

Recommendation Report for Planning Permission

REF NO: FP/268/18/PL

LOCATION: Petrol Filling Station
97 Felpham Way
Felpham
PO22 8QB

PROPOSAL: Relocation of existing shop entrance

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Position of shop front to be moved to the west.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Low wall to part of front.
SITE CHARACTERISTICS	Petrol filling station with retail sales building.
CHARACTER OF LOCALITY	Generally residential although with a number of commercial premises.

RELEVANT SITE HISTORY

BR/120/68	Improved Forcourt	ApproveConditionally 02-05-68
-----------	-------------------	----------------------------------

Site history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within built up area

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

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

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.

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).

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 the minor change to the position of the shop front would not cause harm to the character or appearance of the area and residential amenity would remain unchanged.

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

The change in position of the shop door would affect the appearance of the shop front to the petrol station kiosk however the impact would be modest and the overall appearance of the unit would be largely similar to the current building.

Character

The change to the building is modest and would not cause harm to the character of the area by way of the amended design.

Amenity

The change in the position of the door would not have any impact on the amenities of residential properties in the vicinity.

Conclusion.

The proposed minor change to the building complies with relevant development plan policies (D DM1 and D DM4 of ALP and ESD1 of the FNDP and therefore it is recommended that the application 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.

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:-

WPS-MFG-122-P01

WPS-MFG-122-P04

WPS-MFG-122-P05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 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.