Development Control – Delegated Officer Report

Application Number: AWDM/0906/16 Recommendation – Refuse

Site: 1 Farm Way, Southwick

Proposal: Retention of change of use of land to east for vehicle parking and storage (no commercial activity) with use of existing access from east (retrospective).

Site, Surroundings and Proposal:

The site which is the subject of this application is an area of land to the rear of 1 Farm Way, Southwick. Originally forming a large part of the rear garden of this residential property the land has been severed from the residential curtilage, a fence has been erected to separate it from the dwelling and a commercial, vehicle based use has begun. This application has arisen as a result of an enforcement investigation following complaints about this use (AWEN/0088/16 refers).

1 Farm Way is a reasonably sized semi-detached dwelling house occupying a corner plot fronting Farm Way to the West but also Manor Hall Road to the North. An access has been formed off Manor Hall Road to serve the application site.

The use is described by the applicant as being, "for the storage of vehicle (sic) awaiting repair. No repair, maintenance, pollution or work of any kind will be done on the site. The vehicles will drive in or be towed in between normal working hours. Using the site will be a local car repair garage that has nowhere to store these vehicles".

Planning History

None relevant.

Site Visit

01/11/16

Consultations

Environmental Health Officer

Request the full contaminated land condition be applied.

Highway Authority

Initially the LHA were not satisfied that safe and suitable access had been demonstrated in line with paragraph 32 of the NPPF. Further information was

requested to allow a full assessment of the access arrangements for this proposal. This was supplied and the following comments were received: -

- The LHA are satisfied with the revised access point, now set away from the footway instead of on the corner of the plot.
- The LHA are also satisfied with the proposal for the gates to open inwards off of the private access drive, set away from the footway.
- LHA do not support the use of mirrors to aide visibility. There is no guarantee that the mirror could be used – for example, adverse weather conditions or damage to the mirror could result in the mirror being unavailable for use.
- The fence line next to the footway should be no higher than 900mm and should extended back from the access point for 2m, to allow for pedestrian visibility. So a pedestrian using the footway can see a vehicle leaving the access and vehicles leaving can clearly see pedestrians.
- The LHA would not consider a warning sign to be appropriate.
- The trip information of 1-2 vehicle trips per day is noted. This is not expected to give rise to any significant highway capacity issues.

The vehicle spaces on the plan are too short. If these were parking spaces the LHA would advise 2.4 x 4.8 m (in line with guidance in Manual for Streets). It appears 13 spaces will be provided on site. There is space for vehicles to turn on site to allow entry on to the highway in forward gear. The LHA would advise that the parking and turning area on the plan is conditioned, to make sure the turning space is kept clear. Also some restriction put in place relating to how many vehicles can be stored/parked on the site. This would also keep vehicle movements minimal.

Subject to the above points being addressed and the parking/turning plan secured via condition, the LHA would raise no highway safety concerns to this application. The applicant has demonstrated that improvements are proposed to improve on the existing situation. The National Planning Policy Framework states that development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not considered that this development would result in any impacts on the local highway network that could be considered severe. No highway objection would be raised.

Condition:
Vehicle parking and turning - No works shall commence until the vehicle parking and turning spaces have been constructed in accordance with a plan submitted to and approved by the Local Planning Authority (LPA). These spaces shall thereafter be retained for their designated use.
Reason: To provide adequate on-site car parking and turning space for the development.

Representations

One objection received.

<u>180 Manor Hall Road</u>

- Not in keeping with the residential nature of the surroundings
- Compromises highway and pedestrian safety
- Appearance of site is extremely poor
- Potential for pollution

Relevant Policies
Saved policies AG1 and AH7 of the Adur Local Plan
Policy 15 of the Submission Adur Local Plan 2016
NPPF

Planning Assessment:

The principal issue raised by this proposal are;

- Impact on amenity and safety of neighbouring residential occupiers and passing public.
- Impact on the appearance of the property and character of the area.
- Access and parking

The Adur Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

Principle of development

The renewal and upgrade of commercial accommodation is ordinarily supported, however the loss of residential garden to facilitate this and where the change of use is to the detriment of both residential and visual amenity may outweigh the desire to support local business.

The functionality of such a business in this location is questionable but the design and layout appear to show space to accommodate vehicles and the Highway Authority raises no objections in this respect.

Impact on amenity and safety of neighbouring residential and commercial occupiers and passing public

The business is currently operating from the land without complaint from local neighbours concerning environmental amenity (noise, smell etc) and the Environmental Health Officer continues to raise no objections, subject to suitable safeguards being carried forward in the form of appropriate conditions.

The principal concern however in terms of the development's impact is the impact on the amenity of the occupiers of the adjacent house at No 1 Farm Road. No 1 Farm Rd has several windows in its rear elevation that face onto the application site and

serve habitable rooms. Given the relatively short remaining garden the potential for noise, fumes and disturbance (both actual and perceived) to be experienced by the occupiers of this dwelling is significant.

Impact on the integrity of the appearance of the property and character of the area

This area is primarily residential in nature, this proposal introduces an incongruous and obtrusive industrial form into the streetscape. The appearance of the site is out of keeping with the character of the area and neither preserves nor enhances the appearance of the area.

Access and parking

Whilst neighbour's concerns are noted, the LHA raise no objection in this regard.

Conclusions and Recommendation

The harm caused by the introduction of this industrial activity on residential land to the visual and residential amenity of the area outweighs the benefit to be gained by supporting local business.

Refuse on the grounds that:

By virtue of the nature of the use and the type of activity proposed the use of this residential land (and the associated loss of rear garden) is detrimental to the residential amenities of the occupiers of No. 1 Farm Way. Additionally the appearance of this site within the street scene is detrimental to the visual amenities of the area. As such the proposal is contrary to Saved Adur Local Plan policies AG1 and AH7 and Submission Adur Local Plan Policy 15 and the harm so resulting demonstrably and significantly outweighs the benefits arising from the proposal and the proposal is consequently at variance with National Planning Policy Framework.

DELEGATED

Case Officer sign: Claire Pink Date: 22.11.16

Authorising Officer: Peter Barnett Date: 22 November 2016