

Recommendation Report for Planning Permission

REF NO: FP/202/19/PL

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

PROPOSAL: Change of use from launterette (Sui Generis) to shop (A1 Shop) (resubmission following FP/132/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of a shop from a sui generis (laundrette) to A1.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is open to the highway, rear boundary is open with car parking and garage compound.
SITE CHARACTERISTICS	The site is occupied by a parade of 5 retail units with residential accommodation above. No.3 is sited in the middle of the parade.
CHARACTER OF LOCALITY	Within the village centre which comprises retail with residential within the vicinity.

RELEVANT SITE HISTORY

FP/118/09/	Change of use from launderette (Sui Generis) to Office (B1)	ApproveConditionally 02-10-09
FP/132/19/PL	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.	Withdrawn 27-08-19

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection - however concerns for delivery vehicles causing congestion in the village.
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration- Are keen to see vacant premises being brought back into use and on that basis would support this application.

Environmental Health - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

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 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

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are DDM1 of the Arun Local Plan.

Felpham has a 'made' Neighbourhood Plan however none of the policies are relevant to this application.

The site has an existing use as 'sui generis' and was used as a laundrette. The premises has however been vacant for a number of months and an A1 use is to be established before advertising for a future tenant.

DESIGN AND VISUAL AMENITY

There are no alterations proposed to the external appearance of the premises. The proposal does not include details about the installation of any signs to the shopfront and therefore an informative will be included regarding this as consent would be required.

The change will bring a vacant unit back into use and is considered acceptable. As there are no changes to the external appearance of the property, the proposal is not considered to impact upon the appearance of the street scene and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The property will change from a sui generis use to A1 however there are no alterations proposed to the internal layout. The use of A1 is not considered to result in adverse impacts as a result of an intensification of the site or from an increase in noise to the surrounding area or residential flat above. As such, the change of use is not considered to result in adverse impacts upon neighbouring amenity.

Bin storage would remain as existing. The opening hours of the shop are proposed to be Monday to

Saturday 8am to 6pm and 10pm-5pm on Sundays and bank holidays. It is not considered there will be any adverse impacts as a result of the hours proposed. The hours of operation are to be restricted via condition.

PARKING

The site is located within a sustainable location. The proposed use is not likely to give rise to any harmful increase in parking demand which could not be met in the immediate locality with Grassmere Car Park located in close proximity to the application site. The proposal is not considered to result in adversely impact upon highway or parking issues.

SUMMARY

The proposed development is deemed to accord with relevant development policies and as such 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
- Existing and Proposed Elevation and Floor Plan- 4457/1

- Block Plan

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 The premises shall not be open for trade or business except between the hours of Monday to Saturday 8am to 6pm and 10am to 5pm Sunday and Bank Holidays without the prior written consent of the Local Planning Authority
- 4 INFORMATIVE: The application does not provide details of any advertisement/signage to the front of the property. This would require the submission of a separate application should this be required.
- 5 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.