

Recommendation Report

Application No. FG/156/12

Committee ☒ : Date 13-02-13

Delegated ☐

Recommend Permission ☒

Recommend Refusal ☐

	Date	Signature
Prepared by Case Officer	17-01-13	
Agreed by Team Leader		
Agreed by H.O.P.S / P.C.M. (if required)		
Committee Plans		

Comments:

FG/156/12/

Recommendation Report for Planning Permission

REF NO: FG/156/12/

LOCATION: 28 Ferring Street
Ferring

PROPOSAL: Alterations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two black strips on facade. Five down lights. Logo sign above first floor windows.
SITE AREA	Approx 286sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building constructed to boundaries on front and southern side elevations. Northern boundary adjoined by adjacent building.
SITE CHARACTERISTICS	Application site is a two storey building currently vacant which has been used for ~~B1(a)~~ purposes. Flat roofed and built to front boundary with glazing.
CHARACTER OF LOCALITY	Application site is part of a small row of commercial premises with residential opposite.

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RELEVANT SITE HISTORY

FG/70/97	Change of use from Class A2 Financial & Professional Services to B1(a) General Offices	Approve Conditionally 19-09-1997
FG/12/99/	Change of use of first floor flat to office.	Approve Conditionally 26-03-1999
FG/120/11/	Proposed change of use from first floor offices (B1) to residential (C3) to create a two bedroom apartment.	Refused 15-12-2011
FG/69/12/IN	Initial Notice for internal alterations	Accepted 31-05-2012

Application site has approval for use as A1 (shops) on ground floor and C3 (two bed residential flat) on first floor. The Agent has indicated that neither of these approvals will be implemented.

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FG/67/12/

Change of Use of Ground Floor from B1a
(Business) to A1 (Shops). To include new pair
of external doors at rear.

Approve Conditionally

26-07-2012

REPRESENTATIONS

Representations received:

Ferring Parish Council

- Objection. The proposed material for the fascia, brushed stainless steel, is totally out of keeping with the surrounding conservation area and we ask that the application be refused.

Ferring Conservation Group

- Objection. Proposed fascia and lighting do not acknowledge that the premises are immediately adjacent to the Ferring Conservation Area. Not possible to judge what the west elevation will look like or where the lighting will be placed. Nor is there any indication as to what times the lighting is intended to operate. 'Brushed alloy' may possibly be appropriate but it may be rather garish and 'in your face'. We would want to see the fascia and its illumination to be discreet and in keeping with the character of the Conservation Area and, indeed with the character of an undertakers premises.

Comments on Representations received:

- It is no longer proposed to use the premises for the purposes of an undertakers. The site will retain the existing use of B1(a) (Business office).
- Brushed alloy cladding has been deleted from the application. Existing white render will be retained.

CONSULTATIONS

Consultations responses received:

Nil

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Abutts conservation area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

GEN7

GEN33

AREA 2

The Form of New Development

Light Pollution

- CON. AREA

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the appearance of the premises.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in

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2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

Application site is located within the built up area and therefore principle of development is acceptable.

GEN 33 - HIGH POLLUTION

The five downlights on the front elevation above the first floor level windows will not adversely impact on the amenity of the surrounding area, located 31m from the dwelling opposite the site, GEN33 is satisfied.

GEN7 FORM OF NEW DEVELOPMENT & AREA 2 SETTING OF CONSERVATION AREA

With the exception of 'The Barn Surgery' the shops are not in keeping with the adjacent conservation area. The shops are specifically excluded from the Ferring Conservation Area in the Conservation Area Supplementary Planning Guidance. The existing white render will be retained with two black strips proposed to the front elevation.

setting of the

The proposal is considered not to have an adverse impact on the conservation area or any other surrounding property in accordance with GEN7 and is recommended for approval.

DCLG OUTDOOR ADVERTISEMENTS AND SIGNS: A GUIDE FOR ADVERTISERS

The advertising sign shown on plans is permitted by Class 5: Advertisements on business premises and no permission is granted for the sign.

SUMMARY

The proposal is in compliance with relevant policies and is recommended for approval subject to 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 (insert number and description) 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 a neutral impact has 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).

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: DRW NO 3, 4 and 6 all received on 20 November 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

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accordance with GEN7 of the Arun District Local Plan.

- 3 ~~SIGNAGE - permission not required.~~
~~The proposed sign is permitted under Class 5 of DCLG Outdoor Advertisements and Signs: a guide for advertisers. No consent is given or implied for the advertisement shown on plans.~~

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN33

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

- 6 INFORMATIVE
PLANS 2 - PL. AMEND TO FIT ADS.

