



ADUR DISTRICT  
COUNCIL

Planning Committee  
4 September 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

**Report by the Director for Place**

**Planning Applications**

**1**

**Application Number: AWDM/0941/23      Recommendation – APPROVE**

**Site:            1 The Street, Lancing**

**Proposal: Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities. Application to vary condition 2 of approved AWDM/0630/23 to allow working outside the building**

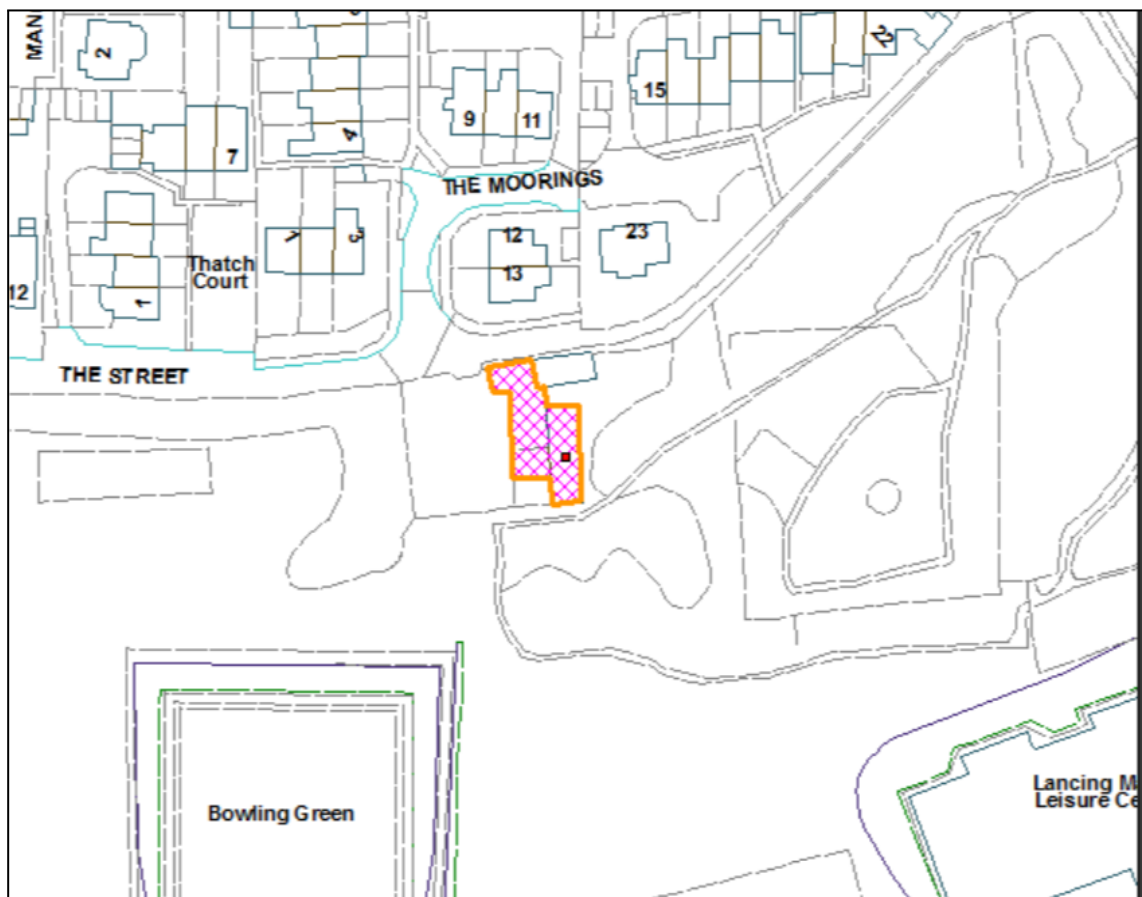
**2**

**Application Number: AWDM/0879/23      Recommendation – APPROVE**

**Site:            111 Old Fort Road, Shoreham-by-sea**

**Proposal: Remodelling of existing bungalow, including two storey rear extension and extension to roof, to create a two storey flat roofed dwelling with stairwell access to roof and front balcony. Application to vary condition 1 (approved plans) of AWDM/0213/22. Amendments: changes to balcony privacy screens; changes to windows including new obscure glazed windows to side elevations**

<b>Application Number:</b>	<b>AWDM/0941/23</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>1 The Street, Lancing</b>	
<b>Proposal:</b>	<b>Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities. Application to vary condition 2 of approved AWDM/0630/23 to allow working outside the building</b>	
<b>Applicant:</b>	<b>Men In Sheds Lancing And Sompting</b>	<b>Ward: Manor</b>
<b>Agent:</b>	<b>Mr Frank King</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	



**Not to Scale**

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## **Proposal, Site and Surroundings**

The application relates to a group of buildings at the north end of Manor Park which are owned by the District Council and were previously used for storage of grounds maintenance equipment. There is a hardsurfaced area to the west, accessed from The Street, which is used informally for parking. The site currently lies to the east of the North Lancing Conservation Area but is not within it. Members will be aware, however, that there are plans to extend the Conservation Area boundary to include the site and part of the park to the west. There are residential dwellings directly to the north at The Moorings.

Permission was granted in 2019 to use the buildings (the Barn and The Garage) in connection with a community group known as “Men In Sheds” which provides a space for residents to come together to meet up and carry out woodworking with the aim of challenging isolation and improving wellbeing. The use began on the site in August 2021. A subsequent application in 2021 expanded the use into the Groundsman’s Building.

The buildings are a community resource where locals come in and learn how to use tools and undertake DIY projects. The group makes items such as planters, bird boxes, bug houses, bird feeders, bird tables, owl and bat boxes, etc. They also offer a free repair service to residents for items such as benches, seats, tables, chairs, etc. Some items are refurbished and put back into community use at local nursing homes, for example.

Planning permission was granted by Members at the Planning Committee in July for a variation of the hours of opening to allow the buildings to be used from 7.30am-4pm Monday-Friday and 8am -4pm Saturday, to enable preparation/set up in advance of use of building by members from 8.30am plus retention of an outside toilet unit (AWDM/0630/23).

This application seeks to vary Condition 2 of that permission to allow for outside working. Condition 2 currently reads:

*“No external working or storage shall take place anywhere on the site to which this permission relates and all working shall be confined to within the buildings.*

*Reason: In the interests of amenity having regard to policy 15 of the Adur Local Plan.”*

The applicants wish to vary the condition to allow for the painting and staining of wood outside. The application form explains that it is beneficial for health reasons to be able to carry out these activities in the fresh air. No use of power tools will take place outside and the work will be confined to the area that they lease from the Council and which is contained within a fenced off area.

## **Relevant Planning History**

AWDM/1842/19 Regulation 4 application for Change of Use of 'The Barn' currently used for Council storage to a workshop and 'The Garage' to ancillary storage area - approved

AWDM/1877/21 Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities - approved.

AWDM/0630/23 Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities. Application to vary condition 4 (hours of opening) of approved AWDM/1877/21 to allow building to be used from 7.30am-4pm Monday-Friday and 8am -4pm Saturday, to enable preparation/set up in advance of use of building by members from 8.30am plus retention of outside toilet unit - approved

## **Consultations**

**West Sussex County Council:** The proposed variation of Condition 2 only relates to the use of outside space within the site for working, and is not anticipated to have an impact on highway safety. 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

**Lancing Parish Council:** Support the application

**Adur & Worthing Councils: Public Health:** No objection

**Sussex Police:** No concerns from a crime prevention viewpoint

## **Representations**

8 objections received from the occupiers of 11, 18 The Moorings, 2 Bay Tree Cottages, Lamorna Cottage, 17, 18, 20 The Street

- Not acceptable to have spray painting close to where park users walk past
- Health hazard
- The use is encroaching on the yard and is more suitable on an industrial estate
- The yard is unsightly
- Applicants are unlawfully restricting the use of the car park by the public
- No further changes or breaches to the original conditions should be allowed
- Noise pollution

The applicant has responded to the objections in a series of emails, making the following points:

- All activities take place on land that we lease and does not affect use of car park
- Intention is to put top soil layer around felt mat and plant wildflowers

- Felt mat is where we park our vehicle and is a non-permanent solution. It also helps to make uneven ground safer to walk on
- 90% of paint and stains used is water-based and non-toxic
- It is beneficial for mental health to be working outside
- There is no spray painting outside
- Fencing that has been erected was put up by the Parks Department

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

Adur Local Plan 2017 Policies 15, 33, 34  
National Planning Policy Framework (July 2021)

### **Relevant Legislation**

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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 requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

#### ***Principle***

The principle of development has been established by the previous permission. Leasing public land for commercial enterprise is an accepted practice for the Council's Parks and in this case redundant buildings are being re-used for community purposes.

The use of the land and the provision of any structures on the site are regulated by the Council's Parks and Estates teams, and authorisation has been given to the siting of the toilet, the various miscellaneous items between the buildings and the painting of items outside.

This application must consider the amenity impacts of the development and assess whether it adversely affects the public's enjoyment of the Park and the visual amenities of the locality.

### ***Visual amenity***

There are a number of small structures within the fenced off area between the buildings which is also used as a social space and for painting/staining. No activities take place outside of this area. The introduction of painting and staining outside is a relatively low key activity which is not considered to cause visual harm.

### ***Residential amenity***

The painting of wooden products outside of the building will not cause noise disturbance. No power tools are to be used and no spray painting takes place outside of the buildings. There have been complaints of smells but the painting is done in the open air where any limited odours will quickly dissipate and there is no objection from the Council's Environmental Health Officers.

It should be noted that the buildings are owned by the Council and they have control of the use on the site. Should any activity not comply with the terms of the lease, the necessary action can be taken.

### ***Accessibility and parking***

There is an area within the compound that is used as an informal car park and which continues to be available to the applicants and park users alike. The fenced off area where the painting takes place does not affect the space within the remainder of the compound for the parking of vehicles. It should be noted that the compound is not a public car park and that any parking that takes place is at the Council's discretion.

### **Recommendation**

#### **Approve**

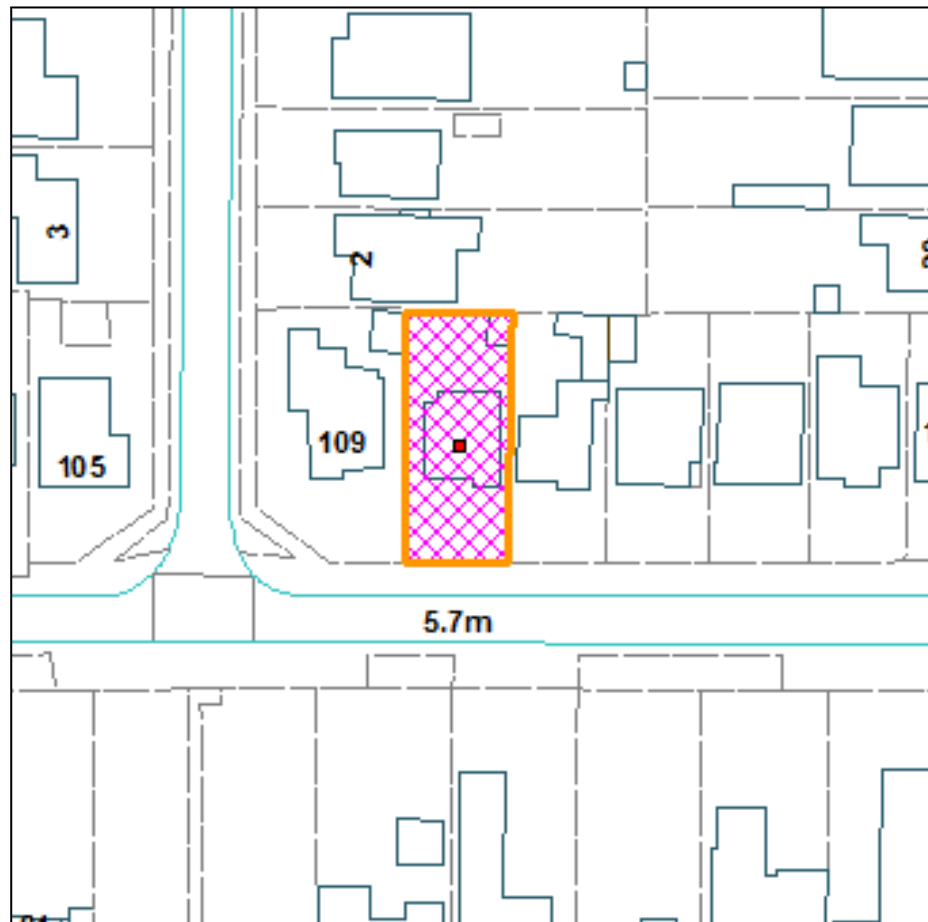
#### **Subject to conditions:-**

1. Approved Plans
2. No external working (other than hand painting and staining of wooden products) or storage shall take place anywhere on the site to which this permission relates and all working shall be confined to within the buildings.
3. The buildings shall not be used except between the hours of 7.30am-4pm Monday-Friday and 8am-4pm on Saturdays. There shall be no use of machinery or dispatch of deliveries at the premises except between the hours of 8.45 am and 4.00 pm on Mondays to Saturdays inclusive.  
The buildings shall not be used at any time on Sundays or Public Holidays.
4. The premises shall be used as a workshop Class E(g) (iii), for storage (Class B8) and as a meeting place for the local community (Class F2(b)) as set out in the application and for no other purpose within Class E, F or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
5. There shall be no external alterations to the buildings without the prior written consent of the Local Planning Authority.

6. No retail sales shall take place from the buildings at any time.
7. The toilet building shall be permanently removed from the site on cessation of the current use of the buildings as workshop and meeting place for the local community

Informative: The applicant is reminded that there should be no external storage anywhere on the site and all materials should be confined to within the buildings.

<b>Application Number:</b>	<b>AWDM/0879/23</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>111 Old Fort Road, Shoreham-by-sea</b>	
<b>Proposal:</b>	<b>Remodelling of existing bungalow, including two storey rear extension and extension to roof, to create a two storey flat roofed dwelling with stairwell access to roof and front balcony. Application to vary condition 1 (approved plans) of AWDM/0213/22. Amendments: changes to balcony privacy screens; changes to windows including new obscure glazed windows to side elevations</b>	
<b>Applicant:</b>	<b>Mr and Mrs Spiers</b>	<b>Ward: Marine</b>
<b>Agent:</b>	<b>Mr Scott Evans</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	



**Not to Scale**



## **Proposal, Site and Surroundings**

The application property is a recently 'remodelled' two storey flat-roofed dwelling on the north side of Old Fort Road. It sits between a chalet bungalow to the west and a two storey dwelling to the east.

Permission was granted in 2022 to extend and 'remodel' the chalet bungalow on the site to form a two storey flat-roofed dwelling with first floor front balcony and a roof access in the form of a centrally positioned stairwell with decked area in front. A rear infill two storey extension was also proposed (AWDM/0213/22).

A number of design changes have been made during the build and this application seeks retrospective permission to retain them. The changes are:

- Amended design for roof terrace privacy screens. The screen is comprised of a double row of larch timber battens with a mesh in between on the west side only. The approved plans showed louvred fencing with obscured glass on top.
- Amended design to first floor balcony privacy screens. The side wall of the balcony is rendered and angled to drop from 1.8m to 1.1m height. The approved plans showed a screen with a consistent height of 1.8m.
- New full height obscure glazed slender windows have been installed at first floor on the east and west elevations.
- A new clear glazed rooflight has been installed on the west side of the roof access over a stairwell
- A new obscure glazed window has also been installed on the west side of the roof access to serve a WC
- A timber shed has been built in the rear garden which is 2.4m high and permitted development
- A timber pergola is proposed adjacent to the shed, also 2.4m high

The application has been called in for consideration by the Planning Committee by Councillor Joss Loader.

## **Relevant Planning History**

AWDM/0167/13 - Demolition of existing chalet style bungalow and construction of 2 no. semi-detached, 2 storey, 3-bedroom dwellings - approved

Remodelling of existing bungalow, including two storey rear extension and extension to roof, to create a two storey flat roofed dwelling with stairwell access to roof and front balcony - approved

## **Consultations**

None

## **Representations**

Two letters of objection received from the occupiers of 109 and 113 Old Fort Road:

The original plans show a louvred wall, 1.80m high. This would have afforded full privacy as well as offering a structure that would have allowed wind to pass through. It would have represented a structure that was an integral part of the design, rather than what we currently have, double stud slatted fencing, which is a tacked-on, bulky, and cheap afterthought.

Screen has a poor appearance and offers no privacy particularly as there is a clear line of sight from the terrace right into our bedroom.

The mesh that has since been installed is another afterthought and will not withstand strong winds along the Beach.

The only solution is to return to the original plans and place a louvred fence across all sides of this terrace, correctly angled so as to be totally private across both east and west sides, and the north side too.

This louvred wall would have less of a visual impact; would offer complete and long lasting privacy, and would be strong enough to cope with its location.

First floor balcony has a screen with a sloped side (raking screen) that offers zero privacy. Anyone standing on the west side of this balcony looks directly into our bedroom, right into our dressing area.

Our bedroom is therefore looked into from the roof terrace and first floor balcony. The balcony we have on the south side of our property - nearest their house - is also overlooked from both these sites.

The windows in the west and east walls are also entirely different to the original plans, changing from high level to full length. Causes light and noise disturbance. Glazing could change to clear in future.

The structure on the roof was originally intended to house a void and a staircase only. The original design statement calls this house 'a dwelling with stairwell access to roof and front balcony'. There is now a sizeable cloakroom inside this structure now. This has changed the use of this area and, we estimate, added thirty percent to its bulk.

Part of the design of this structure was to have something small enough, from a visual perspective, not to add bulk to the flat roof. And yet, bulk has now been added, to the extent it now stands out far too much and has changed the street scene significantly.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policy 15

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

National Planning Policy Framework (July 2021)

WSSC Guidance on Parking at New Developments (Sept 2020).

## **Relevant Legislation**

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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 relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

### **Visual amenity**

The main change which is visible from the street is the introduction of the timber privacy screen at roof level. It is a noticeable feature but it has only a localised impact and is not considered to be unduly out of character when the eclectic mix of materials to be found on Shoreham Beach is taken into account. Furthermore, larch weathers down to a silver-grey patina over time which will soften its appearance and bring it more in keeping with other weathered timber found elsewhere on the Beach.

The mesh screen which has been placed between the two rows of timber battens has the same finish as the battens but this does not take account of the weathering down and change in colour of the timber referred to earlier. At the moment it is not unduly visible, with the timber battens the more prominent feature. The mesh will eventually provide a slight contrast but this would be subtle and is not considered to result in serious visual harm.

Neighbours are concerned that the mesh may not be a long term solution due to strong winds on the seafront but to date it has withstood unseasonably stormy weather over the summer. Nevertheless, it is considered to be necessary to impose a condition requiring the mesh to be replaced if damaged.

The other changes are considered to have a minor visual impact. Representations have suggested that the roof access has been enlarged from that shown on the approved plans but this is not the case.

### **Residential amenity**

The most affected neighbours are those on both sides (109 and 113) and the bungalow at the rear in Winterton Way (No. 2) the rear garden of which runs perpendicular to the site.

Concern has been expressed by the occupiers of 109 and 113 about overlooking from the roof terrace. The mesh has been added to the west side of the terrace only and does obscure views towards the side window of 113. An oblique view of a rooflight towards the rear of the side roof slope of 113 can still be seen and it is recommended that the use of the mesh is extended along the north edge of the screen, at its western end. Intrusive views towards 109 to the east are not possible due to the relative positions of roof terraces and windows. There is a blank gable wall immediately adjacent to the east side of the terrace at 111.

The additional windows at the sides of the house are new features but are obscure glazed and do not result in loss of privacy. Some light spillage may be possible through the windows but it is not considered that this would be to such an extent as to cause harm to amenity.

A clear rooflight above the stairwell does not result in overlooking.

The sloped sides to the first floor terrace do not provide as much privacy as a uniform 1.8m high wall. However, the first floor balconies at the front of 109 and 113 are not private spaces due to their visibility from the street. To the east, 109 has an inset balcony and the balcony at 111 is set away from the boundary and is largely screened by a first floor projection at the front of 111 and raised planter.

To the west, views towards 113's balcony are possible by anyone looking over the edge of the sloped side wall. However, it is considered that anyone using the balcony is likely to be sitting down for the majority of the time it is in use and, given the clear views towards the front balconies from the street, any loss of privacy is not considered to be so intrusive as to cause a harmful loss of amenity.

## **Recommendation**

### **Approve**

#### **Subject to conditions:-**

1. Approved Plans
2. Mesh to be extended along NW corner of 2nd floor balcony within 1 month. If at any time any part of the mesh is damaged or removed it shall be replaced within 1 month by a mesh of an equal level of obscurity.
3. Windows shown as obscured glazed on the approved plans shall remain obscured in perpetuity.

4 September 2023

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

Peter Barnett  
Principal Planning Officer (Development Management)  
Town Hall  
01903 221310  
peter.barnett@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.