

Recommendation Report for Planning Permission**REF NO:** EP/76/12/**LOCATION:** I C I S Information for Life
35 Worthing Road
East Preston Littlehampton**PROPOSAL:** Proposed change of use of Office Building (B1 Business) to Residential (C3 Dwelling Houses), forming 2 x 2 bedroom flats**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	427 square metres
RESIDENTIAL DEVELOPMENT DEN	50 dwellings per hectare approximately.
TOPOGRAPHY	Wholly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The western Boundary is a mixture of brick wall and closed board fence. The Northern and eastern boundaries are hedges of varying height. The southern boundary is open onto the public footpath.
SITE CHARACTERISTICS	The site is occupied by a single storey building with pitched roof. Brown brick walls and brown concrete tile roof. The western portion of the site is a hard standing with capacity to accomodate 4 vehicles.
CHARACTER OF LOCALITY	Primarily a residential area with terraced and semi-detached houses fronting onto the highway.

RELEVANT SITE HISTORY

A/32/55	Use of land for industrial purposes	Refused 08-07-1955
A/13/74	Back accommodation to improve office accommodation	Approve Conditionaly 25-02-1974
A/110/83	Addition to existing Surgery for group practice	Approve Conditionaly 06-07-1983

No comments.

REPRESENTATIONS**Representations received:**

East Preston Parish Council

- No objections to raise to the proposed change of use of the property.

1 letter of Objection

- Building is currently used as an office building and we feel it should continue in this use.
- Cannot see how it would give suitable accommodation for anyone to live in.
- Previously a doctors surgery and has never been used as offices.

Comments on Representations received:

Comments made by the objector are noted. The planning history of the site and current use does not preclude it from a change of use to a C3 residential dwelling. The merits of the change should be assessed in light of the policies contained in the Development Plan and regular material planning considerations.

CONSULTATIONS

Engineering Services Manager
Environmental Health
Engineers (Fluvial Flooding)
Planning and Housing Strategy
WSCC Strategic Planning
Parks and Landscapes

Consultations responses received:

Parks and Greenspace - no objection

- No detrimental landscape impact
- Low level planting detailed to soften the street frontage should be species sufficiently low growing so as not to obstruct any highways sight lines.

Arun District Council Engineering Department - no objection

- As there is no increase in the permeable area there should be no increase in flood risk over the existing arrangement.

Arun District Council Environmental Health - no objection

HMO officer - no objection

Pollution - no objection

West Sussex County Council Strategic Planning - no objection

- The proposal includes 4 off-street parking spaces which sufficient to meet the demands for this development.
- No facility to allow cars to turn on site, allowing them to exit in forward gear however, given the nature and the 30 mph speed limit on this road together with the fact that it currently operates in this way there would not be an issue.
- The visibility at the access points looks to be adequate in both directions.
- The development is sustainably located and provision for 4 bicycle parking spaces should be secured by condition.

Comments on Consultation responses:

- comments noted, proposed conditions will be included as appropriate.

POLICY CONTEXT

Designation applicable to site:
- B Class Road,
- Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council has recently published the Draft Arun Local Plan and is therefore a material consideration in the determination of this planning application. It remains subject to publication of a pre-submission Plan, formal public consultation, resolution of objections, examination and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

PRINCIPLE

The application seeks permission for the change of use of the ground floor of building from a Class B1(a) Office Use to two Class C3 Residential Dwellings. The site forms part of the built-up area boundary in which the development is acceptable in principle.

RESIDENTIAL AMENITY

The proposed alterations are not considered to give rise to unacceptable loss of amenity to adjoining residential properties given the existing commercial use of the site.

Arun District Council Environmental Health has made no objection to the proposed development, and have not objected to the proposed layout or size of the accommodation.

It is therefore not considered to be detrimental to the private amenity of any future occupiers of the site, or that of neighbouring properties.

AFFORDABLE HOUSING

The proposal seeks permission for 2 No. residential dwellings. In accordance with the Council's Interim Affordable Housing Policy and Validation Checklist, a S106 Legal Agreement has been received which agrees the payment of £9,652 for the purpose of providing or helping to provide affordable housing, which will be paid upon the commencement of the change of use.

CHARACTER AND APPEARANCE

The proposal would form two 2 bedroom flat with minor changes to the external appearance of the building.

On the southern elevation the existing signage will be replaced with uPVC fascia; existing high level windows will be replaced with deeper windows and a new patio door will be provided to replace an existing window.

On the western elevation a new patio door will be introduced; new deeper windows will be included and a new entrance door and canopy will replace an existing window.

The northern elevation an existing door will be closed off.

It is not considered that any of these alterations would be deleterious to the appearance of the building, and that the proposed appearance would be in keeping with the localities prevailing character.

PARKING PROVISION

The site provides 4 parking spaces directly to the side of the building and although not allocated directly between the 2 separate units that would be created, the parking level is considered to be acceptable.

SUMMARY

The proposal is considered to have an acceptable impact the amenity of the adjoining uses. The proposal is in keeping with the residential character of the area. The proposed modifications to the elevations are minor and do not unduly impact upon the visual appearance of the street scene. It is therefore recommended that the change of use application is approved subject to the following conditions.

HUMAN RIGHTS ACT

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 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 a neutral impact has 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.

As a neutral impact has been identified, no mitigation measures are proposed.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 5835 Location
Proposed Site Layout 5835 sk01
Existing Layout ICIS_GTA 02
Proposed Floor Plans 5835 sk02
Existing Elevations 5835 sk05
Existing Elevations 5835 sk04
Proposed Elevations 5835 sk03
Proposed Elevations 5835 sk06

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

- 3 The access to the proposed dwellings shall be laid out to provide pedestrian visibility splays of 2 metres on each side of the access in accordance with plans and details to be approved by the Local Planning Authority.

No other work shall be carried out on the site until the above mentioned sight lines and splay areas have been provided and thereafter the said sightlines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

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

- 4 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) or alterations to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN12

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing.