

Recommendation Report for Planning Permission

REF NO: FG/14/22/PL

LOCATION: 9 Ocean Parade
Ferringham Lane
Ferring
BN12 5QG

PROPOSAL: Replace existing shop front to ground floor front elevation with new door and windows, new windows to ground floor rear elevation and replacement door. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to replace a shop front to the ground floor front elevation with new door and windows, new windows to ground floor rear elevation and replacement door. This proposal incorporates 1.35m x 2.15m and 1.80m x 2.15m uPVC / PPC aluminium windows (white), 1.40m x 2.15m uPVC /PPC aluminium doors (white) and wall render (white). It will incorporate 1.80m x 2.15m rear uPVC /PPC aluminium windows (white), 1.8m x 2.15m rear uPVC /PPC aluminium doors (white) and rear wall render (white).
SITE AREA	590 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fences to a 15m long communal back garden serving a number of flats at the rear of Ocean Parade.
SITE CHARACTERISTICS	The property has a shop on the ground floor and a flat above in a modern terraced development with a rear facing lawned communal garden. The property is rendered white to the front elevation and has facing bricks to the rear elevation where the doors are to be installed.
CHARACTER OF LOCALITY	A small local shopping parade on a corner plot in a residential area. All of the apartments above the shops in this area have uPVC windows/doors. The rear of the properties face toward residential gardens of 1/2 storey detached dwellings some 15 metres to the south of the applicants terrace.

RELEVANT SITE HISTORY

FG/206/21/PD	Notification for Prior Approval under Schedule 2 Part 3 Class MA of the Town & Country Planning(General Permitted Development)(England) Order 2015 (as amended) for the change of use from retail use (Class	Withdrawn 07-01-22
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E(a) to residential (Class C3) - Conversion of existing retail building into 2 No. self-contained residential units.

FG/172/18/PL	Change 1 No. window to bi-fold doors & Juliet balcony.	ApproveConditionally 12-02-19
FG/66/00/	Rear extension to 1st floor flat built on existing ground floor extension	ApproveConditionally 09-08-00

The relevant planning history associated with this application site is noted.

REPRESENTATIONS

Ferring Parish Council

The Ferring Parish Council commented that the exterior design would not be in keeping with retail units and no floor plans for sub divided retail have been provided. The Parish Council object on the basis that the proposed redesign is not commensurate with its ongoing retail use and is out of keeping with other units in the immediate area.

To protect the identity of the village centres, the Ferring N.P. states:

4.39 The policy discourages the change of use of shop units in the village centre at Ferring Village as there is already some degree of residential development in and adjoining the centre and the number of units available for retail use in the primary local shopping area of the parish is limited. It recognises that Policy 3 provides for the redevelopment for housing of the Village Hall, as an exception. However, the policy acknowledges that some change of use to dwellings of shop units in the smaller, secondary South Ferring village centre may be appropriate but that such use should remain limited to no more than 10% of the total number of units in the centre.

4.40 The policy encourages the beneficial commercial reuse of empty A1 or other premises in the defined village centres to maintain their viability and vitality for the local community. To avoid the harmful loss of the relatively small number and range of A1 shops serving local residents, the policy requires that development proposals can demonstrate clear evidence of the unviability of the present A1 use. The policy extends the scope of the use of units to B1a for office uses that are compatible with a village centre location.

Ferring Parish Council object to such alterations being preparatory for change of use (now submitted separately under ref. FG/25/22/PD) to residential contrary to the N.P. as cited above.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council's objection is noted and their acknowledgement that this is not a change of use application.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/a.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary

[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

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.

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.

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).

Policy 1A of the Ferring Neighbourhood Plan which directs development to within the built-up area boundary of Ferring (as is the case with 9 Ocean Parade) is 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities and character of the locality.

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 development is in the built up area boundary of Ferring where development is supported in principle in accordance with policy SD SP2 of the Arun Local Plan and Policy 1A of the Ferring Neighbourhood Plan subject to compliance with other relevant policies within the Local Development Plan which in this case include policies D DM1 Aspects of form and design quality and policy D DM4 Extensions and Alterations to existing buildings. The key issues are considered to be design and visual amenity and the residential amenity of neighbouring properties.

DESIGN AND VISUAL AMENITY

J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in section C.06 of the design guide. Section J.04, refers to building frontages and facades states that "new designs should respond to the frontages and facades of existing buildings in their immediate surroundings and exemplars in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context".

The proposal seeks alterations to the front and rear of an existing retail unit in an established shopping parade. The alterations to the front will be visible in the street scene, while alterations to the rear will not be widely seen from the wider area.

There is currently a wide shopfront (display area) with render and the entrance doors at the front and a blank elevational wall at the rear. This proposal will replace the existing shopfront materials with glazed uPVC / PPC aluminium windows and doors (white) while maintaining the existing entrance door. The design of the proposed front alterations will reduce the glazed shopfront (display area) which is typical of a retail unit within a shopping parade. The glazed shopfront will be fragmented significantly with render wall which will not be in keeping with the character and appearance of the host retail unit and shopping parade.

It is considered that the design of the proposed alteration of the shopfront will jar with the shopfront appearance of the rest of the shopping parade. The alteration to the shopfront will not appear well integrated and sympathetic in design to the host building and shopping parade. Therefore, due to the design, size, material and positioning of the proposed uPVC aluminium door and windows, the proposed alteration will be out of keeping with the prevail shopfront design and will detract from the character and appearance of the shopping parade.

The design of the alterations will not be similar to that of the neighbouring retail units and will not enhance the appearance of the shopfront which. The proposed alterations adversely and unacceptably impact the appearance/character of the shopping area and the street scene which is not in accordance

with policies D DM1 and D DM4 of the Arun Local Plan with respect to design and visual amenity.

RESIDENTIAL AMENITY

The proposal incorporates the replacement of external front and rear doors, windows and materials as such is not considered to result in any overbearing or overshadowing impacts upon neighbours' amenity.

There will be some alterations to the rear which involve the blocking up of two existing service doors. An existing stacked planting enclosure will be replaced with a single storey enclosure. With approximately 19m retained to the boundary at the rear, the alterations are not considered to result in harm upon amenity.

The proposed development would not increase the built form and therefore will not adversely impact on daylight, will be overbearing or result in overlooking. The proposed rear door and window will not result in loss of privacy and overlooking neighbours' garden. There has been no objections from neighbours.

As a result of the alterations and its distance from neighbouring amenity, the proposal will not adversely harm neighbouring amenity. Therefore, the replacement of existing shopfront to ground floor front elevation with new door and windows, new windows to ground floor rear elevation and replacement door is considered to comply with policies D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

Due to the design, size, material and positioning of the proposed front alterations are not deemed to accord with relevant Development Plan policies as it applies to character and appearance and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Due to the design and materials used the proposed front alterations will be out of keeping with the character and appearance of the shopping parade in conflict with policies D DM1 and D DM4 of the Arun Local Plan, policy 1A of the Ferring Neighbourhood Plan and the Arun Design Guide.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.