

Recommendation Report for Planning Permission**REF NO:** AL/75/12/**LOCATION:** East Barn
Old Dairy Lane
Norton Lane Aldingbourne**PROPOSAL:** Application for variation of condition 7 imposed under previously approved planning application AL/106/10 relating to external fenestration & provision of bin canopy**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Condition number 3 of AL/106/10 requires that all extensions/alterations to the building will require planning permission. This application seeks the retention of a lean to to provide a bin canopy and an amended window openings on the south and west elevations.
SITE AREA	0.0168 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to the front and a separating wooden fence (1.5m high) with the neighbouring property, The Hovel, on the south boundary.
SITE CHARACTERISTICS	Redundant dairy farm. The building in question is a single storey former barn converted into residential use for tourism purposes only.
CHARACTER OF LOCALITY	Rural farmland with linear residential properties with road frontage.

RELEVANT SITE HISTORY

AL/106/10/	Change of use of implement & equipment store approved under AL/92/08/ to tourist accommodation unit	Approved Cond + S106 14-01-2011 Appeal: Dismissed 05 12 2011
AL/76/12/DOC	Application for approval of details reserved by condition 2 following a grant of planning permission AL/106/10/	DOC Approved 20-11-2012

REPRESENTATIONS

Representations received:

Awaited.

1 neighbour objection stating:-

The notice is not satisfactorily displayed.

Object to the changes to fenestration as original openings must be retained since this building is in a conservation area and this rule has been applied to our building and to other buildings on the site and so the same should be applied to East Barn.

The current openings are significantly different from those on the approved plans in style and size. These rules need to be applied equally to all properties on the site.

The bin canopy on the North elevation not only significantly changes the appearance of the building but it also presents a risk to pedestrian users of the access road. There is no wall, or fence to contain any materials stored under the canopy and so there will be a tendency for it to spread into the road. This access road is becoming increasingly busy with large and fast vehicles constantly accessing the site. Any pedestrians walking along the road will be forced to walk into the road, which is going to be unsafe considering the buildings on the site are intended for holiday lets, and so will have families staying. It is vital that access to the buildings is made as safe as possible for those families. The original plans show the bins and cycle rack being stored within the enclosed boundary on the East end of the building. This is perfectly adequate so we fail to see the need for the bin canopy.

If the canopy is approved we would expect to see the bin store enclosed using a flint and brick wall to be in keeping with the rest of the site, and a restriction placed on what materials are stored under the canopy. I.e. Only bins.

However, with this, we are also very concerned that should approval be given for the bin canopy, this will merely encourage further planning for a more permanent structure or to increase the size and footprint of the house at a later stage. Furthermore, the original plans show that the area that is covered by the canopy was originally intended as a parking bay. Should the area no longer be available for use as a parking bay, where would that second vehicle be parked? There is very limited space next to the building given the nature and volume of traffic now using the site. The building seems to be predominantly used by the owner and his friends rather than being used as a holiday let, so we assume that visitors will require somewhere to park.

We assume that the cycle store will still be provided as shown in the original plans. This is not yet present.

Comments on Representations received:

Planning merits concerning proposed alterations dealt with under Conclusions.

Any spillage onto highway cannot be controlled by planning powers.

Condition number 2 to AL/106/10 will remain in force and require that any further proposed changes are subject to a planning application.

Discrepancies with the approved plans for AL/106/10 are being dealt with by the enforcement section.

CONSULTATIONS

Consultations responses received:

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built up area boundary
Within designated conservation area

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	AREA2 GEN7	Conservation Areas The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposal is considered to comply with relevant Development Plan policies in that it would

have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that the development would preserve the character and appearance of the Conservation 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

PRINCIPLE

Conversion of the property took place under AL/106/10. The roof lean to and reduced width of doors on the south and west elevation were not part of the approved plans. Therefore it is only these two aspects that require consideration.

LEAN TO

This is a nominal structure that projects out by 800mm and has a length of 4.8m. It is located abutting the access road well away from neighbouring properties and therefore has little no effect on the residential amenities of neighbouring residents.

In terms of visual impact the lean to follows the line of the roof and at a projecting distance of only 800mm it has a negligible impact on the host converted barn and the wider locality which includes a designated Conservation Area.

DOOR OPENINGS

Whilst retaining the same height the door openings have been reduced in width so can be considered to have a lesser impact on neighbouring residential impact principally residents of The Hovel. In terms of the character of the converted barn the openings are more in keeping with those elsewhere on the property.

CONCLUSION

It is considered that the proposed works have not resulted in material harm to the building or the wider locality and permission is therefore recommended subject to the following condition.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority

such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (the right to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no negative impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: PL002

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 2 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 any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: SEPBE6

LOCAL PLAN: GEN3, GEN7, AREA2

NATIONAL PLANNING POLICY FRAMEWORK

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