

Recommendation Report for Planning Permission

REF NO: FG/116/17/PL

LOCATION: Ferring Dental Surgery
70 Ferring Street
Ferring

PROPOSAL: Change of height of roof light, removal of high level window on south elevation & erection of 2 No. vent pipes (amendment to FG/99/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the regularisation of the development carried out in conflict with planning approval FG/99/16/PL. The proposed roof light will measure an additional 0.5m in height above that of the previously approved roof light and the proposal also includes the removal of the high level window on the southern elevation.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

N/A

SITE CHARACTERISTICS

The site is a ground floor commercial unit which forms part of a parade of commercial units with residential accommodation. The application site is currently used as a dental surgery and is constructed from brick.

CHARACTER OF LOCALITY

The character of the locality is a mixture of commercial uses and residential properties.

RELEVANT SITE HISTORY

FG/99/16/PL	Single storey extension to provide additional dental surgery	ApproveConditionally 20-09-2016
-------------	--	------------------------------------

Planning permission was previously granted for the development under planning reference FG/99/17/PL.

REPRESENTATIONS

Representations received:

No comments received from the Parish Council.

1 No. letter of objection:

- 1] Skylight ruins view from window due to glare from skylight in sunny or wet weather.
- 2] Health and safety concern due to x-ray leakage as the sides of the skylight are taped in.
- 3] Skylight looks awful.
- 4] Vents are directly outside of my flat where I used to sit, not sure if safe to sit there with one vent being a toilet.
- 5] Staff have entered onto walkway serving flats to clean the skylight.

Comments on Representations received:

In response to the letter of objection:

- 1] The loss of a view is not a material planning consideration.
- 2] The room will be insulated and provide an adequate buffer from x-rays undertaken in the extension.
- 3] The design of the proposal will be considered in the conclusion to this report.
- 4] The application has been the subject of consultation with the Council's Environmental Health Department who have raised no objection in relation to the proposed alterations.
- 5] This is a private matter which is not considered a material consideration in the determination of this application.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health:

- Before development commences, the applicant shall submit a report prepared in accordance with the provisions of BS:4142 to predict noise levels at the nearest residential facade, together with detail of mitigation which may be required in order to prevent disamenity.

Comments on Consultation responses:

Permission was previously granted for a similar scheme under reference FG/99/16/PL and no such condition was included in the recommendation report. Therefore, it is considered that it would be unreasonable in this case to impose such a condition.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: $\frac{\text{GEN2}}{\text{GEN7}}$

Built-up Area Boundary

The Form of New Development

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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.

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).

The Ferring Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of 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.

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 application site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed scheme has been altered from that previously approved under reference FG/99/16/PL with the roof light being increase in height by approximately 0.5m and the removal of the high level window from the southern elevation of the extension. The proposal also includes the addition of 2 no. vents onto the roof of the extension.

These alterations are not considered to have an unacceptably adverse impact upon the design of the proposal and as such will not result in the proposal adversely impacting upon the established character of the locality.

Therefore, the proposed development is considered to accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the originally approved scheme are not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts upon the residential amenity of neighbours beyond that of the originally approved scheme. Therefore, the proposed development is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval. As this application seeks to regularise a development which has already been commenced it is recommended that permission is granted subject to the below 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 approved shall be carried out in accordance with the following approved plans;

- Proposed Block Plan - Received 10/08/2017
- Proposed Block Plan - Drawing No. FDP/022/16
- Proposed Plan & Elevations - Drawing No. FDP/023/16 Rev B

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.

- 2 **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.