



Planning Committee  
15 October 2014

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

**Report by the Director for Customer Services**

**Planning Applications**

**1**

**Application Number:** AWDM/0663/14      **Recommendation – APPROVE, subject to satisfactory resolution of outstanding matters relating to landscaping, drainage and highway provision**

**Site:** Land East of Titnore Lane West Durrington Development, Titnore Lane, Worthing, West Sussex

**Proposal:** Application for Reserved Matters, pursuant to the outline permission, relating to the Phase 1 area in respect of strategic roads, drainage, landscape and recreation areas outside the residential development parcels

**2**

**Application Number:** AWDM/0969/14      **Recommendation – APPROVE**

**Site:** 33 Seldens Way, Worthing, West Sussex

**Proposal:** Erection of two-storey two-bedroom house in garden to west with associated external works including pedestrian access to Stone Lane

**3**

**Application Number:** AWDM/1013/14      **Recommendation – APPROVE**

**Site:** 36 South Farm Road, Worthing, West Sussex

**Proposal:** Installation of 4 No. fixed bench tables on private forecourt (8 seats per table) and removable barriers also on forecourt

4

**Application Numbers: AWDM/0862/14, Recommendation – (All applications -  
AWDM/0870/14, AWDM/1113/14 & APPROVE  
AWDM/1122/14 (combined report)**

**Site: 22-26 South Street, Worthing, West Sussex**

**Proposal: Change of Use, Outdoor Seating Area, Signage and Replacement  
shopfront and double entrance doors (for Starbucks)**

5

**Application Number: AWDM/1144/14 Recommendation – APPROVE**

**Site: Land Between Station Car Park and Footbridge, Tarring Road, Worthing, West  
Sussex**

**Proposal: Application for consent under Worthing Tree Preservation Order No. 54  
of 1997 to reduce radial spread to give up to 1 metre clearance to new  
building, crown lift up to 3 metres one Sycamore tree T5, crown lift up to  
5 metres two Sycamore trees T3 and T6, crown lift up to 5 metres one  
Horse Chestnut tree T1 and fell one Sycamore tree T7 all of Area A2.**

6

**Application Number: AWDM/1133/14 Recommendation – REFUSE**

**Site: Summerhill, Mill Lane, Worthing, West Sussex**

**Proposal: Part retrospective application for new front boundary wall with metal  
railings and gates**

7

**Application Number: AWDM/1285/14 Recommendation – APPROVE**

**Site: 34 Coronation Homelets, Brougham Road, Worthing, West Sussex**

**Proposal: Construction of ramped approach with hand rails to communal front  
(serving 34, 36, 38 and 40 Coronation Homelets) to suit resident  
disabilities**

Application Number: AWDM/0663/14<sup>1</sup>

Recommendation – APPROVE,  
subject to satisfactory  
resolution of outstanding  
matters relating to  
landscaping, drainage and  
highway provision

Site: Land East Of Titnore Lane West Durrington Development,  
Worthing

Proposal: Application for Reserved Matters, pursuant to the outline  
permission, relating to the Phase 1 area in respect of  
strategic roads, drainage, landscape and recreation areas  
outside the residential development parcels

Applicant: Bovis Homes, Persimmon Homes And Taylor Wimpey Ward: Northbrook  
Case Officer: Gary Peck



Not to Scale

## Proposal

This application is submitted on behalf of Bovis Homes, Persimmon Homes and Taylor Wimpey and is the submission of reserved matters pursuant to the outline permission granted under reference WB/11/0275/OUT relating to the Phase 1 area of development in respect of strategic roads, drainage, landscape and recreation areas which are located outside of the residential development parcels. At present, the Council is considering separately reserved matters applications from each of the developers in respect of their individual Phase 1 residential parcels.

The proposals relate broadly to the southern and western part of the approved development site. It is stated that the application comes forward principally as a response to Condition 4 on the Outline Permission as a Reserved Matters proposal. However it does also address, in part, elements of Conditions 3 (phasing), 5 (access), 7 (hard and soft landscape), 10 (tree protection), 29 (street furniture and materials), 30 (surface water) and 33 (foul drainage).

The road and drainage layout and details are stated to derive from the Masterplan and Design Code guidance considered at the outline planning stage.

The works shown on the drawings consists of approximately 750 metres of residential road with associated footways, verges and landscaping. Two access points are shown in accordance with the outline Masterplan, the main vehicle access to Fulbeck Avenue and a bus only link from Tasman Way into the site which will also provide access to the community facilities.

During discussions between the applicant and officers prior to the submission of the application, it emerged that there was concern about aspects of the proposal which did not appear to comply with the Masterplan and Design Code at the outline planning stage. As a result, some alterations were made to the proposal including the introduction of verge/landscape areas as shown on the indicative Masterplan, a less formal approach to the road corridor, a reduction of the road width from the gateway square heading north and on the link to Tasman Way to 5.5 metres, an additional feature square was also introduced at the northern T-junction for parcel 1A to further reduce vehicle speeds and to try and reduce on street parking where possible.

The supporting information further states that in respect of foul drainage outfalls to the existing foul sewer in Fulbeck Avenue, downstream improvements to the foul network are to be made to cater for the development which will be provided as part of the relevant adoption process. The surface water drainage system consists of two networks, one drains to a large detention basin to the west of the Fulbeck Avenue access which then outfalls to the existing ditch network with the other draining through a system of connected swales running around parcel 1a. The surface water drainage system has been designed to cater for a 1 in 100 year return period plus 30% climate change with outfall rates set to be less than greenfield run off rates.

The surface water drainage proposals are stated to have been discussed with the Council as adopting authority and the engineers' preferences have been

incorporated where possible; the foul drainage strategy has been also discussed and agreed with Southern Water.

In respect of landscape works, the application consists of a number of proposals for the first areas of general amenity open space (an area of about 2.75 ha), structural landscaping as well as roadside works. The supporting information states that the detailed design of the landscaping is based on the previously agreed information that formed part of the outline planning application and that attached to the Section 106 agreement, including the Illustrative Masterplan, Landscape Strategy, Landscape & Facilities Location, Open Space Layout Plans (s106), Design and Access Statement & Design Objectives. The submission provides details for the areas of informal open space and the numerous sustainable drainage features (SuDS) that occur within the southern-half of the wider development site.

The applicant states that the drawings demonstrate how a high-quality public realm and landscape infrastructure will be delivered, that seeks to largely ensure the retention of existing landscape features and trees, where feasible, whilst maximising the potential for enhancing biodiversity through the creation of new habitats in the form of woodland areas, native hedgerows and thicket and the numerous wetland basins associated with the drainage scheme.

The submitted information also indicates the integration of footpaths and cycleways into the scheme with details of final surfacing, boundary treatments that enclose the areas of new planting and drainage basins that aim to restrict public access to sensitive areas of the site and adjacent land, including the high fence to the western boundary, to prevent unwanted access into the adjacent ancient woodland.

The southern pond / basin is stated to have been designed to maximise its wildlife value, whilst providing a strong landscape feature with a varied and pleasing aesthetic, forming an important buffer to Titnore Lake, with areas of marginal shelf to colonise naturally. The remaining swales / basins are stated to provide a network of stormwater drainage features which would provide a buffer to the edge of the development from surrounding housing and a degree of wildlife connectivity around the southern half of the site.

The Phase 1 application includes the first of two play areas located on the site, adjacent to the existing copse on the western boundary, the scheme for which is designed to reflect its location at the development edge, alongside the existing areas of woodland, with a strong emphasis on natural play and the use of timber. It is understood that the plans have been discussed with the Parks and Foreshore Manager prior to submission of the application.

Landscaping schemes have also been submitted for the feature squares located within Phase 1 of the development.

An Arboricultural Implications Assessment has also been submitted which notes that the Phase 1 proposals to construct the dwellings and associated infrastructure requires the removal of mainly lesser quality trees that are considered to be of limited value in the landscape and which can be mitigated by the planting of new trees. It is also stated that the proposals in Phase 1 remain outside the buffer zone

for the Ancient Semi-natural Woodland and construction management will include schemes of protection for the retained trees, the detail of which can be developed to achieve the site layout.

## **Site & Surroundings**

The application site lies on the north western edge of Worthing and including the wider development permitted under the outline permission extends to the A27. As is stated above the Phase 1 area of the development is mainly the southern and western portions of the development area. The application site is currently comprised mainly of arable fields and grasslands. Two hedgerows run north/south through the site and there is a small copse of trees adjacent to the western boundary. There are two public footpaths crossing the site. A large lake with a feeder stream and a woodland strip running north/south lies to the west.

Directly to the south of the application site is a triangular shaped piece of land immediately adjacent to the western access road to the new District Centre. Further to the south is the new District Centre incorporating a replacement Tesco Store and smaller retail units with residential development beyond. To the south west of the site lies the Camping and Caravan Club and West Worthing Tennis Club served off Titnore Way. To the north lies Castle Goring, a grade I Listed Building and Castle Goring Conservation Area. To the east lies residential development.

The character of the area changes from open fields in the east, alongside the urban edge, to an area of woodland and enclosed fields to the west. Titnore Lake and surrounding wetland to the south west of the main body of the site provide an important and attractive feature bordering the site. The site has a very gentle slope generally rising from the southwest up to the northeast. Further to the north of the site, across the A27, the land rises up to the South Downs.

The land to the west of Titnore Lane and to the north of the application site form part of the South Downs National Park. The Titnore and Goring Wood complex is ancient woodland and is designated as a Site of Nature Conservation Interest (SNCI).

## **Relevant Planning History**

Outline planning permission was granted in 2012 for development of land north of Fulbeck Avenue, West Durrington, for residential development (up to 700 units), recreation, community and education purposes; ground stabilisation; and speed management measures on Titnore Lane. The principal vehicular access and bus routing was indicated via Fulbeck Avenue, with Tasman Way providing vehicular access limited to the community facilities and bus routing, and Cherwell Road providing emergency vehicular access only (WB/11/0275/OUT).

The grant of outline permission followed the refusal of an earlier scheme (WB/04/0040/OUT) for 875 dwellings.

## Consultations

### ***West Sussex County Council Highways:***

Requested further information in respect of the following:

(Drawing 1 of 3)

1. Additional bollards required on 'table' in front of and opposite plots 47 and 48.
2. Sight line splays to be shown at all junctions and communal access points serving multiple properties (MfS for 30mph speed limit – 43m).
3. Recommend that a good quality communal path be provided between the communal parking area found to the rear of plots 44-47 around to the front of the plots to encourage use of parking area and provide ease of access for residents.
4. The detail of the cycle path connections (where paths cross roads and/or footways etc.) to be finalised at S38 stage.
5. Ramp details to table-tops must be constructed in flexible material – not concrete blocks/strips.
6. Please state tree species.
7. Please state bollard types.

(Drawing 2 of 3)

1. Sight line splays to be shown at all junctions and communal access points serving multiple properties (MfS for 30mph speed limit – 43m).
2. Consideration should be given to extending highway verge outside of plot 8 and either side of road junction either side of plots 9 and 14.

(Drawing 3 of 3)

1. Other than visibility requirements (see below) the detail of the cycle path connections (where paths cross roads and/or footways - tactiles/barriers/corduroy paving etc.) to be finalised at S38 stage.
2. Sight line splays to be shown at all junctions and communal access points serving multiple properties (MfS for 30mph speed limit – 43m).
3. Bus gate details – comments to follow.
4. Forward visibility required on bends either side of cycle connection across spine road and around bend leading back towards Hobart Close.
5. Visibility splays to be shown either side of cycle path connection to access road (north and south of the road).
6. Tactile paving to be shown where new footway leading from development meets Hobart Close. If tactile is missing on opposite side, then provide this as well.

Other requirements

1. Please provide clear adoption plans for each phase.

2. Please show areas where permeable paving is proposed (these areas will not be eligible for adoption).
3. Commuted sums – These will depend on types of materials and street furniture used. A standard advice list is attached for information.
4. Swept-path diagrams – Received and being checked by Bus Company – comments to follow. A plan showing the bus route reversed should also be provided.
5. Adur-Worthing Council to check with their refuse contractor as to whether layouts comply with travel and access requirements of their refuse contractor.
6. Bus Company has been consulted – comments to follow.

Discussions have been ongoing between the developers, County Council and your officers in respect of the above matters and it is anticipated that amended plans will be submitted prior to the meeting.

**Environment Agency:** *comments that,*

*'We have no objection to the proposal.*

*We recommended a series of conditions on the outline permission WB/11/0275/OUT. These were included in the decision notice as conditions 30, 31, 32, 33.*

*This reserved matters application will need to conform to these condition requirements.'*

**Southern Water:**

Southern Water confirms that their comments in respect of the outline application still stand and that they have nothing further to add.

(The comments at the outline stage indicated that there was currently inadequate capacity in the local network to provide foul sewage disposal to serve the local network and therefore it was requested that conditions were imposed on the outline permission to ensure that adequate capacity is provided. It remains necessary to satisfactorily discharge these conditions before the development can be commenced or occupied, dependent on the particular condition)

**English Heritage:**

English Heritage comments it does not wish to offer any comments on this occasion and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Highways Agency:**

No objection

**Sussex Police:**

No comments received

**Adur & Worthing Councils:**

**Environmental Health:** No comments

Comments are awaited from the **Drainage Engineer.**

**Parks Section:** The Parks Manager comments that his detailed comments on the landscaping scheme will be submitted in due course but an initial observation is that the scheme lacks sufficient landscaping on the southern boundary (to the north of the District Centre) and the recreational cycleways and footpaths lack interest being straight paths adjacent to very engineered balancing features. This does not seem to accord with the outline Masterplan or supporting landscape plans.

**Representations**

22 letters have been received, 15 of which object specifically to this application, 5 object to this application and the other 3 reserved matters applications currently being considered and 2 letters raise no objection but express concern on grounds raised by those objecting to the application.

The grounds of objection comprise:

- the developers have not adequately proven that surface water run-off will not increase as a result of the development
- no information has been submitted about how the depression in the field north of Tasman Way will be stabilized
- adverse impact upon wildlife and protected species
- housing will only be constructed to Code Level 3 which is not sustainable
- construction route traffic must be adequately controlled
- weight restriction on New Road needs to be reconsidered
- the procedure for granting outline planning permission was incorrect
- brownfield sites should be used in preference to this site
- flood risk has increased since the outline permission was granted as evidenced by recent flooding events
- increased traffic
- lack of information regarding the sinkhole on the site
- inadequate infrastructure to cope with the development
- increased pollution through the new bus route
- inadequate buffer provision to Adur Avenue
- screening to the A27 must be maintained
- development will result in the loss of the Northbrook Caravan site
- extra traffic calming is required in Fulbeck Way
- access to the development should not be via Fulbeck Way or Titnore Lane but directly onto the A27.

## **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003):

BE1: Design Quality  
H4: West Durrington on Proposals Map  
H18: Amenity of Residents  
LR8: Provision of Play Space/Outdoor Recreation Space in Housing.  
RES7: Control of Polluting Development  
RES9: Contaminated Land  
RES12: Provision of Infrastructure  
TR9: Policy Requirements for Development

West Durrington Development Brief

Worthing Core Strategy (WBC 2011)

Policy 1: West Durrington  
Policy 7: Meeting Housing Need  
Policy 8: Getting the Right Mix of Homes  
Policy 10: Affordable Housing  
Policy 12: New Infrastructure  
Policy 13: The Natural Environment and Landscape Character  
Policy 15: Flood Risk and Sustainable Water Management  
Policy 16: Built Environment and Design  
Policy 17: Sustainable Construction  
Policy 18: Sustainable Energy  
Policy 19: Sustainable Travel

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

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**

As this is a Reserved Matters application, many of the overarching documents submitted at the outline stage remain applicable in the determination of the Reserved Matters application. In particular, the Environmental Statement which considered the environmental impacts of the development and the mitigation measures necessary to reduce/mitigate the adverse impacts. The Outline planning

permission was also considered in light of a detailed Masterplan and Design Codes which sought to control the development in detail and ensure the delivery of a high quality residential development.

The Environmental Statement submitted in 2012 included the following chapters: Description of the Site, Description of the Scheme, Policy Context, Need and Alternatives, Consultation, Community Effects, Ecology and Nature Conservation, Landscape and Visual, Transport, Cultural Heritage, Agriculture and Soil Resources, Drainage, Ground Conditions, Noise and Vibration, Air Quality and Conclusions

Taking each of these in turn, the applicant's agent has provided a brief commentary as to why the provisions of the Environmental Statement remain applicable in relation to this Reserved Matters application.

#### Description of the Site:

The site's boundaries, scale, broad usage, character and general appearance are all stated to remain generally unchanged from the time of the outline planning permission. In terms of this Reserved Matters application, the applicant's agent states that there is little change in these details. While as a general principle, your officers agree with this assessment, there are specific areas of landscaping, primarily to the south and south eastern parts of the site that appeared to have altered somewhat in composition from that envisaged at the outline stage, while part of the design criteria for the strategic roads as suggested by the County Council would also appear to be at variance with some of the principles established at the outline stage, for example in respect of proposed traffic speed. These matters are considered in further detail below.

#### Description of the Scheme

The broad parameter plans within the Environmental Statement (framework, heights, landscape/open space and movement) will all be respected by the Reserved Matters Applications, the most pertinent to this particular application being the landscaping and roads details. Although the timescale for the construction of the scheme envisaged at the time of the outline permission has slipped, the 'trigger points' for contributions and facilities, as set out in the Section 106, are stated to remain in terms of relative progression of the build out.

Since this reserved matters application is restricted to the strategic roads, drainage, landscape and recreation areas which are located outside of the residential development parcels, it is only those which can be examined as part of this application

#### Policy Context

The Council's Core Strategy had been endorsed by a Planning Inspector at time of writing the ES and this development plan had been adopted without relevant change by the Council by the time of the determination of the outline planning permission. In terms of local policy, therefore, there has been no alteration to those

applicable at the time of the outline planning application. Although the National Planning Policy Framework was published during the determination of the outline application (and therefore did not inform the supporting documents) it was considered prior to the decision being taken on the outline application. The prevailing national policy context at the time of the outline application can also be said to apply to the current application and accordingly there are no grounds to take a different view from that formed at the outline stage as to the acceptability in principle of the proposals.

#### Need and Alternatives

The need for the provision of additional housing in the Borough was established during the consideration of the outline planning application and also through the Core Strategy process. The nature of the Borough was found to be such that the additional housing could not solely be provided on previously developed land and there was a quantifiable need for new housing on greenfield sites.

There has been no substantive alteration to the requirement to provide new housing and accordingly there is no objection to provide the strategic infrastructure to service the development as identified in this application

#### Consultation

The applicant's supporting information states that as a result of representations previously received; changes were made to the outline application, particularly the alteration of the access arrangements so that Titnore Lane would not be used to access the development. This remains the case under the current Reserved Matters application.

#### Community Effects

The provision of community facilities is unaffected by this Reserved Matters application.

#### Ecology and Nature Conservation

The Environmental Statement submitted at the time of the outline application set out in detail the baseline conditions which were found both in terms of the Habitats and the Fauna. At the time, it was concluded that no badgers were found within or adjacent to the site although parts might well be used for foraging; low numbers of individual bats were recorded and bat assemblage was of local value; bird species were found to be typical of the habitats present, these were listed and it was noted that habitats of some value for breeding birds was restricted to small patches of woodland and hedgerows; evidence of dormouse were found in the woodland to the west of the planned development area; great crested newts were found at the identified ponds and had some, albeit limited, suitable habitat on the application site within 250m of these ponds; on invertebrates, ruddy darter were found off site at Titnore Lake; limited numbers of the common and widespread grass snakes and slow worms were found on site; and no water voles were found to be present locally.

The scope for mitigation and enhancement was also set out to consider the potential impacts during the construction phases. In summary the conclusion reached was that the application site could be developed in accordance with legislation and policy, and without unacceptable ecological impact and this was accepted during the determination of the outline application.

Given the length of time that elapsed since the outline permission, and particularly given that this time period was longer than was considered likely at the time of the original submission, it has been necessary to update the survey in order to find whether there is any material change in circumstances that might be relevant to the determination of each of the reserved matters applications.

The developer's ecological consultants, therefore carried out updated badger, great crested newt and Phase 1 habitat surveys during 2013 and 2014 and their findings set out in a Briefing Note submitted with the application. It states that whilst there has been some change in habitat, including grassland now being in place of some arable land the areas remain of negligible value and the other habitats including hedgerows, trees, woodland, scrub & ruderals and aquatic remain as previously found.

The Briefing Note concludes that "the surveys have confirmed that the nature and value of the ecological resource remains unchanged and consequently the assessment of effects and mitigation proposed is unchanged since the ES. There is therefore no requirement to update the ecology assessment'. The findings are applicable to each of the Reserved Matters application and in this instance it is considered that the additional information submitted adequately outlines the current situation.

#### Landscape and Visual

The information submitted at the outline stage reviewed the landscape effects and the visual effects of the scheme. The applicant's agent has confirmed that the same landscape architect is being employed and it is stated that he will follow through the concepts established at the outline stage. This is a particularly key component of this reserved matters application and the comments of the Parks section are currently awaited.

However, it is apparent that the location of the footpath on the southern part of the site has altered from that at the outline stage. While not necessarily a matter of concern in principle, there does appear to have been a consequent impact upon the remainder of the landscaping provision in the immediate vicinity with the possibility that the landscaping on the southern boundary would provide as a stronger a buffer from existing development to the south as originally envisaged. The footpath itself appeared to have a more informal layout in the outline application.

A wide woodland buffer (10-20 metres) was also shown on the boundary of the site with Canberra Road, Brisbane Close and Hobart Close and while the principle of this remains on the plans submitted under the current application, your officers are

seeking to establish that the details submitted under this application are sufficient to ensure that a sufficient buffer to the nearby residential properties is achieved.

## Transport

Some of the matters raised in representations to this application were covered in the Transport Assessment (TA) prepared as part of the outline application, particularly including a broad Construction Management Plan. This Reserved Matters application concerns itself with the Strategic Road layout and is therefore a matter of specific detail further to the outline permission.

Prior to the receipt of the current application, officers expressed concern that some aspects of the proposed road layout did not appear to accord with the aims of the Masterplan submitted during the outline stage, most particularly in relation to the width of the road, anticipated vehicular speeds and whether or not individual properties would have access directly onto these roads. The subdivision of parcels of development between the developers and the resultant submission of 4 different applications has meant that it has been difficult to resolve this matter satisfactorily, especially as many of the relevant considerations do not just apply to the strategic road layout.

It is evident from the comments of the County Council Highways section that further information is required, although it is important to note that some aspects of this additional information will also need to be considered by your officers to ensure that the principles of achieving a high quality design, as envisaged at the outline stage, are not compromised. The design of the road is of particular importance in that respect.

Although it was anticipated at the outline stage that traffic speeds would be 20 mph throughout the development, the design of the road is such that the County Council considers that average road speeds would be higher (25 – 28 mph) and consequently has requested greater visibility splays. This would have an impact upon the residential parcels of the development as the layout would be affected by the need to provide longer visibility splays. The Masterplan submitted at the outline stage identified principles of development for certain character areas including for the 'Main Street' and 'Secondary Streets' both of which form part of this application.

The Main Street was anticipated to create 'fairly continuous' frontages along the route and a 'near continuous' building line. It was intended that shallow front gardens would be created and courtyard parking provided behind. For the Secondary Streets, the building line would be more varied and there was provision for some on plot parking, although such parking was generally intended to be behind the building line.

The residential parcels of development are the subject of separate Reserved Matters applications currently under consideration, but it is important that the highways requirements do not result in a road layout that hinders the ability to achieve the quality of development anticipated at the outline stage.

In considering matters of detail, rather than general principle as at the outline stage, it is inevitable that some further discussion will be necessary to ensure that technical requirements are met as well as maintaining the quality of development. In respect of highways matters, discussions are ongoing and it is likely that further progress would have been made by the time of the meeting. At the time of writing the Highway Authority has agreed the majority of the junctions and necessary visibility splays and has been prepared to compromise slightly on the splays required for one of the junctions.

One of the more fundamental concerns raised by the Highway Authority has been the introduction of courtyard parking to the rear of properties along the 'Main Street'. This was considered appropriate at the outline stage to ensure continuous frontages and provide a different higher density character to this section of the site. Some of the Consortium partners have been less willing to adopt this approach on the basis that residents prefer parking adjacent to their homes and the Highway Authority has been sympathetic to this approach. However, your Officers are keen to maintain the original outline concept as the creation of different character areas was an essential element of the Masterplan and to achieve a varied and attractive development. The Highway Authority has been asked to reconsider its approach given the clear design concept enshrined in the Masterplan and Design Codes and Members will be updated in connection with this matter at the meeting.

### Landscaping

As indicated earlier the detailed comments of the Councils Parks Manager are awaited. However, he has expressed concerns about the submitted plans in relation to the design of the recreational paths and the extent of boundary planting in certain areas of the site. Around the south eastern corner of the site, to the north of the District Centre, the 3 metre wide cyclepath is very close to private drives proposed within this parcel (to be developed by Persimmon Homes) and there is little scope for any tree planting to provide any significant screening along this southern boundary.

The swales are also fairly large along this section of the site which also limits the scope for soft landscaping. The net result would be a wide, straight cyclepath close to the long linear swales with limited space for boundary screening. As Persimmon Homes has adjusted its design to retain the definitive footpath running though the site, there is scope to designate this a cyclepath which would provide scope to reduce the width of the path around this development parcel and hopefully provide a less formal and attractive route. The scope to reduce the size and shape of the swales/balancing features is also to be investigated.

Further negotiations are proceeding on the detailed landscape aspects of the scheme and Members will be updated at the meeting.

### Cultural Heritage

The archaeological baseline conditions of the site were set out in the Environmental Statement along with an assessment that concluded that there would be no impact

upon the listed buildings closest to the site. As such, these conclusions are unaffected by this Reserved Matters proposal.

### Agriculture and Soil Resources

There is no change on the quality of the agricultural land as identified at the outline stage and therefore the current proposal does not need to be further assessed given the previous research undertaken.

### Drainage

The Environmental Statement set out the findings of a Flood Risk Assessment and explained how consultation had been undertaken with the Environment Agency, Southern Water and local authority drainage engineers amongst others. Their views are subsequently sought during the outline planning application process and where necessary conditions imposed upon the planning permission. As is evident in the consultation responses in respect of this proposal, it is evident that the requirements of those conditions remain (the development cannot be implemented and or occupied without meeting the requirements of the respective conditions) and as such this proposal does not affect the overall principles of the approach to flood risk on the site which principally involved the necessity to avoid increased flows discharging off the site. The conclusion reached at the outline stage was that there would be no residual flood risks associated with the development, but it is necessary to investigate how the detail of the proposed works set out under this particular application, as well as the discharge of conditions in the future, ensure that the previous conclusions remain unaffected.

Swales are to be provided as part of the drainage system and since they also form part of the landscaped area and are an important part of the application. The Council's Drainage Engineer is currently considering whether the technical aspects of the swales are acceptable (for example their gradients are to be 1:3) in terms of future maintenance and providing sufficient capacity to restrict the rate of surface water runoff from the site.

### Ground Conditions

Consideration of geology, solution features, the questions of mineral extraction and landfill, hydrogeology, ground contamination, groundwater quality and ground gas were considered at the outline stage. The Environmental Statement concluded that the residual effects of the development on ground conditions would be negligible. Further consideration is being given to the effectiveness of the Balancing Pond and its contribution as a landscape feature.

### Noise and Vibration

Outline Planning Permission Condition 39 requires a more detailed review of the impact from road traffic noise but this is a separate exercise to be undertaken under the discharge of that particular condition. As the strategic roads which are the subject of this application are in the same location as envisaged at the outline

stage, further consideration of the matter will take place at the discharge of condition stage.

#### Air Quality

Again, this was a matter which was given detailed explanation consideration at the outline stage and is subject to conditions to be discharged under the previous permission.

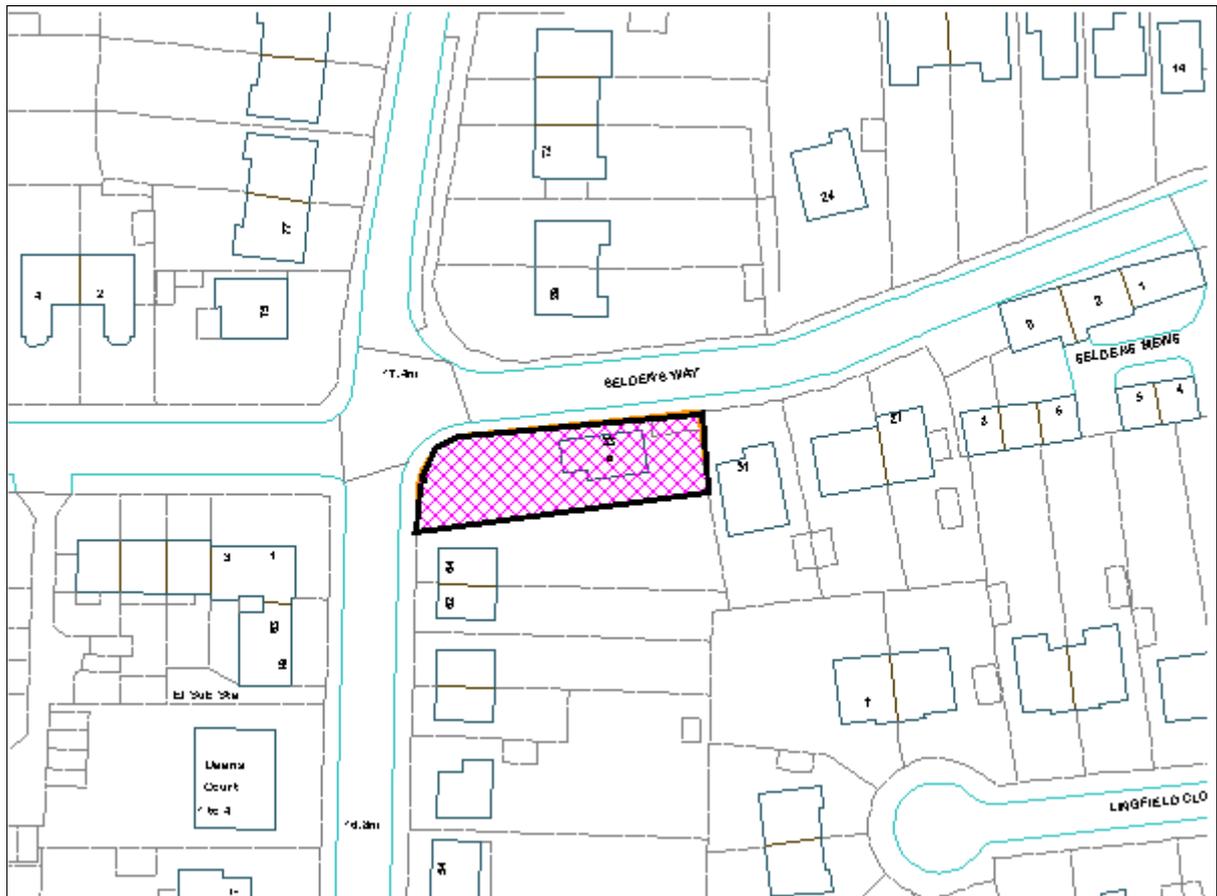
#### **Recommendation**

**Subject to satisfactory confirmation that the submitted details in respect of highways, landscaping and drainage accord with the principles of the outline permission and do not prejudice the development of the proposed Phase 1 residential parcels in a satisfactory matter, that this Reserved Matters application be APPROVED subject to any conditions from consultees that are considered necessary in addition to those imposed at the outline stage.**

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15<sup>th</sup> October 2014

<b>Application Number: AWDM/0969/14</b>		<b>Recommendation – APPROVE</b>	
<b>Site:</b>	<b>33 Seldens Way, Worthing, West Sussex BN13 2DL</b>		
<b>Proposal:</b>	<b>Erection of two-storey two-bedroom house in garden to west with associated external works including pedestrian access to Stone Lane</b>		
<b>Applicant:</b>	Ms G Taylore	<b>Ward:</b>	Salvington
<b>Case Officer:</b>	Rebecca Tier		



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### Site and Surroundings

The application site relates to a bungalow on the south corner of the junction between Seldens Way and Stone Lane. This property is set in a wide plot and the bungalow is set back from the Stone Lane building line.

The development in the immediate area comprises a mix of modern flats, detached and semi-detached houses in Stone Lane and in Seldens Way, interspersed with a limited amount of pre-twentieth century development (probably originating from the

original agricultural community of Salvington Village, including the application property which dates back to the first half of the 19<sup>th</sup> century and 'Seldens Mews' to the east which comprises a large flint barn of this age or older, now converted into small cottages).

The application property has a small flint barn within its grounds abutting Seldens Way, which is used as an annex for guest accommodation. The boundary onto Seldens Way to the west of this barn comprises a flint wall with a hedge behind, further along the northerly boundary is the front gate leading into the property, followed by gates opening onto a driveway with on-site parking and a concrete slab garage is located within the westerly garden area. The flint wall continues around the westerly site boundary, with fencing behind and a tall evergreen hedge measuring approximately 4 metres high behind this, providing a total screen of the westerly garden from the adjacent roads.

## **Proposal**

This proposal seeks planning permission to erect a two storey detached, two bedroom dwelling on the garden land to the west of the existing bungalow. The dwelling would be orientated from the west to east, with the main entrance of the dwelling and pedestrian access from Stone Lane. There would be no vehicular access to the site or parking provision for the proposed dwelling. The property would be sited towards northerly section of the site, aligning with the front of the existing bungalow (33 Seldens Way) and incorporating garden amenity areas to the east and south of the proposed dwelling. The dwelling would incorporate a total floor area of 86.9 square metres with a kitchen and a total height of 7.3 metres. At the ground floor level the property would incorporate a W.C, storage/utility rooms, living/dining room and at first floor level the dwelling would have two bedrooms, a bathroom and storage space.

It is proposed that the new dwelling would have a pitched roof constructed from clay roof tiles, with brick exterior walls and uPVC windows with brick edged window sills. A brick chimney would be incorporated on the eastern elevation of the dwelling, a pitched roofed brick porch on the westerly elevation and projecting clay tiled gable roofs over the first floor windows on the northerly elevation. The existing northerly and westerly flint boundary wall and fence would be retained with a new entrance gate installed to the western boundary. The boundary hedge would also be retained yet reduced in height to two metres.

## **Relevant Planning History**

**WB/07/1187/FULL** – In 2007 planning permission was refused for a proposed single storey detached one bedroom dwelling house with vehicular access onto Seldens Way and a proposed shared garage on garden land to the west of 33 Seldens Way. The application was refused for three reasons, including being a cramped, overdevelopment of the site which would be incompatible with the character of existing development in terms of plot size, scale, siting, design and layout which provided a poor standard of environment for future occupiers and the vehicular access point provided insufficient visibility which was considered to be detrimental to highways safety.

**WB/92/05616/OUT** – In 1992 outline planning permission was refused for the redevelopment of the site with a pair of two storey semi-detached dwellings together with the adaptation and extension of the flint buildings to provide two garages. The application was refused for three reasons, including being a cramped, overdevelopment of the site with insufficient amenity space for the occupiers, being an un-neighbourly form of development with overlooking, overbearing and noise/activity impacts; and creating a hazard to highway safety due to inadequate parking, no turning facilities and inadequate visibility for vehicles leaving the proposed garages.

## **Consultations**

### ***West Sussex County Council:***

The **County Council Highways Officer** has advised that there are no anticipated highway safety issues with this proposal. He has commented that the proposal is for a single dwelling unit with pedestrian access onto Stone Lane via a new access point. From an inspection of the plans alone, the Highways Officer has advised that there is no apparent visibility issue at the point of access onto Stone Lane.

The basis for WSCC's objection on the previous proposal from 2007 was partially on the lack of turning on site, but also for a lower than expected amount of parking for a dwelling of this size. With the removing of the proposed off-street parking provision, and revisions under guidance from the NPPF, those objections can now be withdrawn.

In terms of transport, the Highways Officer has advised that the property is situated in a sustainable location within walking distance of a range of services and public transport; hence there is no reliance as such on the use of the private car. This application therefore is in compliance with the NPPF (2012) in encouraging the use of sustainable transport.

The Highways Officer has requested that cycle parking should be included; this must be secure, covered and be capable of storing at least one cycle per bedroom of the converted building. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA).

### ***Adur & Worthing Councils:***

The **Council's Drainage Engineer** has confirmed that the site lies outside areas affected by surface water and within Flood Zone 1 according to the Environment Agency's Surface Water Flooding maps. The site also has no history of flooding.

As no drainage details have been provided with the application, the Council's Engineer has not been able to assess the proposed disposal method. However, he has advised that based upon the dimensions shown on the Location and Site Block Plan, the construction of a traditional soakaway may not be possible due to the lack of available space. In the absence of any ground investigation details or proposed drainage details in support of the application, he has requested that should approval

for this new build be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'* As soakaways are proposed, then soakage tests in accordance with BRE Digest 365 (1991) would also be required to be undertaken on the proposed site to ascertain the size and location of the soakaways required for any new impermeable areas.

The applicant should also be made aware of the requirements of the Building Regulations, which may change the drainage approach. Should the applicant apply for consent to discharge both Foul and Surface Water to the public sewers the Council's Engineer has requested sight of the Southern Water Services approvals.

## **Representations**

One letter of objection has been received from occupiers of No. 64 Stone Lane who have raised the following concerns in relation to the proposal:

- Increased vehicular parking on the road would cause a safety hazard to road users and pedestrians.
- The proposed dwelling would increase noise disturbance to their neighbouring amenity.
- The design, appearance and materials used on the dwelling is not in keeping with the properties in the surrounding roads which are render or flint and the dwelling would overshadow the corner of the road.
- The southerly side and easterly rear windows in the dwelling would cause a loss of privacy to their property and garden.
- The dwelling would cause a loss of light to their property and garden.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): 7, 8, 16 & 17

Worthing Local Plan (WBC 2003) (saved policies): RES7, H16 and H18 & TR9

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Guide to Residential Development' (WBC 2012)

The National Planning Policy Framework 2012

## **Planning Assessment**

### ***Principle***

The main issues to be considered as part of this planning assessment are i) the principle of residential infill development on the site ii) the previous planning history on the site, iii) the effect on the character and amenities of the area iv) the impact to the occupiers of neighbouring residential properties v) access, parking and highway safety and vi) the drainage provision serving the proposed development.

National planning policy within the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and in relation to a set of 12 core land-use planning principles which

should (amongst other things) encourage the effective use of previously developed (brownfield) land, take account of the different roles and character of different areas and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Within this context garden land is no longer classified as previously used, and whilst there is not an embargo on the development of domestic gardens, such land is not considered a priority for new development. It must be demonstrated that there are persuasive reasons to allow the development of garden land when considered in relation to the Development Plan and all other material considerations, which outweigh the loss of the garden.

The Council's Guide to Residential Development SPD reinforces the view that whilst some infill development within residential areas can provide a welcome addition to the housing stock, 'backland' garden development, in particular 'tandem' development, is generally regarded as an inappropriate form of development and will be resisted in most cases. The SPD states that this type of development erodes the green infrastructure and biodiversity; is often anomalous and contrived in form and makes little contribution to local distinctiveness or a 'sense of place'.

Within this residential suburb, the majority of surrounding development comprises frontage development consisting of individual style dwellings. Plot sizes are relatively lengthy serving properties fronting Stone Lane; however some of the surrounding properties in Seldens Way and Cedar Avenue to the west are situated within smaller plots with less garden amenity space. The application site occupies a corner plot with a spacious garden area located to the west, the remaining corners of the cross roads with Stone Lane, Seldens Way and Cedar Avenue are occupied by two storey dwellings and a bungalow which are located within closer proximity to the junction and therefore appear more prominent from the road. It would be difficult to argue that the form of the proposed development in this corner plot location would be out of keeping in this context where there is an established pattern of dwellings occupying corner plot locations.

A key objective of Core Strategy policy 8 is to deliver a range of housing types, in particular, to meet the needs of family housing. This is defined in the SPD as generally a 3(+) bedroom house with a suitable layout together with accessible useable amenity space to meet family needs. However, the SPD states there may be cases where a 2-bedroom dwelling would still provide family accommodation and may be acceptable, for example, where both bedrooms are of a good size, there is access to a suitable area of private amenity space and adequate internal and external storage. In this case, one larger bedroom measuring 13.6 sqm and one smaller bedroom measuring 11.2 sqm would be provided. The bedrooms would meet the Council's space standards for one single bedroom and one double bedroom, therefore providing adequate space for a small family. There is an adequate amount of storage within the utility room, store and cupboards located on the ground and first floors of the dwelling. The drawings show the dwelling would have a small easterly rear garden measuring 29.64 sqm and a long southerly side garden which would measure 87.88sqm. As there would be no vehicular access to the site and the southerly fence and westerly flint wall, fence and hedge would be retained, the southerly side garden area would remain private and not visible from

the road. The 117.52 sqm total amenity space serving the proposed dwelling would therefore surpass the Council's minimum requirement of 85sqm for a small detached dwelling. It could therefore reasonably be argued that the proposed dwelling would satisfactorily meet the needs of a small family.

The site would be located within walking distance to the small parade of shops on the corner of Salvington Road and Ashacre Lane, Durrington First School and the local library on Salvington Road. The site is also located within close proximity to bus stops which serve the local area. It is therefore considered to be situated in a sustainable location well served by public transportation and within walking distance to local amenities.

### ***Planning History***

The site history shows that two planning applications have previously been refused on the application site. The 1992 application proposed to redevelop the site, constructing two new two storey dwellings on the site and adapting and extending the existing buildings on the site to create garages. The more recent 2007 application proposed the construction of a new bungalow with vehicular access onto Seldens Way and a shared garage on garden land to the west of 33 Seldens Way. The main reasons for refusal include being cramped; overdevelopment of the site which would be incompatible with the character of existing development in terms of plot size, scale, siting, design and layout, providing a poor standard of environment for future occupiers and insufficient visibility splays which was considered to be detrimental to highway safety. The previous planning applications have sought to orientate the proposed dwellings to the north with vehicular accesses and new proposed garaging onto Seldens Way. On the most recent 2007 scheme the bungalow was positioned closer to the southerly boundary with a garage and shared driveway to the east, this limited the amount of private amenity space which faced the road to the west and north of the site. The provision of an infill dwelling and additional garage building on the site made the proposed development appear cramped and overdeveloped leaving the proposed dwelling and existing bungalow with limited amenity space. The small driveway also left inadequate turning space for vehicles which would have resulted in vehicles reversing onto the road to exit the site which caused highway safety concerns.

The dwelling would have no vehicular access or parking provision on the site which would provide a greater amount of amenity space around the property. The proposed dwelling has also been positioned closer to Seldens Way to the north. The layout of the proposed development, including the revised position of the dwelling and the removal of the garaging outbuildings and access driveway makes the proposed dwelling appear less cramped. The proposed dwelling would be served by a westerly rear garden space and a garden area to the southerly side of the property. The southerly garden area would be private from the road as the existing 2 metre high fence to the south would be retained and the flint wall, fence and cut back hedge would be retained to a total height of 2 metres. The proposed dwelling would have an outdoor private amenity area of 117.52 sqm which would incorporate an adequate amount of outdoor amenity space for the 2 bedroom dwelling proposed. The dwelling would have a total floor area of 86.9 sqm which would exceed the requirement of 77 sqm for a two bedroom dwelling as set out in

the Council's Space Standards SPD. The front boundary hedge would also be reduced in order to provide further light into the northerly and westerly windows on the proposed dwelling. It is therefore considered that the proposed development would provide adequate living conditions in terms of indoor and outdoor space, light and outlook for future occupiers.

***Design and layout and the effect on the character and amenity of the area***

The plot size is comparatively small in the context of surrounding development particularly when compared to the lengthy plots fronting Stone Lane. However, there are some examples within the surrounding properties in Seldens Way and Cedar Avenue of properties located within smaller plots with more modest rear amenity spaces. The dwellings within the surrounding roads also incorporate a mixture of two storey properties, flats and bungalows of varying age and materials including flint, render and brick. The layout and appearance of residential development within the area is not therefore considered to be particularly uniform or have an established character.

The existing bungalow on the site is set back from Stone Lane leaving a spacious garden area unoccupied by any built forms apart from the single garage which is not visible from the road, in comparison the other corners of the crossroads with Stone Lane, Seldens Way and Cedar Avenue are occupied by more visible two storey dwellings and a bungalow which are located within closer proximity to the junction. It is recognized that these neighbouring corner properties are set further back from the road than the proposed dwelling which would be located 1 metre from the northerly boundary of the site and 1.3 metres from the westerly boundary at the closest point. When examining the 3D massing images of the dwelling submitted in the accompanying statement in comparison to the surrounding properties it is considered that the proposed dwelling does not appear unduly imposing in terms of scale in this corner plot location. The proposed dwelling would also sit in line with the existing bungalow occupying the application site to the north and would be set back from the principal elevations of the southerly neighbouring two storey dwellings, 62 & 64 Stone Lane. It is therefore considered that the proposed dwelling would remain in keeping with the layout, scale and form of surrounding development.

By virtue of its corner plot location and proximity to the nearby roads the proposed dwelling would be highly visible from within the street scene. The proposed dwelling would have a pitched roof constructed from clay roof tiles which would overhang the northerly and southerly brick exterior walls. Officers have sought and received amended plans which have added more interesting features to the dwelling and improved the overall appearance of the property to provide a dwelling of higher quality design. The amended plans have added a decorative chimney to the easterly elevation, a pitched roof brick porch to the westerly entrance of the dwelling, increased the pitch of the main roof and altered the proportions and design of the windows to the northerly and westerly elevations of the proposed dwelling. The proposed dwelling would not attempt to replicate the form or appearance of the immediate neighbouring dwellings located to the south, north or west, instead the dwelling would have a simple design which is characterised by the low eaves line, overhanging steep pitched roof and projecting gable roofs to the northerly roadside

elevation. The materials on the dwelling would incorporate some similar brickwork and clay roof tiles which would tie in with the neighbouring bungalows on the westerly side of Stone Lane and in Seldens Way.

### ***Residential amenity – effect on the amenities of neighbouring occupiers***

The two properties that would be most affected by the proposed dwelling are the existing bungalow to the east, 33 Seldens Way and the two storey dwelling to the south, 64 Stone Lane. The bungalow to the east would be located 6.8 metres from the easterly wall of the proposed dwelling. It is proposed to erect a 1.8 metre high timber fence along the easterly boundary of the site which would screen the ground floor easterly facing window from the neighbouring site. The proposed first floor easterly facing window serving bedroom 2 would be obscure glazed and this would ensure that there would be no overlooking into the garden of the existing bungalow.

The neighbouring occupiers at 64 Stone Lane have raised concerns that the proposed dwelling would cause a loss of light and privacy plus additional noise disturbance to their property. There is a 2 metre high close boarded fence which separates the application site from the southerly neighbouring plot which would obscure the ground floor windows in the southerly elevation of the dwelling from overlooking into the neighbouring property or garden. There would be one window serving the hallway at the first floor level and this would be required to be obscure glazed and non-opening as it would face the southerly neighbouring property and sit above the fence line.

To the south the proposed dwelling would be located 7.4 metres at the closest point to the southerly neighbouring property and would measure the same height as the southerly neighbouring dwelling. The neighbouring property to the south has one first floor window to the northerly elevation and the lower windows are obscured by the boundary fence to be retained. The proposed dwelling would incorporate a large pitched roof over the first floor which would slope away from the neighbouring property. Given the separation distance and pitched roof design, it is not anticipated that the proposed dwelling would cause any harmful loss of light to the southerly neighbouring property. The area immediately to the north of the existing boundary fence is currently garden land and would continue to be garden land serving the proposed dwelling. It is not anticipated that the use of this garden area by one additional set of residential occupiers would cause any harmful impact in terms of noise or activity disturbance to the amenity of the neighbouring occupiers to the south of the application site.

### ***Access, parking and highway safety***

Highway safety concerns have previously been raised with regard to infill residential development on the site as insufficient visibility splays were provided from the vehicular access point, inadequate turning space for vehicles and a lower than expected amount of parking for the dwelling proposed. The proposal would provide no vehicular access or parking provision within the site, any future occupiers would therefore have to park on the surrounding roads. West Sussex County Council Highways Officer has been consulted on this proposal and has advised that with the

removal of the proposed off-street parking provision, and revisions under guidance from the NPPF, their formal objections can now be withdrawn.

In terms of transport, the Highways Officer has also advised that the property is situated in a sustainable location within walking distance of a range of services and public transport; hence there is no reliance as such on the use of the private car. The application is therefore considered to be compliant with the NPPF (2012) in encouraging the use of sustainable transport.

### ***Drainage provision***

The supporting information submitted with this application states that it is the intention to discharge surface water via soakaways and also via the main sewer. However, no specific drainage details have been provided with the application, so the Council's Drainage Engineer has been unable to assess why the applicant has stated two disposal methods. Based upon the dimensions shown on the Location and Site Block Plan, the Council's Drainage Engineer has commented that the construction of a traditional soakaway may not be possible due to the lack of available space. As per his request details of the surface water drainage serving the dwelling will be required to be submitted and approved by the Council prior to the commencement of development. The Applicant will also be advised to seek guidance from Building Control with regard to drainage of the site and if the Applicant continues to plan to discharge surface water via soakaways and the main sewer then the Council's Engineer would also need to see the approvals from Southern Water.

### ***Conclusion***

Having taken into account the planning history with regard to infill development on this site, it is considered on balance that the revised scheme which incorporates a detached two storey dwelling with no associated outbuildings is acceptable as it would overcome previous concerns relating to the cramped form of development, the poor standard of accommodation for future occupiers and the highway safety concerns. Although the dwelling would not seek to replicate the form or appearance of the immediate neighbouring dwellings, it is of an appropriate scale and simple design which can take place without harm to the character of the surrounding area and without detracting from highway safety. Subject to the conditions of planning permission the development can take place with detriment to the amenities of neighbouring residential occupiers.

### **Recommendation**

**APPROVE**

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

1. 3 year time limit
2. Approved plans
3. Agree samples of materials including walls and roof
4. Agree finished floor level in relation to surrounding ground levels

5. Agree materials, design and appearance of doors and windows (including roof light windows)
6. Provide access and agree surfacing.
7. Agree and provide cycle storage
8. Agree and provide fencing
9. Agree surface water drainage
10. Hours of implementation of planning permission
11. Agree and implement Construction Method Statement
12. Remove 'pd' entitlements for extensions
13. Obscure glazed and restricted opening – easterly first floor window
14. Obscure glazed and fixed shut – southerly hallway window
15. No windows at first-floor or additional roof windows - easterly or southerly elevations
16. Retention of flint boundary wall, fence and hedge – northerly and westerly boundaries

### **Informative**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. New address
3. Should the applicant apply for consent to discharge both Foul and Surface Water to the public sewers a copy of the Southern Water Services approvals should be submitted to the Council.

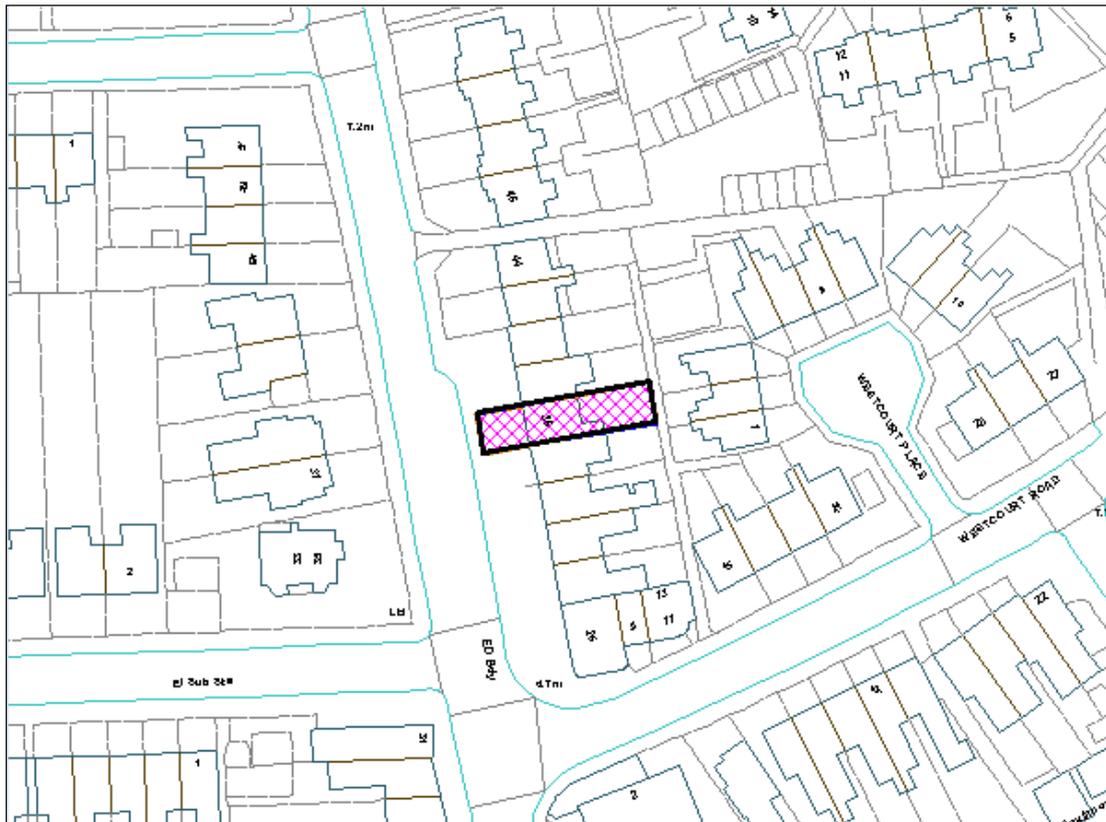
**Application Number: AWDM/1013/14**      **Recommendation – Approve**

**Site: 36 South Farm Road Worthing West Sussex BN14 7AE**

**Proposal: Installation of 4 No. fixed bench tables on private forecourt (8 seats per table) and removable barriers also on forecourt**

Applicant: Mr James Clarke  
Case Peter Devonport  
Officer:

Ward: Gaisford



**Not to Scale**

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### **Site and Surrounds**

The application property is a ground floor unit in the mid part of a parade of ten shops, on the north west fringe of the town centre, just north of the railway and on the east side of South Farm Road. The parade forms part of the Core Zone of the designated South Farm Road Neighbourhood Shopping centre in the Core Strategy Policy which extends onto the opposite side of the road to the south and across the railway and level crossing (some 90 ms away).

The parade is two storey and built in the inter war years. All the parade units benefit from a deep forecourt, and beyond this, a long parking bay. Most of the units use the forecourts for parking. There are flats above the parade, including the

application unit, accessed from the front. There is rear access to the parade also from an alley.

Whilst the application property has been used as a restaurant since the late 1980s, it changed hands relatively recently to run as a Thai restaurant "Spice Thai Kitchen". The rest of the parade comprises mainly shops although The Pantry and La Picola either side of the application unit have set out a couple of tables and chairs on the inner part of their forecourts and have the ambience of café/sandwich bars. A micro pub has recently opened at No 38 adjacent to the application unit following grant of planning permission last year by the Committee (AWDM/1169/13).

The application property is a relatively small restaurant with just 24 covers in the interior. Licensed hours for the restaurant are 10 am to midnight except Sundays and certain public holidays when opening is restricted to between noon to 11.30pm. Since May the restaurant has placed two circular, unfixed, picnic-style wooden tables (with seating for up to eight persons on each) in the part of the forecourt nearest the restaurant. A license was granted by the Licensing Committee at its meeting on 24.7.14 to allow alcohol to be served by waiter/waitress to diners in an outdoor seating area on the forecourt (comprising four tables) up to 10pm Tuesday to Saturday and up to 9.30pm on Sundays. The original planning permission for use as a restaurant under WB/267/87 limits restaurant use to the building itself and restricts opening hours to 8am to 11.30pm on all days.

Opposite and behind the parade and to the north of is suburban housing.

South Farm Road is a busy distributor road and in a Controlled Parking Zone.

## **Proposal**

The proposal is to allow four tables of the kind already placed on the forecourt to be fixed permanently in a grid layout close to the restaurant. Each seats up to eight diners. Removable barriers comprising linked poles with ropes are also proposed to define the outdoor area.

The application is accordingly partly retrospective.

Proposed hours of use to are 10pm Monday to Friday and till 9.30pm on Sundays and Bank Holidays.

## **Applicant's Supporting Statement**

*We recently bought this restaurant and did a complete refurbishment, it has 24 covers and is a small concern. We are applying to have 4no tables outside on the private forecourt with temporary barriers that are removed every night and put inside, please see below that we have been in touch with the local environmental health and the police department.*

*An existing long standing ground floor restaurant that has recently changed hands and re-opened. The premise has been renovated and had a 'change of name to 'Spice Thai Kitchen'. The business consists of a 24 cover restaurant/cafe area, commercial kitchen, customer toilets and a small bar servery. Outside it has a*

*private forecourt which has been used in the past to park 2 cars (i.e. shop and flat only)*

*The licence holders occupy both the first floor flat and the ground floor business. The car parking spaces will not be used as they obstruct view of the restaurant and there is plenty of on road parking directly outside. The refurbished restaurant benefits from new signage, hanging baskets and outside tables & chairs making it look inviting and open to the general public.*

*The restaurant is situated in a mixed commercial / residential area in a parade of a dozen or so shops at the south end of South Farm Road adjacent to the central railway crossing. The parade benefits in terms of advertising from exposure to motorists waiting at the crossing gates.*

*The parade has been in decline for a number of years but recently a number of new businesses are in the process of opening including a micro pub and bakery/cafe/delicatessen. Existing businesses include a chemist, opticians, Italian delicatessen, hairdressers, convenience store, sportswear shop, bicycle shop, furniture shop and a convenience store among others. A number of the shops have refurbished with all new shop fronts and some have tables outside or displays of their produce and similarly do not use their forecourts for parking. The general renewal of businesses is making this area in general more vibrant and attractive.*

*This application is seeking to authorise the use of the outside forecourt for patrons sitting and taking meals at the tables provided. Service will be by waiter/waitress service.*

### ***The prevention of crime and disorder***

*We have already spoken to the police department and addressed their concerns please see below*

- We will install CCTV if our application is granted*
- All fixed tables will be covered every night by way of fixed sheeting tied and padlocked, to stop anybody using the seating areas out of hours*

### ***Public safety***

- The private forecourt will be roped off so nobody can accidentally walk into the tables, these will be removed at night for security issues*
- As per original drawing supplied it shows 6no tables we will reduce this to 4 as shown new plan attached*

### ***The prevention of public nuisance***

- We have spoken to the environmental services and listened to their concerns and agreed to have nobody seated outside after 10.00pm Tuesday to Saturday. On Sundays to have nobody seated after 9.30pm*
- As above reduce the number of tables to 4no and thus reducing any noise levels*

### ***The protection of children from harm***

- *As above the forecourt will be fully protected by way of removable barriers so children and general public cannot accidentally wander into the tables*

### **Consultations**

#### West Sussex County Council (Highway Authority )

From inspection of the plans and information provided, the tables will not be placed on what is registered public highway and therefore no concerns would be raised. From viewing plan no. 1289/L01 Rev B, it is clear that the tables will be placed away from the pavement and thus avoid any conflict with passing pedestrians.

No concerns wished to be raised to this application from a highway safety perspective.

#### Environmental Health Officer

The hours stated on the application form differ from those stated within the supporting documents. I recommend the hours of use are restricted by condition to 10:00 to 22:00 hours Tuesday to Saturday and 12:00 to 21:30 hours on Sundays and Public/Bank Holiday in order to protect residential amenity from unreasonable noise.

### **Representations**

One objection received from 41 South Farm Road, opposite, reproduced below in full:

*I object to the plan for the reasons above and here I give more details why. The saved policies H18 and RES7 are adversely affected and there is an unacceptable reduction in residential amenity.*

*These policies are incrementally affected with each change and since 1983 our residential amenity has been greatly affected, especially over the last year or so.*

*A previous plan (AWDM/1169/13) granted to the micro pub at number 38 (next door) carefully considered residential amenity as in H18 and RES7. Conditions 4, 9 and 10 to that approval restricted the hours of operation, prescribed no tables or chairs on the forecourt and smoking was restricted to the rear of the premises.*

*These have been a great help in reducing levels of noise and smells.*

*It would then be perverse for you to allow this use of the forecourt at number 36, where they have already started serving food and alcohol.*

*If you allow this then you will be under pressure to allow the same for the micro pub.*

*So far, we have had some noise from the micro pub when its door has been open, but most of the noise emanates from no. 36 with people outside smoking, sitting at tables drinking, waiting for a table or eating, drinking and chatting outside as well as calling to people inside the restaurant. There are also callers for the takeaway side of the business. All this activity creates a lot of noise and is not fair on local residents.*

*The loss of forecourt parking seems to be ignored in the applicant's letter where it is stated "The car parking spaces will not be used as they obstruct the view of the restaurant and there is plenty of on road parking directly outside".*

*There is not "plenty of parking" and it is shared with many others nearby. In fact the parking has been so bad on occasions, with up to 3 double parked cars, that I have written to West Sussex highways to get them to remove the dotted white line at the edge of the road and replace it with a double yellow line to stop this.*

*The hours, especially outside, have not been adhered to on several occasions already and together with the open door in the Summer and the smokers outside, it has been very noisy and on one occasion until well after midnight! This is not acceptable for residents who have had to close their windows, turn up TVs to be heard etc. The noise has also disturbed children trying to sleep.*

*I did, unsuccessfully, request the licence for serving alcohol on the forecourt be refused, but the licensing authority went ahead and allowed it despite the absence of planning permission for the use of tables on the forecourt. If Planning Permission is refused, as I hope it will be, then this cannot take place and much of the noise associated will be eliminated.*

*Also in the planning application letter the applicant states the restaurant "has 24 covers and is a small concern. We are asking for 4 tables outside on the private forecourt with temporary barriers that are removed each night and put inside...." The tables specified seat 8, so 4 tables would allow an extra 32 places? This would not be the small concern described and it has been born out with the increased noise levels.*

*Since the restaurant opened, residents have also suffered overlooking and loss of privacy. Despite the application asking for temporary barriers, they have never been used. A high barrier could screen off the area and return privacy to residents.*

*In the Application letter the applicant states" an existing long standing ground floor restaurant..." Actually the last so-called restaurant did little business and relied more on the takeaway side of its business.*

*I have no recollection of being consulted over the change from being a takeaway which we objected to originally as we saw it would adversely affect which we objected to originally as we saw it would adversely affect us. We have been continually affected by planning decisions that affect the enjoyment of our home which we have lived in since 1983. This is just the culmination of a long standing problem which successive planners should have been aware. Tables placed on other forecourts opposite are intrusive and whatever we do in our front garden, driveway or through an open front door is being observed from over the road. It is at least disconcerting and at other times a little alarming that people are able to see whether we are at home or not.*

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*I hope that this planning application will be rejected either outright by the council's planning officers or if necessary by referral to the Planning Committee.*

## **Planning assessment**

The principal considerations in relation to the application are:

the impact that use of the forecourt for outdoor dining would have on the amenities of local residents, set against the benefits for the local economy as well as taking into account the recent licensing consent and loss of off-street parking.

As such the relevant parts of the Development Plan are Saved Policies S11, H18, TR9 and RES7 of the Worthing Local Plan and Core Strategy policy and 6. Also germane is the Crime and Disorder Act and the National Planning Policy Framework and allied Practice Guidance.

The principle of active use of the forecourt as an outdoor dining area is supportable under Saved Worthing Local Plan Policy 11 and Core Strategy Policy 6 as the forecourt is attached to an established restaurant use and will meet a local need, is of a scale appropriate to the centre; and will not adversely impact upon the vitality or viability of other nearby centres.

The applicant refers to the improving character of the parade in which the site sits and at a time when many similar local centres are struggling to evolve a viable role in the face of changing retailing patterns. It is accepted that outdoor seating area fits into this trend and makes effective use of an, otherwise, under used resource (forecourt). Such alfresco eating facilitated by the proposed seating certainly adds life, colour and vitality to the centre and chimes with social trends. In itself, it is entirely compatible, in principle, with such a commercial centre, on a busy road, close to the town centre fringe and level crossing. The outdoor seating would improve the offer and viability of the restaurant which is constrained by its modest size and helps militate against pressures to convert the restaurant to more intrusive uses such as a take-away.

It is noted that the need for express planning permission at all in this case rests on the technicalities that firstly the original planning permission failed to include the forecourt in the site plan although, it is understood, this has been historically attached to the premises and, secondly, that the outdoor seating is fixed rather than removable.

That said, the impact on the amenity of nearby residents is a critical issue and there is obvious scope for noise and disturbance. However, it is relevant that the restaurant sits in the middle of the parade and next to the recently approved micro

pub. It is also very pertinent that the flat above the restaurant -the occupier most affected- is, apparently, the proprietor. Clearly, other occupiers of flats above the parade are aware of the commercial character of such a location and the houses opposite are at least 25 ms away, across a reasonably busy road and a parking bay. Neither are the hours proposed for use of the forecourt considered excessive or unsocial for such a location and complaints received by the Council (including by Licensing Committee) regarding the use of the current two tables appear to be restricted to the current objector. Due to the weather actual usage is likely to be limited to the summer months in any event. It should also be remembered that only those eating a meal would be allowed to use the outdoor seating under the terms of the license with service by waiter/waitress.

The fact that the adjacent micro pub is prohibited from use of the forecourt is not a tenable precedent as the amenity impact of outdoor drinking is usually very different to that of alfresco dining.

Further comfort is drawn from the fact that CCTV is proposed by the operator and that, as the tables are fixed and to be covered at night, the risk of their being stolen or misused is reduced. Boundary marking by removable barriers prevents encroachment onto the pavement and adds welcome formality.

The Environmental Health Officer raises no objections.

The materiality of the Licensing Committee decision is also relevant to consideration of amenity issues. Clearly, the Licensing committee operates in a wholly different legal framework but there is also an obvious overlap in that both planning and licensing regimes consider public amenity issues in their determinations and public and stakeholder consultation and input are central to the decision making. Unhelpfully, express Government guidance on the respective roles of licensing and planning legislation in relation to restaurants is scant. The most relevant Government guidance is in fact generic guidance discouraging use of planning powers to duplicate controls available under other legislation.

The Council's own Licensing Statement offers some limited guidance, acknowledging licensing is part of a holistic regime for town centre management but stating that there should be a clear separation of the land use planning and licensing regimes and duplication of regulatory conditions avoided. Furthermore, it indicates that any necessary planning consents are expected to be obtained prior to any licence application.

The principle of a restaurant use in the building is long established in this case under planning powers but the planning application for forecourt use follows the licensing application rather than vice versa. However, it would be imprudent not to assign some material weight to the Licensing Committee judgements in the face of a similar objection received and the restrictions which they have imposed to curb any harmful impacts on public amenity, including through anti-social behaviour.

The loss of a couple of parking spaces on the forecourt is of little significance as there is adequate parking nearby and the site enjoys good access. Parking on the

forecourts is, arguably, unsightly anyway and the outdoor seating a visual improvement. The Highway Authority raises no objections.

In view of the above, the proposal should be supported. Details of the removable boundary treatment may be reserved by condition and use restricted to ancillary to the restaurant, with operational hours also restricted to 9am to 10pm Monday to Friday and till 9.30pm on Sundays and Bank Holidays.

### **Recommendation**

Grant planning permission subject to the following conditions:-

1. Implement within 3 years
2. Implement in accordance with approved plans
3. Use incidental to restaurant only
4. Use of outdoor seating area limited to 9am to 10pm Monday to Friday and till 9.30pm on Sundays and Bank Holidays.

### **Background Papers**

Observations of Environmental Health Officer  
Observations of Highway Authority  
Representation by Member of the Public  
2003 Licensing Act  
Licensing Committee meeting minutes 24.7.14

**Application Number: AWDM/0862/14      Recommendation – APPROVE**

**Site:            22 - 26 South Street Worthing West Sussex BN11 3AA**

**Proposal:    Change of use from shop (Use Class A1 Retail) to coffee shop (Use Class A3 Restaurant or Cafe).**

Applicant:    Mr Michael Bradley  
Case Officer: Jo Morin

Ward:            Central

**Application Number: AWDM/0870/14      Recommendation – APPROVE**

**Site:            22 - 26 South Street Worthing West Sussex BN11 3AA**

**Proposal:    Outdoor seating area to front of premises with 5 tables and 13 chairs.**

Applicant:    Mr Michael Bradley  
Case Officer: Jo Morin

Ward:            Central

**Application Number: AWDM/1113/14      Recommendation – APPROVE**

**Site:            22 - 26 South Street Worthing West Sussex BN11 3AA**

**Proposal:    1 no. internally illuminated hanging sign and 1 no. halo illuminated fascia sign**

Applicant:    Mr Michael Bradley  
Case Officer: Jo Morin

Ward:            Central

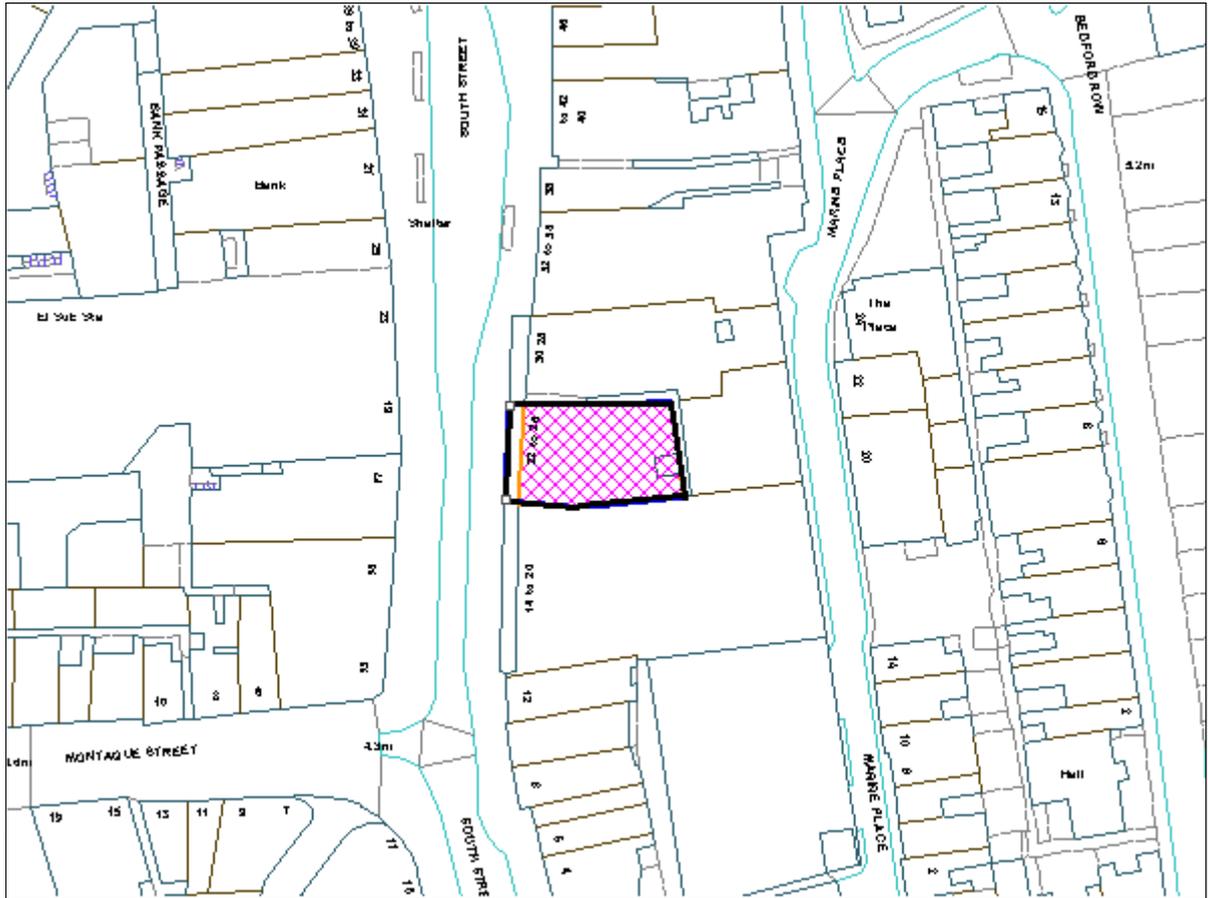
**Application Number: AWDM/1122/14      Recommendation – APPROVE**

**Site:            22 - 26 South Street Worthing West Sussex BN11 3AA**

**Proposal:    Replacement shopfront and double entrance doors (for Starbucks)**

Applicant:    Mr Michael Bradley  
Case Officer: Jo Morin

Ward:            Central



**Not to Scale**

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## **Proposal, Site and Surroundings**

The applications relate to a ground-floor retail unit (gross internal floor area 203 square metres) within a turn-of-century, 3 storey building designed in the art nouveau style located within Primary Zone A of the town centre Central Shopping Area. The unit is currently occupied by a ladies clothes shop 'Bliss'.

The building is designated as a Local Interest Building and makes a positive contribution to the character and appearance of the Conservation Area in which it is located.

The unit has a frontage approximately 13.4 metres wide and adjoins Debenhams department store to the south and Robert Dyas hardware shop to the north. A gated passage runs between the north side of the building and Robert Dyas and wraps round to the rear. A large flat-roofed canopy positioned above the shop front projects approximately 2m over the adjacent pedestrian footway.

This report deals with 4 no. applications by Cobra Restaurants Ltd as follows:-

- Proposed change of use of the ground-floor to Class A3 (restaurant/café) to form a Starbucks coffee shop (AWDM/0862/14);
- Outdoor seating in front with 5 tables and 13 chairs (AWDM/0870/14);

- Display of illuminated signage comprising 1 no. internally illuminated hanging/blade sign and 1 no. halo illuminated fascia sign (AWDM/1113/14); and
- Proposed replacement shopfront with double entrance doors (AWDM/1122/14).

### **Relevant Planning History**

A current application for alterations and extensions to form 7 self-contained flats on the first and second-floor of the building, plus a new third floor (AWDM/1532/13 refers) has been resolved to grant planning permission under the Council's scheme of delegation and subject to the prior completion of a S106 legal undertaking securing a financial contribution towards the provision of off-site affordable housing. The proposals include the creation of a new ground-floor access to the flats from South Street. The S106 legal obligation has not yet been completed.

### **Consultations**

**West Sussex County Council:** The Highway Authority has no objection commenting that, based on highway records, the tables and chairs are not proposed to be placed on land that is publically maintainable highway. Only if items were placed on land considered to be public highway would a licence be required.

**Sussex Police Design Advisor:** No objection in principle but requests that consideration is given to the installation of removable barriers that will demarcate the designated seating area – giving a clear demarcation of semi-public and public space and assisting to reduce opportunist theft from handbag snatching and purse dipping. Barriers, tables and chairs can be removed at close of work to prevent the opportunity of providing a facility for rough sleeping.

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

**Adur and Worthing Councils:** The Environmental Health Officer refers to the submitted application (by others) for the conversion of the first and second floors of this building to residential use and notes that a requirement for a sound insulation scheme has been imposed in relation to that proposal to safeguard the future residential occupiers from noise from the ground-floor commercial unit the subject of this application. This aside, it recommended that some form of fresh air ventilation be provided in connection with the proposed Class A3 use, notwithstanding that no primary cooking is proposed on the premises.

It is recommended that use of the outside tables and chairs is restricted to between 07.30 and 21.00hrs on Monday to Saturday and between 09.00 and 20.00 on Sundays in order to prevent noise from their use during early morning and late evening affecting potential future residents.

## **Representations:**

### AWDM/0862/14

4 objections have been received from members of the public raising the following issues:-

- The change of use of a prominent and large retail unit would adversely impact the retail frontage and dilute the retail character and integrity of the Primary Shopping Area Zone A.
- Although the Government is encouraging flexibility in the planning system relating to temporary changes of use, the amount of floorspace in this case is substantially larger than the permitted 150 square (by 35%).
- The loss of prime retail space would damage the vitality and viability of the Primary Shopping Area Zone A and detract from its retail appearance.
- There are mixed zones where several vacant premises appear to be available. If an A3 use were allowed in one of these secondary areas visiting customers would increase the footfall thus benefitting the shops within that zone and boosting Worthing overall.
- This unit is currently occupied by a Class A1 retail tenant and the premises should remain in retail use.
- It is important to retain retail units to preserve the correct mix of retail and hospitality in the town centre.
- The Core Strategy policy aims to protect existing A1 uses within the Primary Zone A.
- Over the last 6 months the occupancy rates of Class A1 units has increased in the town. There are currently 9 vacant Class A3 units in the town centre and to grant another is unnecessary until the majority of these units are filled.
- There are already enough coffee shops/restaurants on South Street; the premises should remain in retail use in order to draw and attract shoppers to Worthing town centre otherwise locals will continue to travel to shop in Brighton and Chichester where there is a more prominent and attractive retail offer.

### AWDM/0870/14

1 objection has been received from a resident expressing concern over the amount of space left for pedestrians on the pavement. This is a busy pedestrian area with the buses constantly disembarking, an abundance of street furniture and the many shoppers passing-by. Accidents may occur if pedestrians are forced into the road due to overcrowding.

AWDM/1113/14 and AWDM/1122/14 No third party representations received.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6  
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18  
National Planning Policy Framework (DCLG 2012)  
National Planning Policy Guidance (DCLG 2014)

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 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 should be given to relevant development plan policies, any relevant local finance considerations, and other material considerations.

The Committee should also 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.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider an application for advertisement consent having regard to the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest. In considering amenity, the Committee may, if it thinks fit, disregard any advertisement displayed. Factors relevant to public safety include the safety of persons using a highway, and whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device. Express consent for the display of advertisements may not contain any limitation or restriction relating to the subject matter, content or design, unless necessary in the interests of amenity or public safety.

## **Planning Assessment**

### ***Principle of proposed use***

Worthing is a sub-regional shopping centre and shopping has an important role in the town centre in terms of employment and attracting expenditure into the town. This is recognized by the Masterplan (2006) which aims to promote the town centre as providing a multi-dimensional retail experience through the development of modern new retail space and by strengthening the existing retail area to meet the needs of those wanting high quality retailers and those seeking a more distinctive independent retail offer. A retail study by GVA Grimley (2009) of the town centre shopping frontages confirmed that zoning of shopping frontages remained appropriate to facilitate these aspirations for the town centre.

The relevant planning policies are contained within the adopted Development Plan and the NPPF. Core Strategy Policy 6, alongside the saved policies of the Local Plan, sets out the retail strategy for the town centre as a whole and identifies the range of uses and approach to changes of use within defined shopping frontages.

The application property is within Primary Zone A where the policy approach is to protect Class A1 uses. The Policy allows a more flexible approach to Class A3 uses within Primary Zone B. The framework of existing policy is clear that whilst a mix of uses can contribute to a vibrant and successful shopping area, it is important that primary shopping frontages do not lose their mainly shopping (Class A1) role and character. Maintaining a concentration of retail use choice is considered fundamental to this approach.

This policy approach is in broad conformity with the NPPF which states that local planning authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres and set policies which make it clear which uses will be permitted in such locations (Paragraph 23).

Nonetheless, within the context of this policy framework each case has its own set of circumstances against which the objectives of the policy should be considered and weighed. Since the economic downturn the Council has generally taken a pragmatic approach to the depressed economic climate and concerns over long term vacancy and has granted permission for complementary uses within Primary Zone A, on the basis it is better to have units in occupation rather than have a large number of vacancies which are detrimental to the appearance and attractiveness of the town centre. A key consideration in this case, however, is that the unit in question is currently occupied by a Class A1 retail outlet. In a letter submitted in support of the application the agent acting on behalf of the Landlord confirms that the premises has been subject to intermittent periods of vacancy since 2009 as the only tenancies that have been secured have been short-term temporary seasonal lets (e.g. for a few weeks leading up to the Christmas period) or short term tenancy deals on various rental agreements dependent on the economic situation at the time. The most recent letting has been taken on a short term basis at approximately 20% of the market value. The reason for this being that a decision was made to receive rental income rather than leave a prominent property vacant, thus saving on the liability of vacant business rates. The agent comments that occupation of this unit by the applicant would not only generate the correct market income for the Landlord but secure a long-term lease agreement.

Notwithstanding the above-stated difficulties in securing a permanent retail tenant for this unit, the immediate environs offer a relatively strong retail frontage with the premises adjoined by Robert Dyas and Mothercare on one side, and Debenhams department store on the other side. On balance, it is considered there is a case to justify a change of use securing an operator having a global brand that would provide a strong attraction and footfall without unacceptably diluting or compromising the quality of the retail offer in this frontage. The proposed Starbucks coffee shop would be primarily a daytime use that would serve shoppers and other visitors thereby complementing the shopping role and function of the town centre.

The applicant also refers to the precedent of the permission granted at nearby 25 South Street for Esquires Coffee Shop (AWDM/0731/13 refers) although in that case the floor area involved at 157 square metres was only marginally above the threshold of 150sqm whereby recent relaxations made by the Government to the

General Permitted Development Order (GPDO) allow for temporary changes of use from Class A1 to Class A2 and A3 as 'permitted development'.

### ***Visual amenity and the effect on the character and appearance of the Conservation Area***

The existing shop front consists of 3 large glazed window bays roughly aligned with the fenestration on the upper floors above with rendered pilasters in-between. The existing entrance doors into the shop are off-set within the central bay. In resolving to grant permission for the residential conversion and enlargement of the upper floors, a new independent residential entrance door would be created on the south side of the shop front, altering the proportion of the southernmost bay to create a narrower window. The proposed replacement shopfront would be aluminium-framed (as existing) with a new pair of entrance doors centrally-positioned within the middle bay. The window in the northern bay would be sub-divided by a central mullion creating a vertical proportion which would better harmonise with the sub-divisions of the central bay and the narrower width of the smaller bay that will be created on the south side. A central transom has been incorporated (it would appear largely for functional reasons to mask the rear of the coffee bar situated directly behind within the shop unit).

With regard to the proposed signage, the fascia sign would consist of individual letters 250mm high in green steel reading 'STARBUCKS COFFEE' centrally positioned on the front face of the existing canopy (450mm thick). The individual letters would be internally illuminated by LED lighting and fitted with a slight gap between the letter and the face of the canopy in order to create the 'halo' illumination effect.

The projecting (or blade) sign would be positioned below the canopy on the north side of the shop front, consisting of an internally illuminated roundel (600mm in diameter) displaying the green and white corporate logo fitted to a black aluminium semi-circular bracket projecting a maximum 0.88m from the external wall.

The individual lettering is not overlarge and has been designed to complement the existing canopy feature incorporating a subtle form of illumination. There are other projecting signs in this part of the shopping street, including KFC and Mothercare. Debenhams has a sign fitted to the underside of their projecting canopy. Although the overall extent of the projection is relatively deep, the main component comprising the roundel is not excessively large and owing to its position below the canopy would not appear as an unduly prominent or discordant feature. The under edge of the projecting sign would be positioned 2.1m above the level of the pavement and is therefore adequate from a safety (although strictly speaking it would not overhang publically maintainable highway).

On the whole it is considered the physical alterations to the shop front and proposed signage would lift the rather tired appearance of the existing shop unit and are appropriately sensitive to the character of this local interest building and the surrounding Conservation Area.

In other respects as well it can be argued the proposal for outdoor seating would add life and interest to this part of the shopping street.

### ***Residential amenity***

The proposed hours of opening of the coffee shop stipulated on the submitted application form is between 07.00hrs and 22.00hrs daily. The flexibility of having opening hours extending later into the evening is entirely compatible with this town centre location and will help broaden the offer of existing evening economy which in this part of South Street is focused on take-away food outlets including KFC, Blue Ocean, Vita (formerly Macari's) etc. There remains nevertheless the potential for noise and activity occurring early in the morning and later in the evening to be disturbing for the future occupiers of the new flats above, particularly arising from the use of the outdoor seating area. The existing canopy and those on the adjoining shop units will provide a degree of protection for residents above from noise from customers sitting outside (and the effects of secondary smoke from smokers). Nevertheless, the Environmental Health Officer has recommended that the hours of use of the outdoor seating is curtailed to between 07.30hrs and 21.00hrs on Monday to Saturday and between 09.00hrs and 20.00hrs on Sundays to safeguard the amenities of residents. This would be consistent with the limits imposed on other permissions granted for outdoor seating in the town centre (and for Starbucks at their recently-opened Broadwater coffee shop).

### ***Pedestrian and highway safety***

The outdoor seating would be located close to the shop front consisting of freestanding tables (5 no.) and chairs (13 no.). The proposed layout would not project more than 1 table and 2 chairs deep, positioned underneath the existing projecting canopy. Although there is no discernible demarcation or difference in the surfacing materials, the Highway Authority has confirmed that the area underneath the canopy whilst used as part of the footway by pedestrians is not publically maintainable highway. [This also applies to the area of land underneath similar projecting canopies on the adjoining Debenhams and Robert Dyas.] An unobstructed 5 metre width of built-out footway would be retained beyond the area of outdoor seating. Consequently it is considered the free-flow of pedestrian traffic would not be impeded or unduly interrupted.

Barriers are not included as part of the outdoor seating application. These are often a requirement of the Highway Authority to formally demarcate the extent of outdoor seating areas, but as the area of land in question is not maintainable highway they are not an essential requirement in this case. Notwithstanding the comments of the Sussex Police Design Advisor, the lack of barriers allows for a more informal environment for customers to enjoy the alfresco experience and bearing in mind the unusually wide footway is considered acceptable in this instance.

### **Recommendations**

**AWDM/0862/14:** Approve subject to conditions:-

1. Standard 3 year expiry
2. Approved plans

3. The premises shall not be open for trade or business except between the hours of 07.00 and 22.00 on any day.
4. Notwithstanding the provisions of the General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) the premises shall be used only for purposes within Class A3 or Class A1 as defined in the Use Classes Order 1987 (as amended)
5. No primary cooking of food shall take place on the premises whatsoever. Only pre-cooked food shall be warmed and/or re-heated on the premises by means of a microwave oven, Panini grill, jacket potato oven, soup kettle or other similar means of warming or re-heating pre-cooked food as may be agreed in writing by the local planning authority. All details of ventilation of smells or odours from such warmed/heated food/drink on the premises shall be agreed in writing in advance by the local planning authority and thereafter implemented in accordance with the agreed details.

**AWDM/0870/14:** Approve subject to conditions:-

1. Standard 3 year expiry
2. Approved plans
3. No tables, chairs or barriers shall be placed outside the premises before 08:00 hours on Monday to Saturday or before 09:00 hours on Sundays, Bank and Public Holidays. All tables and chairs shall be removed and stored inside the premises by 21:00 hours on Monday to Saturday and by 20:00 hours on Sundays, Bank and Public Holidays.
4. The approved equipment is limited to the tables and chairs in the positions shown on the approved layout drawing and no barriers, planters, sunshades, patio heaters or other chattels or equipment shall be stationed on the footway except by agreement with the Local Planning Authority.

**AWDM/1113/14:** Grant Consent subject to conditions:-

- 1-6 Standard advertisement conditions
7. Approved Plans

**AWDM/1122/14:** Approve subject to conditions:-

1. Standard 3 year time limit
2. Approved Plans
3. Details of colour(s) to be used for the replacement shop window framing and entrance doors to be agreed and implemented.

Application Number: AWDM/1144/14

Recommendation – APPROVE

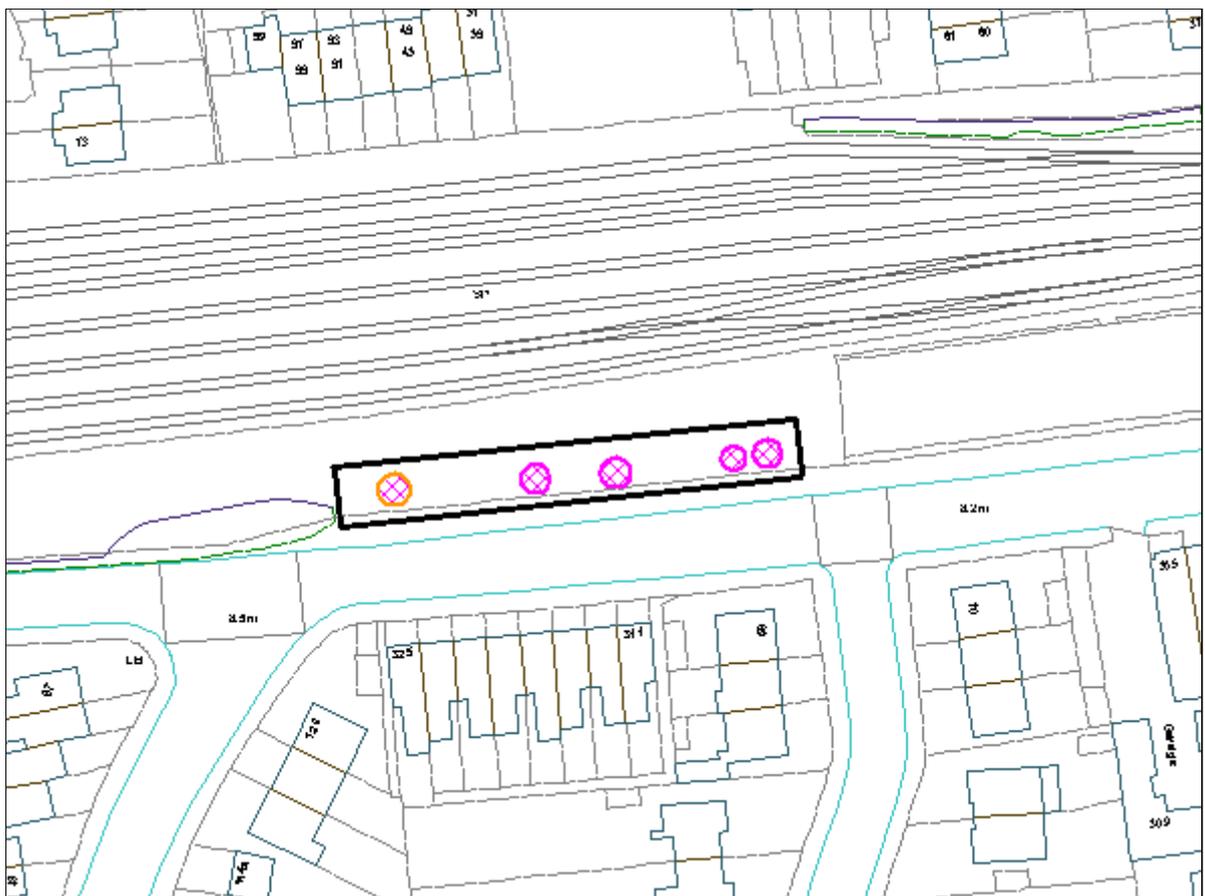
Site Address: Land Between Station Car Park and Footbridge, Tarring Road, Worthing, West Sussex

Proposal: Application for consent under Worthing Tree Preservation Order No. 54 of 1997 to reduce radial spread to give up to 1 meter clearance to new building, crown lift up to 3 metres one Sycamore tree T5, crown lift up to 5 metres two Sycamore trees T3 and T6, crown lift up to 5 metres one Horse Chestnut tree T1 and fell one Sycamore tree T7 all of Area A2.

Applicant: Mr Peter Hawkes

Case Officer: Jeremy Sergeant

Ward: Marine



**Not to Scale**

## **Proposal, Site and Surroundings**

The application refers to a line of early mature trees adjacent to the north side of Tarring Road, opposite the junctions of Reigate Road and West Avenue. The trees are part of an established line of trees, which as a cohesive group are prominent in the street scene and make a significant contribution to the character and visual amenities of the area.

Consent is sought to crown lift up to 3 to 5 metres four trees, and fell one Sycamore tree at the eastern end of the group.

The reasons for the works are primarily in the interests of safety, to abate nuisance and amenity value but in respect of the crown lifting to provide adequate clearance to the dwellings permitted under reference (AWDM/0161/13).

## **Relevant Planning History**

1997: Worthing Tree Preservation order Number 54 of 1997 confirmed on 07/08/1997.

2005: Application for consent under Worthing Tree Preservation Order No.13/1987 and No. 54/1997 to crown lift to 6 metres on northern side and clean out; 8 Sycamore and 3 Horse Chestnut trees (under TPO 54/1997) and 9 Horse Chestnut and 3 Sycamore (under TPO 13/1987) Granted conditional consent.

Planning permission was granted in 2013 for the erection of four no. 3-bed semi-detached, two-and-half storey dwelling houses and 1 no. 3-bed detached two-and-half storey dwelling house, each served with 2 no. parking spaces together with one communal visitor parking space, new vehicular accesses, and pedestrian footway (AWDM/0161/13).

## **Consultations**

None

## **Representations**

4 objections have been received to the application from residents at 317 Tarring Road, 11 Douglas Close, 25 The Drive and 64 Rugby Road.

3 of the representations object to the felling of the single Sycamore tree, stating that the tree provides local amenity interest and claiming permission to fell will erode the security of the remaining trees. There is also one objection to the crown lifting of the trees claiming this works will reduce the screening provided by the group of trees and increase noise from the nearby railway line. One other representation received was not specific in its objections but making a comment that the trees, as a group, provide a screen from the railway.

## **Relevant Planning Policies and Guidance**

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

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

National Planning Policy Framework (March 2012)

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

## **Applications in connection with carrying out works on trees that are protected by TPOs**

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

## **Planning Assessment**

The trees are medium early matures growing in a line as part of Area A2 on the Worthing Tree Preservation Order No. 54 of 1997. This group provides a single line of trees from opposite the junction of Reigate Road to the west, to slightly past the junction of West Avenue and into the former station car park to the east.

The group of trees are around 11 to 12 metres tall, being mostly twin or multi-stemmed from ground level. The crowns and foliage emerge from up to 0.5 metres from ground level, with clearly defined space between trees. The single Sycamore tree to the eastern end of the group has a severe lean to the south, over the public highway of Tarring Road. This is possibly due to light competition from the now removed Hawthorn tree which was directly adjacent.

The proposed works are to crown lift three Sycamore trees and one Horse Chestnut tree to a height of up to 3 metres below the trees, and up to 5 metres over the highway. Further works are to reduce the radial spread of one sycamore (T5 of the applicants plan) to give a clearance of up to 1 metre, from the building currently under construction. The purpose of the works is to allow access underneath the trees, and to give clearance to the new buildings to the north side of the group. The lifting over the highway is standard requirements for trees adjacent to a public road.

The proposed works also include the felling of one Sycamore tree (T7 of the applicants plan). This work is due to the overbalance of the tree into the public road, and concerns over the trees stability. The tree is healthy, but the overextension of the main crown to the south, may compromise the stability of the tree. Reduction works would not be practical as the main bole of the tree is over the road, and any resulting re-growth would continue to unbalance the tree. It is therefore recommended that the tree is felled as its retention is not sustainable.

These works are considered to be relatively minor in relation to the overall size, spread and crown form of the trees and would not significantly or adversely affect their appearance, amenity value or their contribution to the character of the Conservation area.

## **Recommendation**

**Grant Consent** subject to the following Conditions:-

1. Proposed works to trees T1 T3 T5 and T6, hereby permitted, shall be restricted to those specified in the application, only, unless otherwise agreed in writing with the LPA, and carried out within two years from the date of consent, and in accordance with the British Standard BS 3998: 2010 Tree Work

*Reason: In the interest of visual amenity.*

2. Proposed felling of the Sycamore tree of Area A2, identified on the applicants plan as T7, and its replacement shall be carried out in full within two years from the date of this consent and in accordance with details of the size species and position of the replacement tree planting to be agreed in writing with the Local Planning Authority.

*Reason: In the interest of visual amenity.*

3. If within five years following replanting, any of the replacement trees die or become seriously diseased, another tree of the same size and species shall be planted in a similar position during the next planting season following the removal of the replaced tree, unless the Local Planning Authority gives written approval to any variation.

*Reason: In the interest of visual amenity.*

**Application Numbers: AWDM/1133/14**

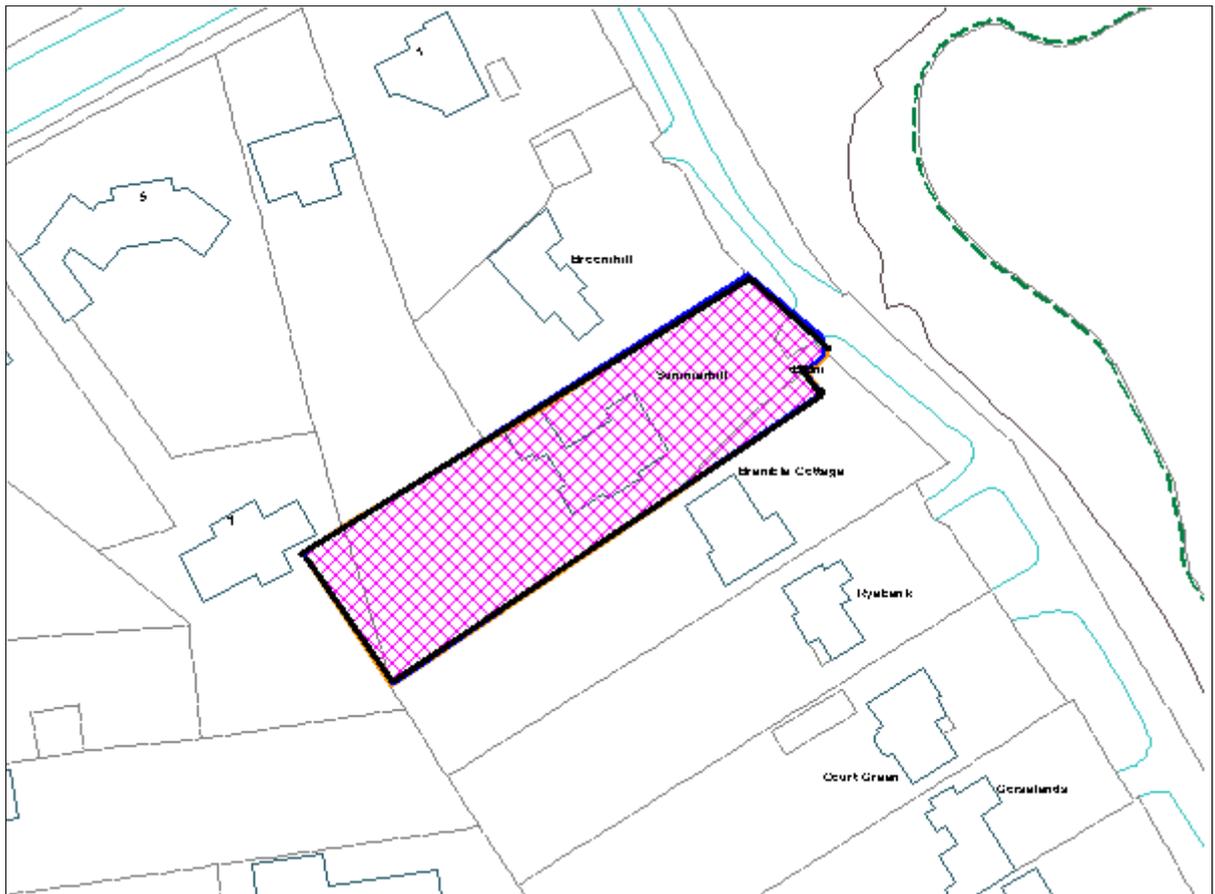
**Recommendation – REFUSE**

**Site: Summerhill, Mill Lane, Worthing, West Sussex BN13 3DH**

**Proposal: Part retrospective application for new front boundary wall and gate**

Applicant: Mr Mark Knowles  
Case Officer: Matthew Porter

Ward: Salvington



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

The application property is a large detached property, with a garage in front of it. It is situated on an unmade lane on the outermost edge of a residential suburb of Worthing, abutting the South Downs National Park.

Two free standing brick piers have been built either side of the driveway. Otherwise the site frontage is open.

Permission is sought for a front boundary wall and railings, supporting piers and gates to measure (at max) 2.5 metres in height and 17.5 metres in length.

This application follows a previous refusal (AWDM/0718/14 refers).

It is presented at Committee as it has been called in by the Ward Councillor.

### **Consultations (Summarised)**

**Worthing & Adur Councils** Tree Officer: *do not consider it will adversely affect the relatively small Cotoneaster tree of group G1 (TPO 18 of 2007).*

### **Representations (Summarised)**

Support received from occupier of Broomhill Mill Lane:

*Mill Lane has a wide selection of frontages. There is no general rule. The railings are see-through and fit easily in the surrounding area. Something similar exists at Mill Lane Farm and Furze Road, and there are high gates in High Salvington. Aestheticism is subjective issue.*

### **Relevant Planning History**

AWDM/0718/14

Part retrospective application for new front boundary wall and gates

Refused 18/07/2014

WB/10/1017/FULL

Variation of condition 3 imposed on planning permission WB/08/0964/FULL to allow clear glazing and opening vent to western dormer in south elevation for means of fire escape and clear glazing for rooflights in north elevation

Refused 22/03/2011

WB/08/0964/FULL

Extensions and alterations including increase in roof height to provide a two storey dwelling house together with a conservatory and new detached garage

Grant Conditional Consent 14/11/2008

WB/08/0583/FULL

Extensions and alterations including increase in roof height to provide a two storey dwelling house together with conservatory and new detached garage

Refused 21/07/2008

WB/07/0972/FULL

Demolish existing bungalow and construction of new detached dwelling house with swimming pool annexe attached

Withdrawn 15/10/2007

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

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

National Planning Policy Framework

Worthing Core Strategy: 16

Worthing Local Plan Saved policies: H16, H18

### **Planning Assessment**

#### ***Principle***

In this location, the upgrading of residential accommodation, including boundary treatments, is acceptable in principle.

#### ***Visual amenity and setting of South Downs National Park***

Mill Lane is a generally unspoilt quiet residential lane, with a distinctive semi-rural sylvan character. The lane itself is unmade, lacking formal pavements and kerbs. Its undefined edges are verdant, flanked by grass banks, hedges and shrubbery, and trees. Most of the properties along its length have heavily vegetated gardens with established trees and well developed undergrowth. As properties and associated hard boundary treatments are largely set well back from the highway, the public's eye is immediately drawn to this vegetation as opposed to the physical structures denoting the front boundaries, which are very much subsidiary visually.

The characteristics described above define the street's local distinctiveness. The proposed boundary treatment runs contrary to these positive attributes, resulting in detrimental harm to the street's established visual character and appearance, as well as the scenic setting of the adjacent South Downs National Park landscape.

In particular, the proposed use of the solid brick wall and piers and railings would result in an imposing solidity and ornateness quite at odds with the sylvan surroundings, especially as this would straddle the full width of the site. Its forward position and excessive height would exacerbate the visual obtrusiveness of the boundary treatment, resulting in it being highly incongruous.

Those hard boundary treatments that do exist close up to the highway are isolated, and have not cumulatively changed the prevalent character and appearance of the street. They demonstrate the detrimental harm in character that would arise if other properties were to build similarly.

For these reasons, the proposal would represent a poor standard of design that would fail to respect the local character of the street and be detrimental to the scenic setting of the adjacent South Downs National Park landscape, and so not meet the standards of high quality design required to satisfy Worthing Core Strategy policy 16.

### ***Residential amenity***

The access is currently used as the sole means of entrance/exit into the site, and the work is physically removed from neighbours so as to avoid harm to their residential amenities.

### **Recommendation**

It is acknowledged this is a resubmission of a previous refusal, in which it was proposed to build 2 metre high brick walls. However for the reasons set out in this report, the proposal has not been sufficiently amended to overcome the previous reasons for refusal.

**REFUSE** for the following reason:-

The proposal, by reason of its incongruous design detailing, prominent position and excessive height, and use of uncharacteristic materials, would result in a visually obtrusive and overly imposing 'hard' and dominant and ornate appearance to the front boundary, which would be detrimental to the semi-rural verdant and locally distinctive sylvan visual character and appearance of the street at the edge of foothills of The South Downs National Park, in conflict with Worthing Core Strategy Policy 16 and saved Worthing Local Plan policy H16.

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15<sup>th</sup> October 2014

Application Number: AWDM/1285/14

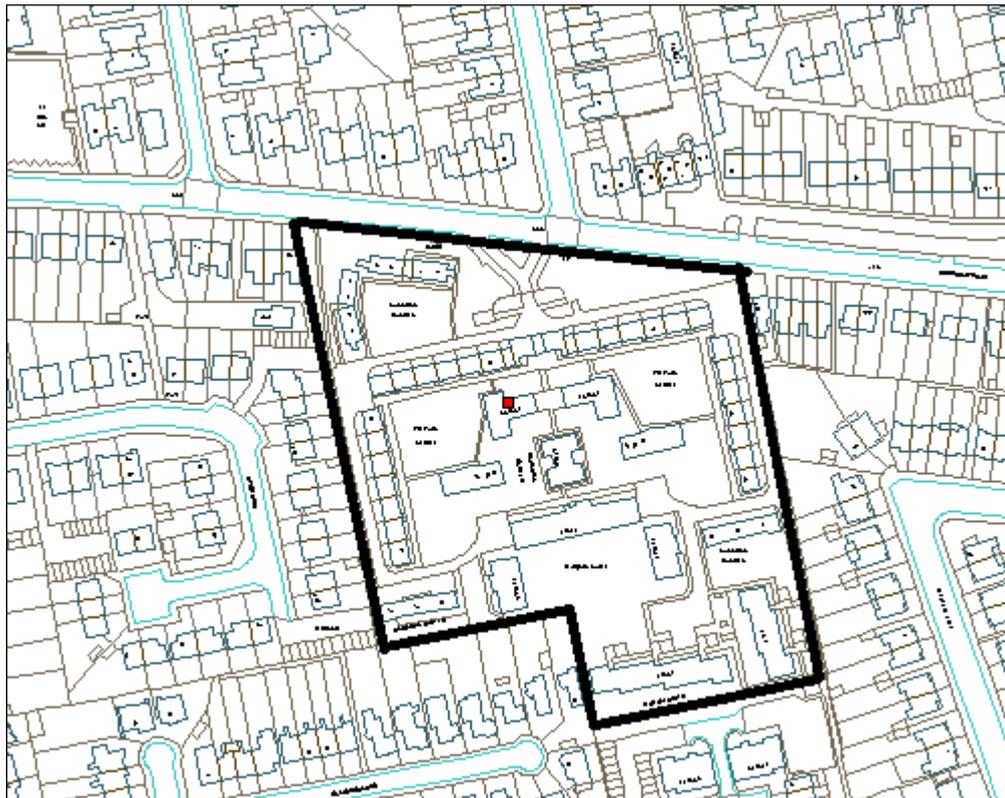
Recommendation – APPROVE

Site: 34 Coronation Homelets, Brougham Road, Worthing, West Sussex BN11 2PD

Proposal: Construction of ramped approach with hand rails to communal front (serving 34, 36, 38 and 40 Coronation Homelets) to suit resident disabilities

Applicant: Mrs Irene Talty  
Case Officer: Matthew Porter

Ward: Selden



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

This proposal relates to an assisted-living housing complex built in the early 1950s, which includes Coronation Homelets, Pearson's Retreat and Brougham Court.

Coronation Homelets is a series of T-shaped 2 storey flat blocks located in the centre of the complex, fronted by an open area of lawn with borders of low level shrubbery. The flat blocks are only slightly visible outside of the estate through an archway in the principal building, which is set back from Brougham Road.

Permission is sought for the construction of improved access to the communal entrance of the flat block 34-40, for the benefit of the resident of flat 36 who has mobility issues. There is an existing level concrete path to the flat block.

The new ramp and handrails would be laid out in an L-shape, and in its extremities would measure some 6.4 metres long, 8 metres wide, and 1.1 metre high. It will connect up with the existing concrete path.

The ramp would be built in concrete with brick on edge capping to its walls. The hand rails would be of galvanised steel.

### **Consultations**

None

### **Representations**

None

### **Relevant Planning History**

AWDM/0211/13

New front entrance to include replacement door and windows and disability and access ramp to ground floor flat  
Permitted with conditions 11/04/2013

AWDM/0151/14

Construction of stepped approach with handrails to communal front door (Serving 34, 36, 38 and 40 Coronation Homelets) to suit resident disabilities  
Permitted with conditions 14/03/2014

AWDM/0182/14

Form new access path and disability ramp to communal entrance to flats  
Permitted with conditions 18/03/2014

### **Relevant Legislation**

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

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

Worthing Core Strategy 2006-2026 (WBC 2011) policies: 16, 19  
Worthing Local Plan (WBC 2003) (saved policies): H16, H18

National Planning Policy Framework (DCLG March 2012)

## **Planning Assessment**

### ***Principle***

The proposal, which is supported in principle, would improve access to and from the buildings.

### ***Visual amenity***

Visually the proposed ramps are utilitarian in design. However the basic lightweight materials and finishes are suitable given the simplicity of the elevations of each flat block building, which have been deliberately designed with little external adornment.

The modest scale of the proposals and the secluded nature of the location is such that it is not considered they would detract from the appearance of the building or wider area.

It is worth noting earlier planning approvals has been given at the communal entrance for a ramp, and a separate ramp for 42, both of a slightly differing design (AWDM/0182/14 & AWDM/0151/14 refers).

This latest variation of design to the communal ramp reflects a re-assessment of the mobility needs of the resident of flat 36.

### ***Residential amenity***

The proposed ramp would run close up to a ground floor window in the flat block, resulting in some reduced privacy. However, it would mostly be used by the resident of flat 36 alone as other residents would likely continue using the existing concrete path, which is shorter.

Other neighbours would not experience greater loss of amenity as a result of these proposals as the ramps make use of existing entrances.

## **Recommendation**

**APPROVE**

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

1. Standard time limit
2. Approved Plans

**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.