



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Development Manager

DATE: 17 January 2017

DEVELOPMENT: Demolition of existing shop, workshop and store in favour of shop, workshop and store with 3 no 1 bedroom self-contained flats within new roof void

SITE: Burgess and Randall Ltd Station Road Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/14/2694

APPLICANT: Mr A Stally

REASON FOR INCLUSION ON THE AGENDA: Previous committee decision cannot be agreed with applicant.

RECOMMENDATION: Approve subject to conditions

1. THE PURPOSE OF THIS REPORT

- 1.1 This application was first considered by committee on the 16 February 2016. A copy of the committee report is attached for member's information. The Committee agreed the recommendation for approval subject to the removal of certain conditions relating to the use of the premises, and hours of work and also the satisfactory completion of a legal agreement.
- 1.2 The legal agreement sought to ensure that the proposed flats remain in the same ownership as the proposed shop and workshop. The applicant has refused to agree the required legal agreement and therefore the application has been returned to committee for determination.

2. PLANNING ASSESSMENTS

- 2.1 The application site is situated in an area which is predominantly residential in character to the east, south and west. The proposed building would be sited 5.9 metres from the flank wall of the flats to the west of the site with the main bulk of the building set 7.7 metres from the adjoining property. The current building contains a shop, storage area and workshop at ground floor level and a storage area at first floor. The floor area of the shop and workshop with associated storage area is some 340.30 sqm. The proposed replacement building would retain the shop at ground floor level and would provide a floor space of some 139 sqm. At first floor level would be a work shop accessed via an internal floor lift covering an area of 121.7 sqm. In terms of storage an area of 75.15 sqm would be provided at ground floor whilst an area of 65.7 sqm would be provided at first floor level. The proposed

replacement unit would consequently have a larger workshop, retail and storage space than the existing with a total floor area of 442 sqm, with the retail floor space increased by approximately 39 sqm.

- 2.2 It is considered due to the increase in the size of the commercial space and the introduction of residential units immediately above the workshop that if the legal agreement is not completed conditions would be required to protect the residential amenities of the occupiers of the proposed flats, and also of neighbouring occupiers. It is considered that a hours of use condition and a condition relating to the use of the ground and first floor would be required to protect the amenities of future and existing occupiers and balance the needs of the business. The following condition with regards to the use of the building is therefore considered to be appropriate;

“The ground floor of the building hereby permitted shall be used for purposes within Use Class A1 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)). The proposed first floor of the building hereby permitted shall be used for purposes within Use Class A1 or B1 only in association with the approved ground floor use, or as storage or ancillary office space in association with the approved A1 use only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason : To enable the Local Planning Authority to control the development in detail and to reflect the specific circumstances of the application and in accordance with policy 33 of the Horsham District Planning Framework.”

- 2.3 It is considered that the proposed use condition would enable the use of the premises for any A1 purpose at ground floor level, and either A1 or B1 uses, storage or ancillary office space in association with the approved A1 use at first floor level. B1 uses are defined as Offices (other than those that fall within A2), research and development of products and processes, and light industry appropriate in a residential area. It is considered that without the requisite conditions relating to use and hours of operation that the building could be used for other purposes which may have a greater impact on the amenities of neighbouring properties. It is accepted that the current owner of the property may wish to use the building in a particular way, and with particular hours which in the present building may have been appropriate to the location. However, if the occupier were to change, the building without conditions relating to use and hours of operation could be used on a 24 hour basis as any type of workshop, store and shop. It is therefore considered that the condition outlined above in 2.2 would ensure the building could be used for the purpose requested and protect the residential amenities of neighbouring occupiers and thereby comply with policy 33 of the HDPF.

3. RECOMMENDATIONS

- 3.1 It is recommended that the application is approved subject to the following conditions;
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The use of any land for car parking shall not be commenced until details of the layout, surfacing and drainage of the land have been submitted to and approved by the Local Planning Authority in writing. The details approved shall be carried out in strict accordance with the approved details and be maintained as part of the development prior to vehicles

being parked on the land. Such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy 33 and 41 of the Horsham District Planning Framework 2015.

3. Full details of cycle storage and parking shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The agreed works shall be implemented in strict accordance with the approved details prior to occupation of the site and shall thereafter be retained solely for the purpose of cycle storage and parking.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with policy 40 and 41 of the Horsham District Planning Framework 2015.

4. No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy 33 of the Horsham District Planning Framework 2015.

5. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy 33 of the Horsham District Planning Framework 2015.

6. The windows and rooflights shown to be obscure glazed on the western and southern elevation of the proposed building on drawing number 2013/36/5 rev C shall at all times be glazed with obscured glass precise details of which, together with details of any opening, shall be submitted to and approved by the Local Planning Authority in writing before installation. The approved glass and any agreed opening details shall be constructed and maintained in strict accordance with the agreed details.

Reason: To safeguard the amenities of nearby residents in accordance with policy 33 of the Horsham District Planning Framework 2015.

7. The building hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with policy 37 of the Horsham District Planning Framework (2015).

8. No work for the implementation of the development hereby permitted shall be undertaken on the site until a scheme for protecting the proposed flats on the second floor from noise from the proposed workshop has been submitted to and approved by the Local Planning Authority in writing; all works which form part of the scheme shall be completed in strict accordance before any part of the development hereby approved is occupied and shall thereafter be retained as part of the development.

Reason: In the interests of residential amenities by ensuring an acceptable noise level for the occupants and in accordance with policy 33 of the Horsham District Planning Framework 2015.

9. Full details of means of surface water and foul water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with agreed details.

Reason: To ensure that the development is properly drained in accordance with policy 33 and 37 of the Horsham District Planning Framework 2015.

10. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with policy 33 of the Horsham District Planning Framework 2015.

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed security shutter door have been submitted to and approved in writing by the Local Planning Authority. The security shutter door shall be constructed in strict accordance with the agreed details and maintained as part of the development.

Reason: In the interests of the amenities of the locality and in accordance with policy 33 of the Horsham District Planning Framework 2015.

12. The ground floor of the building hereby permitted shall be used for purposes within Use Class A1 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)). The proposed first floor of the building hereby permitted shall be used for purposes within Use Class A1 or B1 only in association with the approved ground floor use, or as storage or ancillary office space in association with the approved A1 use only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason : To enable the Local Planning Authority to control the development in detail and to reflect the specific circumstances of the application and in accordance with policy 33 of the Horsham District Planning Framework.

13. The ground and first floor premises shall not be open for trade or business, and no deliveries, collection of trade waste or any form of despatch shall be undertaken except between the hours of 08.00 – 18.00 Monday until Friday, 09.00 – 17.30 Saturdays and no activity on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy 33 of the Horsham District Planning Framework 2015.