

Recommendation Report for Planning Permission

REF NO: EG/55/13/

LOCATION: Workshop 7
R/O 45 Barnham Road
Barnham

PROPOSAL: Demolition of existing fire damaged unit and replace with new unit.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The replacement building will be the same height as the former building (9m), slightly wider (2.7m extra) and 0.5m deeper. It will be the same height as before but will only comprise 1 storey and will provide 2 new MOT testing bays. It is proposed to clad it as per the existing garage building.
SITE AREA	521m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Surrounded by a mix of walls and fences.
SITE CHARACTERISTICS	Existing garage site comprising of "Flint Garage" and "M. Triggs Car Trimmer". The majority of the site is owned by Flint Garage with only the 2 small buildings on the western side of the site owned by the other business. It is understood that the previous 1.5 storey building burnt down around 25 years ago and all that is currently left is the steel frame/struts. The site is accessed from Barnham Road via short spur to the east. At the time of the site visit, there was no space within the site due to parked cars.
CHARACTER OF LOCALITY	The site is in the centre of the Barnham shopping centre. It is located just north of Windmill Court (which overlooks it) and just south of commercial properties fronting onto Barnham Road. The site is close to Barnham station.

RELEVANT SITE HISTORY

EG/44/12/	Demolish existing single storey buildings to the rear of no's 43 & 45 & redevelop the site incorporating no. 47 for residential use, comprising 11 no. 1 & 2 bed flats, a shop unit & associated external works	Refused 14-03-2013 Appeal: Allowed+Conditions 22 10 2013
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EG/55/13/

EG/8/49	Garage	Approve 05-07-1949
EG/8/49/A	Extension of workshop	Approve 02-05-1951
EG/11/53	Erection of store shed adjacent to colgraves garage	ApproveConditionally 14-10-1953
EG/8/49/B	Renewal of consent for garage	ApproveConditionally 21-07-1954
EG/11/53/A	Application for permanent consent for store shed	Approve 19-11-1958
EG/8/49/C	Renewal of consent	Approve 21-10-1959
EG/8/49/D	6 lock up garages	Approve 14-02-1960
EG/11/53/B	Extension of store	Approve 16-11-1960
EG/91/74	Conversion of exisiting shops showroom and office to a single retail general store	Approve 04-12-1974
EG/81/76	Outline for single storey showroom offices and toilets and replacement of pumps	ApproveConditionally 08-12-1976
EG/87/81	Change of use from store to workshop for light car conversions	ApproveConditionally 04-11-1981
EG/72/82	Change of use of building for class III use for precision tool engineering	ApproveConditionally 04-08-1982
EG/13/84	O/L for single storey industrial unit	ApproveConditionally 25-04-1984
EG/23/84	Extension	ApproveConditionally 30-05-1984

Planning Ref EG/44/12 was recently allowed on appeal and proposes a residential development on land between the garage site and Barnham Road. With regard to the proposed replacement garage building, the Inspector for that appeal stated that: "There is an application for a building on the adjoining site to the south, to replace the remains of a fire damaged building. Although that application has not yet been registered, there is no reason to consider it as jeopardising the development of the appeal site".

REPRESENTATIONS

Representations received:

Eastergate Parish Council - no comments recieved but the minutes of their meeting 07/11/13

report

states no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Southern Water Planning

Environmental Health

Consultations responses received:

Southern Water - Request an informative regarding sewer connections.

District Environmental Health - No EH objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN12](#)

[GEN32](#)

Built-up Area Boundary

The Form of New Development

Parking in New Development

Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

It is understood that the new MOT bays in the building are required to service the existing needs of the business and not to expand/intensify it. It is also clear from the parking situation that it would not be possible to intensify the use of the site without a situation arising where no one would be able to access the site. However, given that there was a previous building on the site, the remains of which are still present, and that the site is located in a central location close to 2 public car parks, that the proposal is acceptable with regard to parking.

The site is overlooked by Windmill Court to the south; however, the business is only open during normal working hours and only half a day on Saturday. It is an existing business and the building was previously present. No objections have been received from neighbours, the Parish or Environmental Health and it is considered that the proposal complies with Policy GEN7 in terms of residential amenity.

With regard to the recently approved flats next door, the proposed block that is adjacent to the boundary due north east of the site of the new building will have lounge, kitchen and a bedroom window on ground and first floors with a small patio serving a lounge on the 2nd floor within the roof. The proposed building is located adjacent to the boundary whilst the flats are set back by a few metres. It is considered that there will be some loss of light to these windows particularly around lunchtime and early afternoon. However, the affected flats do also have east and west facing windows (including a west facing lounge window) such that they will still benefit from sunlight at other times. It should also be noted that these flats are as yet unbuilt and it may be the case that they do not get built. Finally, the relationship between the proposed flats and the existing garage building is no different to that proposed - and the Inspector clearly deemed this to be an acceptable relationship.

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: Current Site Colour Photos; Colour Photos of the former building; "Proposed Elevations"; "Proposed Floorplans"; "Existing Floor Plan"; "Block Plan"; and "Location Plan".

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

- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing garage building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No machinery, vehicles or plant shall be operated within the new building except between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive; and
8.00 a.m. and 6.00 p.m. on Saturday.
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.