

Report following a request for further information, negotiations or consultation

REF NO: FP/258/19/PL

LOCATION: 107 Felpham Way
Felpham

PROPOSAL: Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Use Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis) & 3 No. Flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL).

This application was deferred from the 24th June Committee due to a request by members that the land at the back of the site which is in the ownership and control of the applicant and shown by the blue edge be brought in the red edge and show how parking/turning could be achieved. If that was agreed the application would be re-consulted with the Parish Council, County Council and neighbours.

The Planning Team Leader highlighted the applicant had the option to not agree to the proposal, in which case the application would be brought back to the next available meeting for determination.

The applicant was given the opportunity to amend the site boundary but declined to do so and wishes the current application to be reported back to Committee unaltered on 29th July. Therefore additional consultation is not needed.

Further information and drawings: 2019-6108-022 Rev A 'Vehicular Access Overview' and 2019-6108-001 have been provided by applicant explaining the reasons why he is reluctant to amend the site boundary:

- The front forecourt will still be available for vehicles to park on. The ownership of this land was transferred from The Portsea Island Mutual Cooperative Society (the sites previous owners) to West Sussex County Council in 1938 for a road widening scheme that never happened. The forecourt has been used for parking purposes ever since. The Conveyancing document from 1938 states that "the Society and its successors in title and all persons authorised by the Society a right of way for all purposes to and from the adjoining property of the Society to the said public road over and along the property hereby conveyed." Consequently, as successors in title, the future occupiers of the proposed development will also have "a right of way" across this land "for all purposes". Given that no one is known to have been challenged for parking a vehicle in the forecourt since 1938 it seems highly likely that that future occupiers and their visitors would also be able to park here. So whilst the applicant does not own the front forecourt it is apparent that this land will remain available for the convenience of the site's future occupiers.
- In order to alleviate Members concerns regarding highway safety the applicants Highway consultants have provided a drawing which demonstrates vehicle turning can be achieved safely within the site.
- Members expressed concerns regarding a potential increased number of vehicles seeking access to the site due to the change from 1 large convenience store to 2 smaller commercial units and three flats.
- It should also be noted that the Highway Authority accepted these findings and did not object to the application on highways safety grounds.
- In order to achieve access to land at the north end of the site it would be necessary to drive along the side access - passing close by to the entrances to the flats and flexible use unit. This would be potentially unsafe and would also cause noise and disturbance to future occupiers as well as occupiers of the adjacent 4 dwellings at 109 Felpham Way. The applicant does not currently have a right of access on to his land from Flax Mean.

- Members inferred that the proposed development was contrary to the guidance in the Council's new Parking SPD. However, I would like to refer you to "Principle 1" of the SPD which states:
"2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand."
- It is highly unlikely that the existing very large shop unit will ever be occupied in its current form. The building is too large as a local convenience store and is unable to compete with the nearby Tesco and Sainsbury's superstores. The two smaller commercial units are more likely to be occupied by local businesses due to both their size and flexibility of use.
- It is respectfully requested that officers report this information to members of the committee before this application is determined.
- The agent/applicant provided revised Transport Statement to correct typos in the document and provide additional diagrams (Appendix C).

Recommendation Report for Planning Permission

REF NO: FP/258/19/PL

LOCATION: 107 Felpham Way
Felpham
PO22 8QB

PROPOSAL: Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Use Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis) & 3 No. Flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the conversion, alteration and extension of the existing retail building to form 1No. Class A1 shop, 1No. Flexible Use Commercial Unit and three flats. The existing shop (Class A1) to be converted to Flexible Use Commercial Unit Use Classes A1, A2, B1 and health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis). One 2 bed/3person flat is proposed at the ground floor level to the rear and 2 flats (2bed/3persons) and (1bed/2persons) at first floor. The proposals provide secure cycle/refuse storage facilities.
SITE AREA	455 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	66 dwellings/hectare.
TOPOGRAPHY	Predominantly flat but is slightly higher than Felpham Way. The rear grassed area rises up by approximately 1m.
BOUNDARY TREATMENT	A part 1.8m wall & part 2.3m close boarded fence to the east; and a part 1.8m wall & part 1.8m high close boarded fence to

the west. The rear grassed area is bordered by close boarded fencing approximately 1.6-1.7 m high but is not part of this application (fronts onto Flax Mean).

SITE CHARACTERISTICS

Single storey commercial building with pitched roof to front and two storeys with flat roof at the rear. Located in a small parade of shops and other commercial properties on the north side of Felpham Way. The premises was previously the Co-op and more recently, for a short period, an antiques shop. The shop is empty having been vacated by its last occupiers in April 2019.

The building has red/brown brick work and a modern shop front. There is hardstanding to the front which allows for 3 or 4 cars to park. This is not in ownership of applicant and additional hardstanding to the rear accessed via a drive down the east side of the building.

CHARACTER OF LOCALITY

Part of a row of commercial properties. This includes a petrol station with Spar shop, a solicitors office, a Co-op Funeralcare and a Fish & Chip shop. There are residential dwellings above some of the commercial properties and to the rear of them and on the opposite side of Felpham Way.

RELEVANT SITE HISTORY

FP/32/19/PL	Conversion of part retail unit & storage area to form 9 No. Withdrawn residential units consisting of 3 No. 1 bed & 6 No. 2 bed dwellings & new access to rear.	07-06-19
FP/101/18/CLP	Lawful development certificate for a proposed change of use of first floor to self contained flat.	PP Not Required 31-08-18
FP/172/16/PL	Change of use from grocery store (A1 Shops) to tyre fitting centre & enlargement of rear double doors.	Refused 16-09-16

This application is an amended version of FP/32/19/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

OBJECTION - overdevelopment, insufficient car parking, insufficient emergency vehicle access and proposed access and egress from the car parking spaces onto Felpham Way across a footway and onto a busy road is hazardous and dangerous.

Re -consultation:

OBJECTION - FPC don't accept Lambeth survey mitigation. ADC not applied new parking standards.

3 objections:

- There is a construction cabin on the site, skip etc at the rear of the property.
- Overdevelopment with insufficient car parking for the amount of proposed residents.
- Insufficient emergency vehicle access .
- Adjacent flats have still yet to be completed (4+ years later), marketed and populated.

COMMENTS ON REPRESENTATIONS RECEIVED:

With regard to the Parish Council comment, WSCC highways consider the existing arrangements and capacity on-street would be suitable to serve the development. Other issues are addressed below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Economic Regeneration

Parks and Landscapes

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Proposal would not have 'severe' impact on operation of Highway network and is not contrary to NPPF (para 109), no transport grounds to resist the proposal subject to conditions.

DRAINAGE ENGINEERS - Due to scale, location and type of application no conditions to request. Surface water drainage must be designed/constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH - Condition suggested relating to the risk associated with contamination of the site.

ECONOMIC DEVELOPMENT - On the basis of retention of retail uses at ground floor level and the opportunity for smaller businesses to take retail space would support application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions are proposed.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
No Public Sewer; and
Class A Road.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Felpham Neighbourhood plan 2014 POLICY BT4</u>	Retail premises
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD12	Renewable energy schemes
Felpham Neighbourhood plan 2014 POLICY BT1	Support business expansion
Felpham Neighbourhood plan 2014 POLICY BT3	New office, workshop and light industrial uses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 original Felpham Neighbourhood Plan (referred to hereafter as the Plan) was 'made' by Arun District Council on the 16th July 2014 following a Referendum. The adoption of the Arun District Local Plan 2018 required a review and where appropriate amendment of the Felpham Neighbourhood Plan to ensure the two documents are in alignment and reflect the new policies.

Reg. 14 - Pre-submission consultation and publicity

Consultation Dates: The consultation period ran from the 20th January 2020 to 2nd March 2020. The Plan was amended following comments received and submitted to Arun DC on the 16th March 2020 under Reg 15 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Review 2019 - 2031 contains a number of 'saved' policies from the Felpham Neighbourhood Plan 2013-2029, some amended policies and some new ones. Modification Proposal Statement under Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

The relevant policies are: H1 Built-Up Area Boundary , ESD1 Quality of Design, BT1 Business Expansion, BT3 New Office and Light Industrial Use, BT4 Retail Premises, ESD12 Renewable Energy Schemes and GA4 Parking on New Development.

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 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:**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and policy H1 of the Felpham Neighbourhood Development Plan 2 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." The site is in a sustainable village and suburban centre location in easy walking & cycling distance of a range of shops, facilities and services including bus stops.

Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". Para 85 states: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Para 123 states where there is an existing or anticipated shortage of land for meeting identified housing

needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and therefore it is important to boost housing numbers in the district.

The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan and policy H1 of the revised Felpham Neighbourhood Development Plan.

CHANGE OF USE FROM A1:

Policy RET DM1 of the Arun Local Plan in section 4 seeks to prevent the change of use from retail in village and suburban locations. Whilst the current shop will be made smaller it will be retained and therefore comply with this policy.

Felpham Neighbourhood Development Plan policies BT1 (Business Expansion), BT3 (New Office and Light Industrial Use) and BT4 (Retail Premises) support shops and businesses and safeguard and develop the range of services available to residents to meet their daily needs. Policy BT1 affirms that proposals to upgrade or extend existing employment buildings will be supported unless the proposal would cause unacceptable harm to the amenities of surrounding properties.

Policy BT3 states that: "Proposals for development for Class B1 Light Industrial purposes will be supported where the impact on surrounding residential and community amenity would be acceptable and other policy considerations would be complied with. Policy BT4 states development involving changes of use of ground floor premises from retail to non retail will only be permitted where it can be shown the development would not harm the vitality of local shopping facilities or amenities of the area.

The proposal is for a change of use of the front part of the building from retail to a smaller retail unit plus a flexible commercial use in Classes A1, A2 (Financial and Professional Services), B1(Business, including Industrial processes which can be carried out in a residential area) and health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only(Sui Generis). The building would be subdivided to provide a 30sq.m. shop unit with a frontage to Felpham Way. This would be accessed from a doorway in the front elevation. Immediately to the rear of this would be a flexible-use unit. This unit has a floor area of 91sq.m. provided over two floors; the ground floor area would be to the rear of the frontage shop with entry being gained from the side passageway. An internal staircase would allow access to the new mezzanine floor that would be created above the frontage shop. There would be a reduction in the existing commercial floor area and whilst the change from A1 to A2 can be permitted development, the proposed other flexible uses as proposed are becoming a common features in secondary and other peripheral shopping streets.

The change from A1 (with a retention of 1/4 of shop space) reflects the preferences of customers and they are typical town/village centre uses. The proposed uses for retail, financial/professional services, business, health centre/clinic and Beauty Therapist/Nail Bar by reason of their nature and the fact that all of them can be carried out in a residential areas, bringing vitality and vibrancy to these places, would not cause unacceptable harm to the amenities of surrounding properties. In addition, policy BT1 of the Felpham Neighbourhood Development Plan 2 supports upgrade or extend existing employment buildings and according to policy BT3 development for Class B1 Light Industrial purposes will be supported where the impact on surrounding residential and community amenity would be acceptable.

Therefore it is considered that the proposal complies with policy RET DM1 of the Arun Local Plan and policies BT1 and BT3 of the Felpham Neighbourhood Development Plan.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings will make a valuable contribution to meeting housing.

The area is predominantly residential in character but with a small group of 5 commercial properties fronting Felpham Way. There are residential properties opposite and behind these commercial sites. The majority of commercial properties have adjoining residential properties behind or above. The proposal seeks to introduce a Flexible Use Commercial Unit possibly involving light industrial use (B1) with commercial frontage to be remained. The change will not have an adverse effect on the character of the street scene and generally on the character of surrounded area characterized by mixed use.

The development results in the retention of part of the gable fronted building, however the two storey flat roofed rear section would be replaced with a new structure of a similar width to the existing building and would extend north by approximately 17m from the retained element of the original shop. Consequently, front to back, the resultant building would have a depth of around 22m (which would be 1.2m longer than the existing structure). The west elevation of the new structure would be stepped away from the west boundary by approximately 1.0m. The new structure would consists of three flats; one 2bed/3persons at ground floor with private amenity space to the rear and one 2bed/3persons and one 1bed/2persons at first floor, partially above the flexible use commercial use proposed.

The 2 storey structure would be characterised with a shallow pitched roof with two flat roofed dormers together with three roof-lights inserted to the east roof plane and three flat roofed dormers and two roof-lights to the western roof plane. The eastern dormers, due to privacy of residents to the east, would have windows with sill high above 1.7m from floor level and their cheeks facing outwards would be glazed to allow some outlook and more light to the proposed flat. Western dormers would face the commercial rear yard of a neighbouring property to the west. There are some concerns regarding to the close vicinity of habitable windows of the ground floor flat within a distance of 1m from the fence, however these would serve a kitchen and dining area with bi-folding doors facing to the rear private space.

The plans show a property of a similar height and marginally larger footprint than existing. However it is of a similar appearance as those of along the road, therefore the development would not adversely affecting the street scene since the features such as the shape of the roofs and side dormers of properties in the area are replicated in a design responding to local pattern of development. The proposal complies with ALP policies D DM1 and D SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The proposed ground floor 2 bed/3 persons flat has an internal space area of 61sqm, a minimal requirement of the space standards. The first floor 2bed/3persons flat has 62.1sqm whilst the requirement according to the space standards is 61sqm. The 1bed/2persons flat has an internal space area of 50.5sqm whilst 50sqm is required. All dwellings would reach the minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:
- All development should provide residents with access to outdoor amenity space, whether private or communal.

The scheme includes a private rear amenity space (53sqm) for the ground floor flat only, however the site is located only 150m away from the King George V Recreation Ground at the southern end of Felpham Gardens on the opposite site of the road.

The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

RESIDENTIAL AMENITY INC NOISE POLLUTION:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Due to residential use in neighbouring properties and the proposed flats to the rear and at the first floor and the fact that the D1 use class contains some uses which could potentially cause noise disturbance, the same applies for Sui Generis, conditions restricting the particular uses within class as described above. However, it is not considered that the proposed uses would have a larger impact on surrounding residential area than that previous; a rather large shop with deliveries and customers with an existing mixed use development within northern part of Felpham Way.

The development is not considered to have unacceptable impacts on the residential amenity of any neighbouring properties and those proposed. The proposal results in residential and commercial uses located next to each other, however due to the nature of the proposed uses it is unlikely that there will be an unacceptable impact to residential amenity above and to both sides and to the rear of the proposal site.

With regards to the flats, the ground floor flat would not have any adverse impact to the occupiers of the neighbouring properties due to the reasonable separation distance from these properties; there are no windows proposed on the rear elevation of first floor flats facing to the private gardens and residential

dwelling of Flax Meadow to the north, the proposed dormers on the western roof plane with outlook over the existing roof areas and rear hard surfaced yards of adjacent properties. The dormers facing to east with habitable windows on the flank wall of 109 Feplham Way are provided with windows which sills are above 1.7m from the proposed floor level. There it is considered that the proposed flats would not have an unacceptable impact to users and occupiers of nearby properties and land in terms of loss of sunlight, privacy and outlook.

Therefore the proposed development would comply with policies D DM1 and QE DM1.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

The original plans showed 3 parking spaces and a bike store on the land in West Sussex County Council's ownership. West Sussex County Council grants only a right of way over this land. As a result 3 parking spaces were removed from the proposal and bike store has been replaced to the rear.

Amended plans show a revised arrangement of nil car parking provision on the WSCC forecourt. A Car Parking Capacity demonstrated that an average of 81 spaces were available nearby on-street overnight. Whilst maximum parking demand for the commercial and residential element of the scheme was estimated at 15 spaces, it is acknowledged that no increase in commercial floor space is proposed. WSCC considered the existing arrangements and capacity on-street would be suitable to serve the development. The existing use of the ground floor shop would have lead to a parking demand for visitors to the shop and staff. The proposal creates additional demand over and above the previous use through the residential element. Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for a change of use of a shop to a use containing shop and up to two flats without the need to apply for permission if the flats are above the A1 use. Therefore

the third residential unit creates parking demand that above the current business/permission granted by the General Permitted Development Order.

WSCC Highways have not objected and do not consider the proposal results in a severe impact on the highway. Notwithstanding the concerns of Parish Council and residents, it is not possible to substantiate a reason for refusal.

In respect of concerns regarding pedestrian safety re the use of the side access and congestion due to deliveries, regard should be had to the fact that the side access is existing and that the previous retail use would not only have involved movements along this access but also have had deliveries by large vehicle.

The proposal site falls to Zone 1 where for a residential development as proposed are 3 parking spaces required. In addition, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units.

Parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site. In determining the amount of parking that should be provided at non-residential developments, developers should seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting / retaining staff. It is the responsibility of the developer to provide evidence that adequate facilities are provided on site for the proposed use.

The plans show nil car parking provision that would not satisfy the requirements of the Arun Parking Standards. However, section 2.31 of Principle 1 stresses: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

The applicant submitted a Transport Statement which outlines the key transport planning matters in accordance with national, regional and local guidance, reviewing the site's accessibility, the proposed development layout, car and cycle parking requirements, access arrangements, servicing arrangements, and the proposed trip impact on the local road network. The parking survey revealed an average of 81 spaces available across the overall study, including 31 spaces available on Felpham Road, exceeding on-street parking demand for 6 vehicles arising from the development.

It is considered the proposal accords with policy T SP1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

SUMMARY:

There is no in principle objection to mixed use development on this site in the built up area and the proposal complies with development control criteria concerning highway safety, change of use, internal space standards, character and residential amenity. It is considered the application is acceptable in all regards and should be approved subject to conditions.

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.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

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:

Drg.No. HOP-002-P. Rev I, Proposed Floor Plans and Elevations
Drg.No.HOP-002-P. Rev F, Site Plan and Location Plan
Drg.No.2019-6108-001 Rev A, Site Overview
Drg.No.2019-6108-002 Rev A, Vehicular Access Overview

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 Before the flats are occupied details of dustbin storage shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The storage as approved shall be made available prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday

or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 5 The materials and finishes of the external walls and roofs of the extension permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 7 The use of the ground floor, front part only, and mezzanine (excluding the proposed flat to the rear) hereby permitted shall be solely as A1, A2, B1 and health centre or clinic or Beauty Therapist/Nail Bar only and for no other purpose (including any other purpose in Class D1 and Sui Generis of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies D DM1 and QE DM1.

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 9 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.