

Recommendation Report for Planning Permission

REF NO: FP/52/21/PL

LOCATION: 107 Felpham Way
Felpham
PO22 8QB

PROPOSAL: Partial retention, extension & reconstruction of 2-Storey building to provide 1 No. Class E shop unit, 1 No. Flexible use commercial unit for any Use within Class E or as a Sui -Generis beauty therapist/nail bar & 3 No. 2 bed flats to include parking, secure cycle & refuse storage facilities (resubmission following FP/258/19/PL). This site is in CIL Zone 4 (Zero Rated) as flats & other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Permission is sought for partial retention, extension and construction of 2-storey building to provide one shop unit, one flexible use commercial unit for any use within Class E or as a Sui -Generis beauty therapist/nail bar and three 2 bed flats.

The proposed building would have the same footprint as the recently approved application with more traditional design of two storey building with the eaves and ridge set at height of No 109 to the east; the height of ridge to the front would be 7.9m and to the rear 7.6m. Would be 22m in length (1.2m longer than approved), 8.6m wide at the front (up to 5.3m) and the rest 7.8m wide; would be set back from the edge of the Felpham Way footpath by approximately 8.0m with the front forecourt being used for vehicle parking. The rear element of the building would be set in from the west shared boundary by 0.9m. The front elevation would be of a similar appearance as approved with a symmetrical gabled roof structure with a shop front at the ground floor level and a residential floorspace above with a domestic fenestration.

The building would be subdivided to provide a 34.47sq.m shop unit with a frontage onto Felpham Way. This would be accessed from a doorway in the building's front elevation. Immediately to the rear of this would be a flexible-use unit. This ground floor unit would have a floor area of 41.5sq.m with entry being gained from the side passageway. One flat would be on the ground floor to the rear, and the first floor would be residential only with two flats.

The proposal would provide parking to the front of property and a secure cycle/refuse storage facilities to the rear.

SITE AREA

455square metres.

RESIDENTIAL DEVELOPMENT 66 dwellings/hectare.

DENSITY

TOPOGRAPHY

Predominantly flat but is slightly higher than Felpham Way. The rear grassed area rises up by approximately 1m.

TREES

None affected by the proposed development.

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

The remains of single storey commercial building 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 was 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. The forecourt is currently owned by West Sussex County Council and the applicant is in the process of purchasing this land from the County Council.

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/185/20/PL	Variation of condition 2-plans condition imposed under FP/258/19/PL.	ApproveConditionally 26-11-20
FP/258/19/PL	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).	ApproveConditionally 29-07-20
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

FP/200/07/

New shop front with ramped access & single storey rear extension with lean-to & refrigeration plant.
(Resubmission following FP/159/07)

ApproveConditionally
17-10-07

This application is an amended version of FP/258/19/PL.

REPRESENTATIONS

Felpham Parish Council: No objection - in light of new information received on the above application, FPC have WITHDRAWN their previous objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace: No landscape objection to the proposals.

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.

WSCC HIGHWAYS: No objection. 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

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

DEVELOPMENT PLAN POLICIES

[Arun 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
ENVDM5	ENV DM5 Development and biodiversity
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
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

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 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 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.

At Full Council meeting on 17th March 2021, Arun District Council resolved to 'make' the Felpham Neighbourhood Development Plan 2019-2031. 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. 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 in 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 be weighed in the balance with the Development Plan.

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:

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 Class E (Commercial, Business and Service) or Beauty Therapist /Nail Bar only(Sui Generis). The building would be subdivided to provide a 34.47sq.m shop unit with a frontage to Felpham Way. The frontage shop would have a 'return' shop window, next to which would be a doorway and window serving the flexible use unit. Immediately to the rear of this would be a flexible-use unit. This unit would have a floor area of 41.5sq.m with entry being gained from the side passageway. There would be a reduction in the existing commercial floor area, however from 1st September 2020, for purposes of Use Class, A1/2/3 & B1 are treated as Class E and flexible use units are now commonly found in secondary and other peripheral shopping streets as they allow easy access to a range of small business enterprises without the constant need to apply for planning permission for a change of use.

The change of use (with a retention of 34.47sq.m shop space) reflects the preferences of customers and they are typical town/village centre uses. The proposed uses for retail, financial/professional services, business 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 (E(g) from 1 September 2020) 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. The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. 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 E(g) 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 would result in the gable fronted building of a similar appearance as previous with two storey slightly narrower but considerable deeper rear section with gabled roof with marginally lower ridge than that to the front. The buildings appearance would, when viewed from Felpham Way, similar those of the buildings either side to the east and west, with a gabled frontage comprising both shop display and domestic fenestration. This south elevation would be constructed with Ibstock Warnham Red brick, with white Marley Cedral boarding above. The ground floor shop windows would be powder coated aluminium with white UPVC windows at first floor.

The rear element and first floor of front as well would consists of three flats; one 2bed/3persons at ground floor with private amenity space to the rear and two 2bed/3persons at first floor, partially above the shop area and commercial flexible use proposed. The 2 storey structure would be characterised with a gabled roof with four roof-lights inserted to the western roof plane and four to the eastern. The buildings west, east and south facades would also be constructed with Ibstock Warnham Red brickwork, a white painted smooth cement render with white UPVC windows.

French window of the retail area, entrance door and a large casement window of the commercial unit, entrance doors to Units 2&3 with one smaller casement would be inserted on the eastern elevation at the ground floor level and one larger, one small obscure glazed windows and three oriel windows would be inserted at the first floor level. Smaller casement window and door leading to the proposed commercial unit would be inserted on the western elevation at the ground floor level and three small windows and Juliette balcony at the first floor level. There are no windows proposed at the first floor level of rear elevation only one casement window and bi-folding doors leading to the amenity space provided for unit 1 at ground floor level.

The plans show a property 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 74 sqm whilst the requirement according to the space standards is 61sqm and second first floor 2bed/3persons flat has an internal space area of 63.77sqm. All flats would reach the minimal space standard required by the Nationally Described Space Standards (two of them exceed).

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.

The LPA acknowledges that new Class E covers 11 uses, therefore the site can be used as a restaurant, day nursery, medical-health services fitness and industrial process. However, in some uses mentioned licencing is required and the applicant would be obliged to contact Environmental Health Department to find out their requirements for uses involving for example the supply of food direct to the public. It is also considered that there are no uses within the new Class E that would be deemed to be inappropriate for a village centre location, having in mind the intention behind the legislation and the way in which it has been brought into force under a single use class. The intention of which was to provide flexibility and continued employment to traditional shopping areas where retail protection policies would otherwise not work or would slow and inhibit necessary changes.

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 contains some uses which could potentially cause noise disturbance, 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 dwellings of Flax Mean to the north, the proposed Juliette balcony and windows on the western elevation at the first floor level would have an outlook over the existing roof areas and rear hard surfaced yards of adjacent properties. First floor windows within the buildings east elevation would consist of projecting box bays. As with the previously permitted scheme these windows would be constructed with mainly obscure glazing to their east facing panes together with clear glazed north and south facing panes. The one exception would be the centre pane of the box bay window serving the double bedroom of Unit 3. This pane would be clear glazed as it would be located between two first floor windows within the west facing elevation of No.109 opposite. Therefore 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.

Taking into account the above it is considered that the potential impact on residential amenity could be controlled, in accordance with the NPPF (para 127), and policies D DM1, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

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 plans show 2 parking spaces at the front of the site, within the forecourt area where is an existing vehicle parking area. This land is in West Sussex County Council's ownership, however as mentioned above, the applicant is in the process of purchasing this land from the County Council. This area would

be for vehicle parking in relation to the use of both the commercial and residential elements of the scheme. The business owners or their customers would utilise the spaces during the day time and the residents at night time. The proposed onsite provision would be supplemented by available on-street parking (Transport Statement by Bright Plan Limited which accompanies this application).

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 suggest to refer to response/conditions of 7/1/20 & 5/3/20 to Planning Application FP/258/19; they have no objection and do not consider the proposal results in a severe impact on the highway.

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 2 parking spaces provision that would partially satisfy the requirements of the Arun Parking Standards. 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 available parking spaces on local roads within 200m of the application site, 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. 019-DLS-00-01-DR-A-1010 Rev B, Location and Block Plan;
 Drg.No. 019-DLS-00-01-DR-A-1011 Rev B, Site Plan as Proposed;
 Drg.No. 019-DLS-00-01-DR-A-1012 Rev J, Proposed Elevations;
 Drg.No. 019-DLS-00-01-DR-A-1013 Rev H, Proposed Floor Plans and Section;
 Drg.No. 019-DLS-00-01-DR-A-1014 Rev C, Proposed Street Scene.

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 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 the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 7 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 8 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.

- 9 The windows at first floor level in the eastern elevation of the building shall:-

(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall
be maintained in that condition at all times; and

(ii) at all times be and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1/D DM4 of the Arun Local Plan.

- 10 The use of the ground floor, front part only, excluding the proposed flat to the rear) hereby

permitted shall be solely as any Use within Class E 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.

- 11 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.

- 12 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.