



**ADUR DISTRICT
COUNCIL**

**Planning Committee
7 August 2023**

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: AWDM/0759/23 Recommendation – APPROVE

**Site: Land North Of Eastbrook Manor Community Centre, West Road,
Southwick**

Proposal: Installation of two modular buildings to the rear courtyard

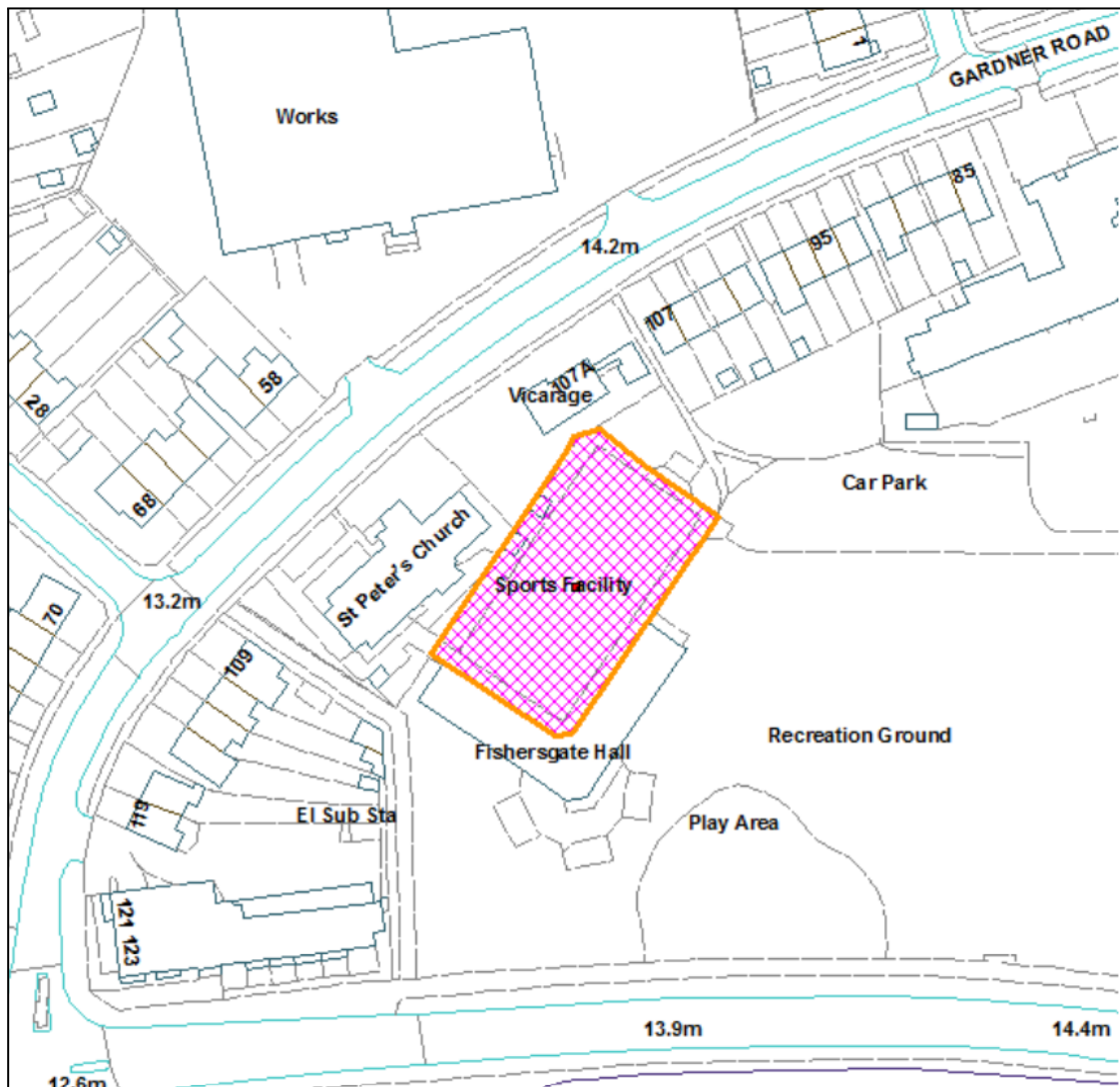
2

Application Number: AWDM/0692/23 Recommendation – REFUSE

Site: 33 Kings Road, Lancing

Proposal: Proposed single storey rear (West) extension

Application Number:	AWDM/0759/23	Recommendation - APPROVE
Site:	Land North Of Eastbrook Manor Community Centre, West Road, Southwick	
Proposal:	Installation of two modular buildings to the rear courtyard	
Applicant:	Mrs Rhian Francis, Adur & Worthing Councils	Ward: Eastbrook
Agent:	Mr M Payne, Adur & Worthing Councils	
Case Officer:	Gary Peck	



Not to Scale

Proposal, Site and Surroundings

This application seeks full permission for the erection of 2 modular buildings on the site of a former, now derelict, ice rink next to Eastbrook Manor Community Centre. The supporting information describes that after the Community Centre was returned to the Council in 2022, a funding stream to provide youth interventions became a possibility and is the core of the planning application.

It is stated that the Youth Investment Fund is a Government led initiative for the purposes of improving youth interventions in the areas of most need and will deliver services that will help young people aged between 11 and 18 grow and improve their physical and mental wellbeing. Eastbrook has been nominated as such an area in need and the proposed buildings will provide programmes of activities for young people and the buildings could also be used for wider community benefit. The project aim is therefore to provide a hub for young people in a secure and safe environment.

The application site is immediately to the north of the Community Centre which consists of a single storey building with two projecting wings. The Council is refurbishing the external areas under permitted development rights to reduce the amount of hardstanding and improve access from the car park. The proposed buildings will be located on a now derelict roller rink.

The former St Peter's Church is the closest building to the application site (there will be a 2 metre boundary) to the application site and numbers 107a and 107b are to the north east and clearly visible from the application site (members are requested to note that number 107b does not appear in the map at the start of the report and is located in between the former Church and Vicarage).

The application site is in Flood Zone 1 with a low risk of flooding and it is stated that the proposed buildings will not increase the overall drained area above the original hard surfaced area.

Relevant Planning History

None relevant to the determination of the application

Consultations

Environmental Health

No objection subject to an hours of work condition

West Sussex Public Rights of Way

There are a couple of public footpaths that run very close to the red line boundary of the proposal. From what I can see from the online documents the red line boundary does not directly impact the public footpath (FP5So) but I wanted to note a few comments I have regarding any future works in the vicinity of the public footpath.

Firstly there can be no restriction of blockage of the public footpath without prior consent of WSCC's Public Rights of Way (PRoW) team. If a closure is required to protect public safety whilst any works are undertaken a temporary path closure will be required. For information details of this process can be found by following this link. Further to this any damage done to the public footpath surface as part of these works will be the responsibility of those who did the damage to repair to the same or better standard.

Finally it is an offence to disturb the surface of a PRoW without consent of the Highways Authority.

Therefore if there are any proposals to disturb the surface at any stage contact should be made with the PRoW team at WSCC prior to any works taking place.

West Sussex Fire and Rescue

Having viewed the plans for this planning application no. AWDM/0759/23 for the installation of two modular buildings to the rear courtyard, evidence is required to show the two modular buildings are within 90 m of a fire appliance. This is to be measured along the hose lay route and not a direct line or arc measurement, as this can very rarely be achieved due to obstructions. Evidence is also required to show a fire appliance can gain access to within 15% of the perimeter or within 45m of every point of the footprint of the building as identified in Approved Document B Volume 2 B5 section 15 and BB100 Section 8.3. If any of these requirements are not met, they will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standard.

Further information has been received from the applicant in respect of the above comments and further comments in response will be reported at the meeting.

West Sussex Highways

This application is for an installation of two modular buildings to the rear courtyard.

The site is located and accessed via West Road which is an unclassified road subject to 30mph speed limit.

The existing vehicular access will be retained for the proposal. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the site vicinity. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The site is currently a misused skate rink which is to be removed. The proposed buildings will provide space for youth services outside of school hours, therefore it is unlikely that the proposal will result in a material intensification of use onto West Road or the wider road network.

The supporting document states that the existing car parking will be utilised for the proposed use and will be refurbished as part of the proposal. Any alterations to the car park would need to be demonstrated on a plan. Details of this can be secured via planning condition.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Representations

3 letters of support have been received making the following comments:

- I think this area really needs this community hub and any development of the space is a great thing.
- This proposal/funding bid is much needed and vital for the Adur / Fishergate community and I am 100% in support of the regeneration of this space/area.
- Fishergate is one of the highest deprived areas in the UK and investment is long overdue. The residents have built such a strong community presence and this investment and regeneration will support and give the means to provide decent and safe spaces for the younger residents.
- Very much needed resource

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - relevant policies include 12, 15 and 29

Sustainable Energy SPD (August 2019)

National Planning Policy Framework (July 2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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 in the determination of the application are the principle of development and the effect of the proposal upon the character and appearance of the area.

The application site, consisting of the derelict ice rink, is of poor visual appearance with the surfacing having deteriorated over time and also now fenced off by Heras fencing. While modular buildings are of limited visual quality in themselves, if erected in conjunction with the reduced hardstanding and proposed grassed areas, a visual improvement to the area should result compared to the existing situation. Furthermore, the nature of the community centre, with its projecting wings means that the application site is screened from most public views albeit that a public footpath passes quite close to the narrow entrance to the site at the end of the car park. In terms of the overall visual character of the area, therefore, it is not considered that the proposal would have an adverse impact.

The former St Peter's Church, Vicarage, and residential property that has subsequently been constructed in between them are closest to the application site and at the nearest point the Church building is less than 5 metres from the application boundary and 107b very slightly further although at a more oblique angle. The proposed buildings, which have a 3 metre gap between them, would be 2 metres from the boundary and therefore have some impact upon the visual outlook of the surrounding buildings. However, it needs to be borne in mind that the existing outlook is quite poor at present and that the buildings surrounding the site are of greater scale than those proposed in the application. There is also some screening and boundary fencing as well and accordingly it is considered that the impact of the proposed buildings is acceptable.

The supporting information states that the core of the application is the funding opportunity that the erection of the buildings would present. As set out at the start of the report, the buildings are required in connection with a funding opportunity from the Youth Investment Fund. The proposed buildings would be used to provide a hub for youth interventions in the area, and the need for additional community facilities in the area appears to be widely acknowledged and accepted. In light of the location next to the existing Community Centre, it is considered that this adds further weight to the acceptability of the proposal.

It is therefore concluded that the application buildings have the potential to provide a valuable community facility in the area and accordingly it is recommended that permission is granted.

Recommendation

GRANT permission subject to the following conditions:

1. Approved Plans.
2. Full Permission.

3. 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 to be 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.*

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of
- temporary Traffic Regulation Orders),
- Access arrangements from the public highway, including temporary accesses and alterations to existing accesses.
- details of public engagement both prior to and during construction works.

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

5. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: *To safeguard the residential amenity of the area.*

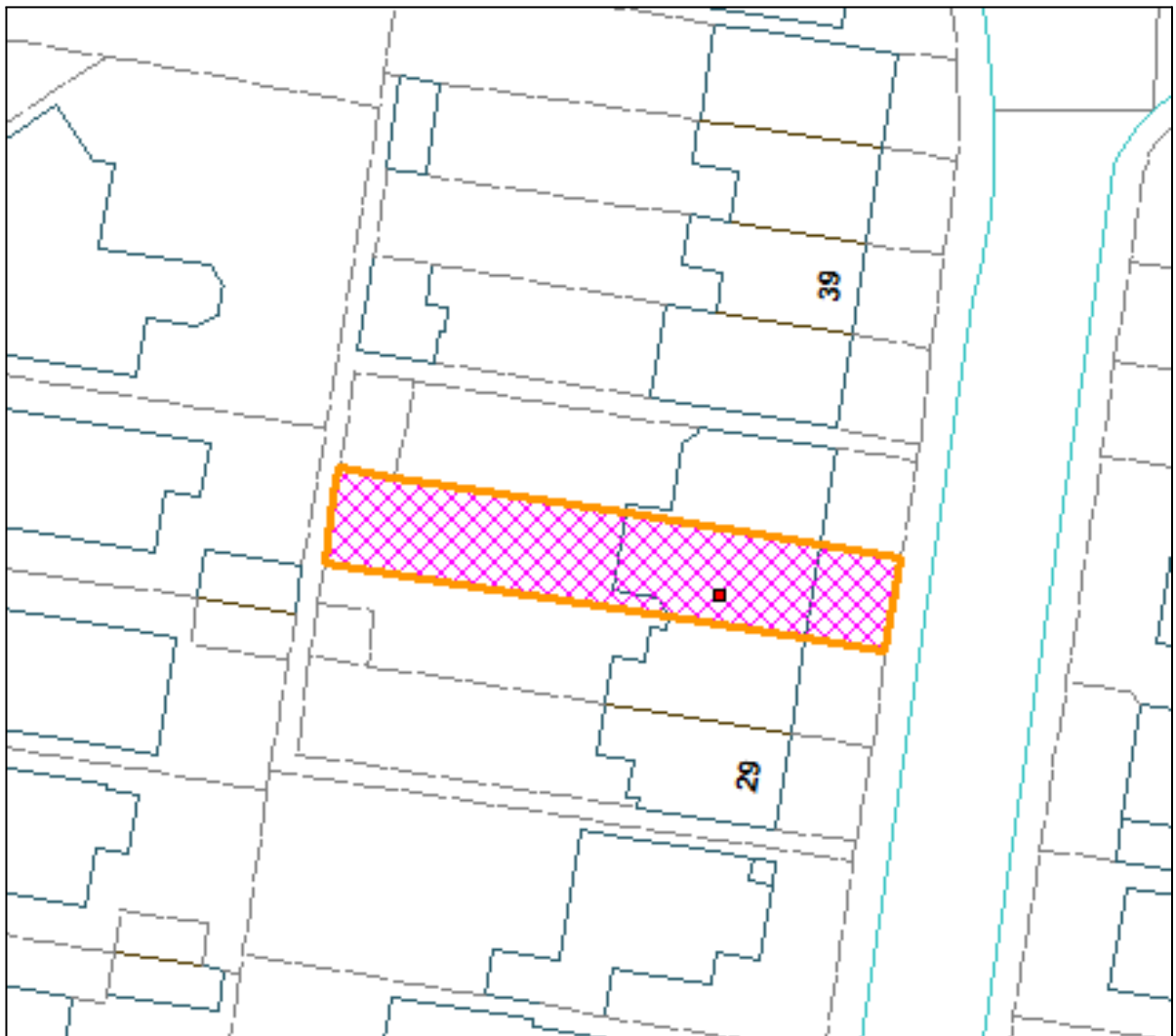
6. Full details of the proposed modular buildings in terms of colour, materials and finished height to be provided.

7. No windows (northern elevation).
8. Finished Floor Levels.
9. Approval of Hard and Soft Landscaping details

Informative

The applicant is requested to note that there be no restriction or blockage of the public footpath without prior consent of WSCC's Public Rights of Way (PRoW) team. If a closure is required to protect public safety whilst any works are undertaken a temporary path closure will be required. Any damage done to the public footpath surface as part of these works will be the responsibility of those who did the damage to repair to the same or better standard. If there are any proposals to disturb the surface at any stage contact should be made with the PRoW team at WSCC prior to any works taking place.

Application Number:	AWDM/0692/23	Recommendation - REFUSE
Site:	33 Kings Road, Lancing	
Proposal:	Proposed single storey rear (West) extension.	
Applicant:	Ms Jennifer Light	Ward: Widewater
Agent:	Mr Ryan Godfrey	
Case Officer:	Jason Albon	



Not to Scale

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Proposal, Site and Surroundings

The property which is the subject of this application is situated on the westerly side of Kings Road within a residential area of Lancing. The property is a mid-terraced two-storey dwelling comprising white render to front, a tiled roof with front gable above the protruding bay window section to the southerly facade, a pitched front porch canopy, along with white UPVC openings. By contrast, the rear elevation comprises predominantly white painted brickwork and has a varied depth with the northerly side extending into the garden deeper. A lean-to projects from the recessed southerly side with extending corrugated canopy and a facing brick single-storey extension projects to the northerly side deeper into the garden, aligning with the corrugated canopy.

The rear garden is moderately wide but extends relatively deep. It comprises a grass area to front and patio extending to the rear, a shed is positioned centrally and abuts the boundary to the south, and a moderate amount of vegetation borders the boundaries. The fenceline to the boundary with No. 31 Kings Road to the south is notably shallower than the boundary with No. 35 Kings Road to the north. These adjacent properties are mirrored copies of the application property and have virtually the same footprint and plot size. No. 31 to the south has a similarly recessed area to the shared boundary (this neighbours northerly side) where-as No. 35 to the north has a rear projection that aligns with the application property's northerly rear extension.

Permission is sought for the demolition of the existing lean-to and single-storey extension to the rear and the construction of a replacement single-storey rear extension. The extension would comprise facing brick elevations, a flat roof with parapet, rear facing aluminium bi-fold doors, and 1no. roof light. The extension would measure approximately 5.65m at maximum depth, span the entire width of the dwelling (approximately 5.75m), and have a parapet height of approximately 3.3m, stepping down to a flat roof height of 3m.

The proposed extension is required to remodel and adapt the property to meet the needs of the disabled applicant.

Relevant Planning History: None.

Consultations:

Lancing Parish Council: supports the application.

Representations

1 comment has been made by the occupant of the attached property to the south No. 31 Kings Road objecting to the proposal on grounds relating to loss of amenity.

The neighbour commented:

'I am concerned about the impact the height of the extension will have on the light within my dining room/kitchen. This may also impact the property's value for future

buyers.'

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 1, 15

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (July 2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

Principle

The proposal comprises upgrading a residential property located within the built-up area and can be supported in principle. The relevant issues are the effects on the character and appearance of the surrounding area and the effects on the amenities of neighbouring residential occupiers.

Visual amenity

The proposed extension would not be visible from the public realm by virtue of its siting to the rear of the property behind the terraced row. Therefore, it would not have a detrimental impact on the street scene. The proposed facing brick elevations and flat roof with parapet would not significantly detract from the existing character of the dwelling and surrounding area; this material and form already exists to this elevation and the rear elevations of properties along the terraced row and wider area. Rear extensions/conservatories along this section of Kings Road are common, albeit they are of a comparatively smaller scale than what is being proposed here. The property would still enjoy a reasonably sized garden without appearing cramped, owing to its depth. The proposal is supportable on visual amenity grounds.

Residential amenity

The most affected properties would be the attached neighbours to the north (No. 35) and south (No. 31).

To the northerly side, the proposed extension would project an additional approximately 1.95m from No. 35's rear projection, which would adjoin the proposed extension at the shared boundary. The proposed extension would also be approximately 0.8m taller than the existing utility/ WC at this boundary, and would also exceed the height of No. 35's rear projection by approximately 0.3m. The extension would be noticeable from this property and would appear rather utilitarian in form and heavy massing by virtue of the materials proposed. Notwithstanding, given the circumstance of the application, coupled with the acceptable depth from the furthest part of the rear building line of No. 35 (1.95m), which complies with the Council's DM standard for a dwelling within this context, it is not considered that there would be any significant harm to the occupiers of No.35.

Although the extension projects at the same depth to the south, No. 31 does not benefit from having an existing rear projection to offer screening from the proposed extension. Subsequently, No. 31 would bear the full impact of the extension which would abut the shared boundary and extend at a maximum depth of approximately 5.65m beyond the rear building line of this neighbour. The rear elevation of No.31 has a small rear living room extension and a utility room which extends deeper from the kitchen area to the opposite side of the elevation (southerly). As in the situation for the application property's living room, the living room of No. 31 is in a recessed position. The current living room therefore does not receive much light. The proposed extension would exacerbate this issue and would result in an unacceptable loss of light for No. 31.

The proposed extension would span the entire width of the application property and have a maximum height of 3.3m. It is considered that this would also give rise to an overbearing and intrusive form of development when viewed from No. 31, detrimentally impacting the living conditions of the occupant(s). It should also be noted that the depth of the extension would exceed what is advised in the Council's Development Management Standards for a dwelling within this context by approximately 2.15m. In view of the above, your Officers are minded to refuse the application on residential amenity grounds given its failure to comply with policy and the material harm on No. 31.

Your Officers had sought to negotiate a reduction in the overall length of the extension but this was rejected by the agent who reiterated the importance of achieving the full additional space to ensure free movement of a wheelchair and logical placement of furniture in an accessible layout.

The personal circumstances of the applicant can be a relevant consideration albeit Members will be aware that the planning permission runs with the land not the applicant. In this case your Officers accept the need to extend the property to improve accessibility as the internal living area is currently inadequate for a disabled person. There is therefore an urgent need for additional functional space but the overall depth of the extension is considered unacceptable given the impact on the adjoining property.

While there is much sympathy with the applicant's needs, it is not considered that an extension whose depth significantly exceeds the Council's standard and would result in harm to the neighbour's light and outlook, can be supported.

Recommendation

REFUSE permission for the following reason:

The proposed extension by virtue of its depth and height along the shared boundary with No. 31 to the south would adversely affect the amenities of the occupant(s) by way of an overbearing and overshadowing impact. The proposal therefore fails to comply with policy 15 of the Adur District Local Plan 2017 and guidance contained within Development Management Standard Number 2, 'Extensions and Alterations to Dwellings'.

7 August 2023

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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