

Recommendation Report for Planning Permission

REF NO: FG/160/18/PL

LOCATION: 30 Ferring Street
Ferring
BN12 5HJ

PROPOSAL: Change of use from A2 (offices) to D1 (health clinic).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use class of the unit from A2, to D1. There are no external alterations.
SITE AREA	Approx. 78sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A.
SITE CHARACTERISTICS	Office unit.
CHARACTER OF LOCALITY	Small parade of shops to the South of Ferring.
Noted.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council - No comment.

1 letter of objection received from nearby occupiers:

- The change of use to a public facing service may exacerbate the parking issues in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. It is not considered that the proposed use will result in any significant change to traffic and parking, when compared to the existing use.

CONSULTATIONS

Environmental Health
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration -

Economic Regeneration are aware of the applicant as a local and growing business. We would support this application which will allow the company to expand, take on more client and, in time create future employment.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
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).

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, preserving its appearance.

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 is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be D DM1 of the Arun Local Plan. Additionally, Policy 1a of the Ferring Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the 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.

NEIGHBOURING AMENITY

Environmental Health have been consulted on the application, and have requested that the hours of operation are restricted from to 8.00-18.00, Monday to Saturday and 9.00 to 17:00 on Sundays and Public Holidays. It is considered that these hours are acceptable, in line with neighbouring operators and will not have any significantly detrimental impact upon amenities of neighbouring occupiers.

CHARACTER

The site is located in what is considered to be the commercial centre of Ferring. There are a variety of other commercial users neighbouring the application site and this proposed change of use will therefore be acceptable in terms of the impact it will have on the character of the area.

TRANSPORT, ACCESS AND PARKING

The site is located in a suburban area, with nearby public transport links. There are parking spaces directly outside, and available within the locality. There are residential uses within walking distance. It is not considered that the proposal would lead to a highways safety issue.

SUMMARY

The proposal is considered to comply with relevant development plan policies, and as such, 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

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 ...

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 The hours of opening hereby approved shall be:

- 08.00 to 18.00 hrs Monday-Saturday
- 09:00 to 17.00 on Sundays & Bank Holidays.

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.
- 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.