

Recommendation Report for Planning Permission

REF NO: BN/46/18/PL

LOCATION: Unit S6, Windmill Shopping Village
Yapton Road
Barnham
PO22 0BD

PROPOSAL: Retention of shop (A1 Retail) & single storey showroom on south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to seek permission for the continual use of the Unit for A1 retail for the sale of window and conservatories, whilst seeking permission for the retention of single storey showroom extensions to the southern elevation. The extension is centrally located to the elevation to a width of 3.1m, a depth of 7.7m and overall height of 2.7m.
SITE AREA	0.1 Hectare
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Boundary fence.
SITE CHARACTERISTICS	The site is part of an group of units on land that is storage park with a mix of uses (some unlawful) namely 'Windmill Shopping Centre'. The site is arranged around three detached buildings served by car parking and a principle access onto the B 2233 abutting Windmill House to the north west.
CHARACTER OF LOCALITY	The surrounding area to the north is predominantly residential with rural open fields beyond the most south western aspect and abutting the siting the unit.

Outline planning permission BN/33/02 granted planning permission for the replacement of collapsed buildings on the west side of the site. Full permission was subsequently granted under BN/19/04. BN/66/06 permission was granted for the use of Unit S6 for use as a local taxi office, an application to modify the hours of operation was permitted in September 2017 under BN/21/07.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council: raise no comment

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Council Drainage Engineer - As the application is almost retrospective, no conditions to attention as difficult to enforce.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

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, preserving its appearance.

No specific Policy considerations from the Yapton Neighbourhood Plan 2014.

CONCLUSIONS

PRINCIPLE:

The site lies outside the built up area boundary. As such the principle of development is only acceptable where it can be demonstrated that it aids the diversification of the rural economy and is in accordance with other policies in the Plan which refer to a specific use or type of development.

This specific unit was granted permission to operate as a local Taxi Office (A2) under BN/66/06, and now wishes for a formalised use as retail (A1) to aid the display and sale of windows and conservatories.

POLICY RET DM1 - RETAIL DEVELOPMENT ON OUT OF CENTRE SITES

This policy states that it should be demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly, on the edge of the centre. Where these criteria are satisfied and permission is granted it will be made subject to planning condition or legal agreement, as appropriate, to restrict the range of products sold.

The applicant has not demonstrated that any existing alternative sites have been considered, however, in this case, as the proposal is within a vacant A2 unit and the statement suggests the retail use shall be limited to the sale of specific products then the change of use is not considered to provide any adverse impact to the locality therefore the change of use is considered acceptable subject to condition.

HIGHWAY CONSIDERATIONS AND DRAINAGE:

There are no proposed changes to the existing access arrangements. Car parking is being provided in accordance with the County standards and the site is on a bus route. County Highways have raised no objections.

No drainage issues have been raised as a result of the side extensions.

DESIGN AND VISUAL AMENITY:

Part of the proposal is to seek permission for the retention of single storey showroom extensions (varying styles) to the southern elevation. The extension is centrally located to the elevation to a width of 3.1m, a depth of 7.7m and overall height of 2.7m. The design is partial render walls with UPVC glazing and a flat and double pitch roof.

The extension are on a flank wall that is not viewed from a public road of vantage point, they are considered to be of a scale, mass and bulk that is subservient to the main building and set well enough back from the principle elevation of the building they serve as not to provide an unacceptable level of visual harm. The extensions are therefore compliant with policies D SP1, D DM1 & D DM4 of the Arun Local Plan.

NEIGHBOUR AMENITY:

The proposal is sited in a unit to most western part of the site therefore is not adjacent to any residential properties. With regard to traffic, it is not considered that the proposal would result in any significant increase in traffic to and from the site. The unit would be occupied by one full time member of office/sales staff during the times of opening with customers visiting the site on an ad-hoc basis. It is therefore considered that the proposal would not cause any significant harm to residential amenity.

As such it is considered that the proposal would comply with C SP1, RET DM1, T SP1, D SP1, D DM1 & D DM4 of the Arun Local Plan.

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) 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 none of the following impacts (negative, Neutral or positive) 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 CONDITIONALLY**

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

Drawing 2B - block plan,
Drawing 4 - Floor Plan existing & proposed

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.

- 2 The hours of opening hereby approved shall be:

08.00 to 18.00 hrs Monday-Friday 08:00 to 18.00 on Saturday, & 10:00 to 16.00 -Sundays & Bank Holidays.

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 Within 3 months of the last occupation of Unit S6, by Barnham Conservatories and Windows, the extensions hereby permitted shall be dismantled and removed from site and all other works made good to the existing building.

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.

- 4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to - the sale of conservatories and windows only (A1).

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 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.