Recommendation Report for Planning Permission

REF NO: **FP/84/13/**

LOCATION: 112 Felpham Road
Felpham

PROPOSAL: Partial change of use from Bank to Opticians with associated retail including renewal of damaged window structure on front elevation. This application affects the setting of a Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 377 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has disabled ramp and handrail then open to the highway with dwarf brick wall under 1m in height, flint wall approximately 1.8m to north side boundary.
SITE CHARACTERISTICS	Two storey building with flat roof extension to front which has been used for many years as a bank. The property has smooth render on the upper level with reddish/brown brickwork on the lower level. There are windows either side of the central door with stonework decoration below. Disabled ramp with handrail to front.
CHARACTER OF LOCALITY	Mixture of residential and commercial. Old School House residential flats to north of site, Funeral Service and Grocery store to west of site, opticians and pharmacy to south of site.

RELEVANT SITE HISTORY

FP/84/93	Installation of automatic teller machine	Approve Conditionaly 03-08-1993
FP/41/04/	External disabled access ramp and new automated entrance door	Approve Conditionaly 02-04-2004
BR/297/49	Alterations & additions	Approve 19-12-1949

BR/472/69	Change of use of one room on ground floor and 4 on first floor to Bank offices use	Approve 16-10-1969
BR/650/69	Alterations on ground and first floors for banking purposes	Approve 08-12-1969
BR/679/75	Proposed alterations and exten -ions of existing staff facilities	Approve Conditionaly 26-11-1975
BR/773/81	G/F ext to increase staff admi space machine room and extra office area	Approve Conditionaly 23-09-1981

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer
Awaited

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Conservation Area
Class C Road
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity.

report

The Development Plan consists of the Arun District Local Plan 2003 which was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established 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

The premises are located within the village centre and Conservation Area and have been used for many years as a bank which is now unoccupied and the application seeks to change the use to an Opticians.

The adjacent property No 110 is currently an opticians and the applicant will relocate to these premises if permission is approved. The premises consist of a two storey element with a single storey flat roof addition to the front with a disabled ramp and handrail. There is on-street parking to the front of the building.

The internal alterations will involve the installation of a wheelchair lift at the front by the main entrance with the retail element being sited to the front. A reception area is proposed in the middle of the building with consultation rooms to the rear. There are existing wc's and a disabled wc to the rear of the building. The upper level of the building remains unchanged. The external alterations will require the removal of the existing windows which are sited each side of the central

door with the removal of the decorative stonework sited below the windows. The windows are to be replaced by larger aluminium framed glazed units. The existing disabled ramp and handrail are to remain.

The premises still retain a central door and it is not considered that the glazed units would detrimetnally harm the appearance of the building. It is not considered that the use would compromise the vitality and viability of the area or harm the character and appearance of the surrounding area and the Conservation Area.

It is therefore recommended that the application be approved, subject to conditions.

HUMAN RIGHTS ACT

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 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 a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: Block 1:500, Floor 1:50 Drg No BRI-01 Rev B, Elevations 1:50 BRI-01SF Rev B received on 5th June 2013.

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.

3 INFORMATIVE: If any signage is to be illuminated then an application for Advertisement Consent will be required.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.