

Recommendation Report for Planning Permission

REF NO: BR/273/21/PL

LOCATION: 198 Aldwick Road
Bognor Regis
PO21 2YQ

PROPOSAL: Construction of Dog Grooming and Fertility Clinic including part change of use from C3a to Sui Generis. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct an outbuilding to the rear garden which will be used as a dog grooming and fertility clinic. The use of the outbuilding falls under sui generis.
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Fencing to the rear and side boundaries.
SITE CHARACTERISTICS	The large site is occupied by a detached two storey property.
CHARACTER OF LOCALITY	The area is predominately residential.

REPRESENTATIONS

Bognor Town Council - objection.

- Access and highway safety which is in close proximity to a roundabout.
- Noise, nuisance and disturbance from the dogs upon neighbouring properties enjoyment.
- This is a commercial business in a residential area and would be out of character with the locality.
- Suitability of the proposed drainage system.

5 letters of objection from nearby occupiers

- Use of property as a commercial business would be out of character with residential properties.
- Clients would be arriving and leaving most of the day which would impact nearby properties.
- The entrance of the property is close to a roundabout/additional traffic will be a risk to road users
- Numerous dogs will result in a lot of noise.
- The outbuilding is close to the boundary and would dominate the garden.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection to the proposal although noise should be considered and request a

condition relating to noise, opening hours and construction.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies are D DM1, DSP1 and QE DM1 of the Arun Local Plan and the Arun Design Guide.

Bognor Regis has a made Neighbourhood Plan although no policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The outbuilding will be to the rear of the property and not visible from the wider street scene.

The outbuilding is modest in size with a flat roof. This will have a length of 8.5m and a depth of 4.3m. retaining 0.75m to the rear boundary and 1.4m to the north west. It will have a height of 2.6m. The external appearance of the outbuilding be white render which is appropriate and in keeping with the site, with no views from available from the street scene.

With the use of the outbuilding for business purposes, this would be slightly out of character for the area, however the main dwelling will remain as residential and the business use will only be used by a small area of the site. As such it is not deemed to result in adverse change to nature of the use of the site.

The size is acceptable and does not appear an overdevelopment of the site.

The Arun Design Guide new development should respond to and complement existing character and appearance. The development is not too large in size or scale for the site and is acceptable, retaining a sufficient amount of garden land.

With no viewpoints of the outbuilding, the proposal will not impact the appearance of the street scene and complies with D DM1 of the Arun Local Plan and the Design Guide.

RESIDENTIAL AMENITY

Whilst the outbuilding will be in close proximity to the rear boundary due to its size and height does not result in adverse overbearing or overshadowing on neighbouring amenity with the dimensions of the structure only 0.1m higher than that which could be constructed under Permitted Development.

Whilst relatively close to the rear boundary, a plan has been submitted to show the location of the building would not intersect a 45 degree angle when looking upwards from the rear neighbouring doors closest to the boundary.

The siting and dimensions of the outbuilding do not result in harm on No.200 or No.196 with sufficient separation retained.

The use of the outbuilding as a dog grooming and fertility clinic and (a sui generis use class). The business will have 1 member of staff who is the resident of the dwelling. The business will be by appointment only and approximately 4-5 clients are proposed per day. Working hours proposed are 9am-5pm Monday to Saturday. Whilst the use of the outbuilding for business purposes would result in an intensification of the use of the site, with only 1 staff member and grooming facility, the number of clients

would not be deemed to result in an excessive number of comings and goings which would result in adverse disturbance to neighbouring occupiers.

NOISE

The use of the outbuilding as a dog grooming/fertility clinic results in some additional noise from dogs and equipment being used. Environmental Health request a noise assessment is submitted to address the potential for noise that may occur which may impact on amenity of nearby occupiers. With a condition the use would not result in adverse noise in accordance with QE DM1 of the Local Plan.

PARKING

The dwelling is on Aldwick Road in close proximity to Aldwick Roundabout. The business will be accessed in the same way as the dwelling and retains space along the side boundary for direct access to the rear of the property. There is nearby on street parking although the dwelling has a large front garden which would provide sufficient parking spaces.

With the business by appointment only and with only 1 member of staff it is likely only 1 additional vehicle at a time would be visiting the business which is not considered to result in a significant increase in the number of vehicles attending the property contributing to an adverse amount of parking in the locality in accordance with T SP1 of the Arun Local Plan.

Concerns have been raised regarding the location of the dwelling in close proximity to the roundabout. The dwelling and nearby properties operate with this arrangement and it is not considered that an additional vehicle attending the business would result in a significant increase of highway issues or harm as described in paragraph 111 of the NPPF.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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:-

- Location Plan - 01
- Proposed Block/Site Plan - 10A
- Proposed North East and North West Elevations - 015 B
- Proposed South West and South East Elevations - 014 B
- Proposed Sections - 013 A
- Proposed Floor and Roof Plan - 012
- Proposed Site Section - 011
- Design and Access Statement

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 Prior to commencement of the development, the applicant shall submit details of measures required to mitigate noise impacts arising from the proposed use for approval in writing to the local planning authority. This shall include but is not limited to how the outbuilding is to be constructed to minimise sound and how the outbuilding will operate to ensure that adverse noise will be mitigated. ie. closed windows/doors etc. The approved measures shall be implemented prior to first use and maintained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 4 There shall be no more than one employee associated with the dog grooming/fertility clinic at any one time without the prior written consent of the Local Planning Authority. The employee shall be a resident of 198 Aldwick Road.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.

- 5 There shall be no more than one set of clients/dogs at the property which has a booking for grooming or fertility sessions at any one time.

Reason: To maintain control of dogs on the premises and 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 use hereby permitted shall only open to customers within the following times: 09.00am-17:00pm Monday to Saturday and not all on Sundays or public holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the

Arun Local Plan.

- 7 **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

- 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.