

Recommendation Report for Planning Permission

REF NO: FP/226/19/PL

LOCATION: Felpham Post Office
92 Felpham Road
Felpham
PO22 7PD

PROPOSAL: Retention of summer house/shed on frontage for use as a Pop-Up Shop. This application affects the character & appearance of the Felpham Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of a shed to the front elevation which is used as a pop shop up.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site has a flint wall running along the western elevation adjacent to the road. The post office fronts the road to the north.
SITE CHARACTERISTICS	The site is occupied by a detached two storey property situated to a corner with Limmer Lane to the north and Felpham Road to the west.
CHARACTER OF LOCALITY	Within the Conservation Area. Bank and parade of shops to west of site, St Mary's Church to north of site. Mixture of residential properties within the immediate vicinity.

RELEVANT SITE HISTORY

FP/175/09/	Installation of cash point machine in existing shop front.	ApproveConditionally 11-01-10
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection- application is supported.

Conservation Area Advisory Committee provide no objection however a period of temporary usage should be applied. Any development on the application site will affect the sense of space and also to some extent the setting of the telephone kiosk (listed), Church House and St Marys Church (listed).

88 letters of support from 87 nearby occupiers.

12 letter of no objection from 7 nearby occupiers.

- Encourages people to come to the village.
- Plenty of parking.
- It has brought depth and diversity to the area.
- I cannot see how it is harming anyone.
- Contributes to the community.
- It does not look out of place.
- Opportunities to grow local businesses.
- Customers visit and use other shops in the village bringing money in.
- Its a great community project.
- It does not negatively impact upon the Conservation Area.
- Local shops are struggling to stay open and we should support initiatives like this.
- Great addition to the village.
- The shop has had a positive impact on the community.
- Allows people access to services.
- The pop up shop has brought a lot of interest from residents.
- It is fully booked and so well used.
- The colours are in keeping with the area we live in.
- Provides local opportunities to grow businesses.
- It only has a positive effect on the area.
- The shop is a valued asset.
- Still sufficient space to access the shop and ATM.
- It operates the same hours as the Post Office so no unsocial disturbance to neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The structure in question is located to the front of the post office and is visible from the street scene. The use complements that of the post office and the local parade of shops and is therefore deemed acceptable. It is not necessarily the most attractive structure but enables businesses to support the local community and has a positive impact on the local people.

On balance, the structure has a fairly neutral impact upon the character and appearance of the Conservation Area and can be described as causing less than substantial harm and public benefits need to be considered. If approved, the structure should remain as long as it is in use and when it ceases it should be removed. Any replacement structure or changes to the colours should be confirmed with the LPA.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

Felpham Neighbourhood Plan 2014 POLICY ESD7 Felpham conservation area

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.

Felpham has a made Neighbourhood Plan.

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 key policies considered are DSP1, DDM4, HER DM3 of the Arun Local Plan. Policy ESD1 and ESD7 of the Felpham Neighbourhood Plan are of relevance to the application.

DESIGN AND VISUAL AMENITY

The development consists of an structure similar in appearance to a summerhouse and is to be used a pop up shop that is rented out to different local businesses every day. It is situated in front of the principle elevation of the existing post office and due to the siting of the property at a corner, the structure is highly visible from the north and western elevation.

The structure is of a modest size with a height of 2.2m and eaves to 1.7m with a small pitched roof. It is 2.2m in width and 2m in depth retaining sufficient distance to the entrance of the post office and road to the northern elevation. The shop is constructed of painted timber for a seaside appearance. Whilst the structure is in front of the existing building, due to the modest size and with 1.7m retained to the western elevation with a flint boundary wall running along the full side elevation, it is not considered to result in an unduly dominant appearance upon the street scene.

Whilst there are not similar examples of this form of development in the vicinity due to its modest size, it is not considered to adversely impact upon the established pattern or character of the area and accord with DDM1 of the Arun Local Plan.

CONSERVATION AREA

It has been painted colours reminiscent of the seaside and is essentially a summerhouse repurposed for the a new function. It is not necessarily the most attractive structure but enables businesses to support the local community and has a positive impact on the local people. The structure is located within Felpham Conservation Area and is also in close proximity to Listed Buildings namely St Marys Church and a nearby post box.

Para 190 of the NPPF requires the LPA to consider the significance of the impact upon the heritage assets. On balance, the structure has a fairly neutral impact upon the character and appearance of the Conservation Area. The structure is also not considered to significantly detract from the visual appearance of the Listed Buildings, due to the siting and design of the proposal. As such it can be described as causing less than substantial harm and public benefits need to be considered. The pop up shop brings many public benefits such as sustaining the Post Office and providing a community project that brings in economic benefit to the local area.

As such, it is considered to accord with policy HER DM3 and HERDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the structure to the front elevation with roads to the north and western side, it is not considered to result in harm upon neighbouring amenity. There is 5.5 retained to the boundary at the southern elevation however the land behind is under the ownership of the applicant and at a modest

height will not appear overbearing or overshadowing.

The development is not considered to give rise to adverse harm upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the 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 approved shall be carried out in accordance with the following approved plans
 - Location Plan
 - Proposed South Elevation - S209 P1
 - Proposed Floor and Roof Plan - S207 P1
 - Proposed North and West Elevations - S208 P1
 - Block Plan - S202 P1

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.

- 2 The building hereby permitted shall be removed and the land restored to its former condition if the use of the summerhouse/shed as a Pop-Up shop ceases for a continuous period of 3 months.

Reasons: The appearance of the building, by virtue of its design and construction is likely to deteriorate and become detrimental to the visual amenities of the surrounding area (including Listed Buildings) and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the building in accordance with policy and D DM1 and HER DM1 of the Arun Local Plan.

- 3 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.