

Recommendation Report for

REF NO: CM/11/14/PD

LOCATION: Building at Hobbs New Barn
Climping

PROPOSAL: Prior notification for Change of use under Class M (Flexible Uses) from agricultural to B1 (Business)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application falls to be determined under the provisions of Class M of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class B1(offices) of the Schedule to the Use Classes Order from an agricultural building.

The principle of the development is not in dispute. Class M itself states that the consideration of the notification concerns only transport & highway impacts, noise impacts, contamination risks and flooding risks. However, the Order also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 4 issues stated above. Advice has been received from the Department for Communities and Local

Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 27-04-14.

The proposal is to convert the existing agricultural building into B1 office use. Access to the site is existing and space is available in front of the building for parking/turning.

SITE AREA	725 sqm. Area of building is 464 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to approx 3 -4m
SITE CHARACTERISTICS	Detached modern agricultural barn, portal framed. Clad in green and grey metal sheeting.
CHARACTER OF LOCALITY	Predominantly rural. Industrial buildings to south

RELEVANT SITE HISTORY

CM/21/08/AG	Prior notification for portal framed building	No Objection 04-08-2008
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None

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning
Environmental Health
Environment Agency
WSCC Strategic Planning

Consultations responses received:

Environmental Health - No Objection

Environment Agency - Site is located in Flood Zone 1 defined by the NPPF as having a low probability of flooding. Furthermore, the proposed change of use would not result in change in vulnerability to flood risk.

County Highways - The access onto the A259 already serves other light industrial units. Visibility from this access onto the A259, is good and clear. WSCC requested information regarding the nature of the transport and highway impacts the change of use would have. This has not been detailed so the worst case scenario has to be considered.

Flexible M class allows the applicant to change use to any of the following use classes, A1-3, b1, b8, C1, and D2. WSCC has considered traffic impact and the highest number of car parking spaces that would need to be provided. The applicant has shown that space is available for the parking of cars. The highest trip attractor could potentially be a shop or café? which could demand the highest parking levels of around 23 spaces, based on WSCC car parking standards of 1 space per 14sqm. The plans show that parking for this number of cars is available surrounding the unit.

The highest trip generator could be B8 - storage/distribution, or A1 retail use. However; as the unit is only 464sqm it is unlikely cause any material capacity impact on the existing access.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The application is determined under the provisions of Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class M of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that the only aspects that can be considered with regard to this prior approval application are transport & highway impacts, noise, contamination risks and flooding risks. The Act also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

However, the local planning authority is only able to have regard to the NPPF and representations in terms of the 4 issues stated above.

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

Transport & Highway Impacts

The current use of the building as offices is considered to result in a slightly greater demand for parking than the 5 flats. Furthermore, the site lies in a highly sustainable location and as such, residents would not need to own a private car in order to access key services and facilities or do their food shopping. County Highways have raised no objection.

Contamination Risks

The site is not contaminated land and the proposed conversion of the building would have not result in change in contamination risk.

Flood Risk

The site is not located within or near a flood plain and the Environment Agency have raised no objections from a flood risk point of view.

Noise

The site is not located close to residential properties and noise generation would not therefore adversely impact on residential amenity

Representations from Local Residents & Assessment against the NPPF

It is only possible to have regard to the NPPF with regard to the 4 stated issues. However, in this case, no letters have been received from local residents and therefore there is no requirement to assess the proposal against the NPPF.

Therefore, prior approval is required in respect of the above and it is recommended that it be granted.

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

NO OBJECTION