



ADUR DISTRICT
C O U N C I L

30 October 2020

Adur Planning Committee	
Date:	9 November 2020
Time:	7.00 pm
Venue:	Remote meeting

Committee Membership: Councillors Carol Albury (Chair), Stephen Chipp (Vice-Chairman), David Balfe, Kevin Boram, Brian Coomber, Lee Cowen, Joss Loader and Paul Mansfield

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before **noon** on **Friday 6 November 2020**.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Thursday 5 November 2020.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

Questions should be submitted to Democratic Services – democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will last for a maximum of 30 minutes)

4. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on 5 October 2020, which have been emailed to Members.

5. Items Raised Under Urgency Provisions

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

6. Planning Applications (Pages 1 - 24)

To consider the reports by the Director for the Economy, attached as Item 6.

7. Tree Preservation Order - 63 Sompting Road Lancing (Pages 25 - 34)

To consider a report by the Director for the Economy, attached as Item 7.

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@worthing.gov.uk	Sally Drury-Smith Lawyer 01903 221086 sally.drury-smith@adur-worthing.gov.uk

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

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ADUR DISTRICT COUNCIL

Planning Committee
9 November 2020
Agenda Item 6
Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: NOTICE/0011/20

Recommendation –
Prior approval
required and refused

Site: The Quadrant, 60 Marlborough Road, Lancing Business Park,
Lancing, West Sussex

Proposal: Application for permitted development for prior approval for
change of use from offices (Use Class B1a) to 53 no.
residential units (C3)

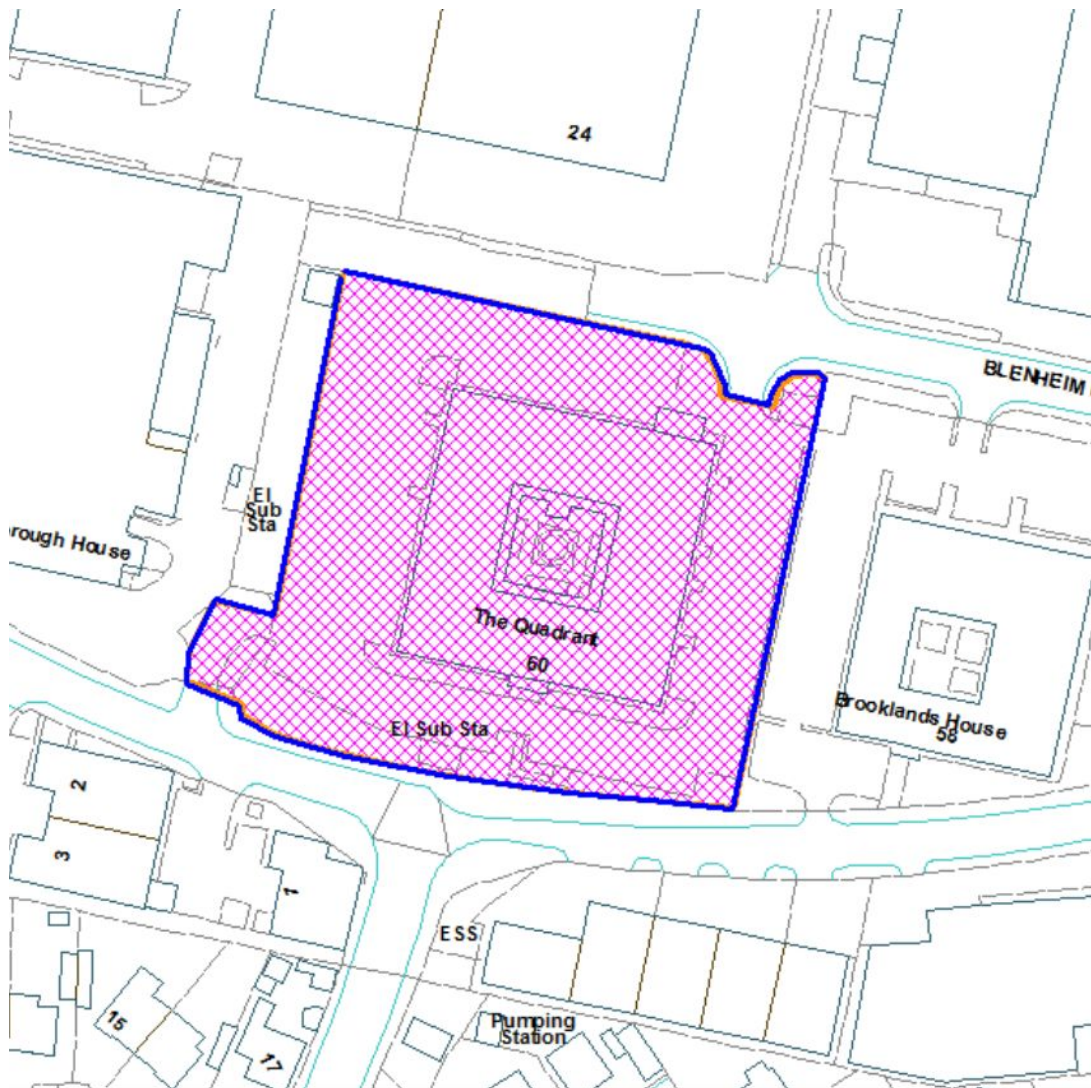
Application Number: NOTICE/0011/20

Recommendation – Prior approval required and refused

Site: The Quadrant, 60 Marlborough Road, Lancing Business Park, Lancing, West Sussex, BN15 8UW

Proposal: Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 53 no. residential units (C3)

Applicant: The Baron Homes Corporation Ltd **Ward: Churchill**
Case Officer: Jay Singh



Not to Scale

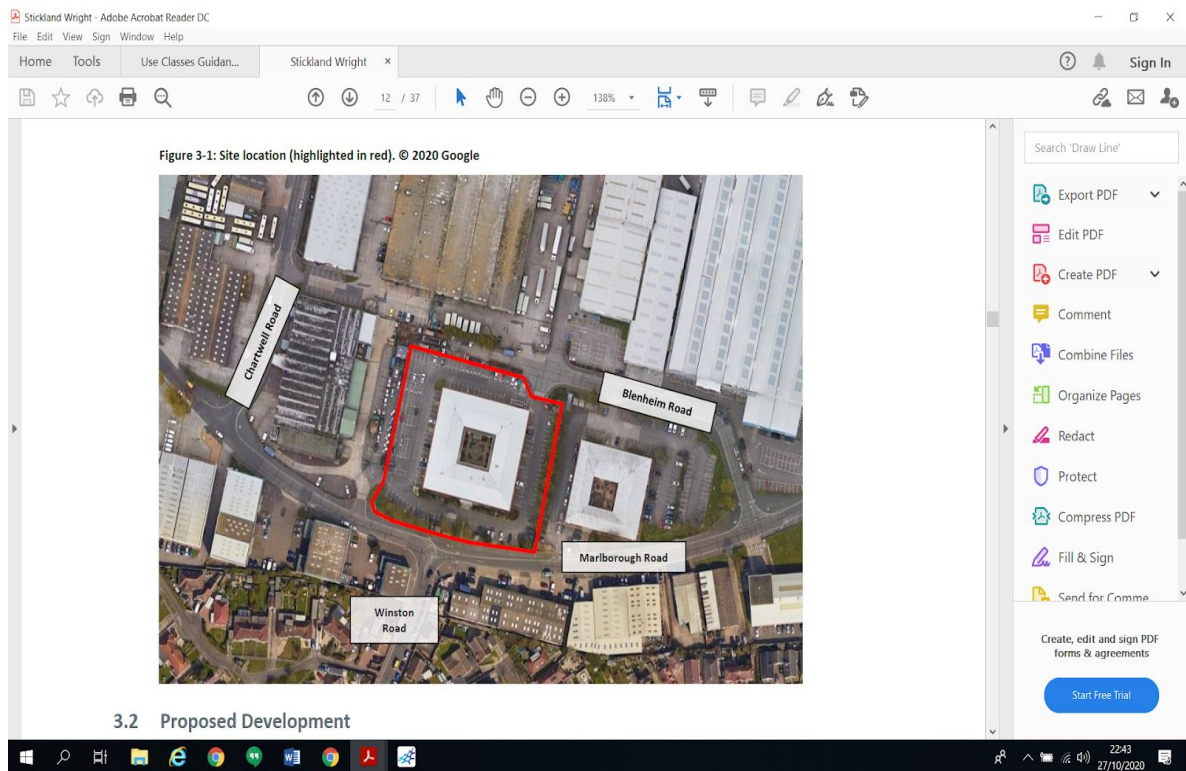
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The application has been called into Committee by Councillor Brian Boggis on the grounds set out under the Representation Section of the report.

Site and Surroundings

The application relates to a 0.8 ha site consisting of a 2-storey office building 'The Quadrant' located within the Lancing Business Park. The building is set back from Marlborough Road to its south by approx. 20m and Blenheim Road to the north by approx. 15m. The building is square shaped constructed in facing brick with a metal roof and has significant glazing to side walls, full height glazed sections to the corners and a large number of existing air conditioned units attached to its elevations. The building also has an internal courtyard. The building has been subdivided to provide approx. 12 smaller office suites and currently has a high level of occupancy.

The site contains approx. 120 car parking spaces around the perimeter of the site with the office building at its centre. The site has 2 accesses, one from Marlborough Road and a second from Blenheim Road.



The boundaries of the site are enclosed by largely palisade and chain links fences, with the boundary Marlborough Road being landscaped with intermittent trees and planting. Beyond the boundaries of the site, neighbouring premises, yards and parking areas are clearly visible. The nearby commercial uses include window and kitchen manufacturing, waste management, logistics, warehousing, accident car repair, and precision tools engineering amongst others.

It is recognised that the Lancing Business Park is the second largest industrial area in West Sussex with more than 250 businesses providing a range of uses, some of which operate 24/7. The business park is recognised as a key employment site under Policy 25 of the Adur Local Plan which seeks to protect and enhance such employment sites.

The site is located within Flood Zone 1 (lowest risk of flooding) and within an area of potential historic contamination.

Proposal

The application is made under the Permitted Development provisions of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), also referred to as the 'GPDO'. It seeks to determine whether the Prior Approval of the local planning authority is required for the change of use of the offices Class B1 (a) to a use falling within Class C3 (dwellinghouses).

The effect of GPDO is to grant planning permission for the proposed change of use but only if the LPA agrees that either: Prior Approval is not required for any of these matters, or that Prior Approval is required for one or more of these matters but the Authority determines to grant such an approval. If the Authority does not grant such approval, the development is not permitted and cannot take place.

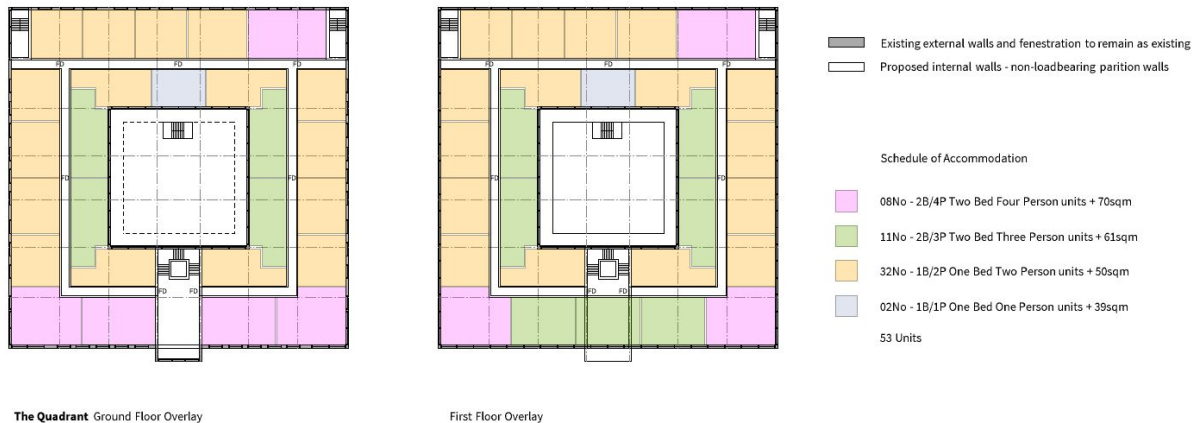
From the 1 September 2020, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the Use Classes Regulations"). The Use Classes Regulations amend the Town and Country Planning (Use Classes) Order 1987 by creating a new Schedule 2 containing new use classes for England. The new regulations, which take effect from 1st September 2020 revoke use classes A, B1 and D and introduce three new overarching use classes:

- Class E (Commercial, Business and Services)
- Class F (Learning and Non-Residential Institutions)
- Class F2 (Local Community)

This application site comprising offices whilst classed as B1 (a) offices on the submission of the application on 10 August 2020, from 1 September 2020, it would fall within the new class E (Commercial, Business and Services). However, The Use Classes Regulations include transitional provisions, retaining the effect of the permitted development right (including prior approval applications) based on the classes that were in place prior to 1 September 2020. A building or use will, therefore, continue to be subject to any permitted development rights that it was entitled to on or before 31 August 2020. These transitional provisions will remain in place until 31 July 2021 when the Government has indicated new revised permitted development rights, including changes to the current office to residential permitted development right change of use provisions, will be introduced.

Proposed layout

The submitted drawings, as illustrated below, show the provision of 53 flats comprising a mix of 1 and 2-bedroom units ranging in size from 39 sq.m (one bed one person units) to 70 sq.m (Two bed four person units)



The existing access arrangements from Marlborough and Blenheim Road would be used to serve the proposal. The site currently has around 120 off-road car parking spaces. This number would be reduced slightly to provide secure bin and cycle storage facilities for future occupiers.

Noise Survey

As discussed further below, the application is accompanied by a noise survey and basic floor plans. The Noise Survey provides an assessment of the site with regards to commercial noise from surrounding premises and road traffic noise from Marlborough Road, and sets out mitigation measures which include improved sound insulation. The scheme includes improvements to the façade with the introduction of secondary glazing and mechanical ventilation. The Noise Survey advises further investigation and assessment of overheating risk and control strategy may be required at detailed design stage to achieve good quality living conditions in terms of acoustics, ventilation and overheating. The survey indicates openable windows are not considered to be a suitable method of ventilation to control overheating. Windows would be openable for purge ventilation only.

Relevant Planning History:

ADC/0005/06 - Subdivision of office building into 12 self-contained offices (including elevational alterations (amendment of I/169/05)
Approved - 17.05.2006

L/169/05/TP/22162 - Subdivision of Office Building into 12 Self-Contained Offices (Including Elevational Alterations)
Approved - 10.11.2005

L/179/94/TP/15763 - Redevelopment of Site with Warehouse/Industrial Building For Use Classes B1, B2 or B8 Together With Revised Car Parking
Approved - 06.03.1995

L/69/87/TP/1213 - Two-Storey High Technology Building for Light-Industrial &/or Office Use Together With 134 Car Parking Spaces with Additional Access to Blenheim Road.
Approved - 01.05.1987

Consultation Responses

The following responses include summaries by officers with full responses being available for viewing on the Councils website:

Lancing Parish Council: Objection. Recommend the application be refused on the grounds that the proposal is an inappropriate and unsuitable use of the building (i.e. to have a residential property on a lively business park).

West Sussex County Council:

Highways – No objection in principle but request further information:

Parking - The applicant indicates 120 car parking spaces are available on site. The proposal would generate a requirement for 79 spaces. A parking layout is requested to demonstrate how this parking would be laid out.

Access - The proposal would use the existing access arrangements into the site. There have been no recorded injury accidents at the accesses. There is no evidence to suggest that the accesses are operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

Traffic Generation - In terms of traffic generation, the proposed use would generate less vehicle movements than the current office use. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

Accessibility – site is within walking and cycling distance of Lancing Train Station and local amenities. Planning conditions can be imposed to secure cycle storage and Travel Plan to encourage sustainable modes of transport.

Lead Drainage Officer – As the proposal does not increase the impermeable area, no objection to this application in respect of surface water flood risk.

Environmental Health (Noise) – Objection. The applicant has failed to demonstrate good acoustic design to protect the future residents from existing commercial noise, and as the agent of change, it has not addressed the implications of an inappropriately designed residential scheme on existing business in the vicinity.

The latest National Planning Policy Framework makes clear that the onus for successful noise control/protection is the responsibility of the 'agent of change' (the developer).

Noise and Overheating are intrinsically linked. From an energy standpoint, it is best practice to open windows for the control of overheating in a property, however in a noisy environment such as this, opening doors or windows would result in the occupiers of the property being affected by noise. There should not be a trade-off between thermal comfort and good internal acoustic in a well-designed property. It is likely that windows would be opened and then residents, as is their right, would complain about the neighbouring noise.

The presence of the metal roof, walls of glass on the Southern facades, and the existing doors along the Eastern and Western facades would increase the overheating risk for future occupiers. I would recommend you also note the number of existing A/C units erected on the building, as a possible sign that overheating is already an issue. I am concerned that the only realistic way of controlling outside noise while maintaining thermal comfort is with the use of unsustainable A/C units.

The applicant has refused to address this matter, quoting the PD legislation in response.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. (National Planning Policy Framework 2019, paragraph 124).

"Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution" (National Planning Policy Framework 2019, paragraph 170e).

The scale of this development should also be recognised that there are 53 dwellings proposed here and we are potentially putting over a hundred occupants at risk if this development is poorly designed.

Environmental Health (Private Sector Housing) – Comments

The Applicant has not provided layouts in sufficient detail for comments to be made by this team. The PSH team would expect that, should permission be granted, the developer would contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

District Fire Safety Officer – Comments. The proposal would need to take into account a range of fire safety measures.

Drainage Engineer – No objection. The proposals will not increase impermeable area.

Environment Agency – No comments received.

Representations (including representations from Lancing Business Park Business Improvement District (LBP BID), Adur and Worthing Business Partnership, Worthing and Adur Chamber of Commerce and Coastal West Sussex Economic Partnership) – 25 letters of objection received from the occupiers of neighbouring business premises and local residents raising the following concerns:

- The introduction of residential housing into a commercial business park would become a constraint on the 24/7 operation of businesses within the park which include manufacturing (who operate industrial tools and forklifts with audible warning systems), logistics (who have to comply with their operator's license which require impact on residential occupiers to be taken into account – without such a license they cannot legally operate), waste management and catering companies which operate refrigerated lorries, amongst others – the impact of which could not be reasonably mitigated.
- Loss of commercial floor space and associated loss of local jobs - Lancing Business Park is the second largest industrial area in West Sussex with more than 250 businesses based on the business park, employing more than 3000 staff. The business park is extremely vibrant with 99% occupancy and operates 24/7 with large numbers of HGV movements, including left-hand drive artic's. The business park currently suffers from highways issue such insufficient parking, congestion at peak times, limited visibility at junctions for pedestrians, HGVs parking on pavements forcing pedestrians to walk in the road, vehicles constantly driving the wrong way round the one-way system, resulting in serious near-misses and a number of previous crashes, complaints from the residents surrounding the business park regarding the impact of the parking issues, out-of-hours vehicle movements and near-misses e.g. last May a 7yr old very narrowly missed being hit by a commercial vehicle on the Chartwell bend.
- Lancing Business Park operates 24/7 and as a result LBP has received resident's complaints regarding night-time noise, from as far as north of the railway line. Introducing residential units within the business park itself would cause further conflict between uses. With many businesses operating overnight and at weekends, if residential were introduced onto the business park, the residents would suffer from constant noise. This application could therefore result in operating restrictions being imposed on the businesses based on the park, which could in turn impact the viability of the business park, leading to a drop in occupancy and loss of local jobs.
- Lancing Business Park should be protected for business use to avoid further conflict between uses and enable the local economy to recover and grow.
- Adverse impact on the local highways infrastructure through increased on-street parking demand, cumulative traffic generation taking into account HGV movements and unsafe access arrangements.

- A transport statement is required to fully demonstrate the proposal would not have an adverse impact on highway safety and the local highways infrastructure.
- Poor quality living environment for future residential occupiers (including noise, light pollution, dust, industrial fumes, air quality environment, fire risks from adjacent recycling business which has had fires previously, 44 tonne HGV movements and poor access to external amenity space/play areas for children) taking into account the 24/7 operation of the park – this includes an unsafe environment for children.
- The location of the site means it is adjacent to an area on Marlborough Road where all of the commercial traffic including HGV movements would be experienced by future occupiers in terms of noise.
- Do not believe that the proposed change of use from commercial (Class B1a) to residential (Class C3) within a long-established industrial setting constitutes 'permitted development' under the T&CP(GPD) Order 2015, Schedule 2, Part 3, Class O nor should it be dealt with by a Prior Approval Application in any way shape or form and if the LPA are to consider this proposal it should be dealt with by a full planning application accompanied by the relevant impact assessments that relate to this type of major development and contentious change of use.
- The Quadrant is currently served by an onsite parking area, which under this application will need to be reduced in size to accommodate outside recreational area to support the residents, thus reducing the number of onsite parking spaces to serve the 53 flats. As LBP already suffers from a lack of available parking, this development would result in insufficient onsite parking which would impact the new residents, businesses on the park and surrounding residents.
- The Quadrant is currently occupied by a number of businesses and if this application is approved, these businesses would likely have to leave the business park due to lack of alternative accommodation on the business park.
- Businesses on the park contribute hugely to the local economy and businesses are already trying to deal with the impact of the pandemic, whilst trying to successfully implement their recovery plans.
- The loss of commercial space from this development would be hugely detrimental to the Worthing and Adur area. There are businesses in this area and also businesses looking to relocate into this area that are not able to find suitable vacant commercial space. We are already at risk of these successful businesses having no option but to look elsewhere. Adur & Worthing Council must look to protect this valuable commercial space.
- Seagulls use the roof of the building which create significant health and safety issues for future occupiers in terms of noise and waste/dirt.
- Proposal would set a precedent for further residential proposals within the business park.
- Proposal is contrary to Adur Local Plan Policy 25 which states that changes of use to other than employment in this location will be resisted.
- Proposal would be contrary to the economic objectives of the NPPF.
- Shortage of such employment sites with Adur as such it they should be protected.

- The supporting noise survey is not a true account of the noise environment within the Lancing Business Estate as, whilst the park has high occupancy levels, due to the coronavirus lockdown the majority of the businesses are not operating at a much reduced level.

Cllr Brian Boggis: Objection. Acknowledge significant need to maximise the housing provision in the District, however the proposal is situated in the middle of our busiest Business Park, this would be an entirely unsuitable change for many legitimate planning reasons. However, my prime concern in this instance is the threat to our prime employment area by the loss of this significant asset to our local business community. In the District Plan, the Business Park is designated as a prime employment area and little other space is available in the District to compensate for any loss of this employment space. Our global aspiration is to provide local jobs and to lose this space would seriously deplete our opportunities to achieve this aim. Occupation on the Park is continuously at a high level and it is well served by public transport, reducing the need for commuting and in keeping with our longer term aims to reduce our Carbon usage. It would be a negative step to agree to this change of use and for this reason the application is reported to the Planning Committee for determination.

Tim Loughton MP (East Worthing and Shoreham): Main concern is that we are losing valuable business space in Adur and specifically on the second largest business park in West Sussex which is routinely near fully occupied. We have already lost a potential expansion space for businesses on New Monks Farm and this would set a dangerous precedent on LBP.

It is difficult to see how such an intensity of residential dwellings can sit alongside business premises where there is no restriction on hours of operation. Previously received complaints Winston Road residents whose living conditions have badly affected by noisy speeding delivery lorries operating in the middle of the night. They have had to insulate their properties and set up cameras to try to identify the firms involved but even when they have identified the lorries, they are being operated normally. Such a density of flats would be very vulnerable to 24 hour noise including heavy duty HGV's such as those operating for Rabbit.

Relevant Planning Policies and Guidance

Adur Local Plan (2017):

- 15 - Quality of the Built Environment and Public Realm Development,
- 20 – Housing Mix and Quality New residential development,
- 25 - Protecting and Enhancing Existing Employment Sites and Premises,
- 28 - Transport and Connectivity,
- 34 - Pollution and Contamination Development,
- 35 - Water Quality and Protection Development, and
- 36 - Flood Risk and Sustainable Drainage)

Other Supplementary Planning Documents, Guidance and Evidence Documents

Development Control Standards: Space around New Dwellings & Flats (ADC)
Guidance on New Parking at New Development (WSCC 2019)
National Planning Policy Framework or NPPF (CLG 2019)
Noise Planning Practice Guidance
Planning Practice Guidance (CLG 2014-present)
Technical Housing Standards – Nationally Described Space Standard (CLG 2015)

Approach to decision making

The Town and Country Planning General Permitted Development Order 2015 (as amended) allows, subject to specific land designations and prior notification to the local planning authority, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) from a Class B1a (office) use.

Prior notification process

As considered in more detail further below under ‘planning assessment’, the change of use from B1a (office) to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highways impacts of the development
- Contamination risks on the site
- Flooding risks on the site
- Impacts of noise from commercial premises on the intended occupiers of the development
- The provision of adequate natural light in all habitable rooms of the dwelling/houses

It is important to recognise matters such as loss of commercial/employment land, levels of vacancy/occupancy for commercial uses, economic considerations and external amenity space for future occupiers are not criteria against which proposals can be assessed under the prior notification process.

To determine any prior approval application, the developer/applicant is required to submit details of the proposal, site and any other information deemed necessary for the local planning authority to assess the potential transport and highway impacts of the development, the flooding and contamination risks; and the impacts of noise from commercial premises on future occupiers.

On receipt of all necessary information, the local planning authority will notify adjoining occupiers/owners or display a site notice; and consult the relevant highway authority (to assess transport and highway impacts); the Council's Environmental Health Officer (to consider contaminations risks and noise) and the Environment Agency (for any sites within Flood Zones 2 and 3, and critical drainage areas within Flood Zone 1); When accessing an application, the local planning authority must take account of any

representation made and have regard to the National Planning Policy Framework and associated guidance.

The applicants are advised the development shall not be begun before they have received:

- Written notice from the local planning authority that prior approval is not required,
- Written notice from the local planning authority giving their prior approval, or
- The expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused. In this case an extension of time to determine the application has been agreed with the applicant until 10 November 2020.

A development must be carried out in accordance with the submitted details. The Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with or insufficient information has been submitted to enable the authority to establish whether the scheme complies with Class O conditions and limitations.

Publicity

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council's Statement of Community Involvement. This has involved the display of site notices and notification letters sent to neighbours.

Planning Assessment

For the avoidance of doubt, this proposal is not submitted as part of a full application for planning permission where a full range of material considerations can be assessed. It has come forward under the prior notification process under the Town and Country Planning General Permitted Development Order 2015 where only a limited range of considerations can be taken into account as set out above. These are assessed in turn below.

Part O of Schedule 2 of the General Permitted Development Order 2015 (as amended) states:

Class O – Offices to Dwellinghouses

The Use of the Building and Land

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class O. i.e whether the building and site is currently in B1 (a) use.

Taking into account the site's planning history, including its use as 12 self-contained offices since 2006, it is accepted that the building and land can lawfully take advantage of the provisions for change of use to dwellinghouses set out under Class O, Part 3, Schedule 2 of the GPDO 2015.

The site is not affected by the exclusions which apply to the Permitted Development rights, i.e it is not on article 2(5) land such as a conservation area or National Park; does not form part of: a safety hazard area; a military explosives storage area; is not a listed building or within the curtilage of a listed building; nor does it contain, a scheduled monument. Therefore the proposal may be rightly considered under the GPDO Prior Approval procedure

Transport and Highways Impacts of the Development:

In terms of transport and highways impacts of the development, the proposal has been carefully considered by WSCC Highways and no objection is raised, in principle, subject to the following matters:

In respect of access, the proposal would use the existing access arrangements into the site. WSCC Highways confirm there have been no recorded injury accidents at the accesses. As such, there is no evidence to suggest that the accesses are operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

As regards to traffic generation, the proposed use is estimated to generate less vehicle movements than the current office use. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site albeit it would represent a slight reduction in commercial traffic and a likely increase in residential traffic.

In terms of parking provision, the applicant indicates 120 car parking spaces are available on site but this would be reduced slightly to provide cycle and refuse storage facilities. In accordance with the latest county parking standards, the proposal would generate a minimum requirement for 79 off road car parking spaces. Subject to the provision of a parking layout to confirm this would be provided and provision of appropriate secure cycle storage, the site appears capable of accommodating the car and cycle parking demand generated by the development. This should address the outstanding information requested by WSCC Highways.

In respect of accessibility, notwithstanding the site is located within an industrial estate, the site is within walking and cycling distance of Lancing Train Station (16 mins on foot) and other local amenities. Bus stops are also available nearby on Western Road (to the west) and A259 to the south. Planning conditions can be imposed to require cycle storage and a Travel Plan to encourage sustainable modes of transport.

For the above reasons, taking into account any cumulative impacts, and subject to the imposition of relevant planning conditions relating to car parking provision (including 28% Electric Vehicle charging points), cycle parking and travel plan initiatives, the application site appears capable of accommodating the proposed development whilst ensuring no material impact on the local highways infrastructure in accordance with

policies 15 and 28 of the Adur Local Plan, guidance contained within the WSCC Parking Standards 2019 and provisions of the NPPF.

Contamination Risks on the Site

The site and the remainder of the estate are identified on Council records as being potentially contaminated. However, no ground disturbance is proposed here. The Council's Environmental Health Officer raises no objection subject to there being no intrusive ground works and the imposition of planning conditions to address any unforeseen contamination (and remediation where appropriate), as such, the risk to human health can be adequately mitigated in accordance with policy 34 of the Adur Local Plan and provisions of the NPPF.

Flood risk

The site is located in Flood Risk Zone 1 where there is a low risk of flooding which is considered to be sequentially preferable in terms of locating new housing. The LLFA and Technical Services have considered the proposal and advised that as the proposal does not increase the impermeable area, the proposal is considered acceptable in terms of surface water flood risk.

For these reasons, the proposal would not have an adverse impact on flooding with the site or locality in accordance with policy 36 of the Adur Local Plan and provisions of the NPPF.

Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

The NPPF sets out clear guidance at paragraph 170 which seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution, amongst other matters.

The Noise PPG further indicates noise needs to be considered when development would be sensitive to the prevailing acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate solutions are identified from the outset. Decision making needs to take account whether or not a significant adverse effect is occurring or likely to occur, and the significant observed adverse effect level – this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

The application site is located at the centre of the Lancing Business Park where there are a variety of commercial uses and a number of established businesses which undertake outdoor work, have significant HGV traffic movements at various times of day or night, open roller shutter doors in summertime and are in close proximity to the site without any screening to reduce external noise.

The application is accompanied by a noise survey which provides an assessment of the site with regards to commercial noise from surrounding premises and their associated road traffic noise, and sets out mitigation measures which include improved sound insulation. The scheme includes improvements to the façade with the introduction of secondary glazing and mechanical ventilation. The Noise Survey recommends that further investigation and assessment of overheating risk and control strategy may be required at a detailed design stage to achieve good quality living conditions in terms of acoustics, ventilation and overheating. The survey indicates openable windows are not considered to be a suitable method of ventilation to control overheating. Windows would be openable for purge ventilation only.

No overheating analysis is provided but the Environmental Health Officer indicates this would be an issue. It is likely that an air conditioning system would be needed together with keeping windows closed in order to provide ventilation and avoid external noise.

The adjoining commercial sites are in separate ownerships and carry out a range of noise-generating activities, including waste management, manufacturing, engineering, logistics and maintenance. They offer significant potential to create noise and other disturbance to residents at varied times of day and night and the uses do not appear to be subject to any noise controls that would protect the residential amenity of future occupiers of the site. The NPPF specifically advises at paragraph 182 that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. It goes on to say, that that the onus for successful noise control/protection is the responsibility of the 'agent of change' (the developer).

Should residential use be permitted within the site and future occupiers were to suffer significant noise nuisance, further enforcement measures such as Noise Abatement Notices or Community Protection Notices could be served on adjoining businesses. In the event that the Council was forced to take action against noise nuisances, this would clearly prejudice the operation or future legitimate expansion or other business practice of the industrial occupiers.

In addition to its location, the physical characteristics of the building are also relevant. It has extensive large windows, several external doors and a metal roof. The EHO explains that these physical characteristics increase the risk of overheating, which would affect future residents and the need for ventilation.

The solution offered in the applicant's Environmental Noise Assessment is to install windows that would not be opened for ventilation other than for 'purging'. However, in a noisy environment such as this, opening doors or windows would result in the occupiers of the property being affected by noise.

The Environmental Health officer advises that the inability of residents to open windows without suffering noise disturbance would create an unacceptably oppressive residential environment and would not allow residents the normal benefit and enjoyment of fresh air and natural ventilation within their own homes. This would fail to create an acceptable residential noise environment. Furthermore, any sound

insulation of the building would offer no sound protection to residents when outside other than possibly the small central courtyard area.

It is also noted that reliance on mechanical ventilation in terms of energy and sustainability is a far less satisfactory solution than the ability to use natural ventilation and could also add a further potential source of mechanical noise and vibration.

In this case, noise and overheating appear to be closely linked. The Council's Environmental Health Officer (EHO) has carefully considered the proposal and raises an objection on the basis the applicant has failed to demonstrate good acoustic design to protect the future residents from existing commercial noise whilst providing suitable ventilation and heat control. He also comments that there should not be a trade-off between thermal comfort and good internal acoustic in a well-designed property. As the agent of change in an area where there are numerous existing commercial noise sources, the applicant has not addressed the implications an inappropriately designed residential scheme could have on existing business in the vicinity.

Attention is also drawn to an appeal decision references APP/Q3820/W/3203568 and APP/Q3820/W/18/32035 dated May 2019 for the conversion of office buildings for up to 75 apartments under the prior notification process under Part O of the GDPO within an industrial area within Crawley which is comparable to the proposal under consideration by this application. The Inspector considered amenity issues in balancing the need to address potential noise nuisance with future living conditions for occupiers. The Inspector in dismissing the appeal he concluded,

'to require the occupants of 75 flats to live in accommodation where they could not open a window to allow air to circulate and to rely on mechanical ventilation, would not be a waste of natural resources but would also result in an oppressive environment for residents'.

This decision (attached to this report) highlights the importance of the interconnected issues of noise, ventilation and heat control and concludes that extensive reliance on mechanical ventilation is both inappropriate and unsustainable. For these reasons, there would be a significant adverse impact upon future occupiers of the development resulting from noise created by these nearby commercial premises creating an unacceptable residential environment. The proposal would therefore be contrary to policy 34 of the Adur Local Plan and provisions of the NPPF and supporting guidance.

It could also potentially raise problems with the ongoing operation of existing businesses within the Lancing Business Park, however, it does not appear as if this could be used as a refusal reason under permitted development rights.

Natural Light in all Habitable Rooms

Whilst the supporting plans show some single aspect north facing apartments and apartments facing into a small internal courtyard, taking into account the amount of existing glazing on the elevations of the building that would be retained and incorporated into the apartments, on balance, reasonable levels of natural light would

be achieved for habitable rooms having regard to the provisions of policies 15 and 20 of the Adur Local Plan and the NPPF.

Other matters

It is recognised that the proposal would result in the loss of employment floorspace within a key employment area, which is noted to be a matter of significant local concern. However, it must be recognised that the Local Planning Authority cannot refuse a Prior Approval scheme on the grounds of loss of employment space as this matter falls outside of the criteria set out in the legislation for assessing these types of prior notification applications. It is also relevant that the change to the use classes order now allows the conversion of existing office floorspace to other commercial uses including retail and leisure related uses.

Conclusion

The proposal is considered unacceptable on noise grounds due to the likely impact from adjoining commercial premises and the resulting harmful impact upon the residential environment that would be created for future occupiers of the Quadrant.

Recommendation

On the basis of the available information the proposed change of use from offices to residential use would result in the creation of dwellings in close proximity to a wide range of commercial uses including waste management, engineering, logistics, maintenance uses, window and kitchen manufacturing premises, warehousing and accident car repair. The Local Planning Authority considers that there would be a significant adverse impact upon future occupiers of the development resulting from noise created by these nearby commercial premises and an attempt to address these issues would result in the creation of unsatisfactory living conditions to the detriment of residential amenity. As a result the proposed development would be contrary to the provisions of policy 34 of the Adur Local Plan (2017) and provisions of the National Planning Policy Framework (2019).

The Local Planning Authority therefore considers that Prior Approval is required in accordance with the requirements of Condition O.2 of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 and that such Prior Approval should **BE REFUSED**.

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

Jay Singh
Senior Planning Officer (Major Applications)
Portland House
jay.singh@adur-worthing.gov.uk

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.



Appeal Decisions

Site visit made on 26 March 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2019

Appeal A Ref: APP/Q3820/W/18/3203568

Kingston House, Stephenson Way, Three Bridges, Crawley RH10 1TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by M J J Cluck against the decision of Crawley Borough Council.
 - The application Ref CR/2018/0065/PA3, dated 5 March 2018, was refused by notice dated 11 May 2018.
 - The development proposed is described as "Prior Notification requirement under Part O of the GPDO for the change of use of offices (Class B1a) to form 51 apartments - see covering letter".
-

Appeal B Ref: APP/Q3820/W/18/3203570

Saxon House, Stephenson Way, Three Bridges, Crawley RH10 1TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by M J J Cluck against the decision of Crawley Borough Council.
 - The application Ref CR/2018/0184/PA3, dated 5 March 2018, was refused by notice dated 8 May 2018.
 - The development proposed is described as "Prior Notification requirement under Part O of the GPDO for the change of use of offices (Class B1a) to form 24 apartments - see covering letter".
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs was made by Mr J J Gluck against Crawley Borough Council. These applications are the subject of a separate Decision.

Preliminary Matters

4. For ease of reference I refer to the different cases as Appeal A and Appeal B in this decision letter as set out in the headers. I have dealt with each appeal on its own individual merits but to avoid duplication, I have considered the appeals together in this document. Although there are two appeals, I have used singular terms in places for the ease of reading.

5. Paragraph O.2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO) sets out the matters that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Paragraph O.2(1) (d) includes the impacts of noise from commercial premises on the intended occupiers of the development.
6. Paragraph W.(11)(c) states that development must not begin before the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused. That sub-paragraph (2) details the information that should accompany the application. The appellant claims that the 56 days had expired before the notifications were issued.

Main Issues

7. The main issues for both appeals are:
 - Whether permission is deemed to have been granted as a result of the timing of the Council's decisions; and
 - If permission is not deemed to have been granted, whether the noise from commercial premises on the intended occupiers of the development is such as to require refusal of prior approval under Paragraphs O.2(1)(d) and W.(3) of the GPDO.

Reasons

Timing of the Council's Decisions

8. The applications were made on 5 March 2018 and the Council confirm that the deadline of the expiry of the 56 day period to determine the applications would have been 1 May 2018. The appellant states that as all the required information was submitted on 9 March 2018, the 56 day period should be 5 May 2018. Notwithstanding this disagreement and on the basis of the date that the Council received the applications, the 56 day period would expire on 1 May 2018. The Council's decision notice for Appeal A is 11 May 2018 and for Appeal B is dated 8 May 2018. The appellant therefore argues that as the Council failed to make a decision within the requisite 56 day period, permission is deemed to have been granted.
9. On 27 April 2018 the Council received an email¹ from the appellant's agent, stating that, "*my client would be willing to agree a new determination date for both applications until 12 May 2018...*". The Council argue that, in accordance with Article 7 (c) of the GPDO, it had the appropriate written notice from the appellant that a longer period to the 56 day determination period had been agreed and both decisions were made before that period expired.
10. The appellant contends that he did not give written notice for a longer period to the 56 days and that the Council have implied an extension by context. This is unacceptable as the GPDO only allows deadlines to be extended "*through express and unequivocal written agreement*". Furthermore, the email of

¹ Email dated 27 April 2018 @13:20hrs

27 April 2018 from his agent to the Council stated that the appellant would be "willing" to extend the deadline which is an offer and not a formal agreement.

11. I have carefully considered the appellant's arguments regarding whether he agreed to a longer period to determine the applications and based on all the information before me, which includes other emails², I am satisfied that such an agreement was entered into by both parties. Moreover, I have not been provided with any substantive evidence that an email cannot be considered "in writing" for the purposes of agreeing the longer period. Furthermore, there is no requirement under Article 7 of the GPDO that both parties have to agree the longer period independently, only that there is an agreement "by the applicant and the authority in writing", and the email from the appellant's agent is that written agreement. Consequently, permission was not deemed to have been granted.

Noise

12. Kingston House is a flat roofed three storey building constructed of brick which lies on the corner of a spur road and faces onto Stephenson Way. Saxon House is a smaller building of a similar construction and lies perpendicular to Kingston House, at the head of the spur road. The buildings are located within an existing commercial/industrial area with a variety of uses such as car sales, vehicle repairs, self-storage units, a coach depot and other commercial uses and office space.
13. The appellant argues that the GPDO does not allow the Council to consider matters of amenity and the occupant's rights to open windows is an amenity issue and thus, is not relevant to the appeal before me. However, the GPDO clearly states that it is the impacts of noise from commercial properties on the intended occupiers that is for consideration and I am not persuaded by the appellant's argument that this is not a matter that I can take into consideration.
14. Stephenson Way is a very busy road with car transporters, coaches and other large vehicles accessing properties along the road network. The appellant submitted a noise assessment³ which confirms that the dominant noise sources were from the movement of vehicles and exceeds the recommendations set out within British Standard 8233:2014: Guidance on sound insulation and noise reduction for buildings. However, as the proposed flats would be ventilated by a Mechanical Heat Recovery and Ventilation system with air-conditioning for overheating, the occupants of the flats should not be able to open windows for ventilation. Consequently, the predicted noise levels within the flats are considered to comply with the British Standard.
15. The proposed flats would be owned separately from the various commercial properties and I have not been provided with any evidence that activities at Stephenson Way is restricted to daytime hours only or could be controlled. The Framework specifically advises at paragraph 182 that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established.
16. During my visit I witnessed a variety of vehicles entering and exiting Stephenson Way and experienced the noise that they generate. It is evident

² Email dated 27 April 2018 @12:52hrs and email dated 27 April 2018 @14:27hrs

³ Environmental Noise Assessment, Adnitt Acoustics Ref: 2037/EBF/R1-B dated 5 March 2018

that the occupiers of the proposed flats would be exposed to that noise which may occur at any time and would significantly affect their quality of life. I have carefully considered the appellant's suggestion of a condition to ensure that windows are closed and sealed shut. However, I find this to be an excessive measure to overcome the location of the development within an established commercial estate. Furthermore, to require the occupants of 75 flats to live in accommodation where they could not open a window to allow air to circulate and to rely on mechanical ventilation, would not only be a waste of natural resources but would also result in an oppressive environment for residents.

Conclusion

17. For the reasons given above, and having regard to all matters raised, I conclude that Appeal A and Appeal B is dismissed.

Graham Wyatt

INSPECTOR

Application Number: TPO 2 of 2020

Recommendation – Approve

Site: 63 Sompting Road Lancing West Sussex BN15 9LB TPO

Proposal:

Confirmation of Adur TPO No.2 of 2020 63 Sompting Road Lancing West Sussex

Case Officer: Jeremy Sergeant

Ward: Churchill Ward



Not to Scale

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Proposal, Site and Surroundings

On the 18th August 2020 a provisional Tree Preservation Order was placed on one Horse Chestnut tree in the rear garden of 63 Sompting Road Lancing West Sussex.

The order refers to a tree growing near the centre of the western boundary of the rear garden of 63 Sompting Road, adjacent to the communal area of The Sycamores. The TPO has been made as the tree owner had concerns that there is pressure to remove the tree from residents of the apartment block of the Sycamores. The tree is a feature of the area and is considered important to its visual amenity and character.

Relevant Planning History

None

Representations

Three letters of objection have been received from nearby residents, see attached. The neighbour's objections are that the tree is too large, the wrong species, causing excessive shade and a possible danger. Also it is claimed that the tree is damaging the nearby concrete footpath, interfering with television reception and that it is not a tree that is significant to the area.

The tree has been previously reduced and as with many protected Horse Chestnut trees, this is a recognised maintenance regime for them to be grown in urban areas. There are conflicting accounts of the regularity of these works within the representations and from the tree owner. As further works would be given approval issues such as shade and overall size can be addressed.

Another concern raised is the damage caused to the adjacent concrete footpath within the communal area of the Sycamores. As with many mature trees it is possible that they can lift lighter structures such as paths and slabs etc. Although the damage may be caused by the tree, its removal will not solve the concerns, therefore other engineering solutions could be considered. The issue of the tree interfering with television reception appears to have been resolved by aiming at a different transmitter, and is not within the scope of a Tree Preservation Order.

It is also claimed that the tree is not significant to the area and that its retention should be between neighbours. Although it is agreed that the tree is a lower prominence to the street scene, it is visible from the road and provides a backdrop to the low rise building of number 63 Sompting Road. The Local Planning Authority has the powers to protect trees which they consider to be warranted.

The representations are attached as an appendix.

Relevant Planning Policies and Guidance

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

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

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000).

Planning Assessment

The tree is a good specimen that meets the tests for Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that it is an

established feature of the area and its removal would be detrimental to character and visual amenities of the area and the street scene.

The tree is a large mature growing near the western fence line between 63 Sompting Road and The Sycamores. The tree has a large diameter central stem that persists to 4 metres, where it then divides into two, each secondary stem dividing again at 4.25 meters forming the wide rounded main crown. The tree has been maintained with regular reductions in height and spread.

The Tree Prevention Order is to ensure the retention of the tree with any concerns being dealt with by approved pruning, engineering and other solutions. In the interests of local amenity it is recommended that the TPO is confirmed.

Recommendation

That Adur Tree Preservation Order Number 2 of 2020 be confirmed as made.

ADUR & WORRENTON

26 AUG 2020

PLANNING SERVICES

61 Sompting Road
Lancing
West Sussex
BN15 9LB22nd August 2020

Mr Jeremy Sergeant
Senior Tree and Landscape Officer
Development Management
District Council of Adur
Portland House
44 Richmond Road
West Sussex
BN11 1HS

Dear Sir

Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The District Council of Adur Tree Preservation Order Number 2 of 2020
63 Sompting Road, Lancing

Thank you for your letter dated 18th August 2020 regarding the above which was delivered to my above address by hand.

As a retired former Chartered Surveyor and Chartered Town Planner, I would like to offer the following comments for your consideration.

The tree concerned is not an appropriate species to be sited in close proximity to dwellings. It is a tree better suited to large open spaces or woodlands and not in close proximity to property. Having said this I acknowledge that the owner/occupier of No 63 Sompting Road has for the last 30 years maintained this tree by regular pruning/lopping every 3 to 4 years by a professional Tree Surgeon which has meant that the tree growth has been managed to try to contain it within the constrained environment within which it is unsuitably positioned. I also am aware that the Owner/Occupier of No 63 is due to undertake more tree lopping again in early November this year as part of this tree maintenance regime.

First reason for making this Tree Preservation Order – Visibility/Impact on Amenity and Character of the area.

The public places that this tree can actually be seen from are very limited and are as follows:

- 1) The only place the full height of the tree can be publicly seen is by looking between No 63 and The Sycamores from Sompting Road
- 2) The top 2 metres of the tree can be seen in the medium to far distance looking from a couple of distant locations in Sompting Road (buildings permitting)
- 3) The top few metres of the tree can be seen in the far distance looking from a few places in Crowshaw Close, but often hidden by buildings and obscured by or merged with other trees.

This tree is not in a conservation area and not by any stretch of the imagination a prominent or established feature in the area and publicly enjoyed local environment and if it were removed there would be no significant negative impact on the local environment and its enjoyment by the public. Indeed I think that most members of the public would not even realise it had been removed. Therefore it does not warrant the confirmation of the order and I feel that it would be extremely difficult for the Local Planning Authority to be able to credibly demonstrate and justify otherwise.

Second reason for making this Tree Preservation Order – Threat to fell or reduce the tree from “The Sycamores”.

I am aware that in the last few weeks the Owner/Occupier of No 63 has had some disagreements with Owners/Occupiers of one or possibly more of the adjacent flats at “The Sycamores” and demands have been made by them to remove this tree because it “interfered with their TV signals”.

This dispute is a private matter which the Local Planning Authority should not be drawn into and is up to the Owner/Occupier of No 63 to resolve amicably and responsibly with the management of “The Sycamores”. Although you refer to “pressure” from nearby neighbours the tree is located within the boundaries of No 63 and is responsibly maintained to a high standard of arboriculture practice and has been for the last 30 years to my knowledge.

If the Owners/Occupiers of “The Sycamores” decide to take matters into their own hands and materially damage the tree directly, which I think is highly unlikely since legally they are only allowed to “prune back to the boundary” which would approximate to the reduced tree size achieved by the responsible periodic 3 or 4 year lopping regime currently undertaken by the Owner/Occupier of No 63.

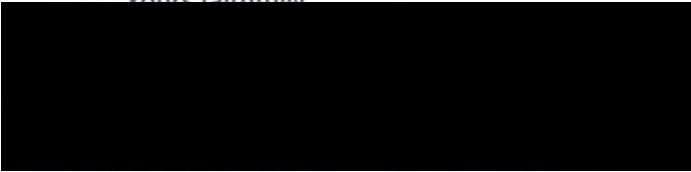
There is therefore, no significant tangible threat to this tree.

Finally I do not wish to be drawn into a private dispute between the Owner/Occupier of No 63 and “The Sycamores” and also strongly believe that The Council should not be expending scarce Council resources in intervening in what is essentially a private dispute.

I hope you find the above comments of assistance in deciding not to confirm this Tree Preservation Order.

For your additional information the description of the tree’s location as documented in Schedule 1 of the Tree Preservation Order is incorrect. The tree is close to the western boundary of No 63, not the northern boundary as stated in Schedule 1. If the tree was close to the northern boundary and in front of the houses fronting Sompting Road it definitely would be a prominent feature of the local environment as enjoyed by the public. Unfortunately it is not.

Yours faithfully,



Gary R Levett BSc (Hons) BTP

Retired and former ARICS and MRTPI

ADUR & WORTHING

26 AUG 2020

PLANNING SERVICES

FLAT 4

THE SYCAMORES.
65. Sompting Rd.

LANCING

WEST SUSSEX.

BN15 9LB.

24.8.2020.

Dear Sir,

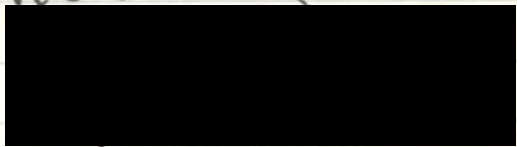
I am writing to object to the preservation order of the very large tree in the grounds of 63. Sompting Rd. It is very nicely pruned back and the thick branches and leaves overhang out properly at No. 65 Sompting. It has grown so large it now prevents daylight from getting to my bedroom window. very annoying. And then 3 weeks ago I could get no picture on my T.V. SET so I had to call in the T.V. Repair Man. He tried to get a picture to no avail he then said I think I know the problem. you are not receiving a signal to your Aerial the large tree is preventing a signal to get to your Aerial, he said the only solution is to take the aerial down & replace it with a new aerial on the side of the building so I said okay try that once he had done this I got a very good picture straight away. so it was the tree causing the problem. so then I had to pay the bill of £240 pounds which I thought was rather dear. After he had gone I thought we had this problem its cost £240 pounds. Through no fault of mine and that the owner of the tree should pay towards the cost.

I went next door to 63 to see Mr. PERROTT. After telling him of the events I suggested that he paid half of the bill £120. He became very bullish and dogmatic and said he was not going to pay anything & that the tree was not to blame. - Very upsetting so much got good neighbors so we had to pay the whole cost £240.

I think the tree should be regularly cut back each year not once every 5-6 years.

I am an EIGHTY NINE year old pensioner not in the best of health. living alone in a 1 bed flat. At my time of life I can do without this hassle & strain.

Yours Sincerely



F.R. MAHST.

Enclosed the T.V. Bill

If you Phone T.V. Man Mr. Duncan we will verify the problem & cost.



THE TV MAN

☎ 01903 535493 📠 07971 052555

✉ patrick@thetvmanuk.com

🌐 www.thetvmanuk.com

21 Halsbury Rd, Worthing W Sussex, BN11 2JP

Customer's Name: MR MALT

Address: FLAT 4 THE SYCAMORES

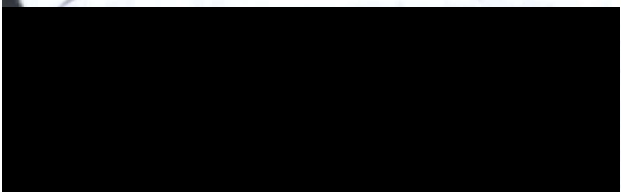
65 SOMPTING RD

SOMPTING

Date: 21/7/2020

Description	Price	
FLAT 43 CM DISH	240	00
TOTAL	240	00

AND



1-2 - 1-4



04.08.2020