Recommendation Report for Planning Permission

REF NO: P/24/19/PL

LOCATION: 209 Pagham Road
Pagham
PO21 3QD

PROPOSAL: Change of use of only ground floor betting shop (Sui Generis) to A2 (A2 Financial and Professional Services) together with alterations & demolition of rear single storey extension. This application may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	The property is commercial premises at ground floor with residential above.
CHARACTER OF LOCALITY	The unit forms a two storey building built of red brick. The Unit consists of the host premises a betting shop. The property is one of two commercial units attached to a convenience store to the north. Whilst attached to the southern elevation beyond the boundary wall is Martins Cottage & Summer Lane Cottage - both grade II listed - residential dwellings. The immediate area is predominantly residential with two/three commercial units at ground from facing the site. A public house addresses the street to the South with gravel parking the forecourt and a parking area without restrict is location opposite the site to the west.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council raises no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health: raise no objection, subject to condition to mitigate noise disturbance to the first floor residential use.

Economic Development - has no objection to the proposal

WSCC Highways: does not object and considers that the proposal is considered acceptable in highway terms. Their comments are summarised as follows:

The site currently benefits from vehicular access to the rear of the site from Summer Lane.

No alterations to the existing access arrangements are proposed.

Visibility at the junction with Summer Lane appears sufficient for the anticipated road speeds in this location.

Vehicles are not anticipated to be exceeding the posted speed limit in this location.

No recorded injury accidents within the vicinity of the site.

The proposed plans indicate that currently there are four parking spaces to the rear of the site which will be retained for the proposed use.

Although it is not clear that any of the rear four parking spaces are to be retained for the one-bedroom flat as there are two full time members of staff employed for the A2 use, it is considered there is sufficient parking provision.

The site is located within metres of bus stops and other local shops and services.

Some unrestricted parking in the surrounding vicinity of the site, as such, the LHA anticipate that the level of traffic generated by this proposal would not result in an increase over the potential traffic generated through its current use.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be discussed in the Conclusions section below.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
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
HERDM1	HER DM1 Listed Buildings
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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan
Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.
Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

In December 2014, the Pagham Neighbourhood Plan (PNP) was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. Although no further progress has been made, it is necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

It is considered that Policy 1 "Employment & Enterprise" is relevant to this application.

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 site is located within the Built -up Area Boundary . As such the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include D SP1, D DM1, D DM4, HER DM1, QE DM1, T SP1 of the Arun Local Plan, and guidance within the National Planning Policy Framework & Policy 1 of the emerging Pagham Neighbourhood Plan.

The site visit confirmed that the Betting Office is in operational use, Policy 1 of the emerging Pagham Neighbourhood Plan looks to prevent changes of use where is creates a loss of employment. The Officers consider as the A2 use would generate two jobs there is no harm as a result of permitting the change of use.

DESIGN AND VISUAL AMENITY

This application includes alterations to rear elevation only, whereby the removal of the existing single storey extension would allow for a small porch serving the access to the first floor flat. As such, Officers

do not consider that the proposed external alteration would have a detrimental impact upon the character and appearance of the building nor wider area.

IMPACT ON HERTIAGE ASSET:

Para 190 of the NPPF - require the LPA to consider the significance of any heritage asset (including its setting) that may be affected by the proposal. Policy HER DM1 states proposals affecting Listed buildings will be required to preserve or enhance the historic character by protecting is special historic interest. The works proposed to remove the rear extension and replace with a modest porch which is considered by officers as not to cause harm to either of the adjoining listing buildings to their detriment.

TRANSPORT AND HIGHWAY IMPACTS:

The County Council Highways Officer considered that the proposal would not have a detrimental impact with regard to parking and highway safety. The provision of x4 tandem spaces to the forecourt and parking to the rear of the site with access onto summer Lane, give more than adequate parking provision to aid the site.

ENVIRONMENTAL HEALTH IMPACT

The Officers note the comments of EH. Officers consider the change is not dissimilar to the current use as a betting shop. The Officers also note the hours requests for the A2 use. It is considered an noise source created via an A2 use would be difficult to control and the suggested condition by EH could not be reasonable implemented. Officers therefore consider the use would add no additional harm to the residential amenity current enjoyed by the unit to the first floor. The quality of the environment as a result of the proposal shall be unaltered.

RETAIL:

The loss of shops in certain areas is prevented by RET DM1 - however the use is a betting shop (sui generis) and not A1 retail therefore the policy does not apply.

SUMMARY:

As such it is considered that the proposal would comply with D SP1, D DM1, D DM4, HER DM1, QE DM1, T SP1 of the Arun Local Plan, and guidance within the National Planning Policy Framework & Policy 1 of the emerging Pagham Neighbourhood Plan.

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:

Block & Site Plan as existing: 01, Block & Site Plan as proposed: 02, Existing elevations: 03, Proposed elevations: 04.

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 hours of opening hereby approved shall be:

09.00 to 17.30 hrs Monday-Saturday, 10:00 to 16:00 Sundays & Bank Holidays.

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.

4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to - A2 (Financial & Professional Services).
Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

5 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.