

Recommendation Report for Planning Permission

REF NO: FG/145/18/PL

LOCATION: Asda Ferring
Littlehampton Road
Ferring
BN12 6PN

PROPOSAL: Proposed retail pod

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the installation of a retail pod measuring 6.5m in length, 2.6m in depth and 2.45m in height. It would be flat roofed and have timber clad and glazed elevations. The pod would be installed outside the front of the store close to the car park.
	The application reference has been amended following clarification that the site lies in Ferring Parish and not Angmering.
SITE AREA	43 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The ASDA site is enclosed by fencing and tree planting to site boundaries
SITE CHARACTERISTICS	The site is surfaced and is part of the pedestrianised entrance area to the super store
CHARACTER OF LOCALITY	The site forms part of the site of the ASDA food store and is located adjacent to a nursery and residential dwellings

RELEVANT SITE HISTORY

FG/174/08/	Relocation of permitted building as per application ref:FG/208/07. Car parking to current standards, including improved circulation to avoid tail back onto dual carriageway, with associated landscaping. Change of use of existing agricultural land to be used in connection with the new retail building - Dual Parish with Angmering	App Cond with S106 02-06-09
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History noted

REPORT(ODB)

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Objection

Unightly building which will be seen from the main road as well as the new greenfield estate. Also there's the health concerns from the fumes to myself living nearby worsened by the south westerly wind. The A259 traffic is a nightmare already let alone with the increase traffic. We have numerous petrol stations nearby and not one has been granted the permission for 24 hrs, why should this eyesore spoil such a lovely area.

CONSULTATION RESPONSES RECEIVED:

Noted - the objection seems to relate to a different planning application at the same site.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary
A259 Road

DEVELOPMENT PLAN POLICES

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

REPORT(ODB)

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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

Policy1A of Ferring Neighbourhood Plan is considered relevant to 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

In this case the key policy considerations are deemed to be SD SP2 (built up area boundary), DDM1 (Aspects of Form and Design Quality) and policy RET DM1 the Arun Local Plan, Policy 1A of Ferring Neighbourhood Plan and the National Planning Policy Framework (NPPF) which supports the effective and efficient use of land. The Local Plan policies require development to be in keeping with the character of an area and not to have an unacceptable impact on residential amenity.

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. Policy 1A states 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the

Neighbourhood Plan and with other relevant development plan policies.'

The proposal is located within the built up area boundary of Ferring as defined in Arun Local Plan and is therefore acceptable in principle and for the reasons set out below is considered to comply with the provisions of the Neighbourhood Plan and with other relevant development plan policies contained in the Arun Local Plan. It is located adjacent to the parking area close to the front of the store and is suited to an urban setting. It would enhance the retail provision at this site in accordance with policy RET DM1 of Arun Local Plan.

The proposed pod will have a floor area of just 16 sq. metres, thus representing a very marginal increase in covered floor area when considered in the context of the existing ASDA supermarket.

DESIGN AND VISUAL AMENITY

The pod is functional and simple taking on a 'box-like' appears with a flat roof. The elevations will be made of sustainable, timber cladding on three sides and the main frontage will be almost entirely glass with double sliding entrance doors.

The building is of very limited size and scale and will not have a significant impact on the visual amenities of the locality. It would be viewed against the backdrop of the main store building and would be considerably lower in height and would be visually assimilated into the wider ASDA superstore and would not appear as an isolated structure. The proposal is therefore considered to accord with policies DSP1 and DDM1 of Arun Local Plan and policy 1A of the Neighbourhood Plan.

The pod will be located close to the existing store entrance. It will stand clear of the doors, bollards and kerbs to allow customers and their trolleys to circumnavigate the pod without encumbrance. It does not involve the removal of any parking spaces, allows the smooth movement of customers and can clearly be seen by those customers already going into the store.

RESIDENTIAL AMENITY

The pod would not be located adjacent to any residential curtilage and would have no adverse impact on residential amenity and is therefore considered to accord with policies DDM1 and QESP1 of the Arun Local Plan. However it is proposed to limit its use to the same hours as the superstore to ensure that no additional activity would be generated at times when the residential dwellings to the south would expect peace and quiet.

ACCESS

The development does not propose any changes to the existing vehicular access points into the site. The store entrances will also remain unchanged by this proposal. The pod has been designed and located in an area which already attracts a high number of pedestrians at the store entrance. There is sufficient opportunity for pedestrians and cycles to access the store and no existing footpaths or cycle paths or cycle policy are affected by the proposal.

CONCLUSION

The site lies within the built up area boundary and the proposal is considered to constitute sustainable development as set out in the NPPF and to accord with relevant development policies SD SP2, DSP1 and DDM1, of the Arun District Local Plan and policy 1A of the Neighbourhood Plan.

The application is therefore 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

REPORT(ODD)

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 Site Location PL-01 revA, Site Block Plan PL-02 rev A and the substitute Square Pod Floor Plan and Elevation Details submitted on 25-06-2018.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.
- 3 On any day, the retail use shall be operated between the hours of 0600 and 0000 only and not at any other time.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies DDM1 and QESP1.
- 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.

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