

Recommendation Report for Planning Permission

REF NO: FP/110/20/PL

LOCATION: 82 Felpham Road
Felpham
PO22 7NZ

PROPOSAL: Re-fenestration of shop front. This application may affect the character & appearance of the Felpham Conservation Area. This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a bay window to the existing shopfront.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is open to the front with a brick walls approximately 1.8m in height to the side boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached building with a single storey addition to the front forming a shop.
CHARACTER OF LOCALITY	The area is predominately commercial located within Felpham high street with residential properties above.

RELEVANT SITE HISTORY

FP/250/12/	Change of use of highway land to forecourt to be used in connection with 82 Felpham Road and proposed new shopfront.	ApproveConditionally 27-03-13
FP/175/11/	Reduction of shop to create 1 parking space	ApproveConditionally 08-11-11

Noted.

REPRESENTATIONS

No objection.

No representation received from nearby occupiers.

Conservation Area Advisory Committee - no objection

- The alterations provide an overall improvement to the appearance of the building.

- Timber would be preferable than upvc which would appear bulky.
- More appropriate materials should be agreed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer

- Whilst the replacement shopfront and windows are acceptable the use of materials is unfortunate.
- The proposal offers the opportunity to provide an enhancement to the elevation and Conservation Area.
- The impact can be described as causing less than substantial harm with the harm on the lower end of the scale and public benefits need to be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in conclusion.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Felpham Neighbourhood plan 2014 POLICY BT1](#) Support business expansion

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Felpham has a made Neighbourhood Plan with policy BT1 and ESD1 of relevance. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The existing property has a glazed frontage and the proposal seeks to a new shopfront with 2 small windows a bay window and cladding to the remainder of the front.

The bay window will have a width of 1.8m and a depth of 0.8m with a canopy roof. This adds a design feature to the principal elevation and appears well integrated and not overly dominant upon the frontage.

The shop front will also have render and cladding. Whilst there are no nearby examples of similar design, it is not considered to appear so out of character that a refusal is warranted with nearby shop frontages consisting of various styles and colours. The colour of the proposed cladding is not yet known and a condition will be included for details to be submitted for approval.

The proposal will alter the appearance of the property within the street scene due to the use of the materials however the impact is not considered significant due to the mixed character of the area and as such is deemed to accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal fronts the street scene and as such views from the additional windows will overlook the road.

Due to the siting of the bay window extension, this is also not deemed to result in adverse impacts upon amenity, with sufficient separation to neighbouring properties.

Due to the scale and the type of development proposed, it is not considered to result in adverse impacts upon amenity and accord with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE ASSET

The proposal is situated to the boundary of the Felpham Conservation Area and therefore falls just outside and as such may affect the setting. Para 190 requires the LPA to consider the significance of the impact upon that heritage asset.

The development offers the opportunity to enhance the elevation of the building and the setting of the conservation area. Whilst the replacement shopfront/windows are generally acceptable, the use of materials is unfortunate with the windows of UPVC ,replacing the aluminium shop front.

The proposal can be described as having less than substantial harm, with the harm considered to be on the lower end of the scale. Therefore, public benefits will need to be considered. The shop provides a service to the community, situated within the local high street, although the alteration to the shopfront wouldn't necessarily provide a public benefit. However, it is not considered that the impact on the Conservation Area is reason alone to justify a refusal, in that it is considered that the impact would not be significant , with the shop located outside the Conservation Area the proposal is not considered to result in a detrimental impact upon the heritage asset.

SUMMARY

The proposed development is recommended for approval subject to the following conditions and informatives.

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

- Location and Block Plan - P01
- Proposed Elevation and Floor Plan - P02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of the Conservation Area in accordance with policy D DM1 of the Arun Local Plan.

- 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.