

Recommendation Report for Planning Permission**REF NO:** FP/172/14/PL**LOCATION:** 24 Felpham Road
Bognor Regis**PROPOSAL:** Change of use from shop (A1 Shops) to physiotherapy office (D1 Non-residential institutions)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	43 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The shop opens directly onto the pavement. There was a locked gate to a rear alleyway behind 16-24 Felpham Road.
SITE CHARACTERISTICS	Existing ground floor shop with flat above. The building is rendered at ground floor, brick at first floor and with a flat parapet roof. There is no allocated parking but there is a public parking layby to the front of the shop and two public car parks nearby.
CHARACTER OF LOCALITY	Existing commercial shopping parade. There is a bathroom show room on one side, an office on the other side and a pet shop two doors down. There are flats above.

RELEVANT SITE HISTORY

FP/124/97	Change of use from offices back to a flat	ApproveConditionally 17-10-1997
FP/46/06/	Removal of existing shop front (softwood) replacing with white PVCu, pattern as existing incorporating safety glass	ApproveConditionally 05-05-2006
BR/558/78/ADV	One internally illuminated projecting box signs	Apprvd/Cond ADV 20-09-1978
BR/654/79/A	Non illuminated fascia sign	Withdrawn

24-08-1979

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - Felpham Parish Council has no objection to this application and sees no contravention of Policy BT4 of the Felpham Neighbourhood Plan

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC Environmental Health - no comments.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Flood Zones 2 & 3; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN10](#)
[GEN12](#)
[GEN32](#)
[DEV30](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Felpham Neighbourhood plan 2014 POLICY BT4](#)
[Felpham Neighbourhood Plan 2014 POLICY ESD2](#)

Built-up Area Boundary
The Form of New Development
Tidal Flooding and Coastal Defence
Parking in New Development
Noise Pollution
Local and Village Centres
D DM1 Aspects of Form and Design
Quality
ECC SP2 Energy and Climate Change
Mitigation
RET DM1 Retail Development
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
QE DM1 Noise Pollution
W DM2 Flood Risk
Retail premises
Development in flood sensitive areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

report

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an 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

PRINCIPLE:

The site is located within a sustainable urban centre location within the Built-up Area Boundary. In such locations, the principle of new development is considered to be generally acceptable subject to other policies in the development plan.

RETAIL POLICIES:

Adopted Local Plan Policy DEV30 states that: "Change of use from retail will not be permitted for shops which are located outside the defined Principal Shopping Areas. An exception may be made where it can be demonstrated that retailing is no longer a viable use, particularly where the premises have remained vacant for a long period and that reasonable attempts have been made to market the premises for retail purposes."

The relevant policy in the Arun Local Plan (2011 - 2031) Publication Version (October 2014) is RET DM1. However, this provides the same policy text as in DEV30. Regard is also had to Felpham Neighbourhood Plan Policy BT4 which states that: "Development proposals involving changes of use of ground floor premises from retail to non retail uses will only be permitted where it can be shown that the development would not harm the vitality of local shopping facilities or the amenities of the area."

The applicant has provided a statement within their covering letter which discusses the viability of both the premises and also other shops within the existing parade. It also sets out the marketing that has been carried out and the nature of the proposed physiotherapy use including the potential increase in footfall. This statement is considered to comply with the requirements of the relevant policies and therefore, no objection is raised. It is also noted that the Parish Council consider that the proposal accords with their Policy BT4.

PARKING

Although there are no designated parking facilities for potential customers, as set out above, there is a parking layby immediately outside the shop and two public car parks nearby. In addition, the site is within walking distance of nearby residential properties and on a bus route between Bognor Regis to the west and Littlehampton to the east. It is also noted that there is no designated parking for the existing retail shop. On this basis, no objections are raised.

FLOOD RISK:

The site is located within Flood Zone 3. However, both the existing use (retail) and the proposed use (office) are classified as less vulnerable uses and according to the national planning practice guidance, less vulnerable uses are appropriate within Flood Zone 3.

SUMMARY:

The proposed change of use will bring an existing empty retail shop back into use and will therefore benefit the local economy and improve the vitality of this existing shopping parade. It is therefore recommended that permission be granted in accordance with the following conditions.

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:

Site Location Plan;
Block Plan; and
Existing Floor Plan Revision 1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The premises hereby permitted shall only be open to the public between the hours of 09:00 and 17:30 on Monday to Friday only and with no opening on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 The premises shall be used as a physiotherapy office and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.