

Recommendation Report for Planning Permission

REF NO: EP/34/15/PL

LOCATION: 102 Sea Road
East Preston

PROPOSAL: Change of use from childrens day nursery (D1 Non residential institutions) to 1 No 4 bedroom domestic household (C3 Dwelling house).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for this former dwelling to revert back to residential use as a 4 bedroom single family dwellinghouse. No alterations or extensions are proposed. The previous use has ceased and at the time of the site visit the premises were vacant.

SITE AREA

The site area is approximately 0.03 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

The area is a medium density residential one in the area of the dwellings in the immediate vicinity on the west side of Sea Road.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front boundaries of the site are a mixture of walls and fences of between 1.5m and 1.8m in height. Rear boundaries are a mixture of fencing and planting.

SITE CHARACTERISTICS

The site is occupied by a dwelling which has a partly chalet type appearance, but also has a full two-storey front element. To the front of the dwelling the site has been hard surfaced and can accommodate 2 to 3 cars. The dwelling was unoccupied at the time of the site visit and for sale.

CHARACTER OF LOCALITY

The general character of the locality is residential although there is open space opposite and some commercial to the south east.

RELEVANT SITE HISTORY

EP/41/08/	Change of use from 4 bed detached house to day nursery & before and after school facility for a maximum of 24 children.	ApproveConditionally 15-10-2008
EP/17/51	Conversion of garage into living accommodation	ApproveConditionally 17-08-1951
EP/22/52	Change of use from dwelling house to 2 flats	ApproveConditionally 15-06-1952

The childrens day nursery was permitted with a condition restricting use to between 07:00 - 18:00 Mondays to Fridays inclusive and not more than 24 children. Outside play was restricted to 1.5 hours in the morning and 1.5 hours in the afternoon and no more than 6 children outside at any one time. These restrictions were imposed to protect the residential amenity of the area and of adjoining occupiers.

REPRESENTATIONS

Representations received:

East Preston Parish Council

East Preston Parish Council raises no objections.

A nearby occupier has strongly supported the 'reversion of this house to re-join its community as a residential house. There are too many businesses at this end of the village'.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN2](#)
[GEN12](#)
[GEN32](#)

Built-up Area Boundary
Parking in New Development
Noise Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2 Built-Up Area Boundary
QE DM1 Noise Pollution
SD SP1 Sustainable Development
QE SP1 Quality of the Environment
D DM2 Internal Space Standards
D DM3 External Space Standards
T SP1 Transport and Development

PLANNING POLICY 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).

East Preston has a Made Neighbourhood Development Plan (NDP). This means that East Preston Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for East Preston. Consequently, decisions on whether or not to grant planning permission in this area will also need to be made in accordance with the East Preston Neighbourhood Development Plan, unless material considerations indicate otherwise.

Policies relating to housing and character are as follows:

Policy 1: Housing - General Principles

Development proposals will be supported, provided:

- i. the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings;
- ii. they meet the adopted car parking standards, whereby the amount and method of parking

provision should not adversely affect road safety, or result in unacceptable levels of on-road parking demand;

iii. proposals for a change of use of a dwelling to a commercial holiday letting demonstrate that they will not harm the amenities of the local residential

area; and

iv. they retain amenity land, incidental open spaces and roadside verges.

Policy 4: Design in Character Area Three

Development proposals in Character Area Three, as shown on the Proposals Map (roads outlined in blue) will be supported provided the scale, density, massing, height, landscape design, layout and materials of including alterations to existing buildings, will:

i. sustain and enhance the significance of the historic character of the area;

ii. employ building materials that harmonise with those used in existing buildings;

iii. preserve front boundary walls;

iv. ensure that where apartment blocks are proposed, their scale, massing, detailing and landscaping is domestic in form and their appearance harmonises with the housing types of the area.

This application results in the addition of 1 dwelling to the housing stock. It is for change of use only and no alterations or extensions are proposed. The application is therefore in accord with Neighbourhood Plan policies relating to housing and character.

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.

CONCLUSIONS

PRINCIPLE

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 relate to the impact on the amenity of the occupiers of nearby dwellings and the adequacy of the proposed accommodation in terms of the amenity of the occupiers.

Impact on Nearby Dwellings

The proposed development will result in a reduction in the intensity of use of the site and a consequent reduction in impact on the amenity of nearby occupiers resulting from either noise generated by the use or from the associated traffic. There would also be a reduction in parking demand in the immediate locality at certain times of day. The proposal is therefore considered to be in accord with impact policies. The site also provides adequate car parking in accord with

standards.

Amenity of Occupiers

The proposed accommodation meets the council internal and external space standards and exceeds these. The amenity of the occupiers of the proposed dwelling is therefore satisfactory.

The proposed use is considered not to result in harm such that planning permission ought to be reasonably withheld and will result in improved residential amenity.

It is therefore recommended that the application be approved, subject to the following conditions.

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 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

In assessing this proposal the following impacts (negative, Neutral or positive) 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 drawings:

Drawing Number 1724/01/02, Block Plan - Dated March 2015

Drawing Number 1724/01/01, Existing & Proposed Plans - March 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy 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 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.