

PLANNING APPLICATION REPORT**REF NO:** **FN/8/10/****LOCATION:** Winton Stores
 The Square
 Findon**PROPOSAL:** The change of use, conversion and extension of the existing building to create
 2No. two storey dwellings - resubmission following FN/59/09/**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is for change of use of retail unit with storage to rear to convert and extend the existing building to create 1 No. 2-bed and 1 No. 3-bed 2-storey dwellings with basement cycle parking.
SITE AREA	225 sq. metres
RESIDENTIAL DEVELOPMENT DEN	89 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint wall on rear boundary to grass and hedging. Building on frontage.
SITE CHARACTERISTICS	Two storey building, plain clay tiles, to crossroads frontage, dropping to single storey to side. Felted flat roofed extension to rear and extractor flues. Adjoining unit to rear single storey pitched roof. Pitched tiled roof. No openings in section closest to application site. Adjacent at ground floor restaurant and greengrocers.
CHARACTER OF LOCALITY	Village centre. Mix of residential and commercial. Buildings mainly two storey.

RELEVANT SITE HISTORY

FN/41/92	Proposed conversion and extension of existing roof space to provide living accommodation and office.	Approve Cond 15-01-1993
FN/41/93	Proposed conversion and extension of existing roof space (amendment to FN/41/92)	Refused 09-03-1994
FN/13/02/	Proposed conversion and extension of existing roof space to provide living accommodation and office	Refused 19-04-2002

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FN/59/02/	Proposed conversion & extension of existing roof space to provide living accommodation and office	Approve Cond 25-10-2002
FN/67/05/	Subdivide upper floor and part lower floor to create three residential units (amendments to FN/59/02/)	Refused 13-12-2005 Appeal: Allowed+Conditions 10 07 2006
FN/61/07/	Renewal of unimplemented planning consent FN/59/02/ for conversion of existing roof space to provide living accommodation and office.	Approve Cond 24-12-2007
FN/59/09/	The change of use, conversion and extension of the existing building to create 2No. two storey dwellings	Refused 17-12-2009
FN/60/09/CA	Conservation area consent for demolition of part of existing building (side & rear)	Refused 17-12-2009
FN/9/10/CA	Conservation Area Consent for demolition of part of existing building to side and rear - resubmission following FN/60/09/CA	Approve Cond 31-03-2010

REPRESENTATIONS

Representations received:

Findon Parish Council

Subject to WSCC highways having no objections regarding parking arrangements. No objection.

Other representations:

None

Comments on Representations received:

Comment on Parish Council representation:

A previous application for subdivision of upper floor and part ground floor to create 3 residential units was allowed on appeal. The Inspector concluded that although demand was high for parking, there was a lack of evidence to clearly demonstrate that it would be any different from the existing highway conditions and that it would be harmful to highway safety. This proposal seeks conversion to the shop and one less residential unit so on balance would have less impact on parking generated than the scheme previously approved.

CONSULTATIONS

WSCC Local Development Divis.

Property Services Manager
Conservation Officer
Conservation Area Advisory Com

Consultations responses received:

County Highways - No Vehicle parking is proposed. Highway arrangements have not significantly changed since the Inspector's comments were provided and the proposal seeks less residential development, therefore, an objection could not be supported on highway safety grounds.

Conservation Area Advisory Committee - Support application.

Property Services Manager - The marketing history does not support a robust marketing campaign for the premises as a A1 use, and given the asking price it would appear that it has been marketed for re-development not as a shop unit. Unless there is clear evidence to demonstrate that there is no demand for this shop it cannot be supported.

Comments on Consultation responses:

Comments noted. The previous application FN/59/09 was not refused on viability grounds. This is a material consideration and it would not be reasonable to introduce an objection on viability grounds at this stage. No response was received to the previous consultation with Property Services Manager.

POLICY CONTEXT

Designation applicable to site:

within Built-Up Area Boundary
Within Area of Outstanding Natural Beauty
within Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
	AREA9	Area of Outstanding Natural Beauty
	DEV30	Local and Village Centres

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG15	Planning and the Historic Environment

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.

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 conflict with Development Plan policy DEV30 in that it would result in loss of a retail unit outside of a defined Principal Shopping Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. These material considerations are that reasonable attempts have been made to market the premises which has been empty for 3 years, other shop units selling similar items exist close to the application site, the loss of the retail units has previously been accepted and the proposal would have no materially adverse effect on residential or visual amenity.

CONCLUSIONS

PRINCIPLE

The application follows other applications on the site for conversion and extensions to form residential accommodation at the site. This is the second application to include conversion of the shop unit. Residential accommodation is acceptable in principle; as is removal of the flat roof extensions, but the loss of the retail unit and changes of use to residential which includes changes to the ground floor elevations required additional consideration.

VIABILITY

The agents have previously submitted information to demonstrate that the business closed in March 2007 when the owner retired and that it has been marketed since August that year. The application contains a copy of a letter from the Estate Agents demonstrating the price of the premises has been reduced. The option of renting to a tenant has also been pursued but rejected by a potential tenant on the basis that it is too small and given its location would not attract sufficient passing trade. It was also noted that most of the goods sold in Wintons are now being offered in premises further up the lane, so the village would not be deprived of an essential service.

VISUAL AMENITY AND CHARACTER OF THE AREA

The 2 storey extension to replace the existing single storey additions is acceptable in principle as is residential use of the site and the elevational treatments at first floor are considered acceptable in the Conservation Area. The proposal also involves retention of the 3 existing shop windows and doorway. Loss of these elements comprised the previous reasons for refusal when FN/59/09 was considered. Retention of these features would preserve and enhance the character and appearance of the Conservation Area and would retain historic reference to the buildings previous use. It is accepted that the scheme is similar in appearance to the dwelling that previously occupied the site and it not unattractive, a shop has existed for in excess of 100 years and retention of the shop frontage would enhance the visual amenities of the locality.

Planning policy guidance note 15 Planning and the Historic Environment states in paragraph 4.20 whilst the character and appearance of Conservation Areas should always be given full weight in

planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an areas character of appearance, or by development which leaves character and appearance unharmed. In this particular proposal, it is considered the character is left unharmed and therefore the objective of preservation is met.

RESIDENTIAL AMENITY

The removal of the existing extensions would provide more space about the buildings and a greater distance between the rear elevation of the building and the boundary. The increased height to the south west would be 9m for the adjacent property. The proposal would therefore have no adverse overbearing effects. The proposed extensions would provide 2 new velux roof light serving a balustrade and landing which are conditioned to be obscure glazed to protect the privacy of adjoining properties.

The opening in the north east/rear elevation at first floor is existing and could be utilised as a window without the need for planning approval. No adverse overlooking would therefore result.

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

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 No windows other than those shown on the plans hereby approved, shall be constructed at first floor level and in the roof in the north east elevation of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The roof light windows on the north east elevation of the extension shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 4 This permission relates to the following approved plans 1.01revA, 2.01revC, 1.02revA.

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.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan Listed below in that it would result in the loss of a retail unit, there are material considerations which indicate that it can be granted. These material considerations are that reasonable attempts have been made to market the premises which has been empty for 3 years , other shop units selling similar items exist close to the application site and the proposal would have no materially adverse effect on residential or visual amenity .

RELEVANT POLICIES

LOCAL PLAN: GEN2,GEN7,GEN12,AREA2,AREA9,DEV30

NATIONAL POLICIES: PPS1,PPS3,PPG15

This paragraph is to comply with Article 22 General Development Procedure Order 1995