

Recommendation Report for Planning Permission

REF NO: FP/185/20/PL

LOCATION: 107 Felpham Way  
Felpham  
PO22 8QB

PROPOSAL: Variation of condition 2-plans condition imposed under FP/258/19/PL.

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | <p>This proposal seeks to amend conditions 2 of FP/258/19/PL. To change the approved plans to alter the approved roof above the structure to the rear.</p> <p>Condition 2 states:</p> <p>The development hereby approved shall be carried out in accordance with the following approved plans:<br/>Drg.No. HOP-002-P. Rev I, Proposed Floor Plans, Elevations, Site Plan and Location Plan;<br/>Drg.No.2019-6108-001 Rev A, Site Overview; and<br/>Drg.No.2019-6108-002 Rev A, Vehicular Access Overview.</p> <p>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.</p> <p>Vary condition 2 to change approved plans: HOP-002-P. Rev I to HOP-007-P. Rev A dated 24/09/20.</p> |
| SITE AREA                             | 455 square metres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 66 dwellings/hectare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| TOPOGRAPHY                            | Predominantly flat but is slightly higher than Felpham Way. The rear grassed area rises up by approximately 1m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| BOUNDARY TREATMENT                    | A part 1.8m wall & part 2.3m close boarded fence to the east; and a part 1.8m wall & part 1.8m high close boarded fence to the west. The rear grassed area is bordered by close boarded fencing approximately 1.6-1.7 m high but is not part of this application (fronts onto Flax Mean).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SITE CHARACTERISTICS                  | Single storey commercial building with pitched roof to front and two storeys with flat roof at the rear. Located in a small parade of shops and other commercial properties on the north side of Felpham Way. The premises was previously the Co-op and more recently, for a short period, an antiques shop. The shop is empty having been vacated by its last occupiers in April 2019.                                                                                                                                                                                                                                                                                                                                                                                    |

The building has red/brown brick work and a modern shop front. There is hardstanding to the front which allows for 3 or 4 cars to park. This is not in ownership of applicant and additional hardstanding to the rear accessed via a drive down the east side of the building.

**CHARACTER OF LOCALITY**

Part of a row of commercial properties. This includes a petrol station with Spar shop, a solicitors office, a Co-op Funeralcare and a Fish & Chip shop. There are residential dwellings above some of the commercial properties and to the rear of them and on the opposite side of Felpham Way.

**RELEVANT SITE HISTORY**

|               |                                                                                                                                                                                                                                                                                                                                                              |                                  |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| FP/149/20/NMA | Non-material amendment following grant of FP/258/19/PL for the increase in height of the roof ridge of secondary element to match the existing main roof structure                                                                                                                                                                                           | Refused<br>14-09-20              |
| FP/258/19/PL  | Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Use Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis) & 3 No. Flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL). | ApproveConditionally<br>29-07-20 |

Application FP/258/19/PL is an amended version of FP/32/19/PL.

**REPRESENTATIONS**

No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

N/A

**POLICY CONTEXT**

Designation applicable to site:

Within Built Up Area Boundary;  
No Public Sewer; and  
Class A Road.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM2   | D DM2 Internal space standards                          |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| ECCSP1 | ECC SP1 Adapting to Climate Change                      |
| TSP1   | T SP1 Transport and Development                         |
| WDM1   | W DM1 Water supply and quality                          |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                |
| WMDM1  | WM DM1 Waste Management                                 |

|                                                   |                                                |
|---------------------------------------------------|------------------------------------------------|
| <u>Felpham Neighbourhood plan 2014 POLICY BT1</u> | Support business expansion                     |
| Felpham Neighbourhood plan 2014 POLICY BT3        | New office, workshop and light industrial uses |
| Felpham Neighbourhood plan 2014 POLICY BT4        | Retail premises                                |
| Felpham Neighbourhood Plan 2014 POLICY ESD1       | Design of new development                      |
| Felpham Neighbourhood Plan 2014 POLICY ESD12      | Renewable energy schemes                       |

## 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.

The original Felpham Neighbourhood Plan (referred to hereafter as the Plan) was 'made' by Arun District Council on the 16th July 2014 following a Referendum. The adoption of the Arun District Local Plan 2018 required a review and where appropriate amendment of the Felpham Neighbourhood Plan to ensure the two documents are in alignment and reflect the new policies.

#### Reg. 14 - Pre-submission consultation and publicity

Consultation Dates: The consultation period ran from the 20th January 2020 to 2nd March 2020. The Plan was amended following comments received and submitted to Arun DC on the 16th March 2020 under Reg 15 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Review 2019 - 2031 contains a number of 'saved' policies from the Felpham Neighbourhood Plan 2013-2029, some amended policies and some new ones. Modification Proposal Statement under Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

The relevant policies are: H1 Built-Up Area Boundary , ESD1 Quality of Design, BT1 Business Expansion, BT3 New Office and Light Industrial Use, BT4 Retail Premises, ESD12 Renewable Energy Schemes and GA4 Parking on New Development.

#### **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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, or result in a severe impact on the local highway.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and policy H1 of the Felpham Neighbourhood Development Plan 2 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings will make a valuable contribution to meeting housing.

The proposal is for the change of the roof height of a shallow pitched roof above 2 storey structure to the

rear from 6m to 6.7m, to be aligned with the ridge of the gable fronted building which is supposed to remain according to the proposal.

On recent site visit it was noted that from original front building only front and side walls remained.

The proposed change would affect the appearance of the dwellings marginally only and would be hardly visible from the street. The proposal complies with policy D DM1 of the Local Plan and Arun Design Guide.

#### **RESIDENTIAL AMENITY:**

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The raising of ridge of the roof above the rear structure by approximately 0.7 m would improve the living conditions of the future occupiers without affecting residential amenity of surrounding properties therefore it is not considered that the proposed changes would have a significantly adverse impact to users and occupiers of the neighbouring dwellings such that a refusal could be justified.

The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

#### **HIGHWAYS & PARKING:**

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the Arun Design Guide taking into consideration the impact of development upon on-street parking"

With regards to parking it is considered that proposal would unlikely generate a materially different number of vehicular movements to the site. The proposal complies with policy T SP1 of the Arun Local Plan.

#### **CONCLUSION:**

The proposal complies with Local Plan policies and the NPPF and should be approved subject to the attached conditions.

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| <b>HUMAN RIGHTS ACT</b> |
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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.

**CIL DETAILS**

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

**RECOMMENDATION**

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under FP/258/19/PL (30 July 2020).

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:

Drg.No. HOP-007-P. Rev A, Proposed Floor Plans, Elevations, Site Plan and Location Plan dated 24/09/2020;

Drg.No.2019-6108-001 Rev A, Site Overview; and

Drg.No.2019-6108-002 Rev A, Vehicular Access Overview.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 3 Before the flats are occupied details of dustbin storage shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The storage as approved shall be made available prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE

DM1 of the Arun Local Plan.

- 5 The materials and finishes of the external walls and roofs of the extension permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 7 The use of the ground floor, front part only, and mezzanine (excluding the proposed flat to the rear) hereby permitted shall be solely as A1, A2, B1 and health centre or clinic or Beauty Therapist/Nail Bar only and for no other purpose (including any other purpose in Class D1 and Sui Generis 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 in accordance with Arun District Local Plan policies D DM1 and QE DM1.

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 9 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.