

Recommendation Report for Planning Permission

REF NO: WA/62/18/PL

LOCATION: The William Booker Yard, Unit E1
The Street
Walberton
BN18 0PF

PROPOSAL: Continuation of A1 showroom use following 2 year temporary permitted development. This application affects the character and appearance of Walberton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal includes 3 car parking spaces in front of the building. It relates to a single storey building with a footprint of 12m by 8m. The layout comprises a showroom, office, kitchen and toilet area.
SITE AREA	90 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Building is located adjacent to driveway and barn
SITE CHARACTERISTICS	Unit E1 comprises one of 3 units within a modern flat roofed building on the western side of the site. The Yard comprises a mix of residential properties (Bookers Barn and Stonemasons Barn) and commercial units used for offices and workshops within Use Class B1 under planning permissions granted in 1997 and 1999 (WA/6/97 and WA/17/99).
CHARACTER OF LOCALITY	Village centre location which is predominantly residential in nature in the area of the application site.

RELEVANT SITE HISTORY

WA/44/13/PD	Prior notification for change of use of building from B1(a)(offices) to C3 (dwellinghouses).	No Objection 07-11-13
WA/23/99/	Revised elevations to dwelling (amendments to WA/50/98)	ApproveConditionally 11-06-99
WA/50/98/	Change of use from builders yard office to dwelling, part of northern building.	ApproveConditionally 23-11-98

WA/6/97	Change of use from building contractors yard to B1 use (all business sections)	ApproveConditionally 13-08-97
---------	---	----------------------------------

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Support

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request informative.

County Highways - No Objection. Unit E1 has functioned as a showroom under a 2 year temporary permitted development use. The parking provision remains unchanged over the arrangement that has served the unit for the past 2 years; this allows three parking spaces for workers and visitors of the unit. Overspill parking would not be considered to be to such an extent that all parking within the site would be used.

Stock is not sold directly from the Unit although, some orders are delivered to the showroom but only for ongoing projects as it has been stated that no storage is available within the Unit. Deliveries are typically one large van (no HGV's) per week which can be accommodated for within the associated parking and turning area.

Economic Development - No Comment

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
 Within built up area boundary
 Abuts Walberton Conservation Area
 Class C road

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

[Walberton Neighbourhood Plan Policy 2017 CL1](#) Businesses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011- 2031, 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.

Policy CL1 (Businesses) in the adopted Walberton Neighbourhood Development Plan is considered relevant to determination of this 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 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 or the setting of the Conservation Area.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation 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 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 DM1, QE DM1, HER DM1, HER SP1, RETSP1 and RET DM1 of the Arun Local Plan, Policy CL1 of the Walberton Neighbourhood Plan and guidance within the National Planning Policy Framework.

Policy 1 of the Walberton Neighbourhood Plan supports the upgrading and extension of existing employment sites provided that the impact on the amenities of surrounding properties is acceptable.

The principle of the change of use is considered to be acceptable.

TRANSPORT, ACCESS AND PARKING

The site is located sustainably, in close reach of public transport (bus) and has car parking for 3 cars. It is not considered that parking generation would lead to a highways safety issue owing to the fact that the parking provision remains unchanged over the arrangement that has served the unit for the past 2 years; this allows three parking spaces for workers and visitors of the unit. Overspill parking would not be considered to be to such an extent that all parking within the site would be used.

Stock is not sold directly from the Unit. No storage is available within the Unit. Deliveries are typically one large van (no HGV's) per week which can be accommodated for within the associated parking and turning area.

As such it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011-2031.

NEIGHBOURING RESIDENTIAL AMENITY:

The use has been operating for 2 years with no adverse external impacts on amenity.

The proposal is to retain the use as a kitchen showroom for A1 retail purposes. A1 and B1 uses are generally considered appropriate non conflicting uses in residential areas. The premises abuts a residential garden to the west, but there are no openings in the rear elevation. The hours of operation are stated as 9am to 6pm Monday to Saturday. The use has been operating without any problems arising

from noise generation. It is small in scale and the business operates mostly by appointment. The kitchens are delivered direct to customers' houses. The business does not take kitchen deliveries from Unit E1. There is low traffic and activity impact. Some appliances (e.g. sinks and Neff electrical goods) are delivered to the showroom. Deliveries are typically one large van (no HGV's) per week. No storage is available within the Unit so deliveries are only for specific on-going kitchen installations.

It is not considered that the occupiers of nearby dwellings will be significantly affected by the use in terms of noise and disturbance. As such it is considered that the proposal would comply with policies D DM1, QE DM1, QE DM3 and RET DM1 of the Arun Local Plan 2011-2031.

EMPLOYMENT

The previous tenant occupied the space as part of a sole trading IT business. At that stage only one person was employed and the interior of the premises was of low specification. Marketing of the premises lead to interest of a new start-up company in occupying the premises for a kitchen showroom. Euphoria Kitchens undertook significant refurbishment of the interior to provide a high specification showroom.

Policy CL1 (Businesses) in the adopted Walberton Neighbourhood Development Plan states "Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable. Reason: The low jobs density within the ADC area means that a sustainable community policy should strive to promote the provision of local jobs and will do so in areas where the infrastructure, transport, housing and other policies allow their suitable placement."

The proposal to retain Euphoria Kitchens within Walberton village is consistent with the spirit and objectives of this Neighbourhood Plan policy. The company generate full time work for 2 other self-employed installers as well other sub-contractors who are used on a regular basis.

RETAIL CONSIDERATIONS

"The Six Villages area" section of Policy RET SP1 identifies that shopping parades and stand alone shops form an important resource for businesses, visitors and residents. The expansion and additional provision of such facilities to a scale appropriate to the existing settlement or the "planned expansion of that settlement" will be welcomed by the Council provided that it adds to the range and accessibility of goods and services. Euphoria Kitchens have made a small but valuable contribution to services and shops available locally with customers being drawn from Walberton, Barnham and the surrounding area as well as further afield. The business is expanding at a modest but sustainable rate with additional staff and contractors employed. With the planned development at Tupper's Field and further expansion of the six villages planned in the newly adopted Local Plan the market in the local area will grow.

Policy RET DM1 states that within "Village and suburban centres" (section 4), the "change of use from retail will not be permitted" for shops which are located outside the defined Town Centres and Local Service centres. Paragraph 9.1.6 includes Walberton in the defined list of Village and Suburban Centres. It follows that the proposed retention of an existing retail unit within Walberton village is strongly supported by Policy RET DM1. The retention of a successful business is encouraged and supported in the Local Plan, particularly given the lack of any adverse environmental factors and the loss of employment that would result if the proposal was refused. The proposal has a positive effect on the village. The number of visitors is low but customers from outside the village often then go on to use village amenities.

IMPACT ON THE SETTING OF THE CONSERVATION AREA

The proposal relates to the use of an existing building and does not include any external alterations. The site lies on the boundary of the Conservation Area. The use has been operating with prior approval consent for 2 years without adversely impacting on the setting of the Conservation Area. It is therefore considered compliant with policies HER DM3 and HER SP1 of Arun Local Plan.

CONCLUSION:

The application is recommended for approval.

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 approved shall be carried out in accordance with the following approved plans:
Location, Site Plan PTP/1802/02 and Ground Floor Plan PTP/1802/03.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 2 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order
to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>