

Recommendation Report for Planning Permission

REF NO: BR/16/18/PL

LOCATION: 131 Orchard Way
Bognor Regis
PO22 9JY

PROPOSAL: Erection of log cabin to rear to be used as hairdressers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of part of a domestic garden in a semi detached dwellinghouse to an A1 retail use of a hairdressers within a newly constructed log cabin 4 metres in depth by 5 metres in width with a shallow ridged roof with a peak of 2.4 metres in height.
	The applicant has applied for a personal permission with two part time staff including the applicant, serving up to two people at a time with a proposed maximum of 5 clients a day. The opening hours would be Monday - Friday 9 - 5 and Saturdays 9 - 4. The property has two off street parking spaces for the property already. The service would be by appointment only.
SITE AREA	approx.0.04 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2 metre close boarded fence to rear garden.
SITE CHARACTERISTICS	A semi-detached 2 storey dwelling with gardens to the front and rear. Driveway to front for two cars parked in tandem
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with semi-detached, detached and terraced properties of 2 storeys set in medium/large plots set back from the highway with gardens to front and rear within a suburban environment. The wider area includes South Bersted Industrial Estate to the north and a Primary School immediately to the south of the site adjoining the rear garden fence.

RELEVANT SITE HISTORY

PAA/125/17/	Erection of log cabin for use as hairdressers.	Approve Pre App 21-07-17
PAA/111/17/	Erection of 1No. log cabin to be used as a hairdressers.	Refuse Pre App

ENF/156/16

Alleged unauthorised use of outbuilding

No Further Actn

The applicant applied for pre-application advice which was approved on the second attempt following some restrictions to opening hours

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection.

A neighbour at the residential property next door objects to the proposal on the following grounds;
Noise nuisance from hairdressing use as it exists currently in existing garage would be exacerbated with extension of the use.

Traffic problems due to business parking at the property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The use of the property for hairdressing has been subject of previous enforcement cases and has been adjudged to be ancillary to the use of the property as a dwellinghouse up to now.

CONSULTATIONS

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions limiting the hours of opening and restricting the use to hairdressing.

Economic Regeneration - support.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

PUBLIC SEWER ON SITE

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
QE DM1	Noise Pollution
T SP1	Transport and Development

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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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.

No policies within the Bognor Regis Neighbourhood Plan are relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 site is located within the built-up area where the principle of development is acceptable subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within policy GEN7, GEN 12 & GEN 32 in the Adopted Local Plan 2003 which seek to prevent development that would have an adverse impact in terms of design, amenity and highway safety.

DESIGN AND VISUAL AMENITY

The proposed shed at less than 2.5 metres in height could be built under permitted development rights in accordance with Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

The new shed would be to the rear of the property behind a detached garage and would not be visible within the street scene. At 2.42 metres in height at the ridge, it would not have a significant impact on neighbouring properties above the 2 metre close boarded fence that encloses the rear garden of the property.

The proposed development is considered acceptable by reason of compliance with policies (saved Arun District Local Plan Policy GEN7 because it would not be directly visible from the street scene and any views from neighbouring properties would be limited.

RESIDENTIAL AMENITY

The applicant has applied for limited days and hours of use of the log cabin as a hairdressers and has stated there would be unlikely to be more than 5 clients a day. The use of the premises as a hairdressers could be restricted to no other use within the use class A1 (i.e. retail shops etc.) and restricted from

trading on Sundays and Bank Holidays which would provide a reasonable protection to the amenity of neighbouring properties given that the ancillary use of the property, as currently exists, could continue without the need for a specific planning permission. The property has been subject of a planning enforcement complaint for the current use which was not upheld and no further action was taken.

There have been no objections from the Environmental Health Department with regard to the use in a residential area subject to conditions.

The proposed use is therefore considered acceptable with regard to the amenity of neighbouring residential properties subject to the conditions mentioned above and the proposal is considered to accord with policy GEN 7 (iv) & GEN 32 of the Arun District Local Plan in relation to amenity.

HIGHWAY ISSUES

The proposed use will not create any additional access on to the highway network and therefore consultation with the West Sussex County Highways department is not considered necessary. The WSCC guidelines state that for a non food retail business the parking standard to be met is 1 space per 20 sq.m. (the floorspace of the log cabin is less than 20 metres) . In addition there is unrestricted parking on Orchard Way outside the premises. 2 parking spaces are provided on the applicant's driveway.

The proposal is therefore considered to comply with policy GEN 12 of the Arun District Local Plan and policy ETSP1 of the Modified - Arun Local Plan - January 2018 Consultation Version with respect to highway issues.

SUMMARY

The development applied is considered to be in accordance with the Local Development Plan and is recommended for approval subject to the following 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;

Block Plan
 Floor Plan
 Axis A & Axis B (Elevations)
 Axis 1=Axis 2 (Elevations)
 Axis B (Elevations)
 Axis1 =Axis 2 (Elevations)
 Axis A (Elevations)
 Base Plan

All received on 17/01/2018.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The use of the premises shall be restricted to the hours of 09.00 to 17.00 Mondays to Fridays, 9.00 to 16.00 on Saturdays only with no operation of the business on Sunday or Bank Holidays.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policy GEN7 and GEN32 of the Arun District Local Plan.

- 4 The use of the premises shall be restricted to a maximum of 5 clients a day.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policy GEN7 and GEN32 of the Arun District Local Plan.

- 5 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 hairdressing.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy GEN7.

- 6 **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.