

Recommendation Report for Planning Permission

REF NO: LU/383/21/PL

LOCATION: 9 North Street
Littlehampton
BN17 6JJ

PROPOSAL: Workshop extension (resubmission following LU/216/21/PL). This site is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a single storey extension in the north west corner of the site. It would be flat roofed with a height of 3.7m, width of 4.6m and length of 5.3m and constructed of brick to match the existing building.
SITE AREA	182 sq m
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	1.8m high timber fencing encloses rear yard area.
SITE CHARACTERISTICS	The application site comprises a single storey business premises currently used as a vehicle workshop. It has white painted elevations with a dual pitch grey roof to the front North Street elevation and a brick structure to the rear.
CHARACTER OF LOCALITY	The area is predominantly residential with other commercial/retail uses to the west.

RELEVANT SITE HISTORY

LU/221/93/CLE	Application for Certificate of Lawfulness for garage for the repair of motor vehicles and storage of vehicle parts	Approve 12-11-93
LU/169/98/	Revised application following consent under LU/15/98 - proposed increase in building height to accommodate a vehicle lift for MOT test inspections.	ApproveConditionally 28-08-98

REPRESENTATIONS

Littlehampton Town Council - Objection

- Parking provision would be lost.
- The resubmission excludes staff room provision and lacks facilities, particularly toilet/bathroom for staff.

COMMENTS ON REPRESENTATIONS RECEIVED:

Provision of facilities for staff is not a planning consideration and is covered by other legislation. The agent has confirmed the existing facility already has adequate welfare facilities for staff and this will not change with the proposed extension.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Drainage Engineer - No Objection.

Environmental Health - No Objection.

Condition requested relating to construction hours.

County Highways - No Objection.

The proposed workshop extension will be accessed off Beaconsfield Road. The workshop will provide space for one additional vehicle to be serviced/repaired at any one time. This is not anticipated to result in a material intensification of use of the site over the existing arrangement. The proposal appears to result in the loss of parking for two vehicles (presumed to be client or staff parking). This may result in an overspill demand for parking on-street which is not anticipated to result in a highway safety concern, but may impact amenity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
QESP1	QE SP1 Quality of the Environment

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The policies contained within the Littlehampton Neighbourhood Plan (made 2015) are relevant in the determination of this planning application.

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 not result in a materially adverse impact on the character or visual amenities of the locality, residential amenity or highway safety.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is in a Built-up area Boundary where new development should be focussed, according to policy SD SP2 of the Arun Local Plan (ALP), provided it accords with other policies of the Plan covering such issues as visual and residential amenity, parking and highway safety.

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Policy 1 of the Littlehampton Neighbourhood Plan (LNP) states "Planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise."

Policy 2 of the LNP seeks to concentrate future housing, economic and community-related development within the built up area boundary of Littlehampton.

The principle of the proposals would therefore accord with ALP policies SD SP2 and SD SP1, policies 1 and 2 of the LNP and the NPPF, in this respect.

In this case the proposed development accords with policy EMP DM1 Employment Land in that it would protect and enhance an existing employment site, would be an appropriately sized extension which would help to maintain a supply of good quality commercial sites and premises to meet the needs of business and the local economy. Paragraph 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth taking into account local business needs. The expansion of this local business would be compliant with this guidance. The garage facility has been in place for over 25 years and serves the local community. The new extension will give additional servicing facilities and clear away equipment in the existing garage area but will not change the scope of the business. It will enable engineers to work on a vehicle under cover.

DESIGN AND VISUAL AMENITY

The proposed extension to the garage is entirely within the curtilage of the existing garage business. The height of the proposed building is the same as the existing and the extension is located behind other buildings fronting North Street. The extension would be constructed in materials to match the existing which would help to assimilate the extension with the existing building. The Arun Design Guide, Part J suggests appropriate scale for new buildings or extensions/alterations to existing forms should be determined by their context, their location within the order of streets, and their function and positioning and should generally reflect the scale of existing buildings. Bulky extensions at ground or roof level which deviate from the established characteristic scale and massing of the area will generally not be supported.

The proposed single storey extension is not bulky or overly dominant. It would be situated between the existing building and the site boundary walling in a discrete corner of the site adjacent to the access from Beaconsfield Road. The area is hard surfaced and is used for car parking. By virtue of the location of the proposed extension and the height of the existing buildings and boundary to the site it would not be readily visible when viewed from North Street or Beaconsfield Road. The proposed design, siting and scale does not result in unacceptably adverse harm to the established character of the locality and as such it would comply with Policy D DM1(1), (2) and (14) of the Local Plan and Policy 1 of the Littlehampton Neighbourhood Plan.

RESIDENTIAL AMENITY

Policy D DM1 of the ALP requires new development to have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. D DM4 requires development to have no adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The Arun Design Guide, Part J suggests extensions/alterations to existing forms should avoid overshadowing of neighbouring properties.

The proposed building by virtue of its height and siting would not give rise to any unacceptably adverse overbearing or overshadowing impacts. The only dwellings affected are those to the west in Beaconsfield Road. The boundary is enclosed by 1.8m high close boarded fencing and the structure would project

approx. 1.9m above this. The wall would have no openings and would be 6.6m from the closest point of the rear elevation of 91 Beaconsfield Road which has been subdivided into flats and the rear garden has been split. This distance is acceptable to ensure no material loss of light to the downstairs rooms or garden area. The proposal follows an earlier application (LU/216/21/PL) which was withdrawn for a 2 storey structure in the same position. This had a pitched roof and an eaves height of 5m (1.25m higher) and would have had an adverse impact on the residential amenity of the neighbouring properties. This application has been submitted to address the concerns raised by officers at that time. The proposal would have no significant adverse effect on residential amenity and accords with policies D DM1 and D DM4 of Arun Local Plan.

The site is an established garage which has an authorised use acknowledged in the Lawful Development Certificate granted in 1993 with very few restrictions on the way the use operates within the site in terms of planning conditions.

The area where the extension is proposed is within the garage curtilage and noise generating repairs could be undertaken outside in this part of the site without requiring planning approval. Enclosing the area as proposed would reduce noise levels. The proposal is therefore compliant with policy QE SP1 in that noise levels generated by the use would be acceptable in terms of residential amenity of adjoining occupiers. Environmental Health have raised no concern in terms of excessive noise.

HIGHWAYS

Para.110 of the NPPF states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

This proposed development would not alter the access arrangements to the site. County Highways have no objection to the proposal in terms of highway safety.

There is currently no parking for customers on site, usually customer's cars are driven into service bays by staff by appointment, the new facility will be for customers who previously had to park in the street and walk to "The Car Surgery" and leave their keys, when the garage staff would then collect the cars from the street. This new facility will save one space in the street being occupied by customer parking.

The proposed extension would not reduce the space available for on-street car parking, it would generate demand for an additional space, but would provide an additional space there is therefore no difference in the parking demand as a result of the proposal. Further is noted that demand for on street parking during the day is at its highest in the evenings and at weekends when the garage workshop is not in use. The proposal would therefore have no adverse highway impact and it would be in accordance with Policy T SP1 of the Local Plan.

SUMMARY

The proposed extension is acceptable for the reasons outlined above and it complies with the relevant Development Plan policies and the National Planning Policy Framework.

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

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.

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, Existing and Proposed Block Plans 1410/001
Proposed North Elevation/Alternative Street Scene 1410/008
Proposed East and West Elevations Sheet 1 1410-005 revA
Proposed North and South Elevation Sheet 2 1410-006 revB
Existing Elevations 1410-004
Proposed Ground Floor Plan 1410-003
Existing Floor Plan 1410-002

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The extension hereby permitted shall not be used for paint spraying operations without the prior written consent of the Local Planning Authority in an application on that behalf.

Reason: To control the development in detail in the interests of the amenities of the area in accordance with policy D DM1 of Arun Local Plan.

- 4 The extension hereby permitted shall be used solely in connection with the normal operation of No 9 North Street as a vehicle repair garage and MOT test centre and shall not be used for any other purpose without the prior written consent of the Local Planning Authority in an application on that behalf.

Reason: To control the development in detail and in the interest of the amenities of the area in accordance with policy D DM1 of Arun Local Plan.

- 5 No construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 6 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.