Street and has a mezzanine floor and provides for up to 40 covers. An extractor flue in the form of a rendered chimney is sited at the rear of the building (east). There are also air conditioning units on the southern flank of the building but no openings on this side other than a door to the side passage. The forecourt is at the front (west) of the restaurant and wraps around to the front section of the side (north). Including the entrance, it is some 70 square metres in size. Awnings sit over the opening. It is reportedly used only occasionally as a seating and eating/drinking area. The applicant reports that the smokers are encouraged to gather in the NW corner of the forecourt.

Proposal

The application seeks permission to vary the original condition no. 3 attached to planning permission WB/0225/FULL 'Change of use from retail to restaurant and alterations to implement the use', which was approved on 19th April 2005.

The original condition stated:-

"The premises shall not be open for trade or business except between the hours of 08:00 to 24:00 Mondays to Saturdays and 09:00 and 23:00 on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties."

This current application requires the hours to be:-

Monday – Saturday 0800 – 01.00

Sunday and Bank Holidays 08.00 – 24.00

This will thereby mean an increase of 1 hour each day Monday – Saturday and 2 hours on Sundays and or Bank or Public Holidays.

Relevant Planning History

WB/05/0225/FULL

Change of use from retail to restaurant and alterations to implement the use. The terms of the permission restricts the use specifically to a restaurant use (A3) and trading hours from 8.00 am to midnight Mondays to Saturdays and 9am to 11 pm on Sundays and Bank or Public Holidays.

Approved Conditionally 19.04.2005

WB/06/0648/FULL

Variation of Condition 7 of planning permission WB/05/0225/FULL to allow use of the forecourt of the restaurant as an outdoor eating and drinking area in connection with the restaurant, with the provision of external lighting to west and north elevations and enclosed by timber balustrade.

This permission was subject to restrictions to limit covers to sixteen; use between 8am and 10pm; controls on lighting; no alcoholic drink without a meal and all meals consumed at tables, seated, no amplified sound or music; and no table or seat within 1.5 metres of No 4 New Street. This application was a temporary permission has now expired.

Temporary Permission Approved 18.07.2006 (Expired 30.09.2007)

AWDM/0202/17

Variation of Condition 3 of approved application WB/05/0225/FULL, to change opening times to Monday – Thursday: 1 hour longer trading from 8.00 am – 1.00 am; Friday – Saturday: 2 hours longer trading from 8.00 am – 1.00 am; Sunday and Bank Holidays 1 hour longer trading from 8.00 am – 24.00 hrs

Temporary Permission Approved 16.05.2017 (Expiry 01.07.2018)

The restaurant's license was very recently extended beyond those originally granted of 11am to 11.30 pm Monday to Wednesday and 11am to midnight Thursday to Sunday. The new license permits opening between 11am and 1.30am Sunday to Thursday and to 2.30am on Fridays and Saturdays, with alcohol sales limited to thirty minutes before these times; and music between 6pm and 1am on all days. A number of conditions are also attached to the license requiring the use to operate as a café; waiter/waitress service for all drinks; no vertical drinking at the bar; music restricted to indoors; no new customers able to enter the premise after 11.30pm; all openings kept shut after 22.30pm other than for access and restrictions on noise emissions

Consultations:

Environmental Health: *"We have had no issues as a result of the granting of temporary permission last year, so have no comments to make in connection with this application."*

Sussex Police:

"I have had the opportunity to examine the detail in the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

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

I refer to our previous correspondence PE/WOR/17/05A dated 18th April 2017 and PE/WOR/17/05B dated 26th April 2017 which remain extant.

The area is within the parameter of the late night economy of Worthing Town Centre and as such it experiences large amounts of footfall, noise, litter and acts of anti-social behaviour.

I have concerns that the extended hours will create a steady influx of additional customers attending the venue as they discover it would be remaining open with the proposed extended hours.

There have been efforts by the management to curtail the issues associated with the restaurant itself being located in a residential street and their commitment to Worthing over the years is noted.

However despite their efforts, they have no control over customers leaving the premises as they are free agents and could unwittingly cause unnecessary noise and disturbance for the nearby residents.

I reiterate comments from our previous letter PE/WOR/17/05A that you have to appreciate that the quality of the premises management, the number of door staff on duty, and the behaviour and the demeanour of patrons whilst relevant, won't negate the cumulative impact of large numbers of persons existing onto the streets in the early hours of the morning. I have concerns that the proposed extended opening hours would result in the increase of numbers of persons, often who are intoxicated, remaining on the streets into the early hours.

This would directly affect the amenity of the immediate residents in the form of noise and footfall and impact upon the provision of policing resources, particularly on Friday and Saturday nights, when demand on policing is often at a peak.

*This application intends to permanently extend the opening hours as follows:-
Monday to Thursday from 0800am to 0100am Friday and Saturday 0800am to 0100am and Sunday and Bank Holidays 0800am to Midnight.*

There are in total at least 130 seats within the premises of which under the Sussex Police licensing agreement a delineated area for only 24 customers to stand and purchase and consume alcohol directly from the staff at the server in the ground floor

(café bar) is available. The remaining space is allocated to table with alcohol being ancillary to food that is served at table by waiters/waitresses.

I understand from our police licensing officers that the upper floor of the premises is used as a (restaurant) and the lower floor as a (café/bar)

This will allow those who have eaten a meal during the early evening in the first floor restaurant to then move to the ground floor café/bar and spend the rest of the evening consume alcohol until 0100hrs if so desired.

The absence of clarity with the two types of usage within the A3 permitted license creates a blurring of the lines between what is permitted, and what is not. Clear identification of permitted use and respective permitted opening hours for each floor of the building is required.

Until there is clarification of Planning usage and permitted hours for each floor, I am not able to make an informed comment but look forward to further clarification.

Consequently Sussex Police do not support this application.

Thank you for giving me the opportunity to comment.

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

Representations: Objections from: 2 New Street; 18A New Street; 18D New Street; 20A New Street; 21 New Street; 23 New Street; 15 Augusta Place; 8 Athelstan Road, 28 Woodlea Road; 80 Rowlands Road; 6A New Broadway; 41 Pavilion Road; 38A South Terrace, Littlehampton; 65 Florence Road, Brighton; 89 Charles Street, Oxford;

- Detrimental to local residents
- Effects my quality of life due to crime and fear of crime;
- In the last 12 months have been subjected to loud shouting and swearing; vandalism; fly tipping; and urinating in the street daily;
- I am shocked that 'Food' wishes to open until 2am within a residential area.
- I have heard that the restaurant have been given leave to trial opening until 1am for a year to see how much disruption this caused to the local community, and then it would be reviewed.
- The temporary use has demonstrated an increase in noise and disturbance through noise of customers leaving and their cars;
- Noise and general poor behavior of some customers leaving that make life very unpleasant for residents;
- Contrary to Councillor comments at previous planning meeting saying that residents "could always move" if we objected shows a serious disregard for the housing issues to working class people and the shortage of social housing;

- The Council should be encouraging young families to live within the centre of town, not driving them out;
- The Council should be encouraging young families to live within the centre of town, not driving them out;
- The level of shouting, noise and littering is something that residents have to put up with;
- I would like to see the judgement published in full identifying how the needs of the residents have been taken into account;
- Lorries unloading during anti-social hours;
- I am commenting because I have never seen the 'Food' light on late at night. How useful has this trial been?
- If the restaurant changes hands with permanent late night status, there could be major disruption in the area, because the trial has been almost non-existent and the residents are struck with a social venue with free rein to disturb until the early hours of the morning;
- There are schoolchildren living near 'Food'; a new-born baby; and pensioners;
- Not appropriate place for very late midweek revelry;
- They appear rarely, if ever, to be open until that time, it looks like diners agree.
- Extra problems these opening hours will make to residents;
- Already enough noise in New Street, there will be extra noise in the evenings; Car parking is already very tight, this will make them worse.
- Door slamming keeping neighbors awake
- Inevitable shouting and screaming disturbing the peace and quiet of the night;
- This is highly residential area with young families living close by;
- In my opinion, it is not right to let any bars around this area to stay open this late at night;
- There has been an increase in illegal parking, noise and sleep disruption;
- There is not one night when the residents do not have their sleep is not disturbed;
- There are several families with small children and they have a right to an uninterrupted night's sleep;
- Sets a precedent
- There are enough late night opening bars and drinking venues in Worthing;
- This is overdevelopment at the detriment to local people and families who live in this small, sweet residential road;
- This will create more cars late at night, which is going to lead to more noise and car headlights shining into my flat;
- Car parking has got worse as people visit the town and use up the residents places which means we have to park in zone B and then move our cars before 9am the next day;
- More antisocial behaviours which unnerves me;
- There is a large amount of litter, especially glass smashed outside my front door;
- As a friend and frequent visitor of a nearby resident, I have already noted the problems with parking, noise, late night and early morning deliveries and general disturbance.
- I babysit, and the child's sleep is already disturbed by noise from the restaurant and increasing the opening hours to 1am for 6 days a week and midnight on a Sunday would significantly affect their quality of life.
- Encouraging an increased footfall of late night drinkers once they realize there is somewhere to continue drinking.

- Sussex Police, who did not support the original temporary application and the implications of anti-social behaviour that they feel they may be unable to curtail;
- We are already disturbed by people leaving venues at the end of the night and waking up to vomit, litter and sometimes urine around our properties. This can only get worse if this extension is granted;
- Disappointed that a so called local business has so little regard for its immediate community;
- This is primarily a residential street yet year on year, there is more noise, more rubbish and less resident parking which will get worse if this permission is given;
- As a teacher I am very aware that a lack of sleep can impact on children's development.
- More cars;
- Increase in the use of the bins, and therefore more smell from the bins
- Why would restaurant need to open until 1 am on a week night? Unless there are other motives to turn the venue into a club/bar;
- Will set a precedent for others to apply for late night opening;
- If 'Food' want to serve alcohol to people not eating, and stay open during unsocial hours, then they should employ door staff to ensure that neighbours are not inconvenienced or disrupted;

Relevant Planning Policies

Worthing Saved Policies: H18

Worthing Core Strategy: Policy 16

Planning Practice Guidance (CLG 2014)

National Planning Policy Framework (CLG 2018)

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

An application to vary the opening hour's condition was submitted in 2017 and was granted temporary approval by the Planning Committee on 16.05.2017. Condition 2 of that permission allowed the operation of the extended hours to 30th June 2018, after which time the original hours of operation would revert back to the original permission in 2005 (WB/05/0225/FULL refers).

Within the previous report, it was stated that the main issues raised by the proposal were the impact on the vitality and viability of the town centre and night time economy balanced against the amenity of the neighbours and crime and disorder. These same considerations, all of their own importance, clearly continue to apply to this current application.

Your Officers are of the view that the applicants have made every effort to abide by the conditions of the temporary planning permission and the license of the premises, keeping the smoking area at a distance from the residential dwellings, endeavouring to have arranged pick up times to avoid customers standing around outside talking loudly whilst waiting for their taxis. Nonetheless, many representations have been received in respect of the current planning application, although it could be considered as surprising that the Environmental Health section have not been made aware of any complaints during the previous year which, given the number of objections received and the comments made therein, may have been expected had the extended hours been causing a significant loss to residential amenity.

However, as Sussex Police state in their consultation response despite their efforts, the applicant does not have no control over customers leaving the premises who could unwittingly cause unnecessary noise and disturbance for the nearby residents.

It is this type of conflict which makes this a difficult application to determine since the Council does wish to support successful businesses in the town where it is able. Comments from residents are, of course, equally a material consideration in the determination of any application.

Without the increase in hours required by this application, the original change of use condition no. 3 stated:-

'The premises shall not be open for trade or business except between the hours of 0800 to 2400 Mondays to Saturdays and 0900 to 2300 on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.'

Should this application be refused, the use would have to revert back to those hours of use being 1 hour less on Mondays to Saturdays and 2 hours less on Sundays (1 hour at the opening and 1 hour at the closing). Although only 1 hour difference in the closing of the restaurant, the applicant considers that the use would become uneconomic and unsustainable without the additional hours.

In light of the representations received, though, your Officers do not feel that the hours of the original permission are unduly restrictive given they allow opening until midnight on 6 days per week which would accord with many other restaurant users within the area, some of which are less closely located to residential properties.

On balance, therefore, your Officers feel that weight has to be given to the representations received but especially the comments of Sussex Police and therefore it is considered that the permanent retention of the additional hours would adversely affect residential amenity.

Recommendation

REFUSE subject to the following reason:

1. The permanent retention in the increase of opening hours of the restaurant would adversely affect the amenities of nearby residential properties by way of noise and disturbance. The proposal is therefore in conflict with Worthing Core Strategy Policy 16 and the National Planning Policy Framework 2018

19th September 2018

Application Number: AWDM/1003/18

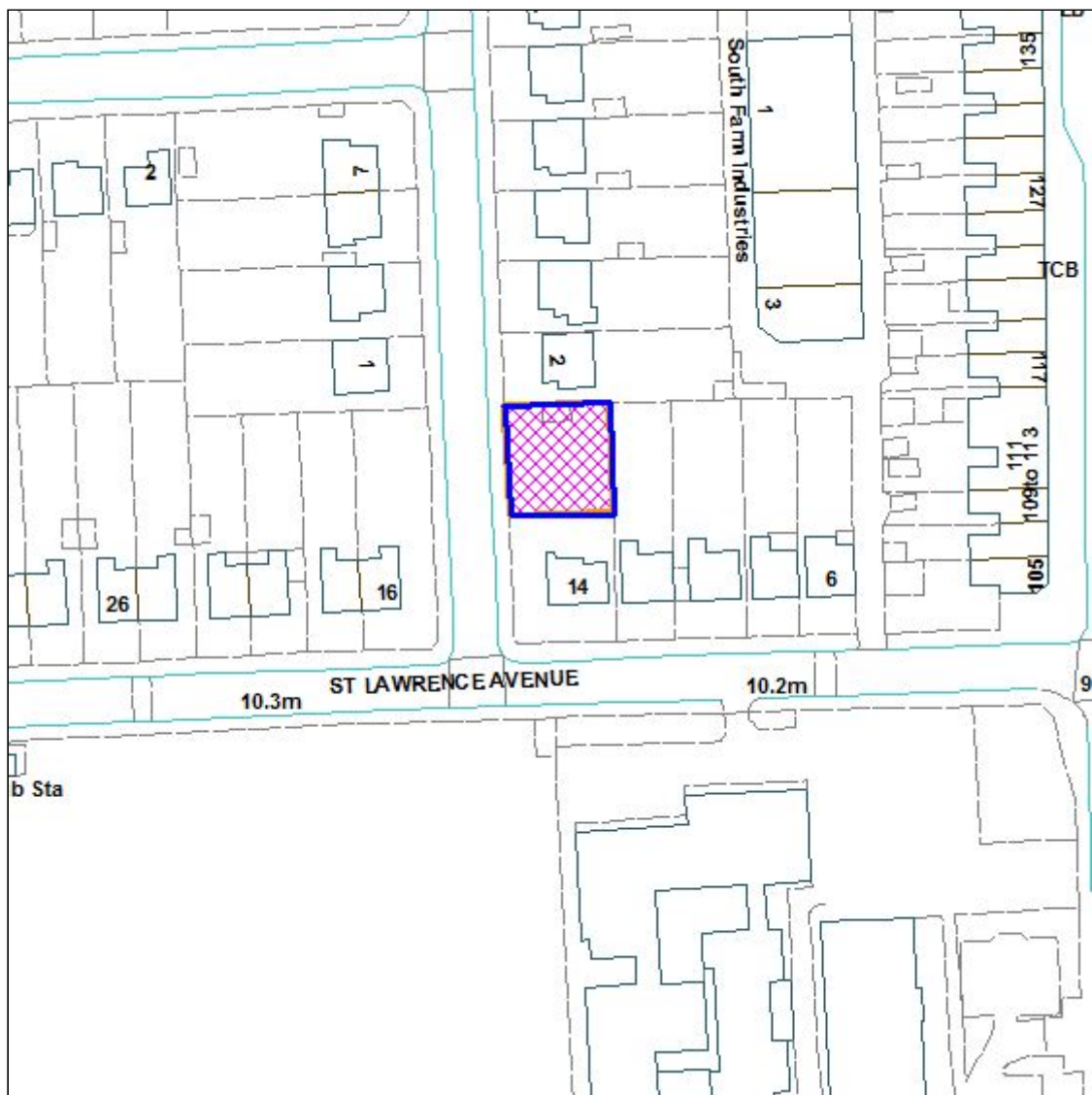
Recommendation – REFUSE

Site: 14 St Lawrence Avenue Worthing West Sussex BN14 7JE

Proposal: Detached single-storey two-bedroom bungalow with sedum roof fronting Balcombe Avenue (in rear garden of 14 St Lawrence Avenue) with car parking space and detached bike store.

Applicant: Ben Reilly
Case Officer: Jo Morin

Ward: Gaisford

**Not to Scale**

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The application has been called-in by Councillor Bob Smytherman.

Proposal, Site and Surroundings

The application relates to the rear part of the garden belonging to 14 St Lawrence Avenue. The latter comprises a detached, 2-storey house occupying a corner plot on the east side of the junction of Balcombe Avenue and St Lawrence Avenue, within a residential area.

Permission is sought to demolish an existing detached garage building and erect a detached, single-storey, 2-bedroom dwelling on the site which measures 15 metres wide by 17 metres deep. The proposed dwelling would front onto Balcombe Ave. It would have an L-shaped footprint 9.6m wide and a maximum 9.75m deep. The dwelling would be sited 1.025m from the northern site boundary and 1.025m from the eastern site boundary. It would have a parapet roof design 3.825m high enclosing a Sedum planted flat roof. The external materials would consist of a combination of white rendered walls and 'wood-appearance' cladding above a shallow grey brick plinth; grey aluminium-faced windows and a stained timber front door. The submitted drawings show a roof 'lantern' on the south-east part of the flat roof and a short array of solar voltaic panels roughly in the centre of the roof. An L-shaped garden would wrap around the side and front of the dwelling enclosed by a 2 metre high wall fronting Balcombe Avenue. There would also be a small courtyard garden (3.5 metres by 5.5 metres) in the north-east corner of the plot. There would be space for 1 vehicle on a drive in front of the proposed dwelling utilizing the existing vehicle access.

To the north the site adjoins 2 Balcombe Avenue, a detached chalet-style house with a car-port structure attached to the south side. Existing development in this part of Balcombe Avenue, particularly on the east side, is characterized by detached chalet dwellings displaying a strong sense of uniformity and local distinctiveness in terms of their front gables, pitched roofs and detailed design features including bay windows.

To the east, the site adjoins the rear garden of 12 St Lawrence Avenue, a detached bungalow.

The application is accompanied by a Design and Access Statement.

Relevant Planning History

Planning permission was refused in 2014 (AWDM/0502/14 refers) for a detached 3-bedroom chalet-style house fronting Balcombe Avenue on the grounds:-

"1. The proposed chalet bungalow would, by reason of its design and siting, appear cramped, discordant and unduly assertive in the street scene. It would detract from the area's established character and appearance and present a poor quality of composition. It would be harmful to the setting and amenities of the original house and to the character of the vicinity, providing less than satisfactory outdoor amenity space for future occupiers. The proposal is therefore contrary to Worthing Core Strategy Policy 16 and allied Supplementary Planning Documents, along with the relevant policies of the National Planning Policy Framework."

Permission was refused for a subsequent revised application (AWDM/1075/14 refers) for a 3-bedroom chalet-style house fronting Balcombe Avenue on the grounds:-

“1. The proposed chalet bungalow would, by reason of its scale, design and siting, appear cramped, discordant and unduly assertive in the street scene. It would detract from the area's established character and appearance and present a poor quality of composition. It would be harmful to the setting and amenities of the original house and to the character of the vicinity, providing less than satisfactory outdoor amenity space for future occupiers. The proposal is therefore contrary to Worthing Core Strategy Policy 16 and allied Supplementary Planning Documents, along with the relevant policies of the National Planning Policy Framework.”

A joint appeal against refusal of AWDM/0502/14 and AWDM/1075/14 was dismissed in January 2015.

An application for a Lawful Development Certificate for a proposed detached outbuilding in the rear garden to be used as garden/gym/games room and part new fence to west elevation (AWDM/0123/16 refers) was refused on the grounds the proposed detached outbuilding did not meet the requirements of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) inasmuch that the building, due to its size, bulk and site coverage, would not be incidental to the enjoyment of the main dwelling house and therefore did not meet the requirements for permitted development. In dismissing a subsequent appeal the Inspector concurred that the proposed outbuilding would not “genuinely and reasonably be required for purposes incidental to the dwelling known as 14 St Lawrence Avenue”.

Consultations

West Sussex County Council: The Local Highway Authority (LHA) has raised no objection in principle to the proposed development, commenting:-

“Summary

This proposal is for the erection of a single storey two-bedroom bungalow on land to the rear of 14 St Lawrence Avenue. The proposed dwelling will front onto Balcombe Road, an unclassified, residential road subject to a speed limit of 30mph.

WSSCC as LHA was previously consulted on applications for a three bedroom dwelling at this site under refs: AWDM/0502/14 and AWDM/1075/14 to which no highway safety concerns were raised. Both applications were refused by the LPA on design grounds.

Access and Visibility

The site will be accessed via Balcombe Road, utilising an existing Vehicular Crossover (VCO) which currently serves the garage/outbuilding of 14 St Lawrence Avenue. No alterations to the existing VCO have been proposed although the applicant has mentioned ‘adjusted access into the site’ on the site plan. Any proposed alterations to the existing VCO would require a licence from the Local Area Engineer.

Vehicular visibility at the proposed access appears sufficient for the anticipated road speeds. Furthermore, due to the proximity of the site to the junction with St Lawrence Avenue and the presence of on-street parking, vehicles are not anticipated to be exceeding the posted limit. Balcombe Road has good forward visibility and in addition to this, an inspection of WSSCC mapping indicates that vehicular visibility splays are maintainable wholly within the highway boundary.

Pedestrian visibility can also be provided at this access. Due to the proximity to the local school and considering the footway traffic along Balcombe Avenue it is considered appropriate to ensure this is maintained. Ordinarily, pedestrian visibility splays should be taken 2m back into the access and a distance measured along the back of the footway for 2m on each side of the access. There should be no obstructions over 0.6m within these splays. However the LHA notes that the existing positioning of the access prevents full pedestrian visibility splays to both sides of the access. As such, the LHA requires therefore the applicant to provide pedestrian visibility to the best of ability on land within their own control. The applicant is advised to reduce the height of the proposed fence to the north side of the access to a maximum height of 0.6m for the first 2m back into the site. The LHA also advises that boundary treatments south of the access are maintained to a maximum height of 0.6m for at least 2m along the site frontage to allow maximum pedestrian visibility as set out in Manual for Streets (MfS); where 0.6m represents the height of a child that could be utilising the footway.

Parking and Turning

Parking provision for the existing dwelling will remain unaffected. The proposed plans indicate that one parking space will be provided on-site for the proposed dwelling. The proposed parking space meets the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). The WSCC car parking demand calculator expects that a minimum of two parking spaces will be required for a dwelling of this size and location. Any overspill parking could be accommodated on street. We would not consider that highway safety would be detrimentally affected by the proposed parking provision; however the Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

A turn on site would be preferable, although clearly there is insufficient space on site to achieve this. Furthermore, neighbouring sites have similar access arrangements which have operated for some time without evidence of safety concern.

Sustainability

The site is sustainably located within walking distance of a variety of local shops and services, as well as bus stops, local schools and Worthing Train Station. The applicant has proposed to provide secure and covered cycle storage for the dwelling in order to encourage sustainable transport options.

Conclusion

In conclusion, the LHA do not consider that the proposal will result in a highway safety or capacity concern. Therefore the application is not contrary to the National Planning Policy Framework (paragraph 32), and there are no transport grounds to resist the proposal.”

In the event of approval, conditions are recommended relating to pedestrian visibility, construction and retention of parking space and cycle parking provision.

Southern Water Services: No objection in principle, commenting that a formal application for connection to the foul sewer is required.

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

Due to changes in legislation that came into force on 1 October 2011 regarding 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 the site. The applicant is advised to discuss the matter further with Southern Water.

Adur & Worthing Councils:

The **Council's Engineer** has raised a holding objection commenting:-

"The site lies in flood zone 1, is unaffected by predicted surface water flooding and has no history of flooding. The application form suggests using sedum roof, soakaways and concrete block/paving. I do not think that the flat roof is in keeping with the surrounding properties which might call into question the viability of the sedum roof. Even with the sedum roof retained, looking at drawing 17008 PL-02 there appears to be insufficient space within the garden to site a suitable soakaway.

I am not keen on the paved areas around the property these are probably impermeable and therefore increase runoff – increasing the size of the required soakaway.

I would like confirmation whether the designed flat sedum roof will be acceptable, and then I would like a complete drainage strategy/layout for the plot."

Representations

37 letters or emails have been received from the owners or occupiers of 1, 2, 3, 4, 5, 6, 8, 10, 16, 24 Balcombe Avenue, 12, 14, 18 St Lawrence Avenue, 20 Gaisford Road, 143a, 271 South Farm Road, 43 Adversane Road, 201 Ringmer Road, 1 Clayton Walk, 26 Brook Barn Way, 41 Rectory Road, 1 Malthouse Cottages, 90 Congreve Road, 12 Loxwood Avenue, 27 Carnegie Road, 44a South Street, raising the following objections (which have been summarised):-

- The declarations on the submitted legal documents and statements are inaccurate; the agent states that the applicant lives and works in the countryside and has strong views on keeping the countryside free of new homes when potential sites for new dwellings exist within the built up areas – but the applicant's address is given as a local address.
- The perspective drawings are misleading. The applicant states there will be no loss of trees but this is untrue.
- The applicant is known as a property developer and landlord;
- Overdevelopment; the openness and spacing between dwellings will be eroded away and the distinctive nature of Balcombe Avenue and St Lawrence Avenue lost. This distinctive nature was regarded as important by the Inspector when determining the two appeals; there is not enough room for a dwelling on this site;
- The development will unbalance the road bringing the building line south. The site frontage is wider than other properties in the road. This is a

well-established area; the gardens are too small to accommodate extra housing;

- The proposed build is completely out of keeping with the 1930s properties in this area and will present an 'eyesore'; it is not in keeping with any other property in Balcombe Avenue or surrounding roads; It is a square block dressed up with a bit of cladding; an inappropriate contemporary building in an area characterised by traditional houses and chalets. It has none of the characteristics of other houses in the road and will not 'blend in'. There are other places in the town where modern architecture would fit in. Putting a grass roof on the bungalow won't hide it. The design of the bungalow is terrible so unlike the existing chalets; it will appear 'jarring'. Not in keeping with nearby row of listed cottages in South Farm Road or the houses in Balcombe Avenue or St Lawrence Avenue. There are no flat roofed buildings in the road and the proposed dwelling will not blend in or follow the natural spacing between properties in this road; introducing an 8ft wall alongside the walkway in Balcombe Avenue will be far more intrusive than the existing 6ft fence.
- Worthing is notoriously short of open spaces and it is important that this open space is maintained; the existing garden use provides amenities of leisure.
- The accommodation to be provided is so small as to be meaningless, providing very basic accommodation and reducing the status of 14 St Lawrence Avenue as a substantial family home. It is inadequate for a family with more than one child. There is little storage room for possessions or furniture, with the awkward layout limiting the use-ability of rooms; no outside storage, building even a small shed or outbuilding would leave hardly any garden at all;
- A large part of the garden will be in shade and space intended for planting unusable due to the proximity to the building; The garden space is insufficient and the loss of this valuable amenity cannot be disguised;
- The building would only be partly obscured by fencing; the roof, rooflight and solar panels would be visible in the street-scene. The presence of the building would be overbearing and ruin the character of the southern end of Balcombe Avenue.
- The amenity of the existing family house, 14 St Lawrence Avenue, will be diminished with a loss of garden space, privacy etc. The existing house is occupied by a family and the garden well-used by the children to kick a ball around or play on the trampoline. The outside space was an important reason for choosing to rent the property. Assurances of a long-term tenancy were given at the time the agreement was signed; feel cheated as deposits and fees are not cheap; the existing garden of No.14 is not over large but typical of a family house;
- Existing views of the sky would be blocked.
- This is a well-used pedestrian route for children attending nearby schools and vehicles entering and leaving the site will increase dangers for pedestrians. The existing garage has not been used for many years for vehicle parking;
- It is doubted Sedum would be used on the roof as it requires considerable maintenance and without such maintenance can quickly become ugly and cause flooding with excess water potentially affecting neighbouring land. There is no mention of the fact that green roofs are heavier and require more structural support. Sedum roofs are expensive and there is concern it will not be constructed or maintained properly leading to problems for the future occupiers and neighbours;

- The existing house at No.14 is not well-maintained and there is little confidence the new dwelling would be well-maintained;
- Proposed materials are out-of-keeping. Use of cladding is out of keeping and would represent an unneighbourly form of development in view of the doubts raised as a result of Grenfell.
- If there is no soakaway it is queried where the water goes once the water butt is full;
- Statements about A-rated appliances are irrelevant as they quickly become out-of-date.
- The proposal will most affect 2 Balcombe Avenue and will spoil the outlook and result in loss of privacy and natural light; existing screen planting and seclusion will be lost and there will be more noise due to the closeness of the building. A family member is very sensitive to noise and this was an important factor in choosing this property as a home. A supervised safe space has been created to the side of the house, used as a 'chill-out area' to suit the particular needs of the family member, and this will become unusable if the development goes ahead; the remainder of the garden cannot be used in the same way. The proposed build would reduce light to the kitchen and downstairs WC at No.2.
- The application is in breach of covenants on the land.
- An illegal vehicle access onto Balcombe Avenue which has no dropped kerb has been formed and is used by the existing tenants of No.14. It is unlikely the local highway authority will enforce the matters raised in their comments if they won't enforce an illegal crossover.
- The diagrams and images are not to scale so it is difficult to understand and judge the full impact of the proposals; gives a false view of the actual size of the development; there is a lack of perspective and mistakes such as grass being added into the pavements adds to the confusion as what is being proposed;
- The drive is very small and the walkway running alongside the north boundary will not provide sufficient space to accommodate wheelie bins passing through if there is a car on the drive;
- Substantial sized trees will be lost resulting in loss of habitat and local wildlife, birds etc.
- There are many new developments under way in Worthing on larger sites where family housing is being provided which meets local needs;
- The circumstances of the flat-roofed dwelling built in Shakespeare Road (33 St Matthews Road) are completely different to this case, it replaced run-down garages and was not built in someone's garden;
- The proposal is contrary to the guidance within the Council's document 'Guide to Residential Development';
- Applications for the development of this land have been going on for years, all of which have been reused and/or dismissed, this is causing a great deal of upset and stress, having to take time to respond time and again, there must be a stop to this. All the previous reasons for refusing the other proposals still stand. Neighbours shouldn't have to keep getting upset and stressed out about this property;
- Tenant at No.14 has received no notification of the application.
- The comments of Southern Water are noted and it is queried whether the applicant should have made a formal application for connection to the foul sewer;

- Balcombe Avenue and St Lawrence Avenue have flooding issues that could be made worse;
- Another property will add to existing congestion and highway safety problems; it is not possible to access Balcombe Avenue from the junction with St Lawrence Avenue with a small truck due to the parking of vehicle around the junction. The development will lead to extra vehicles which will increase the risk of accidents for both road users and pedestrians. A parking survey should be undertaken. There are extensive parking issues on Balcombe Avenue especially during the school-run and many near-misses. The road is getting busier and congestion getting worse with staff from local schools and shops all parking in the road during the day making it very dangerous and restricting visibility. The parking provided is inadequate even for a small dwelling and this development can only make matters worse. Concerns about road safety in this area are well documented by the 'Safer Roads Campaign'. Increase in congestion could obstruct emergency vehicle access. Parking at the end of the road is very bad already with cars parked right at the end restricting visibility for oncoming traffic and obstructing access for larger vehicles including emergency vehicles, sometimes having to back-up to let vehicles pass one another, an additional house will encourage more traffic and more parking demand and more traffic danger to schoolchildren; the highways claim that the junction is safe is not valid and should be properly assessed during the school rush-hour; the illegal drive already causes problems for pedestrians as it encourages people to park on the corner;
- The existing house was once occupied by the Mayor for many years and is a locally important building that should be kept as existing.
- The applicant has a disregard for the environment having had numerous bonfires in the garden during the refurbishment of No.14 which contained asbestos roofing and other contaminated materials;
- The proposal does not meet the core objectives of the Core Strategy and is not 'sustainable development'.
- Infrastructure and local services cannot cope and will be further overstretched by this development;
- There will be a deterioration in the appearance of the street with increased rubbish and litter from an additional dwelling;
- Concerned that a nearby street tree will be damaged during any build-out;
- The development will require a review of street lights in the road as to whether there is sufficient lighting with an added property and driveway;

A petition opposing the development with 14 signatures has been received stating: *“Three previous attempts for planning have already been denied on this property, along with 3 appeals, 2 were for a 2-bedroom bungalow and 1 for a games room/gym with shower facilities. The build is not aesthetically in-keeping with the road, and will create an imbalance and ruin the appearance of Balcombe Avenue. The neighbouring residents in St Lawrence and Balcombe will be extremely overlooked, blocked of light and have their privacy invaded. The property developer has no respect for laws and has had an illegal crossover for 4 years, ruining kerbs and terrorizing pavement users. There is no need for additional residential accommodation in Balcombe Avenue, it is difficult enough to park in Balcombe Avenue without adding a further demand for parking and reducing available parking spaces.”*

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.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 13, 15, 16, 17

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'A Guide for Residential Development' (WBC, 2013)

Worthing Housing Study (GL Hearn 2015);

Worthing Strategic Housing Market Assessment Up-date (GL Hearn 2012);

Community Infrastructure Levy Charging Schedule (WBC 2015);

Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)

Revised National Planning Policy Framework (HCLG 2018)

National Planning Practice Guidance (CLG)

Planning Assessment

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The housing requirement set out in policy 7 of the Core Strategy is clearly more than 5 years old. An assessment of local housing need has been undertaken as part of the new Worthing Local Plan, but the latter is still at a very early stage and has no formal status in the determination of planning applications.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18; TR9, and RES7, Core Strategy policies 7, 8, 9, 13, 15, 16 and 17; the policies set out in National Planning Policy Framework and allied Practice Guidance; and the Council's SPDs on 'Space Standards' and 'Guide to Residential Development'.

The key considerations are:-

- The principle of residential development
- Impact on the character and appearance of the area including trees
- Impact on the amenity of future occupiers and neighbours
- Parking and highway safety

Principle of residential development

The Core Strategy's housing provisions predate the NPPF and do not provide for the prescribed 5 year housing supply informed by an assessment of local housing needs. However, the contribution one dwelling would make toward increasing the housing supply of the Borough is very marginal and therefore not in itself a determinative factor in this case.

In broad terms the site can be considered sustainable to the extent that it lies within an established residential suburb; is accessible, within walking distance of Worthing rail station and a nearby bus routes, and local shops and services on South Farm Road.

CS Policy 8 states that within suburban areas such as this, only limited infilling will be supported, predominantly consisting of family housing. The SPD 'A Guide for Residential Development' defines family housing as generally considered to be a 3(+) bedroom house with a suitable layout and level of internal space together with accessible usable amenity space to meet family needs. It acknowledges that there may be circumstances where a larger 2 bed dwelling would still provide for accommodation and may be acceptable. In such circumstances it would be expected that the unit concerned would have 2 larger bedrooms and would accommodate at least three people and have adequate internal and external storage areas to meet the needs of a family. It should normally have direct ground-floor access to a suitable area of private amenity space suitable for children to play safely and for the sole use of the occupants. In this case, the proposal dwelling unit would include a double and single bedroom with 2.32sqm of dedicated internal storage plus external amenity space in the form of a small, L-shaped garden to the side and front of the dwelling, plus a small rear courtyard. On this basis, it is considered the proposed development would provide a small family dwelling.

The revised NPPF at paragraph 70 allows Local Planning Authorities to set policies to resist the inappropriate development of residential gardens (defined as greenfield land), for example, where development would cause harm to the local area. To this effect, paragraph 4.23 of the Council's SPD makes it clear that new housing development should relate satisfactorily to its surroundings and the character of the area so that it fits in and does not have a significant negative impact on amenity. Whilst some types of development of garden land, such as tandem 'backland' development are specifically discouraged, paragraph 4.30 states that other types of

backland/infill development, including the sub-division of a plot with its own street frontage can respond well to local distinctiveness: *“It can address the street and relate to the form and layout of the area. It is more likely not to intrude into the quite secluded garden area of the neighbouring gardens. However, it can also erode openness of the public realm”*.

Paragraph 4.33 goes on: *“Infill development requires sensitive design and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas. Insensitive infilling that will negatively impact on areas character or amenity will be resisted.”*

And paragraph 4.34: *“A backland or infill development should therefore contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density levels and layout will be refused.”*

Impact on the character and appearance of the area

The application site current forms part of the rear garden of a detached, 2-storey house (No.14) occupying a generous corner plot on the east side of the junction with Balcombe Avenue. The adjoining property to the east (No.12) and those further beyond consist of detached bungalows. The properties on the west side of the junction typically consist of a mix of semi-detached interspersed with some detached houses. However, a sense of visual coherence is derived from the similar age and traditional style of properties, with a consistent front building line, soft-planted front gardens enclosed by similar height walls and fencing and good-sized rear gardens. The spacing around and between buildings is an important element of this local character, particularly at the junction where the spacious corners contribute to the setting of Balcombe Avenue. The space around buildings is also important to the character of Balcombe Avenue, where the chalet-style houses which make up the east side of the road display an even stronger sense of visual cohesion in terms of their similar form, massing and detailing with their regular spacing contributing to a consistent pattern of development and strong sense of uniformity that is locally distinctive.

The proposed sub-division of the existing plot would reduce the existing rear garden of No.14 by more than half leaving a garden depth of approximately 10 metres which would be disproportionately shallow for a dwelling of this size, and together with the uncharacteristic width and depth of the proposed new dwelling plot, would be odds with the regular grain and pattern of existing development and spacious character of the area.

Notwithstanding its single-storey scale it is not considered the latest proposal overcomes the harm identified by the Inspector’s in dismissing the earlier schemes (AWDM/0502/14 and AWDM/1075/14) in terms of the loss of openness that would result from filling the space between 14 St Lawrence Avenue and 2 Balcombe Avenue, and the negative impact this would have on the distinctive character of these roads.

The proposed dwelling would make a conspicuous and alien addition to the street-scene clearly visible above the garden wall fronting Balcombe Avenue. Its contemporary form and appearance would be stridently out-of-keeping with the traditional style, shape and massing of the chalet houses in Balcombe Avenue and the

strong sense of uniformity that is a distinctive quality of development in this road. It does not therefore respond positively this important aspect of local character.

The applicant's agent has referred to a similar contemporary style single-storey dwelling developed on an infill plot elsewhere in the town (33 St Matthews Road). However, the specific circumstances of that site are different to the current proposal and in any event that scheme pre-dates the policies of the current development plan and the emphasis set out in the revised NPPF in securing high quality design that (amongst other things) is sympathetic to local character and history, maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live (paragraph 127).

Residential amenity – living conditions of future occupiers

The proposed accommodation would consist of a hallway with storage cupboards, living room, kitchen/diner, 2 bedrooms and family bathroom. It would have a Gross internal floor area of 68sqm which exceeds the Council's minimum standard of 66sqm for a 2-bedroom flat set out within the adopted 'Space Standards' SPD, but falls below the 71sqm required for a wheelchair accessible 2-bedroom flat (71sqm), and the 77sqm required for a 2-bedroom house. The proposal would, however, meet the minimum Nationally Described Standard of 61sqm for a single-storey 2-bedroom 3-person dwelling.

The dwelling would be provided with 2 areas of external amenity space, comprising an L-shaped garden wrapping round to the south side and front, and small courtyard in the north-east corner. The main habitable rooms would have an aspect onto the enclosed side/front garden or the rear courtyard. The side garden would have a maximum width of 4.3 metres between the south flank wall of the dwelling and the southern site boundary. Although the combined amenity space areas exceed the minimum external space standard of 85sqm for a small detached dwelling, this relies for privacy on the enclosure of the garden area forward of the front elevation of the dwelling with a 2 metre high wall, which is not characteristic of other front gardens in this road. Nevertheless it is considered it would be adequate for a small family, providing sufficient safe play space for a child, for drying of clothes and cycle storage.

Residential amenity – impact on neighbours

The neighbours principally impacted upon by this development are those immediately adjacent to the application site, namely 2 Balcombe Avenue and 12 and 14 St Lawrence Avenue.

No.2 Balcombe Avenue adjoins the site to the north. There is a distance of approximately 2.4 metres between the south side wall of the dwelling and the site boundary. The gap has been infilled to the side of the dwelling by a carport-type structure which is used as a supervised 'safe space' by a member of the family. Two ground-floor windows (serving a shower-room and WC) and a glazed kitchen door and side window face onto this space. The only window opening at first-floor level facing the site is a roof-light window over the stairs. Bearing in mind the siting of the existing pitched-roof garage building directly adjoining the common boundary, it is not considered the proposed single-storey dwelling which would be set-off from the boundary by 1 metre, would have an adverse impact on the amenities of this dwelling

in terms of overbearing effect, or unacceptable loss of light. There are no windows proposed in the north side of the proposed dwelling and this could be controlled in the event of approval.

The neighbour has expressed strong concern about loss of privacy and possible disturbance from noise and activity adjacent to the common boundary arising from use of the courtyard garden and side path (to take out rubbish etc.). The neighbor has explained that the value of the existing 'safe space' at No.2 derives from its quiet and relative tranquility. The concern is that this will inevitably change as a result of the development and the particular value and benefit to the family of this space as an amenity area will be lost. However, noise and activity associated with the use of the courtyard garden and side path would be consistent with the domestic use of a modest-sized single dwelling and whilst having sympathy with the neighbour's concerns, it would be difficult to justify refusal of the proposed development on this ground.

The proposed dwelling would be sited to the north of 12 and 14 St Lawrence Avenue, and with sufficient separation distance between them that there would no significant adverse effect on the residential amenities of these properties.

Highway safety and parking

The proposed dwelling would be provided with a single parking space on a drive in front of the dwelling, utilizing an existing access onto Balcombe Avenue. The existing garage parking would be lost to the host dwelling but an additional open parking area which can accommodate 2 vehicles has been provided to the west side of the existing house (albeit that it currently has no formal means of access onto the public highway by means of a dropped kerb). The southern end of Balcombe Avenue and eastern part of St Lawrence Avenue are very heavily parked with vehicles, and strong concerns have been raised by third parties concerning the dangers for pedestrians and other road-users arising from the additional traffic movements that would be generated by an additional dwelling in close proximity to this busy junction, particularly at peak times during the School term.

However, West Sussex County Council, as the highways authority, has been consulted on highway matters and has raised no objection subject to the provision of satisfactory pedestrian-driver visibility splays at the existing access. The provision of 1 on-site parking space is adequate in this location and within the adopted maximum standard.

Notwithstanding the considerable concerns raised by local residents, in the absence of any objection from the Local Highway Authority, it would be difficult to substantiate refusal on highway safety grounds. Enforcement of the existing unauthorised access serving No.14 is a matter for the Local Highway Authority.

Other Matters

The site is within Gaisford ward and therefore outside the CIL charging area.

Conclusion

It is accepted that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites in relation to local assessed housing needs. However, the proposed development would make only a nominal contribution toward meeting such need and although it could take place without harm to neighbour amenity or worsening of existing local highway conditions, this does not outweigh the significant harm to the distinctive quality and appearance of the local area that would result from permitting the proposal.

Recommendation

REFUSE for the reason:-

The proposed infill development would be out of keeping with the pattern of existing development and sense of openness and space between buildings that is characteristic of the area. The harmful effects of the development would be exacerbated by the incongruous architectural form, layout and detailed design of the proposed development which would be wholly out of keeping with the distinctive appearance and identity of existing dwellings in Balcombe Avenue and harmful to local character. The proposal is therefore contrary to Worthing Core Strategy Policy 16 and allied Supplementary Planning Document 'A Guide for Residential Development', along with the relevant policies of the revised National Planning Policy Framework.

19th September 2018

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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