

Recommendation Report for Planning Permission

REF NO: FP/23/15/PL

LOCATION: Harvey Moons Hair Design
53 Felpham Road
Felpham

PROPOSAL: Change of use from hair salon (A1 Shops) to dental surgery (D1 Non Residential Institutions).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	48m ²
BOUNDARY TREATMENT	1.8m close boarded fence to rear courtyard area.
SITE CHARACTERISTICS	Single storey flat roof end of parade building with frontage onto the pavement, rear courtyard area for bins storage.
CHARACTER OF LOCALITY	Suburban Parade of shops with adjoining residential areas and church.

RELEVANT SITE HISTORY

FP/47/04/	Change of use of part of building from A1 (Retail) to D1 (Dental Practice) and alteration to elevations.	ApproveConditionally 10-05-2004
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55 and 57 have already been granted permission by FP/47/04 for A1 to D1 use.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No Objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

Economic Development- No objection.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN
CLASS C ROAD
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV30	Local and Village Centres
Publication Version of the Local Plan (October 2014):		RET DM1 Retail Development
Felpham Neighbourhood plan 2014 POLICY BT4		Retail premises

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Felpham Parish has an adopted Neighbourhood Plan and will form part of the consideration of this application.

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 retail 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 principle of change of use to a D1 use is considered acceptable as this is suburban commercial parade and there is existing D1 uses in the area.

USE CHANGE

Emerging and adopted Local Plan policy and Neighbourhood policy require retail uses to be protected where possible and change of use to be resisted. However, should the unit have remained vacant and become unviable, with proof of unsuccessful marketing provided change of use may be granted.

In this instance marketing evidence has been provided and the previous retail use has relocated within the same street. Furthermore, the use (Dental Surgery) is still a business which generates trade from the street and attracts people to the area. So it will create an active frontage similar to a retail use.

BIN/WASTE STORAGE

There is a good sized courtyard area to the rear, shared with the existing dentist units. As such there will be secure storage for medical and general waste and recycling which can be collected from Grassmere Close.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (Neutral) 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).

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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 or Use Classes Order (or any subsequent revisions to these orders), the use hereby permitted shall be restricted to Dentists, Doctors or other similar medical based use within the D1 use category.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy GEN7.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans Promap, Site Plan/Block Plan of PO22 7NY and 15003 issue c received 16 February 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DEV30 of the Arun District Local Plan.

- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.