

Recommendation Report for Planning Permission

REF NO: Y/8/18/PL

LOCATION: Adjacent to The Old Malt House
Main Road
Yapton
BN18 0EA

PROPOSAL: Change of use of office/studio to a 1-bed unit of holiday accommodation. This application affects the setting of a Listed Building & the character & appearance of the Main Road, Yapton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The new accommodation will have a lounge with kitchenette and WC/shower room on the ground floor and a small double bedroom above. There are no external changes.
SITE AREA	23 square metres.
TOPOGRAPHY	Predominantly flat but approximately two 'steps' higher than Main Road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to all boundaries.
SITE CHARACTERISTICS	Existing 1.5 storey forward projecting part of the Grade II Listed Building known as The Old Malt House. It should be noted though that only the rectangular rear part of the 'building' is part of the listed building and that the square shaped front part visible externally is not included in the listing. Also, it is clear from the application and from details of the sale of Old Malthouse in 2008/9 that the office does not form part of the ownership of the Old Malthouse dwelling.
	White/cream rough rendered walls, slate roof and with timber boarding on the upper east elevation. The building forms part of the Old Malt House but has no access from within it. The building has a front door onto a shallow (approx. 0.5m deep) raised paved area with steps down to Main Road. On-street, unallocated parking to the front.
CHARACTER OF LOCALITY	Semi-rural, historic ribbon development of Yapton within a Conservation Area. The grouping of buildings are heritage assets with some listed buildings and the former Arundel to Portsmouth canal to the south. The buildings vary in size from single to two storey and are a mix of residential and commercial with some retail and office uses. The ribbon of development is on the edge of Yapton's built up area boundary and is surrounded predominantly by agricultural land.

RELEVANT SITE HISTORY

Y/68/17/PL	Alterations & extensions to existing redundant garage building to create 1 No. dwelling & associated works. This application affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & may affect the setting of a Listed Building.	ApproveConditionally 05-01-18
Y/62/17/TC	Crown reduction of 1No. Cherry by 3.5m, crown reduction of 1No. Willow by 3m & 2No. Fruit trees by 3m. Crown reduction of 1No. Bay hedge sides by 2.5m and arch by 4m within the Main Road/Church Road Conservation Area	No Objection 03-11-17
Y/62/88/L	Application for Listed Building consent for demolition of existing timber framed and clad garage and erection of single garage for residential use	ApproveConditionally 30-08-88
Y/61/88	Demolition of existing timber framed and clad garage and erection of single storey garage for residential use	ApproveConditionally 30-08-88

Noted. Application Y/68/17/PL gave permission for a new dwelling within garages to the rear of The Old Malt House (west of the application site).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

"Support - Yapton Parish Council has considered this application and has concerns relating to parking provision for the proposed holiday home. This section of Main Road is already subject to significant roadside parking. Yapton Parish Council would, therefore, seek that there is adequate off-street parking provided for the unit to prevent further congestion on this stretch of road."

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns of the Parish Council are noted and the issue of parking will be considered within the reports conclusions.

CONSULTATIONS

Conservation Officer

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

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to an informative regarding sewer connections.

ADC ECONOMIC DEVELOPMENT - Do not wish to make comment.

ADC CONSERVATION OFFICER - Do not wish to make comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Class B Road;
 Listed Building Grade II;
 Main Road/Church Road, Yapton Conservation Area; and
 Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
EMP DM1 Employment land:Development Management
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP2 Built -Up Area Boundary
T SP1 Transport and Development
TOU DM1 Tourism Related Development

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy BE1

Protection of existing commercial premises or land

Yapton neighbourhood plan 2014 Policy E8

Conservation Areas

Yapton neighbourhood plan 2014 Policy E9

Listed Buildings and Buildings or Structures of Character

Yapton neighbourhood plan 2014 Policy PK1

Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

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 site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, impact on the historic environment visual & residential amenity and highway safety/parking.

Part 1 of emerging Local Plan policy TOU DM1 relates to holiday accommodation within the built up area boundary and states that:

"Proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they:

- a. are in accessible locations;
- b. are accompanied by workable and realistic travel plans;
- c. address visitor management issues; and
- d. achieve good design."

It is considered that the site lies in an accessible location being on the edge of the settlement of Yapton and as such, within walking distance of the settlement's shops and facilities. Criteria b. and c. are not considered to be relevant to this proposal given its small scale. Design issues are considered elsewhere in this report but regard should be had to the fact that there are no proposed external changes.

LOSS OF EMPLOYMENT FLOORSPACE:

The proposal will result in the loss of an existing office/studio. Policy BE1 of the Yapton Neighbourhood Development Plan (YNDP) seeks to guard against the loss of commercial premises and states that:

"There will be a strong presumption against the loss of commercial premises or land which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that: (1) the commercial premises or land in question has not been in active use for at least 12 months; and (2)

the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months."

The applicant has not provided any statement to comply with criteria (1) or (2) of this policy. Furthermore, it has not been possible to establish from the internet, when the building was last used and by whom. However, the proposed use as tourist accommodation will still generate economic activity such as spending by visitors on the local economy and potential the employment of a cleaner/maintenance person. Therefore, it is not considered that there is any conflict with this policy. It should also be noted that the Councils economic development officer has not objected to the proposal. A planning condition will ensure that the economic activity associated with the use endure and that the unit is not allowed to become a residential dwelling.

DESIGN, CHARACTER & HERITAGE IMPACT:

Policy GEN7 (ii) of the Arun District Local Plan 2003 requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting."

Yapton Neighbourhood Plan policy E8 requires that developments either preserve or enhance the character of Conservation Areas. In addition, development proposals will be expected to be suitably designed taking account of the local character/context and use traditional/vernacular building materials.

Yapton Neighbourhood Plan policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Therefore, in respect of harm to the setting of the adjoining listed building, it is necessary to refer to the National Planning Policy Framework (NPPF) and to policy HER DM1 of the emerging Local Plan (Arun Local Plan 2011-2031).

Paragraph 132 of the National Planning Policy Framework (NPPF) states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, that substantial harm to a grade II listed building should be exceptional. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal (with a more stringent test for substantial harm). Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

Emerging Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

The Councils Conservation Officer did not consider it necessary to make any comments on the proposal. Although this should be interpreted as support nor is it an objection. The proposal itself involves no external alterations. Furthermore, although the use of the building will change, the additional overnight use is not considered to be harmful to heritage assets as the host building is in residential use.

On this basis, it is considered that the impact of the proposal on the significance of the heritage assets is negligible, the proposal causes little actual harm and is therefore acceptable in respect of policy AREA2 of the Arun Local Plan, policies E8 & E9 of the YNPD and the guidance within the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (iv) states that development should not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. Furthermore, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

According to the Old Malthouse floorplans used in the advertising for the house sale in 2008/9 (sourced from www.rightmove.co.uk), the existing office building backs onto a workshop and dining room at ground floor and a bedroom at first floor. This is considered to be an acceptable arrangement and it is also noted that no objections have been made to the proposal by existing residents.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the Arun Local Plan and the guidance within the NPPF.

INTERNAL AND EXTERNAL SPACE STANDARDS:

Although the units will not be occupied on a permanent basis, it is necessary to ensure the holiday accommodation provides a good standard of accommodation and also to assess whether the accommodation would be suitable as a residential dwelling in the future.

Regard is had to the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) and as referred to in emerging Local Plan policy D DM2. The requirement in respect of a single storey, 1 bedroom, 1 person 'dwelling' with shower room is 37m². The proposed holiday cottage offers only very basic facilities and its floor area at 18.22m² reflects this.

This does not comply with the standards but is considered to be acceptable based on the temporary holiday nature of the use and the fact that people will choose to visit the accommodation. However, it is necessary on this basis to ensure that the use is restricted so as to prevent it from changing use, without permission, to residential in the future.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. Furthermore, it is not considered essential to require amenity space for a small holiday unit.

PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. It is also necessary to take account of YNDP policy PK1 "Parking standards for new residential development" which states that 1 bed flats should have 1 off-road car parking space.

The concerns of the Parish Council are noted but it is not considered that there is any material difference between the parking demands associated with a small office and those of a small 1 bedroom holiday cottage. In fact, it could be argued that the office use could have attracted a greater number of vehicles given the presence of a reception desk and upstairs office as compared to a single bedroom cottage.

There is on-street parking to the front and if this was deemed by the Highways Authority to be unsafe then it would have already been restricted by yellow lines. Therefore, it is not considered that the parking of a vehicle on the frontage would be harmful to highway safety

Therefore, the proposal is considered to be in accordance with policy PK1 of the YNDP.

CONCLUSION:

The proposal is considered to comply with the relevant policies of the Yapton Neighbourhood Development Plan, the adopted Local Plan and with those of the emerging Local Plan. It is recommended that permission is granted subject to a condition restricting the use of the accommodation to holiday purposes in order to prevent the accommodation falling into residential use.

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:

1045/DPA11 Location and Block Plans; and
1045/DPA12 Existing and Proposed Floorplans.

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 Notwithstanding the provisions of Part C, Class C3 "Dwellingshouses" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that order), the premises shall only be used for the purposes of holiday accommodation and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days and the owner shall maintain a register of occupiers for each calendar year which shall include:

(1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and (2) The start and end date of the stay and the purpose of the stay.

This register shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The building is considered to be unsuitable in size to be suitable as a permanent dwelling and does not have its own designated parking or amenity space. In accordance with Arun District Local Plan policy GEN7, Arun Local Plan 2011-2031 policies D DM1 & D DM2, Yapton Neighbourhood Development Plan policy PK1 and the guidance on good design in the National Planning Policy Framework.

- 4 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.

- 5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.