Recommendation Report for Planning Permission

REF NO: **EG/17/15/PL**

LOCATION: 64B Barnham Road
Eastergate

PROPOSAL: Change of use from barber shop (A1 Shops) to dwelling house (C3 Dwelling Houses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Convert former shop to a ground floor apartment to the rear of Hobden's Estate Agents. Proposed accommodation would be 1 bedroom, a seating and kitchen area and also a toilet/shower room. Shared use of the garden area to the west and north of the unit would be available. Additional material has been submitted regarding natural lighting available to the unit. The proposal includes a false window which would provide some light and there are 2 existing small roof lights. An exterior door to the garden area is indicated at the side of the accommodation.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Not application, the site is within an existing building with no open space or garden and therefore no boundary treatment apart from the walls of the building.
SITE CHARACTERISTICS	The site is to the rear of Hobdens Estate Agents. It was formerly in use as the vault of Barclays Bank. The roof and walls are constructed in reinforced concrete impregnated with plastic to prevent drilling though or making openings.
CHARACTER OF LOCALITY	Village centre with some residences above commercial uses.

RELEVANT SITE HISTORY

EG/64/98/	Change of use to Barber shop	ApproveConditionally 12-11-1998

EG/26/70	Change of use to bank or ground floors and residential on first floor	Approve 17-06-1970
EG/82/73/A	Application to display illuminated advertising sign	Refused 13-02-1974
EG/22/74	Alterations and additions	Approve 20-05-1974
EG/13/75	Proposed alterations and extensions	ApproveConditionally 02-04-1975

None relevant. Unit is in A1 use.

REPRESENTATIONS

Representations received:

Eastergate Parish Council

No comments received.

Comments on Representations received:

N/A.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
Southern Water Planning
WSCC Strategic Planning
Environmental Health

Consultations responses received:

HMO OFFICER

Initial objections regarding lack of means of escape and natural light. No objection once plans amended.

DRAINAGE ENGINEER

No comments to make.

SOUTHERN WATER

Please add standard informatives.

WSCC HIGHWAYS

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity relating to the existing point of access, indicating a low risk of highway safety issues with this proposal.

In terms of transport, the property is situated in a sustainable location. The property is within walking distance of a range of services and public transport, hence there is no reliance as such on the use of the private car. This application therefore is in compliance with the NPPF (2012) in

encouraging the use of sustainable transport.

Any approval of planning permission would be subject to the following condition, there are no Highway concerns with this proposal:

CONDITION

No dwelling, hereby approved, shall be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority.
Reason - To provide alternative travel options to the use of the car in accordance with the NPPF (2012).

Comments on Consultation responses:

Comments noted. Informative will be added but Cycle parking condition is unreasonable as development could be carried out under permitted development and there is no space for cycle parking. The site is highly sustainable and there is cycle parking opposite at the train station. The condition is considered to be unreasonable.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Lidsey Treatment Catchment Area
Class B Road
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	D DM1	Aspects of Form and Design Quality
	D SP1	Design
	T SP1	Transport and Development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES12	Energy efficiency of existing development	
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and 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.

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

DESIGN AND VISUAL AMENITY

The only external changes will be the windows and roof lights, these are minimal changes and are considered to respect the appearance of the street scene and host property.

NEIGHBOUR AMENITY

There will be little change in impact on neighbouring dwellings. The change to a residence is not considered to result in significant increase in noise or disturbance and the roof lights will not face any neighbouring dwellings. The application is considered to be acceptable in terms of impact on neighbour amenity.

RESIDENTIAL AMENITY STANDARDS

The size and layout of the dwelling is considered to meet policy requirements to provide a good standard of habitable accommodation.

PARKING

The site is within a highly sustainable location and the proposal is for a one bed unit. Whilst the application could also be carried out under permitted development, it is not considered that the impact of additional parking generation rom this property is not considered to have a significant impact on the local highways.

The application is recommended for conditional 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 (right to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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

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:-

Promap
Green Circle (floorplan)
Yellow Squares (roof light layout)
A False Window
False Window to be mounted in vault

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 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.

4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.