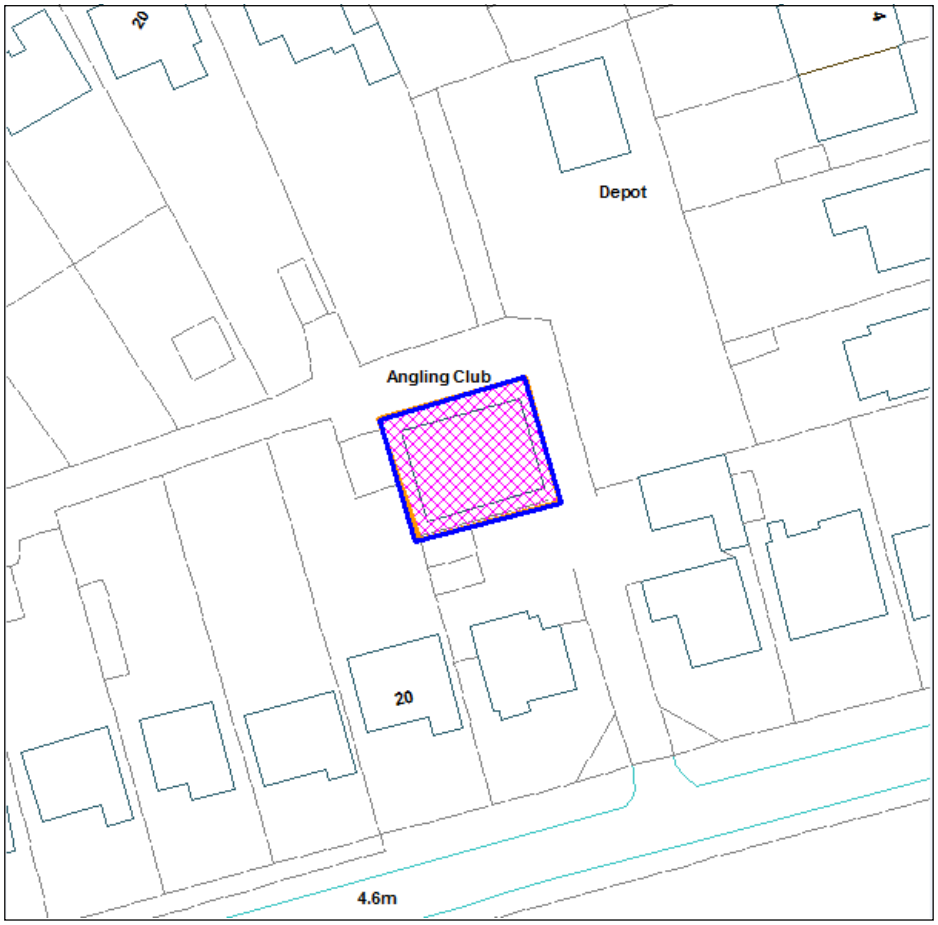
Application Number: AWDM/1635/16 Recommendation – APPROVE

Site: Clubhouse Rear of 21 Kings Walk Shoreham-By-Sea

Proposal: Variation of conditions imposed on previous planning approval AWDM/0161/12: No. 2 (operating hours) to allow operating hours from 9am to 6pm Mon, Weds, Fri, Sat and 9am to 9pm Tues and Thurs, No. 3 (public opening) to allow opening to the public by prior appointment only to hold day and evening classes for a maximum of 5 pupils and three artists in the building at any one time, No. 7 (outside storage) to allow storage of gas bottles in secure cage. Retention of roof chimney to serve wood burning stove

Applicant: Miss Anna Davies Ward: Marine
Case Officer: Matthew Porter



Not to Scale

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This application was deferred at the January meeting of the Committee pending further clarification regarding the ownership of the building which is the subject of the application. However, it has not been possible to gain any further substantial information regarding this matter which in any case is a private, rather than planning issue. During the deferral period, officers also clarified the description of the application with the applicant and as a result the description of the application has been amended and further consultation undertaken.

Proposal, Site and Surroundings

The artist studio operates from a free standing hut, which is built of concrete panels. No visitor car parking exists by the hut and there is no opportunity to provide it. Staff parking is provided. The hut is located off Kings Walk in Shoreham Beach. Residential properties and an Environment Agency depot surround the application site.

Two of the artists in residence wish to offer day and evening classes for up to 5 pupils and 3 artists in the building at any one time. This requires varying the current operating hours to allow an additional three hours, 2 evenings a week (Tues and Thurs), as well one extra hour 4 evenings a week (Mon, Wed, Fri and Sat). Retrospective permission is also sought for an external chimney in the roof serving a wood burning stove.

The studio artist, Anna Davies, has submitted a statement (summarised below):-

The Church of the Good Shepherds hall is directly next to number 6 kings walk. It is at the back of number 1 and 2 west beach. They hold regular samba band classes in a Wednesday until 9.30. They have no restriction on numbers and bang drums and blow whistles that can be heard from across the road. I do not feel that my craft classes would be setting a precedent for the area as some letters of complaint have suggested.

I have in the past burned seasoned logs on the wood burner which had a tendency to smoulder and create a lot of smoke. I was also assured by Shoreham Fire Place Centre Ltd that kings Walk has many properties with wood burners and it is not a smoke controlled area. Since the complaint I am only burning smokeless coal but do need to put some wood on to get it going. I will say that if after everything has been considered, if the fire is still such a huge concern for the neighbours I will remove it again. Even though it is the only way to heat such a big space and we heat water on it for washing up.

I have collated all the documents I have in relation to the property into a chronological time line with regards to my usage of the premises as an art studio. This is set out below:-

2005 I first became aware of the property over the duration of 2005 property [albeit it was in a derelict state} as I walked my dog. It was a property that I immediately felt could potentially be an excellent space for an Art Studio.

2009 In 2009 I became much more active in trying to identify any contact details in relation to the property. Despite my continued efforts I was unable to find any contact details in relation to the property. My reasoning for seeking a telephone number was because I wanted to make contact with the owner and enquire whether it might be possible to rent it.

2010 In approaching the property one day whilst walking the dog, I became aware that a wall of the building had been damaged by vandalism, leaving the property open and accessible. I entered the property to find a large amount of debris (broken glass, used condoms, used needles and drug paraphernalia. I contacted the Environment Agency and spoke with Mr John Tilley who informed me that the property had been empty for a considerable period of time (many years he said) and that the property had fallen into disrepair and it was a focus for vandalism and illegal drug use. He also explained that the Environment Agency had attempted to purchase the property a few years prior to 2010 but they had not been able to progress with the purchase as the Environmental Agency had not been able to identify who owned the property despite significant efforts on their part.

In 2011 I repaired the wall which allowed the property to be secured and I padlocked the door. I continued with my efforts to identify the owners. I contacted Shoreham Council and informed them that I had secured the property and enquired again if they were able to inform me who owned the property. I also spoke to a wide range of people who were familiar with the property and familiar with the wider landscape of Shoreham but I could not elicit any additional information. I spent a full day at the Chichester Archives tracing the history of the premises and became aware from a Council employee (called Karen – 01273 263490) that there were three trustees in regards to the property. Mr Wood 92 years old, Mr Perfect deceased, Mr Della deceased.

Karen also informed me that in 2007 the council's legal department had tried to trace Mr Woods but had been unsuccessful in finding him and/or identifying anything further about him. I then cleared the property of all the attendant rubbish that it contained, I cleaned the property and arranged for the electricity and water to be connected. The property had to be fully rewired and much of the piping also had to be replaced to enable the water supply to be effective. I commenced paying business rates in relation to the property – and since this period (now 6 years) have consistently paid business rates, water and electricity.

6/9/2011 I received a letter from Miss Julie Watts - Census Revenues Manager. The letter informed me that: "Ownership of the premises has not been established and it was agreed that I would continue to be liable for the non-domestic rates until such a time as the owner came forward. Investigations have suggested the property may have been owned by a trust which has since been disbanded."
12/1/2011 I placed a Public notice into the Shoreham and Worthing Herald asking for the owner to come forward – no responses were received.

I submitted a planning application for change of use of the property from an Angling Hut to an Art Studio. I was contacted by two of the former club members; Trevor Passmore and Nigel Thorn. Mr Passmore claimed to own the property (and indeed asked me to pay him some money). Mr Thorne told me that his father had been one of the fishermen that had built the property and that his view was that Mr Passmore had no claim to the property – and certainly had no mandate to seek financial reimbursement for its use from me as he [Mr Passmore] was neither working for nor had a right to speak on behalf of the now non-existent angling club. Mr Passmore did make a claim to the council at this time that he was the owner of the property and that he was in the process of selling it to me. This was however not the case, I never engaged in any such discussions with Mr Passmore and my understanding has always been that: His name is not on the land registry; He is not one of the three trustees who had held an interest in the property; He has no formal paperwork – deeds or otherwise in relation to the property.

I was informed at this time that Mr Passmore and Mr Thorne had called a meeting inviting all the ex-members of the angling club – however Mr Thorne informed me that no one attended. Worthy of note is that Mr Passmore at this time asked me to make a financial donation to a charity (at that time not yet established) that he intended to set up for young people to be able to fish on his ponds on his land (Passy Ponds and Coombe Farm). The Angling club was a sea fishing club and there did not appear to be any substantive evidence that the establishment of such a charity had ever been an intention of the Shoreham Fishing Club and Mr Thorn gave a clear and unswerving message/guidance to me that Mr Passmore had no mandated right with which to seek any financial reimbursement from me in relation to the premises. Since this communication in 2011, I have had no further communication from Mr Passmore or been contacted by him again.

2012 In 2012 my application was approved and I received Planning permission for the property to be used as an art studio. I received a visit from Mr Porter from the Planning Department and Mr Lavender from the Environmental Health. I was made aware at that time of their clear advice and to close the door when using my sand blaster so that the compressor cannot be heard from outside and that immediately become my established /standard practice to always close the door whilst the Compressor is in use .

2015 I installed a wood burner and was assured by the builder who fitted the burner that because the roof of the property is cement bonded that there is no risk when the burner is in use. I sought further advice/guidance from the Shoreham Fireplace Centre Ltd and was assured by them that Kings Walk is not a smoke controlled area. I was also advised by Shoreham Fireplace centre that they have fitted numerous wood burners in and around the surrounding area, and all without incident. I have in the past burnt seasoned logs but became mindful that they can sometimes smoulder if the fire is not constantly attended to and I have therefore ceased using them and for some time now have only burnt smokeless coal (however a small amount of kindling wood is required to start the fire).

August 2016 A glass artist who has been using the space – Mr Richard Box moved his work out of the studio but in order to do so he required a van and he was able to use a van from 'Infinity Foods'. He had a considerable amount of equipment to move and it took him a number of weeks to fully complete the move. Additionally the removal took place mainly in the evenings because he was working full time and on reflection I feel this was a key source of complaint as it did result in a large truck being at the property, doors were open because it was summer time and it is highly possible that during this brief period there was a high level of noise.

2016 I received a letter from the Planning department informing me that I was teaching classes outside the agreed opening times (9-5). I was informed also that there had been a number of complaints regarding the smoke generated by the wood burner. It was an utter oversight on my part that I had evolved working practices that were not reflective of the original permissions given and I therefore ceased immediately any activities that were outside the agreed 9-5 time frame and submitted a new planning application which sought to secure formal agreement for the hours to be extended to enable a full working day (9-6) and two evenings per week to enable me to facilitate a small teaching class. I again placed a public notice in the Shoreham and Worthing Herald asking for any owners of the property to come forward but no responses were received. At this time I also removed the wood burner for one week, but I quickly realised that the building required heat to be usable and functional. During that week I also received an inspection from Mr Porter from the Planning Dept. and Mr Lavender from Environmental Health. Their guidance at that time was to reinstate the wood burner as its usage was not in breach of any laws. Further to their visit and advice I re-instated the wood burner but have remained consistent in my commitment to only use smokeless fuel.

In the six years that I have been in possession of the property I have never been approached by the owner and at no time within the last six years has any person presented any formal paperwork indicating they have a claim to the ownership of the property.

I am understandably very keen that this matter be resolved as expediently as possible in order that I can resume teaching. I am especially keen to not lose any students and the income I have generated from the classes is an integral and pivotal part of my salary thereby enabling me to continue to work as an artist and as a single mother not make any demands of the benefit system.

Relevant Planning History
AWDM/0161/12
Retrospective change of use of Angling Club building to artists' studio
Approved Conditionally 21-12-2012

Consultations

West Sussex County Council Highways: *WSCC as the Local Highway Authority has been consulted on the changes to this planning permission. The changes would see the hours of opening increase two evenings a week to allow the site to hold small craft classes for no more than 5 people in each class. The site is located to the rear of residential dwellings, accessed via an unmade track leading to a car parking area and the hut where the glass art is made. The classes will be held in the hut and the site offers parking and turning spaces so that cars can enter and exit in forward gear. Access to the site on foot is possible, although the access is shared use without any footpaths, the track links into the wider footpaths within the residential setting. Cycle parking should be provided in accordance with NPPF guidelines for sustainable developments. The increase in trips to the site would not cause any highway safety or capacity issues.*

Adur & Worthing Councils Environmental Health Officer: *No Environmental Health objections. The objections from residents principally relate to traffic, noise from machinery and smoke from the wood burner. It is my opinion that the limited extra evening use that is being requested will have little impact if any on any of the neighboring property. With regards traffic the applicant has advised me that many of those attending the art class will walk. However, even if they don't I do not expect up to five people parking on the road and walking up the access road to really have an impact. It is a residential street and residents and guests will be coming and going all times of day. In addition, surfers park along Kings Walk all the time in the gap between the yellow lines. I have subjectively assessed noise, from the limited machinery within the Art studio, in the access road and I do not consider this to be a problem. I can also confirm that environmental health have not received any noise complaints relating to the use of the studio during its operation. The Council has only ever received one smoke complaint from a neighbouring resident, in connection to the wood burner; and this was not substantiated as that resident failed to provide any evidence to support her complaint. Solid fuel heating is a perfectly acceptable way of heating property and there are a number of properties on Shoreham Beach that have some sort of solid fuel heating. As we know, solid fuel heating will smoke when first lit until such time the burner or fire reaches the correct temperature for efficient burning. The flue positioning complies with Building Regulation and I see no reason why this burner should not be used for space heating in the studio as there are no smoke control areas in the District of Adur. That said during my visit with the planning officer on the 22nd November 2016, this wood burner had been taken out in response to resident's objections. Finally, it is a fire safety requirement to keep gas bottles locked in a cage on the outside of buildings. The studio has done this but the occupier has agreed to move this cage to the West side of the building so that the cage cannot be seen.*

Representations (summarised)

Objections from occupiers of No. 1 & 2 Mardyke, 2 King's Court Beach Green, Nos. 18, 20, 26 Woodards View, Nos. 17, 19, Flats 1 & 2 21, 22, 23, 24, 25 Kings Walk: *Already in breach of her conditions which has been causing a lot of problems. Not been monitored by anyone or picked up that she has adhered to conditions. Surely it is up to*

the Council Planning Authority to ensure planning regulations are always adhered to, and to maintain public confidence in the Planning System. Only submitted because approached by your planning enforcement department. Caused offence. Very stressful and worrying situation for us/local residents. Detrimental for our health and wellbeing. Security of surrounding properties allowing people access to rear gardens. Have young children and neurotic dog that play in the back garden. Necessary to carry out some kind of survey/review of Clubhouse to see whether or not everything above board. Moral imperative that temporary permission granted originally be revoked and the fishing club be allowed to dispose of this property. If not possible then at least original conditions be properly enforced. She has been operating machinery (condition 4) –Excessive noise at all time of day including weekends. Lights are on in the building late into the evening. Unacceptable noise with windows open and outside on drive. Noise from drilling can be heard in our lounge. Repeatedly inside and outside our house including Sundays. Frequent raised voices and shouting. Men working outside with a sawmill and industrial machinery occurred over weekends. Working unsocial hours – Lessons are being held often beyond 10pm. Working late in evenings, at least 10pm – 11pm and Sat and Sun – B6BR Unneighbourly impact of noise/work being carried out at unsocial hours. Numerous delivery vans causing blockage. Unneighbourly impact of traffic at unsociable hours. Should enjoy peace and quiet during the evenings and Sundays. Running Classes – commerical operating late in the evenings. This is a residential area and must not be allowed to set a precedent. Detrimental to character of RESIDENTIAL area (B10R, BIR) Detract from amenities of nearby dwellings (H22R). Not stating number of staff gives carte blanche to have many more than 5. Door of hut not always closed with dog tethered outside. Storage of Dangerous Substances – We have a baby, we are worried about the health and safety aspect as we are very close to the property. storing gas cylinders outside the hut – adjacent to our garage. Very worrying. In 2012 application applicant stated she would not be using Liquid Petroleum Gas which was patently a lie as she is using propane gas and which she is storing outside the hut. Storage for a third party (condition 07) – storing scaffolding outside. Large lorries entering the rear access blocking access. Drilled a hole in the Asbestos roof which provide a black unpleasant revolting smell, harmful to nearby properties and very young children. Pollution to fresh air – noxious rubber/plastic and foul smelling black smoke coming of chimney vent, blowing and entering neighbours windows and garages. Dreadful situation. Seen flames from the chimney. Surrounding Council tax paying property owners unable to sit out and enjoy. No preventative measures to filter the emitting smoke. Affects my husband's asthma. Increase of traffic – often cars, vans, bikes blocking the road to the hut (TAR, 7BR, 1AR, E12R). Observed parking on double yellow lines. There is inadequate parking provision here. Increase use of access will lead to unacceptable increase in traffic detrimental to safety of residents, especially dangerous when dark Inadequately of parking provision in area. This is unacceptable causes noise at anti-social times (B6BR) – what about if the emergency services need to access the rear of the properties. Squatting – Business runs without owning the premises or paying rent. Testify my father, Raymond Gordon Gamble, built 22 Kings Walk in 1954/5. I lived at 22 King's Walk until 1971. During that period and all time it was occupied by the Angling Club. Never any problem of noise or nuisance. The visits by the club were always pleasant and harmonious until person squatting there arrived.

The title Artists hut open to abuse. Where does it end? Constant reminder that Miss Davies can break into a property and achieve the permission of the council to operate a factory. Ms Davis is not the owner and sub-lets the studio. Rightfully owned by an elderly gentleman. Where is this man, and his say to all this? What chemicals or flammables are being used, what they're being used for, how they're stored and what happens in the event of fire or other incident Undesirable precedent. If shed can be turned into a business, then who is to stop others attempting similar? Urge you to refuse. Object very strongly to remove the words "for commission only" from exiting condition 3. If agreed, it would allow the public to come there at any times as long as they are by "prior appointment" which would no double be very easy to "prove". All power to Artists contributing to local community and contributing to local community and enhancing our living spaces and giving us all a respite from daily grind. How about the artist apply for Arts Council funding or Government funding to rent a unit in a business industrial estate. No problem with noise and disruptive land use to Environment Agency depot – staff leave and return with respect. Original hut always freshly painted. Current eyesore unpleasant to look it. It is a disgrace.

Objection from Shoreham Beach Resident's Association (SBRA) and Marine Ward Councillor: *While you may not expect an artists' hut to create problems, reality is different. Although SBRA acknowledges ownership is not a planning concern, concerned this property does not belong to the applicant. Would support residents opposing the application and believe allowing out-of-hours operations in what is a residential area is a step too far. Also issue with smells as applicant burns materials in a wood burner that creates strong smell. I have experienced this first hand and not convinced only wood is burned, although not an expert. B6AR – unneighbourly impact of activity and traffic on quiet residential area. Although proposed numbers are not great access the hut via a narrow approach way. B6BR – unneighbourly impact of activity and traffic at unsocial times. B10R – will create undesirable precedent. A commerical hut is very different to the angling operations previously conducted there. H22R – detraction of amenities from neighbouring dwellings. This is a seafront location and residents bought their properties expecting to enjoy fresh seaside air and have their windows open and to dry washing outside. Often not possible when smoke is billowing from the window burner. The hut is much lower than most properties so the smoke is not omitted at height – as is the case with other homes on the beach who quite legitimately burn wood with little problem. H23R – activity detrimental to environmental amenity due to smoke. SBRA opposes and urge offices to recommend refusal.*

Objection from occupier of Church Farm, Coombes Lancing: *Object most strongly. As I stated in 2012 she is a squatter and does not own the site it belongs to Shoreham Angling Club. Proof of this is at the land registry WSX 100097 5th Nov 1992. As the club is small, our funds are limited so finding someone to get the eviction notices needed is very difficult but if we can find an organization to do this we will get her evicted ASAP. I have in the past contacted Ms Anna Davies and made the position quite clear that she is unwelcome and we require her to leave.*

Letters of support from occupiers of 10 & 18 Kings Walk and “Dragonfly” 13 Riverbank, 34 Riverbank, 30 Beach Green, 22 Ormonde Way, 16 Navarino Road Worthing, 1-2 Wellington Court Flat 5 Waterloo Street Hove, 11 Warrendene Road Brighton, 26 Orchard Park Worthing Road Rustington, The Hut 21a Kings Walk (work address): *I have been going to this class for 2 years now and find it very useful. I recently applied for a new job and was able to list the skills I have learnt in stained glass making to add to my CV. I always arrive on foot or by bike and don’t think I cause any distress to neighbours! I would be very sad if this course could not continue as there is nothing else like it in the area so is very much valued by me and others in the class. How totally shocked to hear the strained glass window classes I have been attending are now having to close following a complaint. Been attending these classes for some time now, and was captured from the start with this skill. Anna encourages us and inspires us with her immense skills. I have attended whilst going through a difficult time in my personal life and classes been a life-line for me. I jokingly called them my ‘glass therapy’. Struggled to find anything that met my needs, and requirements (as I work full time so never home before 7.00pm). It would be a travesty if these classes were not able to continue. The evening event is the only one that fits in around busy work schedules. Classes would not be possible to run in any other space, due to the nature of the materials and space required, so Anna’s workshop is ideal. Provides relaxation and keeps people’s minds and bodies active and healthy. This is something I would have thought the Local Authority would be actively promoting in local area. One of the reasons received a complaint is due to the wood burning stove. This is ridiculous, when I know for a fact that at least 4 other residents in nearby properties own these, as they are becoming increasingly popular as an environmentally friendly way of heating. Space is lovely and well equipped. Saddened to hear she is having problems. The thing is that there aren’t that many arty/crafty things to go to in this area after work. We should be encouraging anything that provides something interesting and positive. Apparently a neighbour complained about wood smoke from the heater which is ludicrous as wood burners are very popular in the area – practically all of my neighbours have them. A few months ago a lady knocked on our door and asked us to sign a petition. She told us that a woman had forced her way into the building and was causing a nuisance and burning things that she shouldn’t. We told the lady that we would not sign her petition to which she became quite shirty and was put out. About a week afterwards we decided to go and check it out ourselves to see what all the fuss was about. We were greeted by a lady named Anna. She was most welcoming and invited us for a cup of tea. She answered any questions we had. We were surprised about how much she cared for the place. It was enlightening to think this once run down derelict building, which to our knowledge as used as a hangout for kids to drink and take drugs. She has a little wood burner in there because of a complaint she is now using eco logs, which are twice as costly. We are glad we didn’t sign the petition. We just hope that some of the residents take time to go down and speak to Anna. You would have thought with the way the country is going and with the Brexit situation we should be encouraging small businesses. I am a mosaic artist and since Sept 2016 have been sharing the work space. The activities are very low key; create very little noise using small tools, only a small number of visitors. The wood burning stove is used in winter and burns only clean wood and smokeless fuel 100% in support. Exciting and unique adult learning resource*

in the area is amazing. Lived within ear shot of other local adult resource of the samba band, which impacts greatly on local residents due to the noise, and continues on without any objection. I cannot praise the idea highly enough.

Further representations following reconsultation

5 further letters of objection have been received on the following grounds:

- The building has previously been used for recreational purposes and should not be used by a squatter as a business concern
- Health concerns caused by the fumes from the building
- Increase pressure on highway safety through lack of parking
- The building was broken into illegally and conditions not complied with, the application should therefore be refused on moral grounds.
- Commission viewing should not have been taken out of the description
- Inappropriate location within a residential area for a business such as this, alternative premises could be found in a more suitable location
- Applicant will soon flout conditions again as does not respect the law, evidenced by her squatting in the building
- The justification for the permission in 2012 was that the conditions imposed needed to be adhered to, but this has not been the case
- Applicant has no authority to occupy the premises

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

The National Planning Policy Framework
Adur Local Plan 1996 (saved) policies: AG1, AE16, AE17
Adur Local Plan 2016 (submission) policies: 1, 2, 4, 15, 26, 29, 35

Planning Assessment

Principle

The hut benefits from planning permission to operate as an Artist studio.

The National Planning Policy Framework (NPPF), which is the expression Government policy, instructs Local Planning Authorities to *'operate to encourage and not act as an impediment ... ensuring that the planning system does everything it can to support sustainable economic growth'* (para. 19). For Adur, the NPPF is afforded considerable weight in decision-making as its saved policies are out of date and its emerging policies have yet to be adopted.

Adur Saved Policy AE16 deals with existing businesses in residential areas including Shoreham Beach (policy AE17 is closely aligned but relates to industrial, storage or wharf uses). AE16 strikes a balance between the importance of having regard not only to the needs of a small business but also the amenity of nearby residents; it permits alterations of existing business premises provided on-site car parking and access to the public highway is acceptable and there are no significant adverse effects on the amenity of nearby residents.

This resonates with the NPPF, which sets out the planning system's overarching role to always seek to secure a good standard of amenity for all occupants of land and buildings.

Character and appearance

The existing hut is not of any architectural merit. Against this backdrop, the extract is a minor external alteration and no significant visual harm has arisen from it. Whilst the prevalent character of the area is residential, the hut is unique in having a well-established non-residential use (it was used by an angling club before the artist). It also sits alongside the non-residential Environment Agency depot.

Flood Risk

The site is in Flood Risk Zone 3. However as no-one is staying overnight, the use continues to be categorised as 'less vulnerable' development and is acceptable in flood risk terms.

Neighbours *– effect on living conditions including pollution*

The artist studio was granted permission as it was a discreet use, a reflection of its sensitive location at the rear of residential properties. No sales counter exists and no art is sold from the hut. No trade deliveries should be made to the hut.

Having classes run from the studio would raise the activity level associated with the studio into the evening hours, and more generally. However, the classes would be limited in number (a max of 5 pupils and 2 artists). There are 3 artists in residence, so the maximum number of individuals in the building at any one time would be 8. Evening

classes would be limited to twice a week. Pedestrian comings and goings associated with such small groups would be of limited frequency, and not unneighbourly. Opening until 6pm the remainder of the week would not extend activity into antisocial hours.

Environmental Health is satisfied noise and disturbance from the classes would not be harmful to the living conditions of immediate neighbours.

The art continues to be limited to the designing and making of stained glass and mosaics involving a limited range of equipment (a glass grinder, potters wheel, kiln, compressor, drill, and sandblaster). The equipment that generates the most noise continues to be the sand blaster. Like all materials and equipment associated with the studio, it would be stored inside the hut building.

The only exception is the gas bottles, which are required to be stored outside. These are stored in a cage to the west side of hut. The Council's Environmental Health officer is satisfied with this.

A visit was undertaken by Planning and Environmental Health officers on 22nd November 2016 to, again, assess the noise generated by the sand blaster. When tested, the hut doors were both open and closed. When closed, the noise was just audible outside of the hut as a background hum.

The Council's Environmental Health department is satisfied the chimney emissions from the solid fuel heating do not warrant intervention under Environmental Protection Legislation. Without this objection, refusal of the chimney on pollution and residential amenity impacts is difficult to justify. If the application were approved, this does not affect the ability of residents to alert the Environmental Health department to any concern and for that department to consider any remedy under their own legislation.

Parking and accessibility

The two staff parking spaces would remain. Classes are likely to encourage vehicular trips. However, the limited number of people involved means the amount of trips would be low.

With no space on site for visitor parking, those arriving by car would use surrounding streets. Although opportunities are few, these streets have capacity to accommodate the limited parking demand generated by extra trips. Although that Authority has advised providing cycle storage, bikes can be informally stored inside the hut for the duration of classes. The private drive to the hut is short (some 28 metres) and fairly wide (approx. 4 metres), with good visibility where it adjoins the adopted highway - so is capable of accommodating the greater pedestrian use. The Highway Authority agrees, and has raised no objection to the proposal.

For these reasons, the proposal would not give rise to material harm to parking circumstance and/or highway safety.

Other considerations

It is understandable given the apparent nature of the original occupation of the building that members of the public should raise concern however the planning system cannot be used to resolve such concerns and they are entirely separate to the considerations relevant to the planning application. It should be stressed that any approval of this planning application does not indicate any validity of ownership and does not affect the ability of any individual to seek a legal remedy.

Recommendation

The principal test for the acceptability of this proposal hinges on whether it satisfies Adur Saved Local Plan policy AE16.

It has been demonstrated the alteration of the existing business can occur without unacceptable impact on on-site car parking and access to the public highway and with no significant adverse effects on the amenity of nearby residents.

On this basis, the policy test of AE16 has been satisfied.

APPROVE

Subject to:-

1. Approved Plans
2. Standard time limit
3. No working, trade or business whatsoever shall take place on the land edged in edge on the plans hereby approved except between the hours of 9.00am and 6.00pm of the same day Monday, Wednesday, Friday and Saturday and 9.00am to 9.00pm of the same day Tuesday and Thursday, and not on Sundays or Public/Bank Holidays.
4. The artist studio shall not be open to the public except for commission viewing by prior appointment only and day and evening classes from 9am to 6pm Mon, Weds, Fri, Sat and 9am to 9pm each Tuesday and Thursday only, with a maximum of 8 individuals (5 pupils and 3 artists) present at any time.
5. No machinery other than 1 no. glass grinder, 1 no. potters wheel, 1 no. kiln, 1 no. compressor, 1 no. drill, and 1 no. sandblaster. Any additional machinery shall be approved in writing by the local planning authority. No machinery shall be operated unless all the windows and doors of the hut are closed.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no art shall be sold and no sales counter shall operate from the building.

7. The parking spaces provided on the land in accordance with the plans approved under planning permission AWDM/0161/12 shall not be used for any purpose other than parking of staff vehicles incidental to use of the artist studio.
8. No storage (except for gas bottles) shall occur outside of the hut building on any part of the land edged in red.
9. No external working shall take place anywhere on the land edged in red to which this permission relates and all working shall be confined to within the hut building.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the hut building shall not be extended or altered externally or any incidental building erected within the land edged in red and no external plant or machinery shall be installed, erected or replaced on the hut building and/or land edged in red.
11. No external lighting or floodlighting shall be installed from the date of this permission except in accordance with details to be submitted to and approved in writing by the local planning authority.

INFORMATIVE

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.

13th March 2017