

Recommendation Report for Planning Permission

REF NO: BE/137/17/PL

LOCATION: 238 & 238a Chichester Road
Bersted
PO21 5BA

PROPOSAL: Change of use of former watch shop/workshop to residential (C3 Dwellinghouse)
ancillary to main dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The existing shop is a single storey side element of the main house of 238 Chichester Road. No external alterations proposed. A new internal opening would be made to allow internal access from the existing ground floor living room. The unit would be used as a games room with store, study and shower room with toilet.
SITE AREA	0.05 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m wall with 1.5m hedge to front.
SITE CHARACTERISTICS	Detached two bedroom house with attached single storey shop unit to side. Garden and driveway to front and garden to rear.
CHARACTER OF LOCALITY	Mixed residential and commercial uses. Two storey and single storey terraced, detached and semi detached commercial and residential units, set back from the road.

RELEVANT SITE HISTORY

BR/456/77	Outline For Extension Of Shop Front And Change Of Use From Betting Shop And Part Resident -lal To Retail	ApproveConditionally 05-10-77
BR/783/77	New Shop Front	ApproveConditionally 25-01-78
BR/172/60/A	Use As Betting Office	ApproveConditionally 28-11-60

BR/178/60	Conversion Of Existing Garage Into Office	Approve 17-10-60
BR/178/60/A	Use Of Office As Betting Office	Approve 28-11-60
BR/178/60/B	Extension To Office Accommodation	ApproveConditionally 23-09-66
BR/457/77	Change Of Use From Betting Shop To Antique Shop	ApproveConditionally 05-10-77

Last permission approved was for the unit to be operated as an A1 use. Evidence shows the unit was previously in A1 use as a watch repair shop.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Development

No comment received.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within the built up area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV30	Local and Village Centres
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
RET DM1	Retail Development
T SP1	Transport and Development

Bersted Neighbourhood Plan 2014 Policy EE4

Bersted Neighbourhood Plan 2014 Policy HDQ8	Local shopping facilities
	Car parking

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. Further consultation was undertaken for six weeks from January to mid February 2018 on further modifications.

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.

The development is considered to comply with relevant Bersted NDP policies EE4 and HQ8.

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. The proposal complies with the 'made' Bersted NDP policy EE4 does not require marketing evidence to allow the change of use subject to it not harming the vitality of the shopping area and a shop front is maintained as no external alterations are proposed. As such the loss of the retail unit is allowed. the Bersted NDP takes precedence over saved policies DEV30, RET DM1 of the Local Plan and emerging Local Plan as the saved plan is out of date and the emerging plan is not yet adopted.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are not material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONSIDERATION OF ALTERNATIVE SITES

N/A

CONCLUSIONS

Principle

The principle of the change of use to residential and loss of the A1 retail unit is considered to be acceptable as the small unit has been vacant for a significant time. Furthermore, there are many other active retail units in the area and it is not considered that the loss of this small unit would harm the viability of the area in terms of retail uses. It is not considered that the unit remains viable for A1 use given its small size and poor location given it appears like a side extension for the main house with a blank shop front style frontage. The shop front would be retained in line with Bersted NDP plan policy EE4.

Thus the development is considered to be in compliance with Bersted NDP policy EE4. But conflicts with saved policy DEV30 and emerging policy RET DM1. However, as explained in Other Material Considerations, the Bersted NDP policy carries more weight than the saved and emerging policy and an exception to those policies can be made in this instance.

Residential amenity

It is not considered the use of the unit as residential (part of 238) will create noise and disturbance over and above the use as an A1 unit which could impact neighbouring dwellings.

No extensions or alterations are proposed by the development so the impact on residential amenity will be limited. The development is considered to comply with emerging policy GEN7.

Transport

The dwelling has space for 2 cars parked in tandem, off street. It is not considered the creation of additional residential floor space for the unit would lead to a significant increase in on street parking pressure which could lead to with holding planning permission. The development is considered to be in compliance with saved policy GEN12, emerging policy TSP1 and Bersted NDP policy HQ8.

The application is considered to comply with the development plan and is recommended or approval with conditions.

HUMAN RIGHTS ACT

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:

201705.04
201705.05
201705.PIApp.01
201705.PIApp.02
201705.P1App.03

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 accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 238 Chichester Road, Bersted as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 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.