



Planning Committee  
20 November 2019

WORTHING BOROUGH  
COUNCIL

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1435/19 Recommendation – Approve

Site: Worthing Ice Rink, Steyne Garden, Worthing

Proposal: Temporary ice rink at north end of Steyne Gardens 9th November 2019 - 23rd February 2020 (and at the same time each year until 2026).

2

Application Number: AWDM/1409/19 Recommendation – Approve

Site: 19 Rowlands Road, Worthing

Proposal: Removal of fire damaged roof and replacement of entire roof including 1no. roof light to front and 1no. roof light to rear, rear facing dormer, conversion of existing 2 storey maisonette and ground floor shop store to a 7no. room HMO (Sui Generis), works to include replacement and additional windows and doors to North, East and South elevations.

3

Application Number: AWDM/1322/19 Recommendation – Approve

Site: Garage Blocks Rear of 174 to 228 Findon Road, Worthing

Proposal: Partial demolition of garages; construction of a two storey building providing offices (Use Class B1) and alterations to form an associated storage building; solar panels; parking and public electric charging points with access from Cissbury Avenue.

4

**Application Number: AWD/1448/19**

**Recommendation – Approve**

**Site: Café, Worthing Pier, The Promenade, Worthing**

**Proposal: Application for Listed Building Consent for provision of roller shutters to existing bar area.**

**5**

**Application Number: AWD/1589/19**

**Recommendation – Approve**

**Site: 9 Surrey Street, Worthing**

**Proposal: Replacement patio, rear patio doors and provision of access ramp and handrails.**

Application Number: AWDM/1435/19

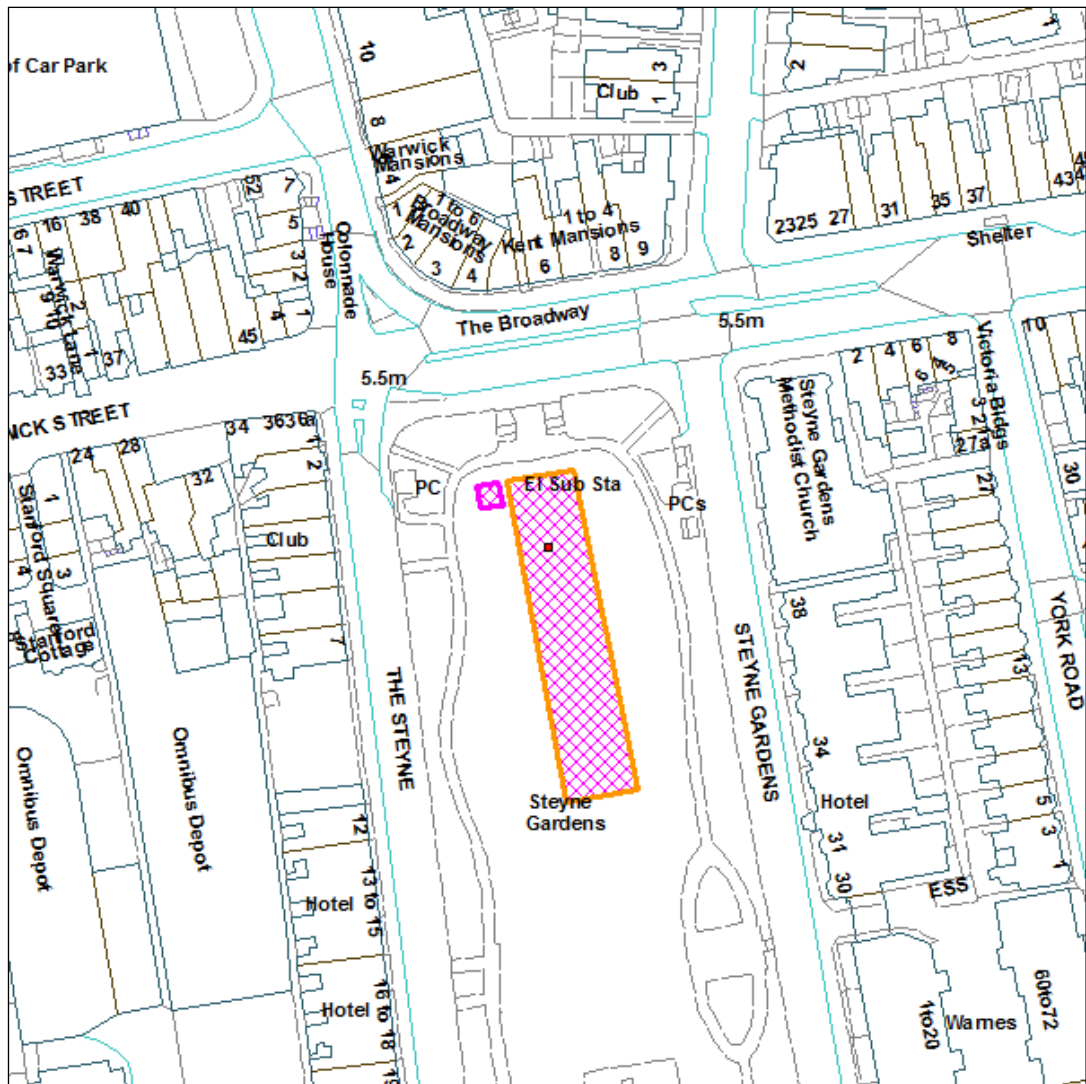
Recommendation – APPROVE

Site: Worthing Ice Rink, Steyne Gardens, Worthing

Proposal: Temporary ice rink at north end of Steyne Gardens 9th November 2019 - 23rd February 2020 (and at the same time each year until 2026)

Applicant: Mr Richard Bradley  
Case Officer: Gary Peck

Ward: Central



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This application is brought before the Committee as the Council is the landowner. It should be noted that the planning application process is separate from any other agreements the Council may enter into as landowner.

## **Proposal, Site and Surroundings**

This application seeks permission on a temporary basis for an ice rink at the northern end of Steyne Gardens between 9th November 2019 to 23rd February 2020 (and at the same time each year until 2026). It will be noted from the above dates that the commencement of the development has already taken place, with works to construct the ice rink beginning towards the end of October.

The ice rink (and associated café as shown on the block plan) would be situated within a marquee of 45 metres in length and 12 metres in width. The ice rink itself is 28 metres x 13 metres.

The application site is within the Conservation Area and there are a number of listed buildings to the west visible from the application site.

## **Relevant Planning History**

Planning permission was granted in 2015 for a Temporary ice rink at north end of Steyne Gardens from the 28th November 2015 to 1st March 2016 (and at the same time each year until 2019).

## **Consultations**

### **Environmental Health**

With reference to the above application, there does not appear to have been any recent complaints related to the ice rink on Steyne Gardens although I understand there have been historic complaints relating to noise from generators and loud music.

No objection subject to conditions in respect of noise management.

### **Sussex Police**

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Worthing district being above average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

This event has been running for several years in Worthing and at the same location.

I note there is a comprehensive site plan included within the application submitted by the applicant which I have forwarded to our (Planning and Logistics Officers), as this application is more suited for them to respond to your enquiry.

### **West Sussex Highways**

WSCC, as the County Highways Authority, raise no objection to the proposed installation and de-rig of the Worthing Ice Rink at Steyne Gardens. The ice rink has been operating from Steyne Gardens on a yearly basis for some time with no highway safety or capacity issue. The location is perfect for both public transport and is located

close to a number of town centre car parks. The organisers have a robust vehicle management plan which is in place from the 21st October during set up, until the dismantle operation in February, as such the continuation of the event until 2026 is supported by WSCC. Should there be any significant changes to the vehicle management plan over the next 7 years these must be sent to the LPA for approval.

## **Representations**

One letter of objection has been received on the grounds that the grass at the northern end of the Steyne has not recovered from previous years of use and not enough is done to help the ground to recover. A second site should be found to allow Steyne Gardens to recover. The owners of the rink also do not use adequate toilet facilities which have led to a puddle on the north western corner of the Steyne.

The Chair of the Warnes Resident Association expresses concern as to why work has already commenced in advance of planning permission being granted. The surface of Steyne Gardens has suffered from this and other events and while probably the responsibility of the Parks department, different departments of the Council should talk together regarding this matter.

One letter of support has been received stating that the ice rink provides a useful and welcome amenity to Worthing during the winter months. Previous experience has shown that the ice rink is run in a responsible manner and the disruption to other activities and life in the immediate vicinity is minimal.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011):

3 Providing a Diverse and Sustainable Economy  
5 The Visitor Economy Policy  
16 Built Environment and Design

National Planning Policy Framework (CLG 2019)  
National Planning Practice Guidance – Determining Planning Applications (CLG 15<sup>th</sup> March 2019).

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

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

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

Section 72 of the Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### **Planning Assessment**

The main issue in the determination of the application is the effect of the proposal upon the character and appearance of the area.

Members will be aware that the ice rink has been operational in Steyne Gardens for some years now with permission last being granted in 2015, although the rink had been in operation in earlier years for shorter periods of time. Your Officers have not received any complaints following each year of use and in principle it is considered that the use contributes to the vibrancy of the town over the Christmas period.

The surroundings of the site have changed little since the 2015 permission, with the site being located within the Conservation Area and overlooked by a number of listed buildings. It was previously considered that the temporary nature of the use did not detract from the visual character of the area and although the proposed period of use has increased slightly to 3.5 months, your Officers see no reason to differ from the earlier conclusion.

The main issue arising from representations appears to be the condition of Steyne Gardens, although such condition does not necessarily arise from this use alone as there are other temporary events that take place during the year. However, it is evident that some disturbance to the ground has taken place during construction and therefore it is considered to strengthen the previously imposed condition, which required the land simply to be restored to its former condition, to now require that the restoration of the land to the satisfaction of the Local Planning Authority which would allow concerns to be addressed at the end of each year's use.

Although the Environmental Health Officer has requested a noise management plan, such details are included within the wider Event Plan which differs little from the previously submitted Event Plan that has operated successfully over previous years.

Given that any concerns can be controlled adequately by condition, it is recommended that permission is granted.

### **Recommendation**

To GRANT permission

**Subject to Conditions:-**

01. Approved Plans

02. The development hereby permitted shall only operate between the dates of 9<sup>th</sup> November 2019 – 23<sup>rd</sup> February 2020, and between the same dates in the years 2020/2021 to 2025/2026 inclusive. In each case, the buildings and works shall be removed and the land restored to a condition to be agreed with the Local Planning Authority no later than 15th March of each year.

Reason: Having regard to policies 5 and 16 of the Worthing Core Strategy and that permission would not be granted on a permanent basis for such development which is proposed on a temporary basis.

03. The development hereby permitted for each temporary period shall be carried out in accordance with the event plan submitted 17 September 2019 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity.

20<sup>th</sup> November 2019

Application Number: AWDM/1409/19

Recommendation – APPROVE

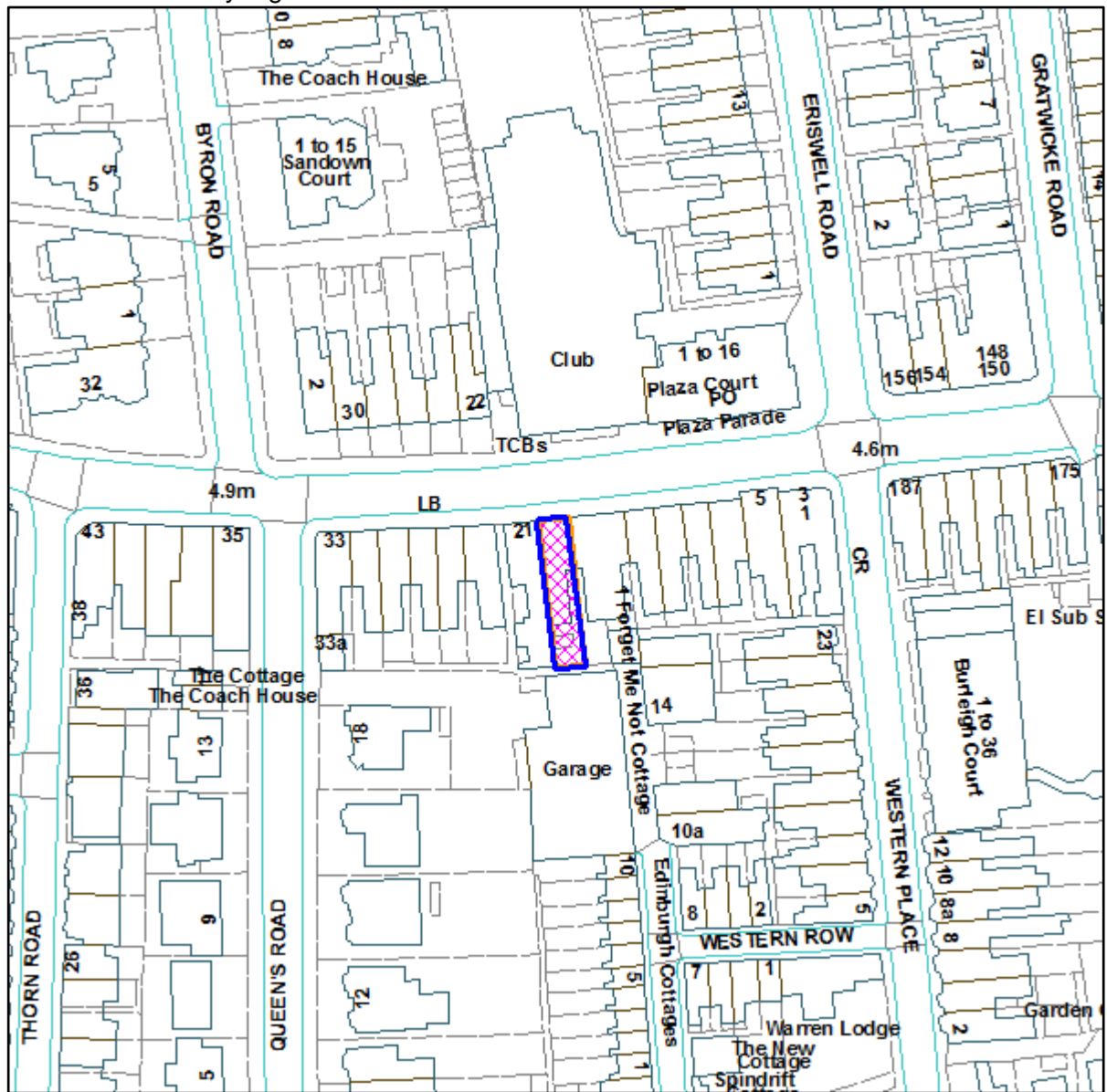
Site: 19 Rowlands Road, Worthing

Proposal: Removal of fire damaged roof and replacement of entire roof including 1no. roof light to front and 1no. roof light to rear, rear facing dormer, conversion of existing 2 storey maisonette and ground floor shop store to a 7no. room HMO (Sui Generis), works to include replacement and additional windows and doors to North, East and South elevations

Applicant: Mr Wright

Ward: Heene

Case Officer: Jiyong Suh



Not to Scale



## **Proposal, Site and Surroundings:**

The site is located on the southern side of Rowlands Road just outside of Worthing town centre within the Montague Street Conservation Area. The property comprises a three storey mid-terrace building with a shop on the ground floor and 3-bedroom maisonette on the upper floors. The property suffered a fire in May 2017 which has left the building empty and without a roof since.

The application seeks a change of use to a 7 bed House in Multiple Occupation (HMO), retaining the shop on the ground floor. There will be a communal space in the rear garden with provision made for refuse storage and cycle parking. It is proposed is to replace the fire damaged roof and insert a small dormer on the rear slope that will be 2.7m wide and 2.8m high, together with 2 no. rooflights, one to the front and rear. The replacement roof would have a natural slate finish. Other external works include the insertion of additional window openings to the side/rear and replacing the existing windows in timber to match the existing.

## **Relevant Planning History:**

AWDM/1218/19 - Removal of fire damaged roof to rear; replacement of entire roof including 2no. rooflights. Approved: 01/10/19

AWDM/0697/19 – Re-modelling of existing ground floor shop and basement, conversion of existing maisonette to 3 no. 1-bed and 1 no. 2-bed residential units with new patio area and bin and bike store. Withdrawn.

## **Consultations:**

**WSCC:** The Local Highway Authority has raised no objection commenting:-

*“The proposal is for conversion of existing 2-storey maisonette and ground floor shop store to a 7no. bedroom HMO (Sui Generis). The site is located on and accessed via Rowlands Road, an unclassified road subject to a 30 mph Speed limit.*

### Access

*Access will be on foot. This is common practice for other buildings in this location.*

### Vehicle Parking, Cycle Parking and Turning

*A Nil parking provision has been proposed for the new House of Multiple Occupancy (HMO) and A1 shop. WSCC has recently adopted new parking guidance in August 2019. The guidance does not include any standards for HMO (Sui Generis) parking demand. The Local Highways Authority (LHA) would be minded to advise the Local Planning Authority (LPA) consider the parking demand as per pre-August 2019 guidance when considering parking demand for this application. The following analysis takes into consideration the floor plans provided. House of Multiple Occupancy would generate:-*

- *0.5 spaces per room (or increments of up to 20 residents); and*
- *Class A1 Retail Shop (Newly adopted parking standards as August 2019) use would generate 1 space per 14sqm.*

*On this basis the proposed HMO (Sui Generis) and A1 shop could generate the demand for 6 parking spaces. Under the newly adopted WSCC parking guidance (August 2019), the existing usage (A1) and residential property, currently in this*

*location has a parking demand of 6 spaces. Considering the current demand against the proposed, it would be anticipated that the new usage would generate similar trips to and from the property; this would not be considered a serve highways safety concern.*

*Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the anticipated parking demand. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking amenity. The site is located in a sustainable location within walking and cycling distance to a range of public services, amenities and employment options. Bus and rail links provide a realistic travel opportunity for longer trips. It would not be anticipated that future occupiers of the property would be reliant on the use of a private motor vehicle. The applicant has demonstrated an appropriate cycle storage provision.*

#### 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 109), and that there are no transport grounds to resist the proposal."*

If the LPA are minded to approve the application, a condition to secure cycle parking is recommended.

#### **Adur and Worthing Councils:**

The **Private Sector Housing** team comments that the development creates an HMO which is licensable under the Housing Act 2004. The PSH team has no objection in principle subject to all the letting rooms meeting the minimum space standards of 6.51sqm. If permission is granted, we would recommend that the applicant liaises with the PSH at their earliest opportunity and would expect an application for the licence in due course thereafter.

The **Environmental Health Officer (Public Health)** has advised a precautionary condition relating to possible contamination as follows:-

*"If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority."*

The **Planning Policy Officer** comments:-

I can confirm that the unit sits within the current secondary retail frontage within the primary shopping area. The local policies seek to protect Class A1 retail uses. In this case there will not be a loss of a retail unit but there will be some loss of retail storage/office/staff facilities floorspace on the ground floor but these facilities are replaced including access to a basement storage/office area. The loss of floorspace is not considered to undermine the functionality of the retail unit and as such there policy can support this element of the application proposal.

Regarding the conversion of the upper floor residential units to a HMO we do not have a specific policy in the Core Strategy other than a reference to higher density housing being suitably located in and around the town centre. The emerging Draft Worthing Local Plan does refer to HMOS's and states that account will be taken of the size and type of property to be converted, the effects the proposal will have on the amenity of adjoining dwellings and character of area, including the current mix of dwellings, balancing housing need against the potential harm to the character and amenity of an area and suitability of property concerned.

### **Representations:**

7 individual representations and a petition with 105 signatures have been received with objections relating to the proposed HMO on the basis that its location being in close proximity to a bar and an alley will lead to anti-social behaviour. The petition submitted reads as:

*“This is a petition to the above planning application (AWDM/1409/19). Rowlands Road is at last improving – we are slowly getting rid of the drug problems, troubled bedsits and other HMO’s have closed due to persistent problems needing police interventions. The location of this proposed HMO is next to a bar and has access to a rear alley where the police cannot easily patrol it. We have already had numerous assaults, drug taking and thefts taken place. This is a totally wrong location for this planning application. Please REFUSE it!”*

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

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

The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 9, 16  
National Planning Policy Framework (CLG 2019)  
Planning Practice Guidance (CLG)

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

## **Planning Assessment**

### ***Principle of Development***

The existing use of the property is mixed, with retail on the ground floor and a single residential unit above.

There are no policies specific to HMOs within the Core Strategy. Policy CS9 seeks to resist the loss of family housing. However, due the maisonette style layout and the limited garden space the site is not considered to be a family unit. It would retain a residential use and therefore would not be contrary to policy. Policy CS8 seeks to meet choice of housing types to meet the needs of the community. The policy also refers to a preference for high density housing suitably located close to the town centre and this HMO would meet a housing need in this location.

The property falls within the secondary shopping area and as such the retail space should be protected. There are no proposed alterations to the shop front with some alterations internally to provide a kitchenette. Although there will be a small loss of retail space this relates mainly to storage and the shop will retain the use of the basement.

### ***Visual Amenity, Historic Character and Appearance***

The roof was significantly damaged in the fire and there is a clear need to get this replaced urgently. Although no information was submitted regarding the original roof it would appear from the neighbouring properties in the terrace that it was likely to have been finished in slate. Due to the parapet the roof and proposed rooflight would not be visible from the streetscene on Rowlands Road. The roof, rooflight and dormer will however be visible from the rear by Edinburgh Cottages and Western Row which also fall within the conservation area. The dormer is modest in size and in consideration with the rooflight will not particularly clutter the roof slope. The rooflights used will be flush with the roof plane and will have a black frame in a conservation area style which will be secured by condition.. They would not be detrimental to the character and appearance of the conservation area. A natural slate tile has been agreed to which would be in keeping with the rest of the terrace.

### ***Residential Amenity***

The property has an established residential and retail use and the majority of the properties in the street similarly have a retail use on the ground floor with flats above. While the density will increase at this property it would not be out of character for the area with many properties in the street and above the ground-floor retail space having being sub-divided into flats. It is therefore not anticipated that the increased number of occupant would result in unacceptable noise disturbance or activity to a degree that would be detrimental to residential amenity. Sound insulation to mitigate any noise disturbance would typically be dealt with under Building Regulations.

Concerns have been raised regarding the HMO and the potential impact on crime and disorder. There is no compelling evidence linking directly between HMOs and antisocial behaviour. Problems with HMOs often relate to the quality of the management and are a matter more appropriately dealt with under the licensing regime.

The Council's minimum floor space standards set out in the 'Space Standards' SPD do not apply to HMOs but the development would comply with licensing requirements for HMO rooms to be at least 6.51m<sup>2</sup> and no objections have been raised from the PSH team regarding the layout and overall arrangement of the rooms. The rear garden space is reasonable but also serves the waste and cycle parking leaving a small useable amenity space that would be available to all residents which would be acceptable.

The proposed layout results in some additional windows and the relocation of doors.

A number of new windows have been proposed on the side of the rear projection, opposite a similar extension of the neighbours. A number of these would serve bathrooms and be obscured glazed and the ground floor windows serving the kitchen space do not raise concern. However, as the space is quite narrow the proposed new bedroom windows raise some privacy concerns. Following discussion the Applicant has agreed to re-locate 2 no. bedroom windows, one each on the first and second-floor, to the rear (south) elevation with the other 2 no. remaining bedroom windows to be obscured glazed. Amended drawings have been received and the adjoining neighbours have been re-notified.

### ***Highway Safety and Parking***

The site is sustainably located close to the town centre and, as confirmed by the Highway Authority, it is not anticipated that the proposed use would generate a material increase in traffic or parking demand in comparison with the existing use. There are parking restrictions on-street which should prevent any unauthorised or illegal parking causing a nuisance or safety hazard.

A cycle parking area has been provided as well as a refuse and recycling point to the rear of the property. They can be accessed from the main property but also by the rear via an alley.

### **Recommendation**

Subject to there being no additional issues raised in any representations received following notification of amended plans, that the decision be delegated to the Head of Planning and Development for **APPROVAL** subject to Conditions:-

01. Approved plans
02. Standard Time Limit
03. Matching materials
04. Agree slate sample
05. Agree details of conservation style rooflights
06. Contaminated land
07. Implement cycle parking in accordance with approved plans unless otherwise agreed
08. Agree and implement refuse storage
09. Hours of construction

20<sup>th</sup> November 2019

Application Number: AWDM/1322/19

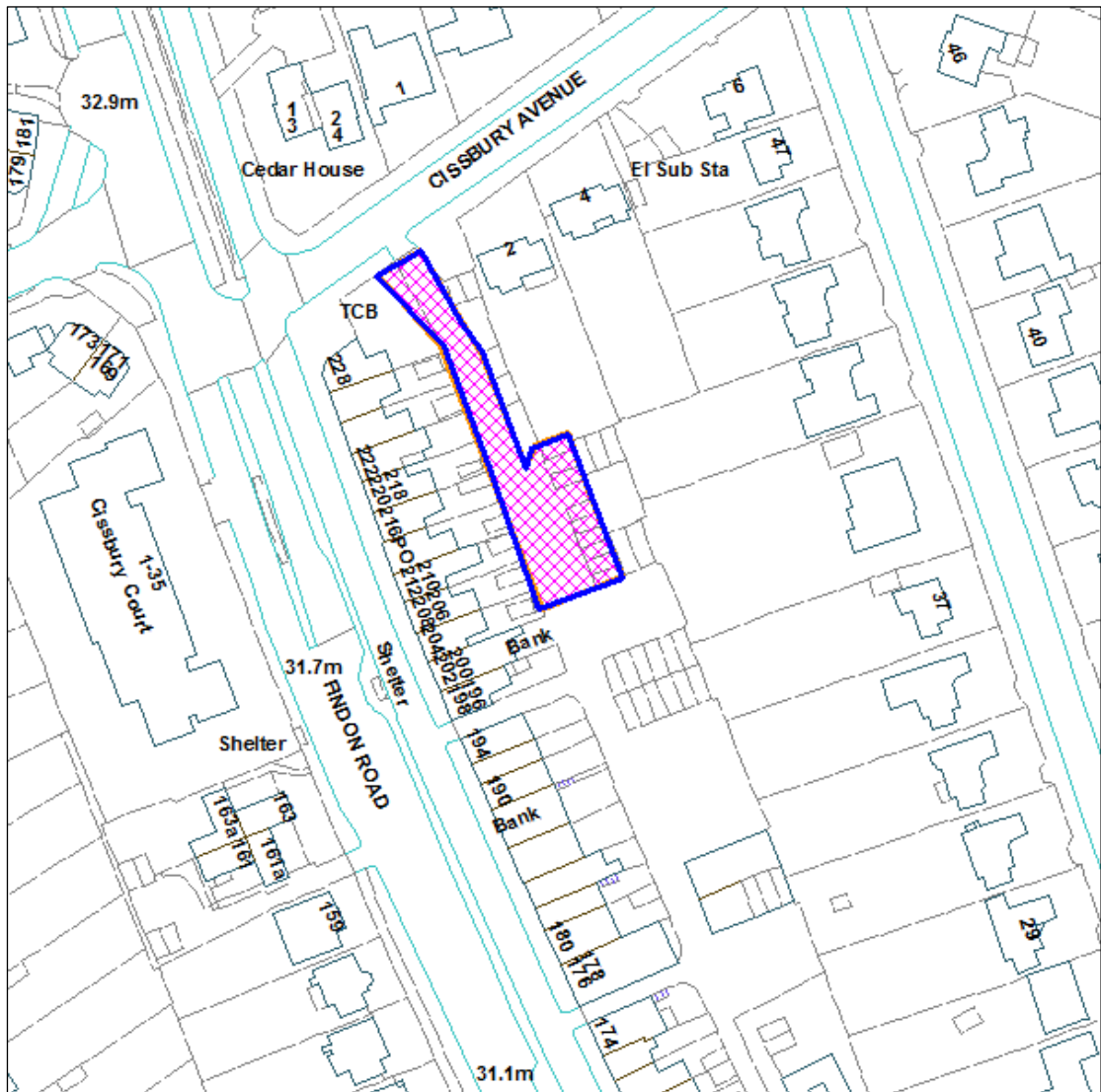
Recommendation – APPROVE

Site: Garage Blocks Rear Of 174 To 228 Findon Road Worthing

Proposal: Partial demolition of garages; construction of a two storey building providing offices (Use Class B1) and alterations to form an associated storage building; solar panels; parking and public electric charging points with access from Cissbury Avenue.

Applicant: EV Charging Way Stations Ltd  
Case Officer: Jackie Fox

Ward: Offington



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### Introduction

Councillor Sparkes has requested that the application be reported to committee.

## **Site and Surroundings**

The application site is situated to the rear of 174 to 228 Findon Road a row of commercial properties some with residential above on the east side of Findon Road. The commercial properties have an access road to the front (west) and the services road to the rear (east)

The application site currently comprises 9 flat roof garages in the rear service area, in one block of three and one block of 6. Between the garages is an access to a further block of 5 garages.

The service area is accessed off Cissbury Avenue: it is single vehicular entrance and exit. It has a range of single storey garages and storage buildings and is partly metalled and partly rough gravel. There are pedestrian entry points from the service area to the commercial frontage.

The service yard is bordered to the east by residential gardens facing Cissbury Avenue and Lime Tree Avenue.

Kings Parade is designated as a local shopping area

## **Proposal**

The application proposes the demolition of the group of 6 garages and alteration of the block of 3 garages facing into the service area and erection of a part single storey, part two storey building to provide B1 offices, ancillary storage, four electric vehicle rapid charging points (EVCP) for public use and associated facilities. The access to the garage to the east would be maintained.

The principal two storey office building (including toilet facilities for the EVCP's) is a new structure, whereas the single storey storage building would be created from the existing three bay garage through conversion, adaptation and alterations forming a new mono-pitched roof

The two storey building would have a maximum length of 29 metres, maximum width of 5.6 metres and maximum height to eaves and ridge of 5.8 metres and 8 metres respectively.

The proposed building would have a gross internal area (GIA) of 171.6 square metres.

The proposal includes solar panels to the roof and parking on the frontage for 8 vehicles. Four of the parking space would have public electric charging points.

The applicant's agent has indicated in relation to the electric charging points that:

The concept underlying this proposal is to promote sustainability and clean air initiatives through providing an important facility to support the increasing number of electric cars on the road. This unique proposal will suit customers who may wish to combine charging their vehicles with a visit to the adjoining shopping parade or those who may wish to park and then explore the nearby downs. The green credentials of the scheme would be further boosted through the installation of solar panels.



## **Relevant Planning History:**

04/00583/FULL-Removal of 16 no. unused garages and construction of (500 square metres floor space) two storey building for financial / professional use (class A2 use), associated car parking and alterations to access road- REFUSED

04/01216/FUL- Removal of 14 garages and construction of a two storey building with 300 square metres of floor space for B1 (Office) use associated car parking and access road improvements- APPROVED

AWDM/0657/19- Partial demolition of garages; construction of a two storey building providing a cafe (Use Class A3) and alterations to form an associated storage building; solar panels; parking and public electric charging points with access from Cissbury Avenue. REFUSED for the reasons below:

1. The proposal for an A3 café use in the service area of Findon Valley Local Centre without evidence to support the proposal that the use would be to meet a local need and would not have an adverse impact on the viability and viability of the local shopping centre would be contrary to policy 6 of the Worthing Core Strategy and relevant policies within the NPPF.
2. The introduction of a two storey A3 café in a rear service area would be out of scale and character with the uses and buildings within that functional space and would be likely to set a precedent for further inappropriate development. The proposal is therefore contrary to policy 16 of the Worthing Local Plan and the NPPF.
3. The proposal would be piecemeal within a functioning service area, introducing inappropriate development which is lacking in any sense of place, suitable connection, services and lighting and to provide a safe and pleasant environment conducive to local residents, customers and social inclusion. The proposal is therefore contrary to policy 16 of the Worthing Local Plan and the NPPF.
4. The proposal by reason of its siting and use would unacceptably harm the amenity of the neighbouring residents in terms of general noise and disturbance from the proposed activities. The proposal would also likely lead to additional parking on the surrounding residential streets leading to additional nuisance and disturbance to neighbouring properties. The proposal would therefore be contrary to saved policy H18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.

## **Consultations:**

### **WSCC highways**

Access and Visibility

No alterations are proposed for the existing access onto Cissbury Avenue. The access serves a number of garages and rear of the shops on Findon Road. The access road also appears wide enough to allow for two vehicles to pass one another.

There are no apparent visibility issues at the existing access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

### Parking and Turning

8 car parking spaces are proposed for this development, 4 of which will contain electric vehicle charging points. WSCC Parking Standards (August 2019) require 1 car parking space per 30 sqm of floor space for B1 use classes. Therefore this development would create a demand for 5 car parking spaces.

The proposed non-EV car parking spaces have dimensions of 2.5m x 5m and the EV car parking spaces have dimensions of 2.75m x 5m. This meets the minimum specifications for single car bays as set out in Manual for Streets (MfS). There appears to be sufficient space within the access road to allow vehicles to turn and exit onto Cissbury Avenue in a forward gear. It is unclear whether the EV parking spaces are only allocated for electric vehicles or if non-EV vehicles could use these spaces if the other spaces were full. Additional parking could be accommodated on-street. The planning authority may wish to consider the potential impacts of this development and the impacts of vehicles waiting for a charging space to become available on on-street parking.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new non-residential developments. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed off-street parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. The applicant is advised that 2 active and 6 passive EV parking spaces would be anticipated for this development and should be provided in accordance with the above WSCC guidance.

### Sustainability

The site is situated in a sustainable location. Nearby bus stops offer regular connections into Worthing as well as hourly services towards Findon, Midhurst and Crawley. West Worthing Train Station is an approximate 12 minute cycle from the site.

Cycling is a viable option in the area. The inclusion of secure and covered cycle storage would increase the sustainability of the site by encouraging the use of alternative modes of transport to the private car.

### 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 109), and that there are no transport grounds to resist the proposal.

They recommend conditions on parking spaces and cycle parking to be provided

### **Southern Water**

The exact position of the public foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. The disposal of surface water from this development should be in compliance with Part H3 of Building Regulations:

### **Environmental Health**

With reference to the above application, given the proximity of existing residential dwellings recommends conditions on submission of external plant, time limited demolition/construction, submission of a construction management plan and details if contamination if found

Environmental Health Private Sector Housing have no objections.

### **Representations:**

7 letters of representation from residents in Lime Tree Avenue and Cissbury Avenue have been received on the following grounds:

- Road safety
- The site access is very restricted with, limited visibility for pedestrians and vehicular traffic
- Question the need for vehicle charging stations particularly as the garage opposite has not found it necessary to install them.
- Inadequate parking in the surrounding streets and access road to accommodate the additional development
- Inadequate service road to serve the new development
- Drains are not cleared in the service area and fill up with toxic waste, stones, gravel and dirt
- Additional traffic and use could have an impact on a public sewer running through the site
- Any signage for the development would have a negative impact on residents of Cissbury Avenue
- Potential for increased noise
- Set a precedent for further unsuitable development.
- The location plan is not up to date and does not show 2A Cissbury Avenue, recent extensions and removal of trees
- Impact on security of No 2A
- Loss of privacy and visual intrusion to No 2A

- Loss of privacy to residents in Lime Tree Avenue and Cissbury Avenue
- The proposed building is out of character
- Potential for additional smoke and smells

### **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 3, 6, 16, 17, 18 and 19

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

### **Relevant Legislation**

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

### **Planning Assessment**

The main issues in the determination of the application are:

- a) The principle of a B1 use
- b) The suitability of the site and visual amenity
- c) Impact on amenities of residential neighbours
- d) Access and parking

### **The principle of a B1 use**

The National Planning Policy Framework supports economic development, and advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Local planning authorities should pursue policies to define a network and hierarchy of town centres and promote their long-term vitality and viability (given local expression in Policy 3 and 6).

Policy 3 of the Worthing Core Strategy provides for a diverse and sustainable economy and lists a number of conditions that can be created to deliver this including *'Promoting key employment areas for reinvestment, intensification and redevelopment to bring about upgraded and additional employment floor space and making more efficient use of existing and underused accessible employment sites*

Para 6.26 of the Core Strategy states that there is an identified need for approximately 240,000 sq. ft. of office floor space up to the year 2026. There is an expectation that this will be delivered mainly through the refurbishment or redevelopment of existing vacant buildings but there will also be a need to develop some new provision such as that proposed.

Paragraph 6.29 also states that *'The provision of serviced office / business suites would support potential start-up businesses and help develop a more diverse local economy. The provision of serviced space will be promoted through the delivery of a wide range of workspace choices for different types and sizes and business within the borough.'*

*The 'Economic Research and Employment Land Review Study (2016)' further supports this with the requirement for approx. 14,530 sqm of office floorspace (2013-2033)*

Policy 6 of the Worthing Core Strategy identifies a hierarchy of vital and viable town, district and local centres.

The site is situated to the rear of 'Findon Valley' which is defined as a medium-scale local centre.

The boundary of Findon Valley local centre is drawn around the frontage development and part of the service yard at the rear. The site is partly within the local centre boundary and partly out.

The site is situated within the rear service yard associated with the local centre and involves the loss and reuse of 9 garages associated with the commercial units on the frontage, for storage and for residential and commercial parking. There are therefore a large range of uses for the garages in the service yard which are all within the applicant's control.

The proposed use is on a brownfield site in a sustainable location with the links to Local Centre but not in competition with it as the previous proposal for A3 café would have been. It is considered that the proposed B1 use would better utilise the site to secure much needed office development. It also provides development which has sustainable credentials and the added inclusion of 4 electric car charging points.

### ***The suitability of the site and visual Amenity***

The site lies to the rear of an established local centre within the service yard. The service yard is characterised by single storey garages, a mainly unmade road and the rear end of commercial units on the frontage. It is very much a service area subsidiary in character to the function of the commercial and residential properties on the frontage.

The proposal would introduce partly two-storey development into an area of single garages. The introduction of a two storey building would be out of character and scale with the immediate buildings in this service area. It is however important to consider the design, the wider context and the previous history of the site.

The design of the building is functional and transitional between commercial and residential and involves the refurbishment of three garages with a mono pitched roof and a new two storey building which would also have partly mono pitched roof. The mono pitched roofs will be used to site the solar panels that will face west. It is proposed to construct the buildings in lbstock yellow multi stock with grey cladding and grey framed windows. The design and materials is considered appropriate for this transitional location.

The site is near the entrance to the service yard off Cissbury Avenue and is surrounded by two storey development on the Findon Road commercial frontage and the surrounding residential development in Cissbury Avenue and Lime Tree Avenue.

Furthermore two storey B1 use has previously been approved on the site on the site for a scheme which was wider and deeper than the current two storey proposal. Planning permission was approved although not implemented for the removal of 14 garages and construction of a two storey building with 300 sqm of floorspace for B1 (office) use, associated car parking and access road improvements under reference WB/04/01216/FULL in December 2004.

In terms of the suitability of the site for the use Planning Permission was refused earlier this year for a café on grounds set out above. As indicated the A3 use in this location was considered unacceptable and would have introduced the general public into a space which is used primarily for servicing the commercial properties. The introduction of a B1 use for offices of light industrial purposes is however likely to be a far less intensive use by the general public more appropriate and related to the use and uses within the service area.

The four electric vehicle charging points (EVCP) for public use were as part of the previous refusal not considered unacceptable and would enable customers to use the facilities of the local centre whilst they are waiting for their vehicles to charge. The applicant's agents has indicated that they are happy for the time of use of the EVCPs to be restricted to ensure that they are not used overnight if felt appropriate.

### ***Residential Amenity***

The proposal is sited at the rear of gardens in Cissbury Avenue and Lime Tree Avenue. The proposal is also at the rear of first floor flats above the commercial properties in Kings Parade.

In terms of the impact of the building itself, it would be partly single storey and partly two storey contemporary style with a partly mono pitched roof. The roof would be to a maximum height of approx. 8m with windows and doors shown to the west elevation only. There would be no direct overlooking of the properties in Cissbury Avenue and Lime Tree Avenue which lie to the north and east. There would however be first floor windows to the office facing towards the rear of properties above 204-216 Findon Road. The front to rear distance would range from approx. 17- 25m, this has the potential for some adverse overlooking, however in view of the existing uses and distances concerns this would not be a reason for refusal. The height of the building equally is not considered to cause adverse overshadowing or loss of light.

The residents of No 2A Cissbury Avenue have indicated that their property has not been annotated on the plans and have raised concerns in relation to security, visual intrusion, privacy and loss of a tree which leaves the property more open. 2A is modern house built in the last few years and is close to the entrance to the service yard in a relatively restricted plot. The proposed development is however set into the site, it would not cause any direct overlooking of this property and the use of the site would not be likely to cause any additional security or visual intrusion than currently exists to the use and operation of the existing service yard.

The proposal would introduce pedestrians and vehicles into the service area which might in itself have a conflict with the current uses and amenity of the area. The proposal does however involve the loss of 9 garages which in themselves would have had activity associated with them in terms of pedestrians and vehicles. The previous proposal for a café use was considered to be an activity which would have been likely to introduce significant customers which would not have been appropriate in a primarily service area. However the B1 use is likely to be more of a low key day time activity with occupiers likely to have a more fixed work pattern at the beginning and end of the working day.

A B1 use is an appropriate use in a residential area, it should not cause unacceptable noise and disturbance and the applicants have also indicated that they would be prepared to consider a condition preventing the use of the charging points during the hours of 23:00hrs and 7:00hrs to prevent further noise and disturbance overnight. The use will furthermore be constrained by the number of charging points, the demand and the amount of time required to charge the vehicle and is not considered to have a detrimental impact on residential amenity.

### **Access and Parking**

Local residents have raised concerns in relation to road safety; limited visibility for pedestrians and vehicular traffic; inadequate parking and the service road is not adequate to take the development.

#### **Access**

No alterations are proposed for the existing access onto Cissbury Avenue. The access serves a number of garages and rear of the shops on Findon Road. The access road also appears wide enough to allow for two vehicles to pass one another. WSCC highways raised no objections.

#### **Visibility**

WSCC highway has indicated that there are no apparent visibility issues at the existing access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

#### **Parking**

In terms of parking and turning 8 car parking spaces are proposed 4 of which will contain electric vehicle (EV) charging points. WSCC Parking Standards (August 2019) require 1 car parking space per 30 sqm of floor space for B1 use classes. Therefore this development would create a demand for 5 car parking spaces. 4 non-EV car parking spaces are proposed plus the 4 EV spaces. The EV spaces are part of separate enterprise although the applicant has indicated that the EV spaces can be used by employees but only for the charging of vehicles and not for all day use. The scheme itself only provides 4 parking spaces.

WSSC highways as stated above indicate that as a result of the Government's 'Road to Zero' strategy at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new non-residential developments. The proposal would generate a requirement for 2 active and 6 passive (able to be converted in the future) EV parking spaces. The scheme therefore has the potential to overprovide at this stage although stated above 4 of the EV spaces would be used primarily independent of the B1 use. The need for EVs in the future is therefore a Government and Local requirement.

WSSC have raised whether there was any potential impact on the highway from customers waiting for EV spaces. In response to this the applicant has confirmed that the service road is within their control and if appropriate additional waiting area in the access road could be provided. This could be conditioned as appropriate.

WSSC highways have not objected to the parking provision as set out at this stage and it provides for EVs. The site is in a sustainable location and the proposal is considered acceptable in terms of parking and access.

## **Other issues**

### **Drainage**

Southern Water and local residents have raised that there is the potential for a public foul sewer to be within the site. This can be conditioned to ensure that details are submitted as appropriate

### **Condition of the access Road**

It has been raised that the access/service road is in poor condition and this development would have further impact on its condition. The entrance with Cissbury Road is tarmacked; the proposed development would be just beyond the tarmacked area and is likely to be made good as part of any construction and refurbishment. This part of the access is within the applicants control and further details of materials and surfacing would be subject to condition.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans.
2. Standard time limit.
3. Details of a materials of the development
4. Details of the surface materials of the vehicular access, manoeuvring and parking areas within the site and their surface water drainage.
5. Details of hard and soft landscaping
6. Details of the parking layout, potential overflow spaces and signage associated with the EV spaces
7. No external lighting or floodlighting shall be installed except in accordance with details.



8. No customer trade or business (including arrival, reception or dispatch of deliveries) for the B1 use shall take place on the premises outside the hours of:-  
8.00 am and 18.00 pm of the same day, Monday to Saturday  
Nor at any time Sundays and Bank Holidays
9. The Vehicle Charging Points shall only be used between the hours of 7.00 am and 23.00 pm
10. Use Class B1 only
11. Details of the public sewer to be determined prior to commencement and  
No development or tree planting should be carried out within 3 metres of the external edge of the public foul gravity sewer without consent from Southern Water.  
No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.  
All existing infrastructure should be protected during the course of construction works.
12. Car Parking constructed in accordance with the approved site plan.
13. Covered and secure cycle parking to be provided
14. Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS4142: 2014
15. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times: Monday to Friday 08:00 to 18:00 Hours, Saturday 09:00 to 13:00 Hours with no work permitted on Sundays or on Bank or Public Holidays
16. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority
17. Construction Management plan to be submitted to include:
  - The anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
  - 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,
  - A commitment to no burning on site,
  - 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),
  - Details of public engagement both prior to and during construction works.
  - Methods to control dust from the site

20<sup>th</sup> November 2019

Application Number: AWDM/1448/19

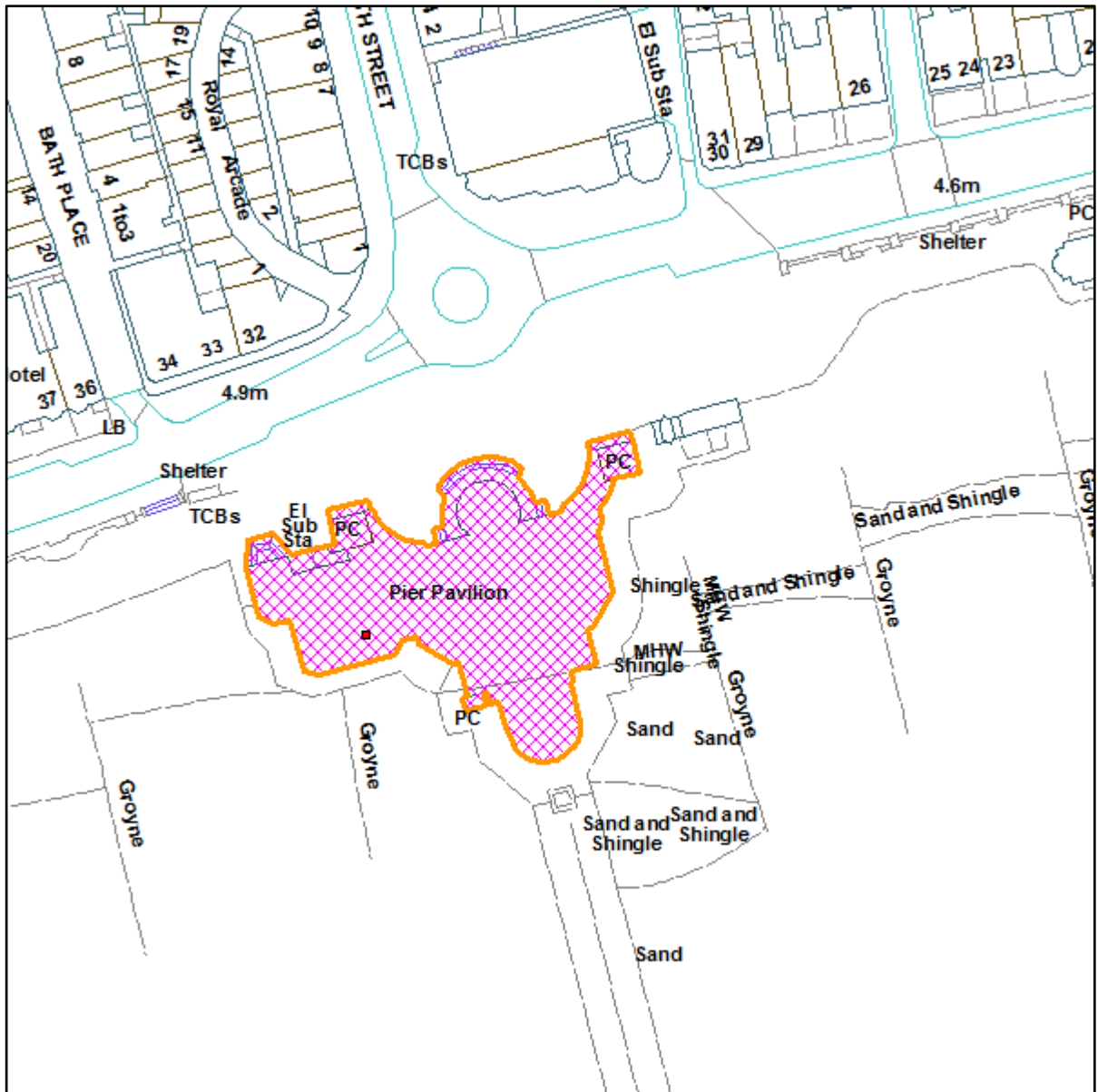
Recommendation – APPROVE

Site: Café, Worthing Pier, The Promenade, Worthing

Proposal: Application for Listed Building Consent for provision of roller shutters to existing bar area.

Applicant: Mr Simon Grey  
Case Officer: Jiyong Suh

Ward: Central



## **Proposal, Site and Surroundings:**

The Pavilion Cafe is located at the eastern end of Worthing Pier adjacent to the main commercial shopping street in Worthing town centre. The building is a Grade II listed building and is located within the South Street Conservation Area. The building consists of the cafe and the Pavilion Theatre.

The building is described in the Listing as:-

*“Shoreward or Pierfoot Pavilion 1926. Stucco to walls, metal clad roofs. Consists of a polygonal hall with an oval vestibule on the shore-side, and two square side pavilions joined to it by concave quadrant pilastrades. The vestibule is of 5 bays externally, separated by engaged Corinthian columns over which the entablature breaks. Festooned frieze. Central three bays have glazed double doors with mask keystones. Here the domed roof has 3 glazed oculus dormers, while the domical main roof has bullseye dormers. Delicate iron cresting in the manner of a balustrade. The main roof has a low clerestory with lattice glazing. A plainer cornice carries round the hall. The lower side pavilions have strongly swept mansard roofs with round headed dormers, plain entablatures over Doric pilasters. The pier entrances, in the quadrants, are flanked by engaged Corinthian columns. The detail, a subtle and festive neo-brec, is carried through into the two domed interiors”*

The café can be accessed from the front of the building via Marine Parade and also to the rear via the pier boardwalk.

The application proposes to replace the five existing timber roller shutters. The two shutters at the eastern end of the bar will serve the kitchen and these will be fire rated, motorised and linked to the fire alarm and will roll down in the event of an alarm activation. The three shutters on the western end will be manually operated but will visually match.

**Relevant Planning History:** None.

**Consultations:** None received.

**Conservation Area Advisory Committee:** No objection.

**Representations:** None received.

### **Relevant Legislation**

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

### **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H18

Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (CLG 2018)  
Planning Practice Guidance (CLG 2014)

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

### **Planning Assessment**

The property is a grade II listed building therefore the primary consideration will be whether the proposed works are acceptable in terms of their impacts on the historic character and appearance of this heritage asset. Great weight is given to protecting the building from harm or loss that would affect their special interest and character.

The Committee should consider the application for Listed Building Consent in accordance with Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### ***Visual Amenity, Historic Character and Appearance***

The works are internal so there will be no impact on the street scene or the character of the conservation area. The works are necessary in order for the café to comply with fire regulations. The shutters are proposed to be grey and the works will be undertaken as part of a refurbishment of the café which will include the painting of the woodwork (doors, frames, skirting etc.) to match. The existing timber shutters are an attractive feature of the café and it would be a shame to lose them. However, they are a later addition, not historically significant and the fabric of the building would not be affected by the works. These works will allow the café to operate safely which will also minimise harm to the listed building should a fire occur.

The application is therefore considered to be acceptable.

### **Conclusion**

The application should be approved subject to conditions.

### **Recommendation**

**APPROVE** subject to Conditions:-

1. Approved plans
2. Standard Time Limit

20<sup>th</sup> November 2019

Application Number: AWDM/1589/19

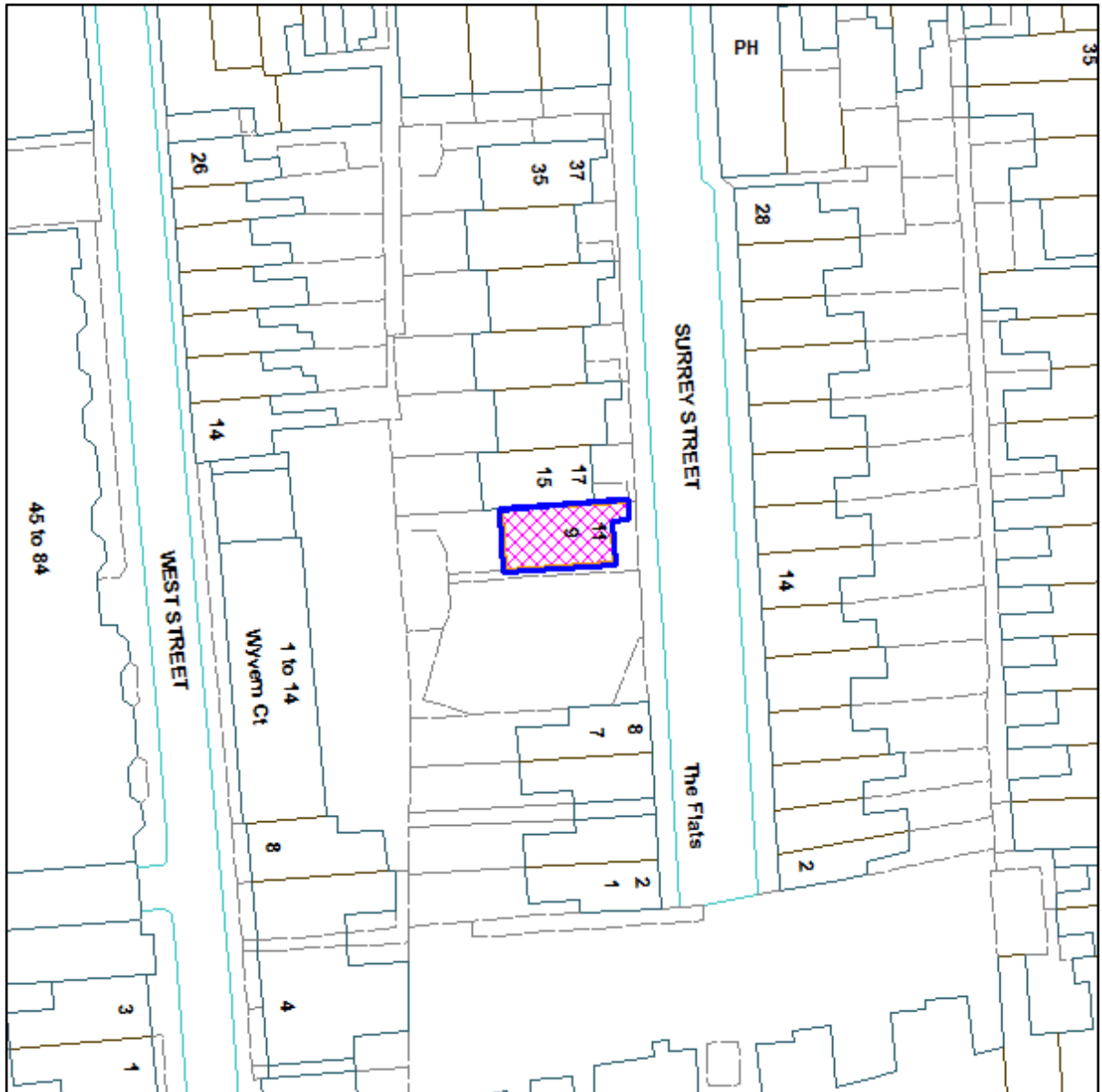
Recommendation – APPROVE

Site: 9 Surrey Street, Worthing

Proposal: Replacement patio, rear patio doors and provision of access ramp and handrails.

Applicant: Mr Paul Gibbs  
Case Officer: Jiyong Suh

Ward: Central



Not to Scale

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Proposal, Site and Surroundings:

The property is located on the western side of Surrey Street in Worthing town centre within the Marine Parade and Hinterland Conservation Area. The site is part of a row of two storey terrace buildings built in the eighties for the use of the elderly. The application relates to a ground floor flat in the southern-most part of the terrace, adjacent to a car park.

A new ramp is proposed that will extend from the front door on a low platform and run along the side of the plot, adjacent to the boundary fence, toward the rear for access the bin store. Railings will be installed to the platform and path. An existing gate on the boundary fence will be relocated on the same elevation.

### **Relevant Planning History:**

00/00844/FULL - Replacement of existing windows and doors with Brown PVCu double glazing, communal entrance doors with aluminium double glazing colour brown. Approved: 17.10.00

**Consultations:** None received.

**Conservation Area Advisory Committee:** No objection.

**Representations:** None received.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

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

### **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H18  
Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (CLG 2018)  
Planning Practice Guidance (CLG 2014)

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



so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Planning Assessment**

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key issues are the effect on the residential and visual amenities of the locality.

#### ***Visual Amenity***

A 1.8m high panel fence forms the boundary of the rear garden that sits adjacent to the car park. The ramp, railing and platform will not be visible from the street or the car park. The existing gate along this fence will be relocated further down but this will not have any impact on the streetscene or the conservation area.

#### ***Residential Amenity***

The ramp, platform and railings will be located on the fringes of the communal garden and allows access to the bin storage. It is not considered that any part of this proposal will have any material effect on the residential amenities of neighbouring properties.

### **Conclusion**

The application should be approved subject to conditions.

### **Recommendation**

**APPROVE** subject to Conditions:-

1. Approved plans
2. Standard Time Limit

20<sup>th</sup> November 2019

### **Local Government Act 1972**

#### **Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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