

REPORT UPDATE

Application No: BE/81/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Officers Comment:

Note the change to the wording for the reason for condition number 5, removing the wording which relates to dogs, which now reads:

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

Also note the correction to condition number 6 where the word constricted now reads constructed. The condition now reads:

The car parking spaces provided shall be constructed....

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BE/81/18/PL

LOCATION: 324 Chichester Road
Bersted
PO21 5AU

PROPOSAL: Change of use of the property from dwellinghouse to mixed use dwellinghouse & attached building for the operation of a hairdressing business (A1) & retention of attached building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
BOUNDARY TREATMENT	Close boarded fence to common boundaries.
SITE CHARACTERISTICS	2 storey detached property with side extension. The property features red brickwork at ground floor with white render at first floor, with a grey slate roof and white uPVC windows.
CHARACTER OF LOCALITY	Predominantly residential but mixed in character, with some shops such as a Tesco Express.

There is no relevant site history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Object:

- Cars reversing onto a main road as there is insufficient space for vehicles to turn onsite.
- Setting a precedent for A1 use in a residential area could lead to more intensive use in the future.

1 letter of neighbour comment:

- Residential setting and not appropriate for a commercial business.
- Severe concern is future use of the commercial premises, not only through a separate sub-letting or sale, but also by the current owners or any future owner or tenant of the whole site.
- A1 use is not just hairdressers.
- If permission were granted for the salon, it requires only an amendment to the permission to increase the hours of operation, number of employees, or number of customers being seen at any one time to have a significant impact upon the surrounding residents.
- The application states only one customer at a time and one parking space for that customer. This does not provide a parking space for, or take any account of, the next customer.
- The business is in operation already and the next customer is usually parked on the road itself, often encroaching over neighbouring properties' driveway access. Is an obstruction.

COMMENTS ON REPRESENTATIONS RECEIVED:

Officers note the Parish Council's comments regarding highway safety and vehicle turning but do not consider that the additional vehicle movements would pose a Highway safety issue.

Changes of use to allow hairdressing business have taken place at residential properties e.g. BR/6/18/PL. This application imposed a number of condition which seek to limit the intensification of the use therefore, should planning permission be granted similar, updated, conditions to those above would be imposed.

It is considered this would limit the use of the garage to hair dressing and between specified hours. The imposition of conditions would limit a more intensive A1 use taking place within the garage. The applicant has stated that they intend to only have 1 customer at a time and they intend to operate between 4pm to 8pm Monday to Friday and 9am to midday on Saturdays. The applicant states they only intend customer being seen at any one time. Condition(s) limiting the hairdressing use to 1 customer at a time and only 1 employee (the applicant) could be imposed upon any grant of planning permission. It is considered the aforementioned conditions would serve to limit the number of potential clients that could be seen, in turn limiting the intensity of the use to acceptable levels.

With regard to the neighbour objection as discussed above a number of conditions that could be imposed upon any grant of permission which would restrict opening hours, limit clients to one at time only and only 1 hairdresser. In order to amend or remove a condition a variation of condition application would have to be submitted. Officers consider the use of appropriate and reasonable conditions sufficient to control the intensity of the proposed use.

The proposed set up is such that the residential use would be the predominant use. An appropriate

condition restricting the use of the 'salon' to occupiers of the dwelling 324 Chichester Road would be imposed on any grant of planning permission.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: No objection subject to condition.

Vehicular visibility at the existing access appears sufficient for the vehicle speeds in this location.

No evidence to suggest the access is operating unsafely or that the proposed salon would exacerbate an existing safety or capacity concern.

WSCC mapping indicates that there is sufficient space on site for three cars to park. The proposed parking provision is anticipated to be sufficient given the nature of the business serving one client at a time.

The situation may arise where the next customer arrives prior to the previous customer departing. This could lead to over spill parking on street. Although no parking restrictions illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988.

A turning on site is preferred, however this is an existing practice that has operated on site, without evidence of highway safety concern. Not anticipated to result in a material increase in vehicle movements to or from the site.

The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

WSCC Highways recommend the imposition of a condition requiring that the development shall not be occupied until the car parking spaces have been constructed in accordance with the approved site plan.

They state that this is an existing practice that has operated on site. Officers consider requiring that no part of the development shall be first occupied until' to be unreasonable.

POLICY CONTEXT

Designation applicable to site:
Within built up area

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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.

The relevant policies in the Bersted Neighbour Development Plan are ES1 and ES2.

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 complies 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

PRINCIPLE:

The key policy considerations in the determination of this application are deemed to be D DM1, D DM4,

T SP1 and QE SP1 of the Arun Local Plan 2011-2031 and ES1 and ES2 of the Bersted Neighbourhood Plan

D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

QE SP1 sets out that all development should contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities. It states that the location of existing industrial and commercial uses, including waste management uses, must be taken into consideration.

T SP1 sets out the criteria by which the Council will support transport and development to ensure that growth reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

ES1: New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location.

Policy ES2: New development should aim to reduce the overall level of flood risk in the area: Surface Water management and SUDS.

CHANGE OF USE:

The use of the garage for a hair salon is not considered to cause demonstrable harm due to the limited hours of use and level of customers that would be visiting.

DESIGN AND VISUAL AMENITY:

The alterations to the garage do not lead to it being any larger with regard to depth and height. The amended garage would be sited in the same position. The addition of a door to front is deemed acceptable. Officers consider the amended garage (side extension) and its use as a hairdressing salon would not have a detrimental impact on the street scene or wider area.

As such the proposed alterations to the attached garage and operation as a hairdressing salon would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY:

The proposal not only includes the use of the attached side extension (former garage) as a hairdressing salon but also the partial rebuild to provide the salon with an entrance door at the front and back. There is 1.8m high close boarded fencing along the common boundary of number 326, which mitigates the potential of detrimental overlooking from the window at the rear.

The proposed alterations to the garage do not lead to it being any larger with regard to depth and only slightly higher by approximately 0.25m. The additional height would not have a detrimental impact with regard to overshadowing, overbearing effect and loss of light/sunlight on the occupiers of adjoining properties, in particular 326.

The proposal, as already carried out, would not have a detrimental impact of the occupiers of adjoining and neighbouring properties with regard to overlooking, overbearing effect, overshadowing and loss of light/sunlight.

The hours of business would be 4pm-8pm weekdays and 9am to 12pm Saturdays and will not employ any one else. They intend to have once client at a time. The level and hours of use will be restricted by the size of the site and conditions.

PARKING AND HIGHWAY SAFETY:

1 parking space is proposed for client use. 1 space is appropriate as there would only be 1 client served at any one time.

Objection has been raised by Bersted Parish Council regarding cars reversing onto a main road as there is insufficient space for vehicles to turn onsite.

WSCC Highways have commented that a turn on site would be preferred for the use, however this is an existing practice that has operated on site, and within neighbouring properties for some time without evidence of highway safety concern. This proposal is not anticipated to result in a material increase in vehicle movements to or from the site.

Officers note the loss of the attached garage and when 1 space is in use for clients that parking would be reduced. The loss of a parking space to the front of the dwelling would only be during the limited opening hours and when a client comes by car. The applicants acknowledge that they would have 2 parking spaces for the residential use when the salon is in use and it is expected by that they would not park other cars such as to cause an obstruction. Officers note the limited opening hours and consider there would be sufficient parking available for the off-road parking of cars with regards to the residential use of 324 Chichester Road.

The proposal would not lead to parking or highway safety concerns such that the proposal should be refused and it is considered the proposal would adhere with T SP1 of the Local Plan.

BERSTED NEIGHBOURHOOD DEVELOPMENT PLAN:

From the above assesment it is considered that the proposal would dhere with Policies ES1 and ES2 of the Bersted Neighbourhood Plan.

SUMMARY:

The proposal would not have a detrimental impact upon the occupiers of adjoining and neighbouring properties. The development is deemed to accord with the relevant development plan polices and as such is 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:

Drawing 1 -Location Plan
Drawing 2 -Block Plan
Drawing 3 - Proposed Site Plan
ADC/11/18 - 4
ADC/11/18 - 5A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.
- 3 The premises shall not be open for trade or business except between the hours of 4pm to 8pm Monday to Friday and 9am to midday on Saturdays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1 & QE SP1
- 4 The building shall be used as a hair salon only and for no other purpose (including any other purpose in Class A1 of the Town & Country Planning General Development Order or Use Classes Order.

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policy D DM1.
- 5 There shall be no more than one client within the salon (converted garage) at any one time.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 6 The car parking spaces proposed shall be constructed within one month of the grant of this permission, in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy TSP1 of the Arun Local Plan.

- 7 This permission shall not be exercised by any other person other than the occupiers of 324 Chichester Road, Bersted and no additional staff shall be employed.

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 policy D DM1 of the Arun District Local Plan.

- 8 **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.
- 9 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500