

Recommendation Report for Planning Permission

REF NO: FG/202/17/PL

LOCATION: 104 Ferring Street
Ferring
BN12 5JP

PROPOSAL: Change of use from restaurant (A3 Restaurant) to takeaway (A5 Hot Food Takeaway), repositioning of extraction flue, removal of existing rear extensions, erection of rear extension for 1 No. flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to erect a single storey flat roofed extension to the rear of this property. This would be replace an existing 2.6m deep single storey rear extension across the rear of the property and also and a 3.7m by 3.7m rear element attached to this. In addition, an existing detached rear garage/store would be reduced from 3m by 5.4m to 3m by 3.5m.

The proposed extension would be 7.62m in depth and would have a flat roof, it would be 0.25m away from the joint boundary with no. 100/102 and across the whole of the rear of the property. The extension would be 3m high. A door to the adjoining rear access way would be provided and an existing door bricked up, there would also be 2 rear facing windows. No windows are proposed on the side facing no. 100/102.

The application also proposes to reduce the amount of business floor space considerably, so that the cooking and kitchen facilities would be moved to the front of the ground floor unit, with a small front of counter collection area for the proposed takeaway. This would be self-contained and separately accessible.

A unit of self contained living accommodation would be formed in the extension and part of the rear of the existing premises. Accommodation proposed would also be 2 bedrooms, a bathroom and a lounge kitchen.

The first floor would remain unchanged and in use a separate unit of living accommodation. Extract ventilation for the kitchen would be re-positioned on the side elevation of the premises.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The joint boundary with nos.100/102 is presently wooden panel fencing at 1.8m-2m. The north side boundary is formed

by the existing rear extension and garage/store. The rear boundary is fencing.

SITE CHARACTERISTICS

The present use of the premises is use at ground floor as a restaurant with kitchens and at first floor as residential accommodation. There is an existing 2.6m deep single storey rear extension across the rear of the property and also and a 3.7m by 3.7m rear element attached to this. In addition, there is an existing detached rear garage/store of 3m by 5.4m. The building in in a terrace of 4 similar properties, with ground floor commercial and living accommodation above. They are constructed of red brick, with small plain tiles. There is side access and a front access way with parking parallel to Ferring Street.

CHARACTER OF LOCALITY

The immediate vicinity is mixed commercial and residential. The wider area is mainly residential in character to the north, east and west. To the south the character is more mixed.

RELEVANT SITE HISTORY

FG/122/84	Extract Duct And Flue To Serve Restaurant Kitchen Grill	ApproveConditionally 23-01-85
FG/81/84	Proposed New Shop Front	ApproveConditionally 22-08-84
FG/61/95/CLE	Application for a Certificate of Lawfulness for an Existing use - use of ground floor as restaurant with kitchens and first floor as residential accommodation.	Approve 14-11-95
FG/10/96	Use of premises as a cafe/ restaurant with opening hours from 9.00 a.m. to 12.00 midnight	ApproveConditionally 28-03-96

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Ferring Parish Council.

2 no objections, but concern as to diameter of proposed extraction flue, as the original flue size is not true to scale. As long as it is in keeping then no objections. Also, the proposed flue extension has no measurements on the application. The drawing shows the original flue extraction assembly as a lot

smaller than it actually is. Therefore concerned that the new addition to the flue may be of an industrial style and unsightly for this location.

COMMENTS ON REPRESENTATIONS RECEIVED:

The flue as shown does appear to be consistent with that on site. Further details relating to the flue can be required by condition to address new linking flue element and the appearance thereby controlled. The location of the link element of the flue would not give rise to significant or harmful visual impact. The existing vertical element of the flue is to be retained as existing.

CONSULTATIONS

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Development does not wish to comment.

Environmental Health has not commented.

COMMENTS ON CONSULTATION RESPONSES:

Further details relating to the flue can be required by condition and any comments of Environmental Health can be established at the time this condition is discharged.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN34	Air Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
T SP1	Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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. 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;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Ferring Neighbourhood Plan is relevant. The proposal would be in accord with Policy 1A, subject to being in accord with other relevant development plan policies. See the Conclusions section of this report.

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

The site is located with the boundary of the built up area and is not within a defined shopping area, as such there can be no objection to the principle of development subject to compliance/consistency with the policies and all other material considerations. The proposal does not result in a reduction of retail space.

DESIGN AND VISUAL AMENITY

The proposed extension will not be generally visible, since it will be screened by the existing buildings on the frontage, although will be glimpsed via the gap between terraces. The extension will not be visually intrusive. It will be visible from the rear windows of first floor living accommodation.

RESIDENTIAL AMENITY

The proposed extension is ground floor only and as such does not give rise to harm to residential amenity in terms of outlook. Ground floor uses are commercial and as such there is no appreciable impact on nearby ground floor amenity. Side windows obliquely facing the site are secondary. Whilst there is no garden area proposed, the site is located reasonably close to open space and there is also a recreation ground to the south and 110m away. It would be difficult to justify any objection on lack of garden area and it should be noted that land will remain to the rear of the site which can be utilised. This aspect is dealt with in the Amenity Space section of this report, below.

Extract ventilation and the accuracy and impact of ventilation proposals can be considered by imposing a planning condition.

ROOM SIZES & AMENITY SPACE

Technical Housing Standards - Nationally Described Space Standard.

These standards require that a 2 bed, 3 person, 1 storey dwelling of the type proposed in this application has a minimum gross internal floor area of 61sqm. In this case, the proposed gross internal floor area is 61.56sqm. In addition, 2.5msq of built in storage is required to be provided and this is available in the form of kitchen units. In addition, the lounge/kitchen and the double bedroom are capable of accommodating further internal storage. The proposal is therefore in accord with National Standards.

Amenity Space.

To the rear of the site and the proposed living accommodation, an area of rear garden land of 9.4m in depth will remain. This land will be 8m wide for the most part, although slightly narrower at 4.5m adjoining the store to be reduced in size at the rear. The area of rear amenity land will be approximately 64.7sqm. External Space Standards have been deleted from the Emerging Local Plan, however the area available to meet the needs of the ground and first floor units is satisfactory.

PARKING

The site enjoys ready access to public transport on Ferring Street and there is also parking to the front of the unit in the parallel to the highway access serving to the parade of units.

CONCLUSION

This proposal represents a less than ideal provision for a unit of living accommodation. However, the proposal is not harmful to existing amenity and does not result in a new residential environment which would be unacceptable.

On balance therefore, it is recommended that planning permission be granted 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 drawings:

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the details of the proposed extract ventilation indicated on the drawings

referred to in condition number 2 of this planning permission, full and accurate details of revised or new provision for extract ventilation including filters, extract equipment and external ducting (also including plans, elevations and specifications) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first commenced.

Reason: In the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan and to ensure the provision of accurate details and satisfactory means of dealing with odour and noise and to ensure a satisfactory visual appearance..

- 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.