

Recommendation Report for Planning Permission

REF NO: P/82/18/PL

LOCATION: Body Central Studio
9 The Parade
Pagham
PO21 4TW

PROPOSAL: Change of use from shop (A1 Shop) to Mind & Body Studio (D2 Assembly & Leisure).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	No external changes proposed. See above.
SITE AREA	41m2
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Ground floor unit.
CHARACTER OF LOCALITY	Located in Pagham Village, within a small parade of units. Surrounding buildings to either side forming a commercial mix of uses.

RELEVANT SITE HISTORY

P/5/60/A Revised Plan For 12 Lock-Up Shops And 14 Maisonettes Approve
16-08-61

N/A

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Pagham Parish Council

Pagham Parish Council

No objection however the Parish Council would suggest a condition restricting use to activities which do not generate excessive noise. Whilst the activities proposed immediately following the change of use would not generate significant noise, it is possible that other businesses who may occupy the property in the future may do. There are residential properties proximate to this property which should be taken into consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environmental Heath raise concerns. - No comments raised.

Economic Development - raise no comment

The WSCC highways authority was not consulted, officers considered a change of use class by virtue of its type of use, and location would have a limited impact on highways safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and shall be discussed in the conclusion section of the report.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
ENVDM2	ENV DM2 Pagham Harbour
QEDM1	QE DM1 Noise Pollution
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and 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 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

In December 2014, the Pagham Neighbourhood Plan (PNP) was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. Although no further progress has been made, it is necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

It is considered that Policy 6 "Local Shops" is relevant to this application.

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, preserving its appearance.

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 located within the Built -up Area Boundary . As such the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include D DM1, QE DM1, ENVDM2, RET DM1 & T SP1 of the Arun Local Plan, and guidance within the National Planning Policy Framework.

Policy RET DM1 of the Arun Local Plan and Policy 6 "Local Shops" in the emerging Pagham Neighbourhood plan relates retention of development, specifically the change of use from retail in (4) Village and suburban centres such as Pagham. Although a change from A1 retail outside of Town and local service centres is not normally permitted, an exception may be made where it can be demonstrated that retail is no longer a viable use, especially where premises have remained vacant for a long period and reasonable attempts have been made to market the premises for retail purposes.

The applicant and estate agent have produced evidence to suggest the building has been vacant and fairly marketed for a reasonable period of time at more than 4 months and at a reasonable price. This level of evidence is considered suitable and acceptable to allow the officers to consider as a material consideration in support of the requirement of RET DM1.

NEIGHBOURING AMENITY

The hours of operation are restricted from 9.00am to 21:00 Monday to Friday and 9:00 to 17:00

Saturday-Sunday and bank holiday(s). On consulting Environmental Heath they raise no concern and by virtue of the nature of the use as D2 the Officers consider these hours are acceptable, and shall not impact on the amenity of neighbouring occupiers. We not the comments of the Parish Council and consider the recreational use restricted to the hours above shall mitigate any concerns over future noise generation.

TRANSPORT, ACCESS AND PARKING:

The site is located in a suburban area, in close reach of public transport (train and bus) links with parade and free road parking. There are residential uses within walking distance. It is not considered that parking generation would lead to a highways safety issue owing to parking availability.

As such it is considered that the proposal would comply with D DM1, QE DM1, ENVDM2, RET DM1 & T SP1 of the Arun Local Plan. of the Arun Local Plan.

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 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:

Floor Plan existing
Floor Plan propped

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 The hours of opening hereby approved shall be:

09.00 to 21.00 hrs Monday-Friday 09:00 to 17.00 on Saturday-Sundays & Bank Holidays.

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.

4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to - Mind and body studio - yoga/pilates and similar exercise (D2).

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

5 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.