

Recommendation Report for Planning Permission

REF NO: LU/109/26/PL

LOCATION: 17 Ernest Fitches Way
Littlehampton
BN17 7EP

PROPOSAL: Erection of a single-storey timber garden cabin to be used as a small-scale dog grooming business ancillary to the main dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site is a semi-detached house with an existing detached garage.
CHARACTER OF LOCALITY	The property is located within a residential area.

REPRESENTATIONS

Littlehampton Town Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No response received.

SOUTH DOWNS NATIONAL PARK - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary
Arun Valley IRZ
CIL Zone 2

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 the development will not adversely affect the character of the area, or have demonstrable harm on neighbouring residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The outbuilding would be to the rear of the existing detached garage, and would be adjacent to the rear boundary of the property. The outbuilding would measure approx. 2.3m by 3.2m and would have a

maximum height of 2.5m. The size of the outbuilding is modest, and is subservient to the main dwelling and the existing detached garage. The outbuilding would not be visible from the public realm, and it is noted that, were the building to be used for non-commercial purposes ancillary to the dwelling, the structure would be permitted development and would not require express planning permission.

The business use of the outbuilding in this residential area is acceptable in this instance, as the character and use of the site as a whole will remain residential, and the business use will only occupy the proposed outbuilding.

The proposal will not impact the appearance of the street scene, nor the visual amenity of the property, and complies with ALP policy D DM1 and the Arun Design Guide (ADG).

NEIGHBOURING RESIDENTIAL AMENITY

The site is a semi-detached house, with neighbours to either side. The property's neighbour to the rear is arranged perpendicularly to the property, with the side elevation of the property running alongside the site's rear boundary. The separation distance between the rear neighbour and the outbuilding would be 1.7m.

The height of the outbuilding is modest and reflects a typical small ancillary building. The building is to the rear of the garage and would not result in significant additional overbearing or overshadowing impacts on the property's neighbour to the east. The property to the rear has no windows on its southern elevation, and the building would not result in any loss of outlook. The structure itself would be considered permitted development under Class E of the General Permitted Development Order 2015 (GPDO), and the outbuilding would not result in adverse impacts by way of overbearing, overshadowing or overlooking in accordance with ALP policy D DM1.

The use would result in an increase in the amount of noise produced by the property, in terms of dogs barking, and clients coming and going. However, given the scale of the operation, the likely noise and increase in activity is not considered out of keeping with the residential context such that demonstrable harm would occur. In order to mitigate any impact, the number of dogs allowed at one time has been conditioned to one, and the opening times have been secured by condition to ensure that the activity does not cause undue disturbance.

It is unclear from the details submitted of what equipment/plant machinery may be used in the dog grooming unit. A condition has been added requiring these details to be submitted to and approved by the Local Planning Authority prior to first use of the outbuilding. This is to ensure that the equipment used on site will not cause excessive noise within the residential area.

The noise and disturbance as a result of the the business use within the outbuilding would not be excessive, and is acceptable in accordance with ALP policy QE SP1. The development will result in no adverse overbearing, overlooking, or overshadowing, and is in accordance with ALP policy D DM1.

PARKING

The dwelling provides three parking spaces, all of which will be retained by the development. With only one dog allowed in the outbuilding at one time, the increase in car numbers within the area will be minimal, and of little harm to highway amenity. As such, the parking spaces retained are sufficient for the proposed use.

This is in accordance with ALP policy T SP1.

SUMMARY

The proposed development is in accordance with relevant development plan policies and as such is

recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

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:

- Location Plan
- Block Plan
- Proposed Floor Plan REV 1
- Proposed Elevations REV 1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 There shall be no more than one dog which has been booked in for a grooming session in the outbuilding at any one time.

Reason: To maintain control of dogs on the premises and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 4 The use hereby permitted shall only open to customers within the following times: 09.00am - 17:00pm Monday to Friday, 09:00am - 15:00pm on Saturdays and not at all on Sundays or public holidays.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1.

- 5 Any employee associated with the dog grooming business shall be a resident of 17 Ernest Fitches Way, and only one employee shall be working within the dog grooming business at any one time without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policy D DM1.

- 6 Prior to first operation of the use hereby permitted, details of any plant or equipment to be used as part of the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1.

- 7 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.