

Recommendation Report for Planning Permission

REF NO: **FP/194/12/**

LOCATION: 119 Felpham Way
 Felpham

PROPOSAL: Change of use from office (A2 Financial & Professional Services) to residential
 (C3 Dwelling Houses)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent for a change of use from professional and financial services (A2 use) to a dwellinghouse (C3 use).
SITE AREA	Approximately 641 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Raised 1 metre above road level.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick retaining wall to front boundary. 2 metre high block wall to rear. 1.5 metre high wall to side (east) and 1.5 metre high fence to part side boundary (west).
SITE CHARACTERISTICS	Detached single storey building faced in brown pebbledash with tiled, pitch roof and uPVC glazing. Detached garage to rear.
CHARACTER OF LOCALITY	Main road comprising detached dwellings and bungalows of various character and design, and some retail and commercial uses (A2 and A1).

RELEVANT SITE HISTORY

FP/61/94	Change of use from residential to office use	Approve Conditionaly 13-06-1994
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REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

1 letter of Support:-

- support return to residential, as opposed to vacant

- new or repaired fence should be provided to west boundary
- red edge is incorrect extending too far north

Comments on Representations received:

Comments noted.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built-up area boundary

Class A road

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	GEN12	Parking in New Development
	DEV17	Affordable Housing

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.

The emerging local plan has recently been approved by the Council and is therefore a material

consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

PRINCIPLE

The application seeks consent for a change of use from A2 (professional and financial services) to C3 as a single dwellinghouse. The property is a detached chalet bungalow located on the north side of Felpham Way. The building was previously occupied by a firm of accountants and has remained vacant for a period of 6 months - 1 year.

Planning permission was granted in 1994 from residential to office use (FP/61/94). The proposed change of use will revert the building back to its historic use as a dwellinghouse. There is no objection in principle therefore, subject to the proposal providing a satisfactory level and layout of accommodation.

The proposed accommodation will comprise 2 beds, lounge, dining room, kitchen and bathroom at ground floor level. Ample private amenity area will be retained to the rear of the property with a detached garage and parking on a driveway to the side for 3-4 cars. The proposed dwelling will provide a good level of accommodation for future occupiers.

RESIDENTIAL AMENITY

The site is adjoined by residential properties to the east (no.121) and west (no.117). The proposed use as a single dwellinghouse is a less intense use of the site and is likely to generate less traffic movements. This will improve the amenities of neighbouring properties. In relation to the west boundary fence, a condition is recommended for its replacement, as this has partly collapsed.

DESIGN AND VISUAL AMENITY

No alterations are proposed to the exterior of the building. The surrounding area is characterised predominantly by dwellings and bungalows of various character and design with some retail and commercial uses to the east of the site. The proposed residential use of the site is in keeping with

the character of the area.

PARKING AND ACCESS

No alterations are proposed to the access onto Felpham Way and the level of parking provided is sufficient to comply with the WSCC adopted parking standards. The proposal is likely to result in less highway movements as a single dwellinghouse; therefore the traffic impact is expected to be less than the current A2 use.

AFFORDABLE HOUSING

The Council operates a policy where development proposing a net gain in residential units is expected to provide a commuted sum by way of a Legal Agreement. In this case, the proposal seeks to provide 1 x 2 bed dwelling that would require a commuted payment of £9,128. This will be secured by Legal Agreement.

SUMMARY

In summary, the building will revert back to its historic use as a dwellinghouse. The form, scale and layout of the proposed accommodation is adequate, and ample parking and private amenity space will be provided. No alterations are proposed to the access onto Felpham Way and the proposed use as a dwellinghouse is anticipated to generate less traffic movements. The proposal will have no adverse impact on residential and visual amenity. It is therefore recommended that consent is granted, 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 (right to respect 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

Duty under the Equalities Act 2010

In assessing this proposal the following impacts (Neutral) 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 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: Block Plan, drawing 6623/01 Existing Ground Floor Plan, drawing 6623/02A Proposed Ground Floor Plan, drawing 6623/04 Existing and Proposed Elevations, received on 6 November 2012.

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 No development shall be occupied until a replacement fence has been erected on the western boundary.

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

- 4 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: GEN7, GEN2, GEN12, DEV17, Interim Affordable Housing Policy

NATIONAL POLICIES: National Planning Policy Framework (2012)

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

- 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.