Application Number: AWDM/0161/12 Recommendation – APPROVE

Site: Clubhouse Rear of 21 Kings Walk Shoreham

Proposal: Retrospective change of use of Angling Club building to artists studio

Applicant:	Miss Anna Davies	Ward:	Marine
Case Officer:	Matthew Porter		

Proposal, Site and Surroundings

The application is for retrospective change of use of a single storey hut building previously used by an angling club for meetings and storage, to an artist studio.

The application site consists of the hut building and the land immediately around it. The building is built of concrete panels, and its windows are secured with bars.

The site is in an outer residential suburb of Shoreham, along the beach. Residential properties are situated around the site, with an Environment Agency depot adjoining.

Relevant Planning History

SU/258/73
Renewal of temporary permission for angling hut
Granted consent 31-07-1973

SU/507/72
Clubhouse with kitchen and toilet facilities to replace present building which is being demolished
Granted consent 27-03-1973

SU/192/72
Renewal of permission
Granted consent 17-07-1972

Consultations

West Sussex County Council Highways: *Access to publicly maintained highway achieved at junction with Kings Walk. No apparent visibility issue at point of access. Most recently available verified accident records reveal no personal injury accidents in vicinity of access. Not anticipated use would generate significant increase in vehicular movements or demand increase in parking provision, compared to previous use. No overriding highway safety concerns raised.*

Adur & Worthing Councils: **Environmental Health Officer***: further to our visit not overly concerned about noise from current use. As discussed conditions could be put on limiting noisy equipment used to what was demonstrated during visit. Additionally, recommend condition be put on that windows and doors be kept closed when this equipment is in use.*

Representations

Objections from occupiers of "The Findings" No. 22 Woodwards View and "Seagulls" No. 20 Kings Walk, and from Dene Waller (no address):

- *This person is squatter, witnessed breaking and entering and persons removing property from fishing club and loading into van. Significant lies and omissions and many alterations in this application, "couldn't contact the owner". For these reasons alone, this application should be refused. Owner is Angling Club. They hold all freehold and land titles. Couple renting club house from council and they had paperwork to provide this. Paperwork is not genuine and council is not owners. Presumably taken legal advice which suggested the newspaper advert as demonstration of her effort to locate the owner! Not action of desperate homeless individual seeking shelter but of opportunist business women seeking business for free and using council to legitimise.*
- *Persons are in no way artists, they manufacture stained glass windows and garden furniture. Area is residential, introduction of commercial enterprise not what local residents wish to see. There are many business premises for sale or let in. Could have easily found suitable industrial unit. Building contains asbestos. Area already blighted by Environmental Agency, these premises supposed to be storage yard only. However it is in use every day*
- *Will create unacceptable noise nuisance and danger from machinery and materials and traffic problems, as well as highway safety, its design and character not suitable. Premises contain gas cylinders and acetylene as well as other inflammable items. Undeclared hazardous materials LPG cylinders, no provision to remove waste made. Would they bother with insurance to cover this? Dangerous, with wielding being carried, deliveries of materials and people visiting.*
- *Could lead to access problems. Increased traffic, deliveries, and collections and visiting clients as well as staff vehicle parking which will cause obstruction to residents. Park vehicle outside, which is not a parking area. This is right of way only to all houses in Kings Walk and Woodwards View to access. Notice should have included properties that use access.*

Representation received from Mr Trevor Passmore:

Member of angling club since 60s. Although building no longer used and club fallen to just a few, trying to get some sort of deal. Not as such against application but this is pre-empting the result of our negotiations with applicant and saying the applicant did not know who was the owner seems untrue, At no stage did we give access to this building but was obtained by forced entry, is squatting. Have placed selling of site in hands of estate agent and moving forward slowly as there are a few issues to clarify and then we will seek new ownership of land and monies handed to fishing charity. To this end we would object to Miss Anna Davies having any rights over the clubhouse. Miss Davies is NOT owner and unlikely to be so due to her not offering financial incentives to be so. She has been informed of our decision and asked to vacate.

Relevant Planning Policies and Guidance

South East Plan
SP1, SP3, SP4, CC1, CC6, T4, NRM10, BE1, BE2, BE3

Adur Local Plan
AG1, AE16, AE17

Planning Assessment

Principle

The hut building was vacant before the applicant's occupation of it. The angling club use is not safeguarded under local plan policies. It is an exception to an otherwise residential area.

Whilst the need to make effective use of land resonates within the National Planning Policy Framework (NPPF), the NPPF goes on to state that this should not be at the expense of the existing character and appearance of an area.

Character and appearance

The existing hut building is not of any architectural merit. The minor external alterations undertaken to it have not detrimentally changed its appearance. The planning permission for the angling club allowed for parking alongside the hut.

Whilst the prevalent character of the area is residential, the site is unique in having a well established non-residential use. It also sits alongside the Environment Agency depot, which is a somewhat noisy and disruptive land use in its own right.

So in terms of impact upon character, this new use is compatible with the historic planning use of the site and no harm has arisen to the character of the locality.

Flood Risk

The site falls within Flood Risk Zone 3. However as no-one is staying overnight, both existing and current uses fall within the 'less vulnerable' development category.

The Environmental Agency standing advice for such a scenario is "no comment" as there has been no change in vulnerability.

Therefore, the development is acceptable in terms of flood risk.

Neighbours

The impact from this new use should be judged against the impact experienced from the use previously permitted.

This was an "open club" involving competition events, educational talks, and film shows. Its hours of opening were not restricted, with the parking of six vehicles allowed. Membership at that time did not exceed 125 members.

Clearly in certain ways, the disturbance and noise generated by this use would have been comparable, if not greater, than the use currently under consideration.

Two artists currently operate from the hut (including the applicant), and they work in ways that mitigate the worst of any noise and disturbance onto neighbours.

Studio opening is limited to between 9am–5pm each day Monday to Saturday. The studio is not open to the general public, with commission viewing by customers by appointment only. No sales counter exists and no art is sold from the hut. No trade deliveries are made to the hut.

The art is limited to the designing and making of stained glass and mosaics involving a limited range of equipment (a glass grinder, potters wheel, kiln, compressor, drill, and sandblaster).

The piece of equipment that generates the most noise is the sand blaster. Like all materials and equipment associated with the studio, it is stored inside the hut building.

A visit was undertaken by planning and environmental health officers to assess the noise generated by it. When tested, with the hut doors both open and closed. When closed, the noise was just audible outside of the hut as a background hum.

Following this visit, Environmental Health are satisfied the noise and disturbance from this use is not harmful to the living conditions of immediate neighbours. This is subject to controls being imposed on the type and timing of equipment being used, and the doors/windows being closed when this equipment is operated.

Taking all the above factors into account, the use as it is currently operated does not so materially harm the living conditions of neighbours as to warrant refusal. This is subject to strict adherence to its current operations by way of condition.

The applicant's future intent to run morning classes would have a differing impact on the amenities of neighbours, and may well not be acceptable.

Parking and accessibility

The access to the hut is on private land, so the issue of right of access is a private matter.

Two parking spaces exist to serve staff. This helps avoid parking overspill onto the adopted highway, where parking is limited.

Under such circumstance, no material harm to highway safety has resulted from this proposal.

Other legal considerations

The application forms are completed with the site owner declared unknown, and this was publicised. From this publicity, a dispute on who owns the site has emerged between the applicant and another party.

Expecting this to be resolved, the target determination of this application was allowed to lapse. However no such resolution has been forthcoming.

As ultimately this is a private matter that cannot be resolved through the planning process, it is now prudent to determine the application on the basis of its planning merit.

Approval of this application does not influence validity of either claim of ownership.

Recommendation

APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional employment provision and economic and environmental regeneration without detracting from the local environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant 'saved' policies of the Adur Local Plan (AG1, AE16, AE17) and South East Plan **(**SP1, SP3, SP4, CC1, CC6, T4, NRM10, BE1, BE2, BE3)

Subject to:-

1) Approved Plans
2) Use not carried on except between 9am–5pm each day Monday to Saturday

3) Studio not open to general public, expect for commission viewing by appointment only
4) No machinery other than 1 glass grinder, potters wheel, kiln, compressor, drill, and sandblaster, and not operated unless windows and doors closed. Any further machinery subject to LPA approval
5) Notwithstanding “pd” no art sold and no sales counter
6) Use not carried on without staff parking spaces provided
7) No open storage/external working
8) Notwithstanding “pd” the building not extended or altered externally or incidental building erected within land edged in red and/or external plant or machinery installed, erected or replaced.
9) No further external lighting

INFORMATIVE

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.

Is recommendation contrary to representation(s)? Y

Case Officer: Matthew Porter Date: 20-12-2012

Authorised by: Peter Barnett Date: 21-12-2012