

Recommendation Report for Planning Permission

REF NO: FG/13/21/PL

LOCATION: Amherst House
Ferring Street
Ferring
BN12 5JR

PROPOSAL: Change of use to retail warehouse (Class E (a)) & ancillary offices (Class E (g) (i)).
This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	960 sq.m.
SITE CHARACTERISTICS	A light industrial building.
CHARACTER OF LOCALITY	At the rear of High street, Ferring with residential properties to the east.

REPRESENTATIONS

Ferring Parish Council - No objection subject to conditions

- to restrict delivery/collection hours to normal daytime business hours in consideration of the residents in the apartments.
- to prohibit the overnight parking of commercial vehicles equipped for sleeping.
- a restriction on the size of vehicles accessing the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The occupants of the building from time to time have large collection lorries and it would not be acceptable to them to restrict the size of lorries. To restrict the hours of delivery would be acceptable.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Economic Regeneration - No comment

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

CLASS C ROAD
OHED ELECT LINE

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

No policies in the Ferring Neighbourhood Plan are considered 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 the change of use would be to a less harmful type of use and would not impact upon neighbouring residential properties.

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

In this case, the key issues are

- the impact of the development on the residential properties nearby
 - the parking provision for the new development
- and the policies are deemed to be D DM1 and EMP DM1 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy EMP DM1 states that the Council will promote and support positive measures to upgrade existing employment areas.

The change of use is from a printworks to a retail warehouse. The main function of the warehouse is as a central repository serving 6 shops.

There are no proposed alterations and the change of use is considered to be in character with the area.

The proposed change of use is considered to be to a less harmful type of use with no element of light industrial use which should have a beneficial impact on the residential amenity of nearby residential properties.

The proposal is considered to accord with policy D DM1 of the Arun Local Plan.

The proposal would accord with policy EMP DM1 in that it would preserve existing premises in employment use.

The parking demand would be 6 spaces for warehouse storage (531 sq.m.) plus 4 spaces for offices (109 sq.m.) in accordance with the Arun Parking Standards SPD. The parking is provided on site would be approximately 10 spaces

The proposal accords with the Arun Local Plan and is recommended for approval subject to the following 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 ...
Existing Details 01 dated Jan 21
Existing Details 02 dated Jan 21
Existing Details 03 dated Jan 21
Existing Details 04 dated Jan 21
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 No deliveries shall be made or received at the premises outside of the hours of 7am - 7pm Monday to Saturdays and no deliveries shall be made or received on bank holidays and Sundays.

Reason; To protect the residential amenity of nearby residential properties in accordance with policy D DM1 of the Arun Local Plan
- 4 **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.