

RECOMMENDATION

AL/111/07/

TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION

Application Ref: AL/111/07/

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To Addressee

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Site Address

The Ridings
Level Mare Lane
Eastergate

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Description of Development

Change of use of garage from vehicular parking to canine hydrotherapy and rehabilitation unit

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In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

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RECOMMENDATION

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CONDITION 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

CONDITION 2 This permission shall enure for the benefit of Miss Jane Bannatyne only and shall not enure for the benefit of the land.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 3 (i) The premises shall not be used for canine hydrotherapy and rehabilitation unit purposes except between the hours of 8:30 - 21:00 on Mondays to Fridays inclusive; 08:30 - 20:00 on Saturdays and 10:00 - 18:00 on Sundays and Bank Holidays.

(ii) That not more than 2 dogs shall be accommodated at the premises at any one time, in connection with the use hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause demonstrable harm to the residential amenities of any neighbouring property by way of noise and disturbance, and nor would it have an adverse impact upon the established character of the surrounding rural area. and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC2, NE8, NE11, NE17, DEV1.

LOCAL PLAN: GEN2, GEN3, GEN7, DEV5.

NATIONAL POLICIES: PPS1, PPS7, PPG13.

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Miss C Forrest

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PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	- Change of use of garage from vehicular parking to canine hydrotherapy and rehabilitation unit. The Ridings, Level Mare Lane, Eastergate.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.015 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Site slopes upwards from east to west.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Predominantly dense tree coverage. Some low walling.
SITE CHARACTERISTICS	The Ridings is a one-and-a-half storey dwelling, which consists of red/brown brick walls and a pitched tiled roof. Several single storey additions and extensions to the building. Several dogs in main house, at the time of a site visit. One-and-a-half storey, detached triple garage to front north east side of dwelling. The garage consists of red/brown brick walls and a tiled roof, with gable ends. External stairs leading to upstairs. 1 st floor window to side elevation.
CHARACTER OF LOCALITY	Rural Area. Sporadic form of development along rural lane. Properties are a mixture of one, one-and-a-half and two storey dwellings. The application site is positioned adjacent to Level Mare Lane, being bordered to the north and west sides by open fields.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AL/17/68/	Sun room.	Approved 10-04-1968.
AL/116/73/	Addition.	Approved Conditionally 19-12-1973.
AL/17/95/	Double garage and store on existing residential site.	Approved Conditionally 15-05-1995.

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AL/39/96/	External staircase and door and window in side elevation. Increase roof pitch (Amendments to previously approved plans AL/17/95/).	Approved Conditionally 22-08-1996.
AL/46/00/	Glazed conservatory to existing bungalow.	Approved Conditionally 14-07-2000.

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldingbourne Parish Council	Awaited.
Local Groups	None
5 Letters of Support	From time to time have to re-home Golden Retrievers who have physical problems which would be alleviated by Hydrotherapy; There is a shortage of this type of service; Such a facility in this location would reduce the travelling for many of the dogs; Facility would be used in a professional capacity.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environmental Health	No Comments.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC2, NE8, NE11, NE17, DEV1. Arun District Local Plan: GEN2, GEN3, GEN7, DEV5.

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development PPS7 - Sustainable Development in Rural Areas PPG13 - Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.
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COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

Noted.

ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposed change of use is considered to comply with relevant Development Plan policies in that it would not cause demonstrable harm to the residential amenities of any neighbouring property by way of noise and disturbance, and nor would it have an adverse impact upon the established character of the surrounding rural area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposal is for the change of use of an existing domestic garage (Use Class C3), into a canine hydrotherapy and rehabilitation unit (Sui Generis). This will involve the addition of a canine hydrotherapy pool, a water walker (underwater treadmill) and a spa. The proposal would not involve any external alterations to the building.

The applicant states in her supporting statement that there would only be one dog in the pool at any given time, and this would use 2 No. members of staff to assist and monitor the session. A session would last no longer than 30 minutes, with it not being anticipated that any dog would be on site from more than an hour. The applicant states that it is unlikely that there would be more than 2 dogs in the unit at the same time. The applicant also states within the application form that the proposal would involve 2 No. full time and 2 No. part time employees. The business would operate between the hours of 8.30am -9pm Monday to Friday; 8.30am-8pm Saturdays and 10am – 6pm Sundays and Bank Holidays.

The application site is located within a rural area, positioned adjacent to Level Mare Lane, being bordered to the north and west sides by open fields. There is sporadic residential development within the surrounding area, with the closest neighbouring dwelling being Mount Pleasant Cottage to the south east side of the site. It is noted that the garage, which is the subject of this application is located approximately 25m away from the side boundary of this

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CONCLUSIONS

neighbouring dwelling. Further, Northfields Lane is positioned in-between these two sites. It is therefore considered that the proposed use would be positioned an acceptable distance away from neighbouring dwellings to not cause demonstrable harm to the residential amenities of any neighbouring property by way of noise and disturbance.

It is accepted that the change of use of the building from a garage to a canine hydrotherapy and rehabilitation unit would lead to an increase in the number of visits to and from the site. However, given the relatively remote nature of the site, together with there being an established turning/parking area, it is considered that the proposal would be acceptable.

It is therefore concluded that the proposed change of use of the garage would be acceptable and would not cause demonstrable harm to the residential amenities of any neighbouring property by way of noise and disturbance and nor would the proposal detract from the character of the surrounding rural area.

It is therefore recommended that the application be approved, subject to the condition set out overleaf.