Recommendation Report for Planning Permission

REF NO: FP/246/17/PL

LOCATION: Public Conveniences
Adjacent to Felpham Yacht Club
Blakes Road
Felpham

PROPOSAL: Alterations to layout of existing public conveniences & new shutter door on south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion and refurbishment of existing public toilets to ensure facilities are less susceptible to vandalism and enable easier servicing of facilities and better access (includes upgraded disabled WC & baby changing facilities). The toilets would be reconfigured to provide six WCs, all accessed from the East/Car Park side. One of these cubicles will contain a baby change unit. A service corridor and cleaners' store will be created internally to enable servicing of the new WCs from the rear. The remainder of the building (west side, currently female WC) will be used as storage space and a roller shutter door will replace an existing pedestrian door on the South Elevation to increase the access width. This space may be leased by the Council as storage in the future, it may also be used for storage of Council Property. External physical changes will include:- - 6 metal powder coated metal WC toilet doors. Cubicle 1's (baby change cubicle) door will be outward opening to allow more internal space. 6 other doors (including service entrance door will be inward opening), - hand rail to north of cubicle 1's door material, - hand rail to west of accessible WS material, - vehicular access with metal slat, powder coated roller shutter door to south elevation, - new powder coated metal inward opening door to west elevation for access to service facility.
SITE AREA	105.7m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.5m wooden fence to sailing club at west boundary joining to a 2m fence north of the site bounding the vehicle access to the public car park. The other elevations of the site are open to the

	public open space car park and foot path.
SITE CHARACTERISTICS	Single storey flat roof, public WC building with high level, obscure glazed windows to all sides and public entry doors to south elevation and maintenance door to east elevation. The walls are of brick construction with cream painted flat roof and white window frames.
CHARACTER OF LOCALITY	Seafront public open space. The area consists of a public car park, beach huts, grassed open space area and a sailing club with boat yard. The wider area includes dwelling with rear gardens bounding the public car park and beach with promenade to the south.

RELEVANT SITE HISTORY

BR/21/64	Extension To Public Conveniences	Approve 14-04-64
BR/469/70	Demolition Of Existing Conveniences And Erection Of New Public Conveniences	Approve 05-10-70

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection.

One letter of no objection stating the need to maintain the public toilets for disabled people and stating how well used the promenade is.

Nine letters of support on the grounds of:-

- Development is a welcome refurbishment and will improve the environmental around the Greensward,
- Support for creation of the storage area,
- The toilets should not be 'pay for'
- Anti-social behaviour should be addressed and reduced by the development
- Support for potential use by Felpham Sailing club
- Support from Felpham Beach Hut Owner's association on grounds of potential reduction of anti-social behaviour

Three letters of objection to the development on the grounds of:-

- Objection to the creation of unisex toilets. No reasons why given.
- Loss of view from neighbouring dwellings
- Number of toilets should not be reduced for the other half of the building to be used by the sailing club,

this will not benefit the public
- Ladies toilet should not be lost to be replaced by storage for Yacht club
- Toilets should be open all year round
- Cubicles aren't big enough
- What happens if children lock themselves in?
- No space for people to wait inside the toilets if it is raining

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The toilets are not proposed to be 'charge for use'.

The nearest windows of neighbouring dwellings with a view of the toilet doors is more than 30m away and it is not considered that people existing the toilets will detrimentally affect their outlook significantly which could warrant refusal. The nearest door (Cubicle 1) has an outward opening door which when open would face the dwellings, offering no view into the toilet. The other toilets (which have inward opening doors) when open will not provide a direct view to or from the nearest dwellings.

The reduction in the number of toilets is not a planning consideration and is a decision which has been made by the applicant to reduce vandalism, improve the maintenance of the toilets and increase the usability of the building.

The opening hours of the toilets is not limited and this is a choice of the applicant as to the yearly opening hours. The Planning department will not seek to restrict the opening hours nor can it reasonably require the toilets to be open all year round. This would not be reasonable or necessary when there are no opening hours imposed by planning condition on the current toilets.

No agreement has been made for the new storage space to be let to the sailing club or any other tenant.

Cubicle 1 has space for baby changing and the disabled cubicle would have space for parent and carer if needs be, each cubicle will be 1.45m wide and 2.95m deep with the doors closed. This is considered to be large enough for a parent with children to be able to assist using the toilet if required.

Noted that the public will have to wait outside for cubicles to become free if all occupied. It is not considered likely that all 7 cubicles will often be occupied meaning people will have to wait for a significant amount of time outside.

CONSULTATIONS

Estates Manager

CONSULTATION RESPONSES RECEIVED:

No consultations received.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within of the built up area boundary
Adjacent to public open space
Flood zone 2 and 3 (parts of building in both)
Adjacent and Asset of Community Value.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA5	Protection of Open Space
GEN32	Noise Pollution
GEN9	Foul and Surface Water Drainage
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
HWB SP1 Health & Wellbeing
OSR DM1 Open Space, Sport & Recreation
QE SP1 Quality of the Environment
SD SP2 Built -Up Area Boundary
W DM2 Flood Risk
QE DM1 Noise Pollution

Felpham Neighbourhood Plan 2014 POLICY CLW6 Local Green Spaces
Felpham Neighbourhood Plan 2014 POLICY CLW5 Assets of community value
Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2 Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD5 Surface water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place.

The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The development is considered to comply with Felpham NDP policies ESD1, ESD2, ESD5, CLW5 and CLW6. Reasons for this will be discussed in the Conclusions section.

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 adjacent Asset of Community Value, visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an 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

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though alterations to existing buildings could be made under permitted development (Part 12 of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall-back position for the alterations is that the development could be carried out without formal planning consent and is a material consideration to the application. However, the storage area, if proposed for a different use by a lessee in the future may require an additional change of use application.

The site is within the built up area boundary where the principle of development is acceptable if other relevant policies are complied with. Thus the development is considered to comply with saved policy GEN2 of the Arun Local Plan.

IMPACT ON PUBLIC OPEN SPACE & ASSET OF COMMUNTIY VALUE (ACV) (FELPHAM SAILING CLUB)

The alterations to the toilet building will not increase the footprint of the building or create a use that will impinge on the adjacent public open space or harm the ACV, Felpham Sailing Club. The development will see modest external changes to the building and the operation of the storage area with roller shutter door is unlikely to have a significant impact on the operation or function of the ACV.

The refurbishment of the toilets, which are considered an important facility that serves the public open space is considered to enhance the usability of the public open space by improving access to the toilets which includes a baby changing facility and enhanced disabled WC. As such the development is considered to comply with saved policy AREA5 and Felpham NDP policies CLW5 and CLW6.

VISUAL AMENITY

The form of the building would remain the same but for additional doors to the east and south elevation. The alterations to the building will have a modest impact on the external appearance of the building. The new doors and rails are considered to be of materials in character with the functional appearance of the building that would blend with the surrounding area. As such the development is not considered to have a detrimental impact on the appearance of the host building or the surrounding area in compliance with saved policy GEN7 (iv) and Felpham NDP policy ESD1 as it would respects local character and retains a sense of place in this area.

RESIDENTIAL AMENITY

No neighbouring dwellings are considered to be significantly affected by the proposal. The rear elevations of the dwellings would be more than 35m from the nearest alteration to the toilets and number 17 Blakes Road would not have a view of the alterations as the sailing club outbuilding would block any impact. Given the scale and form of the building will not change it is not considered that the development would have a significant impact on neighbouring residential amenity in terms of visual intrusion, loss of light or overlooking.

The use of the toilet block will be different as users will now access the toilets from doors on the south and east elevations. The storage area will be accessed from the door to the west and south. However, given the distance away of the neighbouring dwellings, the existing use of the open space and car park, that's creates a level of noise and disturbance, it is not considered the new operation of the toilets could cause noise and disturbance that would cause significant harm to neighbouring residential amenity; over and above that of existing.

In terms of impact on residential amenity the development is considered to comply with saved policy GEN7 (iv) & (v) and GEN32.

FLOODING

The development would see no increase in hard surfacing or roof area as no extension or significant alterations are proposed that could lead to an increase is surface water run off or flood risk from fluvial sources. A sufficient flood risk assessment has been submitted with the application to demonstrate how the development will have an impact in terms of flooding and the impact is considered to be minimal. Therefore, the development complies with saved policy GEN9.

The flood risk assessment outlines measures that will decrease the risk from flooding such as water resistant tiles, high level sockets and wiring which complies with the requirements of Felpham NDP policy ESD2.

The development is considered to comply with development plan policies and is recommended for conditional 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 (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).

The proposal would have a positive 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:-

704/305
704/304 Rev B
704/306 Rev A
704/307 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan and ESD1 of the Felpham Neighbourhood Development 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.

4 INFORMATIVE: The development hereby approved does not grant permission for the use of the storage area for any other us than that of storage of goods and equipment in line with District Council services. Should the owner of the storage area seek to lease the storage area out, it or the prospective lessee may need to apply for change of use of the storage area to said use to be carried out by the lessee.