

Recommendation Report for Planning Permission

REF NO: FP/234/21/PL

LOCATION: 125A Felpham Way  
Felpham  
PO22 8QB

PROPOSAL: Change of use from cycle shop to beauty treatment services.

SITE AND SURROUNDINGS

|                            |                                                                                                                                                                     |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to change the use of the property from a retail unit (cycle shop) to a beauty treatment business.                                             |
| SITE CHARACTERISTICS       | The site is occupied by a single storey unit which currently serves as a cycle shop. The property is semi detached with a retail unit attached to the western side. |
| CHARACTER OF LOCALITY      | The area is predominately residential although the unit is situated to the end of a row of retail units.                                                            |

None.

REPRESENTATIONS

Felpham Parish Council provided no objection.

2 letters of representation received from nearby occupiers.

- Parking is unsafe and this could escalate it.
- Yellow lines should be painted to enable safer access along Wick Lane.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in the conclusion.

CONSULTATIONS

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection in principle to this application. Apply condition relating to working hour and construction hours.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted.

POLICY CONTEXT

Built up area boundary

**DEVELOPMENT PLAN POLICIES**Arun Local Plan 2011 - 2031:

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| QEDM1  | QE DM1 Noise Pollution                                  |
| DSP1   | D SP1 Design                                            |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| RETDM1 | RET DM1 Retail development                              |

Felpham Neighbourhood Plan 2019-31 Policy BT1 Business Expansion

Felpham Neighbourhood Plan 2019-31 Policy  
ESD1 Quality of Design

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD13 | Arun District Design Guide (SPD) January 2021 |
|-------|-----------------------------------------------|

**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.

**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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

**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 key policies considered are D DM1, D DM4, QE DM1 and RET DM1 of the Arun Local Plan and the Arun Design Guide.

Felpham has a made Neighbourhood Plan with policy BT1 and ESD1 of relevance. The proposal complies with these policies with proposals to upgrade existing employment buildings supported provided no adverse harm to surrounding properties.

### CHANGE OF USE

The proposal seeks to change the use of an existing retail unit to serve as a beauty treatment business. This falls under a 'sui generis' use and as such requires permission. The property will continue to serve as a business unit which contributes to the local economy of the surrounding area.

### DESIGN AND VISUAL AMENITY

There are no external alterations proposed to the building with the access remaining as existing to the southern elevation from Felpham Way. The walls will be painted white although permission is not required for this.

A new fascia sign is demonstrated on the plans although advertisement consent is required for this and it is noted that this does not form part of the application.

The Arun Design Guide states 'New designs should respond to the frontages and facades of existing buildings in their immediate surroundings'. With no changes proposed to the facade of the building, the proposal complies with the guide.

With no external changes required to enable the change from a cycle shop to a beauty treatment business, the proposal will not result in harm to the appearance of the area in accordance with D DM1 and D DM4 of the Arun Local Plan.

### RESIDENTIAL AMENITY

An internal wall will be installed to enable a treatment room to be formed. The business proposes services such as massages and facial treatments. This work is not considered to result in a significant increase to the noise within the premises which would disturb nearby residents.

The business would be open 9am-6.30pm Monday to Saturday. This is consistent with the neighbouring retail uses and is not deemed to result in harm upon amenity by way of visitors coming and going at an unreasonable time.

The change of use is not considered to result in harm upon amenity by way of noise via the services provided or through an increase to the number of clients to the business which is a very small, one staff member room which would limit the amount of trade/customers.. Also with no external changes proposed, the proposal accords with D DM1, D DM4 and QE DM1 of the Arun Local Plan.

### PARKING

The site is located to the corner of Wick Lane and fronts Felpham Way. It will be accessed in the same way as the existing shop - by foot or cycle or by parking. There is nearby on street parking to the side of the property although this is limited. The use will be serviced in accordance with existing arrangements.

The footfall is not considered to significantly increase than when compared to the existing use. With only 1 treatment room, it is likely that only 1 additional vehicle at a time would be visiting the business and as such it is not considered to result in a significant increase in the number of vehicles attending the business contributing to an adverse amount of parking in the locality in accordance with T SP1 of the Arun Local Plan.

## SUMMARY

The proposed change of use is deemed to accord with relevant development plan 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
  - Location Plan - 02
  - Block Plan - 03
  - Existing and Proposed Floor and Elevation Plan - 01

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 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 4 The use hereby permitted shall only open to customers within the following times 09.00 -18.30 Monday to Saturday; and not all on Sundays or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 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.