

Recommendation Report for Planning Permission

REF NO: AW/98/20/PL

LOCATION: 1 Avisford Terrace, Dillons Newsagents
Rose Green Road
Aldwick
PO21 3HB

PROPOSAL: Construction of a single storey office extension to the rear of the property, including the removal of the existing store room. Works will also include the replacement of the existing shop front and dwarf walls with fully glazed aluminium windows and doors. Retail area to be used as showroom.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of existing store room to rear of the property with single storey office extension. Works include the replacement of the shop front and dwarf walls with fully glazed aluminium windows and doors. Retail area would be used as showroom. Cycle parking is provided to the rear of the extension.
SITE AREA	250 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open to front.
SITE CHARACTERISTICS	End-terrace two storey flat roofed retail unit situated on the northern side of Rose Green Road.
CHARACTER OF LOCALITY	Mixed use area comprising local shops and residential properties.

RELEVANT SITE HISTORY

AW/55/17/A	Retention of 2 No. internally illuminated fascia signs on front elevation.	ApproveConditionally 26-04-17
AW/54/17/PL	Retention of 1 No. automated teller machine on front elevation.	ApproveConditionally 10-05-17

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No objection. A condition should be included requiring the doors to open inwards and not outwards and that cycling racks be provided in line with T SP1 of the Arun Supplementary Design Guide.

1 objection:

- Entrance doors open onto public footway beside highway. Please ensure doors are designed to open inwards.

COMMENTS ON REPRESENTATIONS RECEIVED:

Drawings have been amended showing entrance doors to open inwards.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Engineers:

No conditions. Alterations to surface water drainage must be designed and constructed in accordance with building regulations.

WSCC Highways: Proposal would not have 'severe' impact on operation of Highway network and is not contrary to NPPF (para 109), no transport grounds to resist the proposal subject to conditions.

The applicant is advised to modify the plans to demonstrate doors open inwards. Obstructions in the public highway are liable to enforcement by the WSCC local area office.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Amended drawings demonstrate the doors open inwards.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Class C Road

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development

SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Aldwick does not have a Neighbourhood Plan but it does have an adopted Village Design Statement which has been taken in to account.

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 visual amenities of the locality or residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering

development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...".

The development is in a sustainable location due to the proximity to essential facilities, their availability and close proximity of public transport. The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan.

CHANGE OF USE FROM A1:

Policy RET DM1 of the Arun Local Plan in section 5 supports re-use of vacant floorspace provided the development has no significant adverse effect for the occupiers of neighbouring properties.

The proposal is for a change of use of the ground floor from retail to a showroom as a re-use of redundant floor space, however a small retail area would remain. It is not considered that the use would have any detrimental effects on the amenity of neighbouring properties. Therefore it is considered the proposal complies with policy RET DM1 of the Arun Local Plan.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020 requires development to integrate well with and respond sensitively to their setting.

The area is predominantly residential in character with a small group of commercial properties fronting Rose Green Road. There are residential properties opposite and behind these commercial sites. The proposal seeks to introduce a showroom with commercial frontage to be remained. The shop front and dwarf walls would be replaced with fully glazed aluminium windows and doors. The change will not have an adverse effect on the character of the street scene and generally on the character of surrounded area characterized by mixed use.

The single storey store room to the rear would be replaced with a single storey flat roofed extension which would extend along the whole width of the rear elevation of an existing building. The extension would be 5m deep within the width of approximately 7.8m (office) and the kitchen and toilet area would be 3m deep. Three large office windows and two small serving kitchen and toilet would be inserted on the rear elevation facing to the rear yard of an triangular shape.

The structure would not be visible from the street therefore it is considered that the extension would not adversely affecting the street scene. The proposal complies with ALP policies D DM1 and D SP1.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments.

No vehicular parking is associated with this development, which is the existing arrangement. Under WSCC parking standards, one parking space should be provided per 14 sqm of floorspace for A1 retail use and one space per 30 sqm of floorspace for B1 office use. The LHA anticipate a parking demand of 5-6 spaces. Vehicular parking would have to be accommodated on-street.

The development would not involve extra retail space, it would be reduced and the office would have 36.5 sqm therefore the development would anticipate a parking demand of 1 parking space. Submitted drawings show 4 spaces of secure cycle parking. It is considered the proposal accords with policy T SP1 and T DM1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

RESIDENTIAL AMENITY:

The extension is single storey and the windows face the rear yard with dense vegetation and trees of residential gardens behind. The closest rear elevations of residential properties would be in a separation distance of more than 20m.

The proposal would have a minimal impact on occupiers of nearby properties resulting no unacceptably adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking due to the considerable separation distances between neighbouring properties and therefore accords with D DM1 and QE SP1 of the Arun Local Plan.

SUMMARY:

There is no in principle objection and the proposal complies with development control criteria concerning highway safety, change of use, character and residential amenity. It is considered the application is acceptable in all regards and should be approved subject to conditions.

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 (right to respect 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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).

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

Block Plan

Dwg No 0.2A Rev 2, Proposed Elevations

Dwg No 0.3A Rev 2, Proposed Floor Plan

Dwg No 0.7A Rev 2, Proposed Floor Plan&Boundaries

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 The cycle parking spaces shown on the approved plans shall be installed within 3 months of the permission being implemented and the facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 of the Arun Local Plan.

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.