

Recommendation Report for Planning Permission

REF NO: A/195/17/PL

LOCATION: Mill House Croft
Station Road
Angmering
BN16 4HY

PROPOSAL: Construction of timber framed outbuilding to replace demolished workshop

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Proposed out building is 6m by 6m in area with a ridge height of 3.9m high and an eaves height of 2.9m. The structure would have timber elevations.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing on boundaries. Approx 4m high leylandii trees on eastern boundary.
SITE CHARACTERISTICS	Day nursery to front of site. 2 storey dwelling. Hard surfaced area where structure is proposed .
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached dwellings.

RELEVANT SITE HISTORY

A/110/05/	Part change of use of ground floor to provide child day care.	ApproveConditionally 21-12-05
A/4/07/	Use of ground floor room for applicants business purposes as office.	ApproveConditionally 25-04-07
A/99/04/	Change of use from rest home to single dwelling.	ApproveConditionally 28-09-04
A/26/88	Change of use from residential to rest home (max 8 occupants) and addition of conservatory (re-submission of A/188/87)	ApproveConditionally 13-04-88

A/188/87	Change of use from residential to rest home and addition of conservatory	Refused 16-12-87
A/162/87	Extension to porch area - amendment to recent application A/122/87	ApproveConditionally 05-10-87
A/122/87	Two storey extension to rear and utility room extension to north elevation. Remove existing	ApproveConditionally 24-08-87

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

3 Support - Building will not be used for trade purposes. The applicant has advised that the storage of personal and domestic items will take place in the building. As the immediate neighbour we will not be impacted by the proposed plan. The nursery seems to be an excellent business, well run and provides a valuable service to the local economy. Look forward to seeing the completed building. Will improve our outlook.

5 Objections - Proposal would result in more noise from the day nursery, particularly at the weekend. This would most likely comprise metal cutting and grinding given the nature of the plumbing and heating company.

The workshop will share a site with a pre-school nursery and there is potential for additional danger to children.

Will devalue neighbouring property since it would be located next to an industrial estate.

Want to enjoy leisure time in the garden. Do not wish to live next to an industrial estate.

There is already a parking problem at the site.

There is a probability this shed will be used at weekends.

There was never any structure where the workshop is proposed.

Commercial and business uses operating in residential areas causes concern.

The structure that was there before burnt down.

If the garden area is for domestic use where do the children play?

Area of building and height exceed details on planning portal.

It is not clear who the applicant is.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the comments made are based on misleading information. The application relates to a large shed structure. The out building is for domestic use only and a condition is recommended accordingly. The use would not be linked with the occupier's work. It is a timber building to consolidate existing sheds. The reference to replacing a workshop refers to a previous outbuilding in the garden that was removed

some time ago.

Devaluation of property is not a material planning consideration.

The applicant has submitted a planning application since it is deemed that the building cannot be erected without the need for submission of an application for planning permission.

The applicant is clearly stated on the application form.

The proposal has no impact on car parking or the safety of children attending the nursery.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- none

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class A road

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was

completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policies HD4 Materials and HD5 Built Form of Angmering Neighbourhood Plan are considered relevant to consideration of this application.

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.

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 application site is located in an established residential area within the defined built up area where the principle of development, subject to compliance with other policies is acceptable.

The proposal relates to a timber storage building located in the rear garden of a property which would be used for domestic storage not for business use. The applicant intends to replace some of the old outbuildings at the property (one of which has already been taken down) and put up a single new

building. This will house general gardening equipment, some household items a 'DIY' workshop and scuba diving equipment.

The building would not be readily visible in the street scene. It would be set back 34m from the site frontage. It would not extend over the whole of the garden area and would not be visually dominant. It would be constructed of timber which is a material appropriate to this domestic setting.

Therefore, based on the above analysis and given the size and position of the development it is considered that the proposed development will not be harmful to the character and appearance of the host property or the wider area.

The building would be located 2m from the northern boundary and 2.5m from the eastern boundary and would have openings on its southern side facing into the garden area. Given its limited height and these distances to the boundary it is considered that the structure would have no materially adverse effect on the residential amenities of adjoining properties by reason of materially adverse overbearing impacts.

Concern over the potential business use of the building has been raised by neighbours and it is therefore proposed to condition the use of the building to domestic purposes only to ensure the use would not adversely impact on residential amenity.

The proposed development would comply with adopted planning policies in the Arun Local Plan 2003 and Angmering Neighbourhood Plan.

The application is therefore recommended for approval subject to the following 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/Site Plans, Floor Plan, Dimensioned Site Layout Plans, Elevations, 472 Wall A sheet 2, Wall C sheet 4, Wall B sheet 3, Wall 1 sheet 5, Wall 2 sheet 6.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The building hereby permitted shall be used for domestic storage and as a domestic workshop in association with the residential use of Millfield House only and shall not be used in association with the business use of Milfield House or for any other purpose.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan use of the site and lead to an unsatisfactory relationship between independent dwellings.
- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.