

Recommendation Report for Planning Permission

REF NO: FP/132/19/PL

LOCATION: Grassmere Parade, Shop 3
Felpham Road
Felpham
PO22 7NT

PROPOSAL: Change of use from a Launderette (Sui Generis) to use as cafe (A3 Restaurants & Cafes). Installation of fully functional commercial kitchen & extraction system at the rear of the premises using the existing space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of laundrette (sui generis) to a cafe A3.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property is open to the front.
SITE CHARACTERISTICS	The site is occupied by a terraced property set in the middle of a parade of 5 shops. The ground floor consist of empty shop with residential accommodation above.
CHARACTER OF LOCALITY	Within the village centre, with the area mixed consisting of both retail with residential properties.

RELEVANT SITE HISTORY

FP/118/09/	Change of use from launderette (Sui Generis) to Office (B1)	ApproveConditionally 02-10-09
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Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council provided no objection.

26 letters of representation received from nearby occupiers.

20 letters of objection and 6 for support.

- Having a restaurant underneath the property will devalue it.

- There are enough food shops/cafes in the area.
- It is likely to increase in noise.
- It will reduce the footprint of existing businesses.
- We need a laundrette.
- The shop has been empty around 2 years and it would bring the shop back into use.
- Good location
- The empty shop is an eye sore.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

It is noted that there are a number of cafes within the area, however it should be noted that planning should not prejudice the application on the basis that there are already other similar businesses within the area.

Competition between business is not a material planning consideration.

CONSULTATIONS

Economic Regeneration

Environmental Health

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Having viewed the details, I am unable to make a full assessment as I have little detail on the type of ventilation filters proposed. Request a condition is included relating to details of extraction. Also provision for sanitary accommodation is insufficient. Include condition.

Economic Development - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. An email was sent to the applicant to amend the plan to include an additional toilet or to confirm the use would be no more than 20 persons in which the provision would be sufficient. No reply was received and therefore the condition will be included.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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.

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.

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**HUMAN RIGHTS ACT****FOR APPROVAL**

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.

FOR REFUSAL

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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
