

Recommendation Report for Planning Permission

REF NO: FG/43/22/PL

LOCATION: Ferring Country Centre
Rife Way
Ferring
BN12 5JZ

PROPOSAL: Construction of new single storey timber framed building to provide a Fitness Studio for Centre's day care clients with disabilities. This application is a Departure from the Development Plan and is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to a single storey timber framed building to provide a fitness studio for Centre's Day care clients with disabilities. The building has a footprint of 16.47m x 7.45m, 2.5m eaves height and 3.9m ridge height. The gross internal floor area is 115m ² .
TOPOGRAPHY	Predominantly flat. The whole of the centre is on generally level terrain with a slight upward gradient to the North. The application site is located towards the Eastern boundary within the overall property.
TREES	The proposal will affect a few trees on site. These trees are not protected.
BOUNDARY TREATMENT	There are approximately 1.8m high metal fences and walls enclosing parts of the site internally.
SITE CHARACTERISTICS	Established country centre with car parking adjacent to existing roadway. The larger units have pitched roofs with green clad upper elevations. Several public footpaths are located across and around the site.
CHARACTER OF LOCALITY	Predominantly rural. Buildings in the Ferring Country Centre include a mix of styles but are in the main clad portal framed style. The general appearance is that of a working farm.

RELEVANT SITE HISTORY

FG/188/21/PL	Continuance of use without compliance with condition 3 imposed under FG/28/93 relating to use of proposed building.	ApproveConditionally 17-12-21
FG/189/21/PL	Continuance of use without compliance with condition 2 imposed under FG/103/97 relating to use of proposed	ApproveConditionally 17-12-21

building.

FG/190/21/CLE	Lawful development certificate for existing use for dog agility classes using indoor riding school facilities.	Approve 17-12-21
FG/115/19/PL	Removal of condition 3 imposed under FG/181/18/PL relating to surface water drainage.	Approve 22-11-19
FG/203/18/PL	Variation of condition 2 imposed under FG/31/17/PL relating to approved plans (new building more central to shop & ticket office closer to activities they serve).	ApproveConditionally 07-01-19
FG/31/17/PL	Installation of new cafe building & relocation of 1 No. existing glasshouse. This application is a Departure from the Development Plan.	ApproveConditionally 27-04-17
FG/129/16/PL	Removal of 4 No. existing structures & erection of 2 No. barns to be used in conjunction with on-site activities.	ApproveConditionally 08-11-16

The relevant planning history associated is noted.

REPRESENTATIONS

Ferring Parish Council - No Objection.

Departure from the Development Plan. Such a development within the Gap between Settlements would normally be opposed by Ferring Parish Council. There are, however, unique extenuating circumstances given the specialised nature of the care being provided to clients with learning difficulties by this local independent charity.

Ferring Parish Council sought clarity on the following matters, without which they would have objected.

The description is given as "to provide a Fitness Studio for adults with learning disabilities and day centre visitors." This raises a discrepancy with the Design and Access Statement under the heading 'USE' which stipulates that the facility will be for 'the Centres day care clients'

Confirmation that if approved a condition is imposed to ensure the facility is confined to the provision of fitness activities for the Centre's Day care clients with disabilities and not used for any commercial activity or in any way for general visitors or other non-day care clients.

Request ADC confirm that this application can be considered Sui Generis due to its special, established

local charity status and would not provide any basis for precedent for any similar facility which would be outside the built-up area and / or otherwise a Departure from the Development Plan.

The application states that hours of operation are not relevant but given that the facility is for its day care clients only, it would not be unreasonable to stipulate operational hours. These should be confirmed in the application and made conditional.

Ferring Parish Council withdrew their objection subject to the above listed concerns being addressed and included in the decision conditions.

Ferring Conservation Group

No objection but we see an ambiguity in the way the potential users are described in the title of the application. 'Day Centre visitors' is a much wider class than 'Day Care clients' as they are called in the Design and Access statement. The former would include anyone visiting the premises and would leave open the possibility of a commercial use by non-clients, which would not be an acceptable use of land in the Ferring-Kingston Gap.

Request that if permission is granted it is limited to the clients of the Centre by attaching a suitable condition.

1 Objection.

- Using their core users to obtain permission to build a fitness studio, stated primarily for their use.
- Impacts of additional use by day centre visitors.
- An imbalance between the core provision of providing services for adults with learning disabilities and the non-core services of public offerings.
- Cumulative additional vehicle movements would be a significant additional burden upon the access routes to the Centre if day visitors are allowed use of the Fitness Studio.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection.

Ecology Officer - No Objection.

Measures to achieve Biodiversity Net Gain required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

Right of Way
Within Settlement Gap

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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

Policy 1A 'Spatial Plan for the Parish' is relevant to consideration 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

The application seeks permission for a single storey building within the Ferring Country Centre complex. The key policies are D DM1, QE DM1, C SP1, D SP1 and SD SP3 of the Arun 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.

The site is within premises operating as a day care centre for adults with disabilities. The site is in the countryside in a settlement gap. Policies C SP1 and SD SP3 of the Arun Local Plan and policy 1A of the Neighbourhood Plan are relevant. The fitness studio would increase the range of facilities at the site and provide fitness opportunities for clients encouraging the promotion of healthy communities. Policy HWB SP1 is therefore also relevant. Policy C SP1 is met if the proposal accords with other policies in the Plan which refer to a specific use or type of development. Since the proposal reduces the need to travel by providing additional fitness facilities within the site as part of the day care facilities offered to its clients it accords with both policies C SP1 and HWB SP1.

IMPACT ON CHARACTER OF THE AREA AND SETTLEMENT GAP

There is little impact on the Gap. The proposal relates to the provision of a single storey building which will be viewed against the backdrop of other buildings within the site. The building would be located within the established boundaries of the Country Centre complex and the development would not compromise the integrity of the Gap or impact on coalescence.

The proposal does not extend the built form into open fields and is located within an established corridor of buildings and structures. No additional roads/accesses would be required to serve the area since existing would be utilised. The proposal could not be better located elsewhere given the requirements of the established Centre and the need for the building to be located within the area to provide additional facilities within the existing Centre. The proposal is therefore compliant with policy SD SP3 of Arun Local Plan.

DESIGN AND VISUAL AMENITY

Policy D SP1 and D DM1 of the Arun Local Plan (ALP) and adopted guidance in the Arun District Council (ADC) Design Guide SPD. Policy D SP1 of the Arun Local Plan requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 of the Arun Local Plan sets out a 15-point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area, in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features.

Arun Design Guidance stipulates that development is required to provide a cohesive and unified response to the existing scale, form, massing and design details of surrounding development and to ensure that any deviations from the prevailing character of the area are for a high-quality design response which complements its surroundings and is appropriate to the schemes location in the existing street hierarchy.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposal's scale, form, massing and design create a new build which will be in keeping with design of development within the complex and the rural setting. The plain and simple design of the new build and its timber frame form are considered to accord with the Design Guidance in this respect.

The proposal would not conflict with the NPPF, Policies QE SP1, D SP1 and D DM1 of the Local Plan in that it would reflect the character of the local area in terms of design, materials and will properly integrate with the local development grain. As such, the current proposal would be acceptable in design context within the locality.

RESIDENTIAL AMENITY

Relevant policies with regard to residential neighbour amenity impacts are Paragraph 127 of the NPPF, policies QE SP1 and D DM1 of the ALP, and the ADC Design Guide SPD to create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding unacceptable noise and disturbance. One of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 12).

The proposal is situated in the Ferring Country Centre and maintains about 150m separation distance from the nearest residential property. The proposal incorporates sizeable internal space for a fitness studio and ceiling heights not less than 2.3m. Therefore, the proposal will create quality and satisfactory recreation space in this regard.

The proposal's layout will not result in adverse impacts on residential amenity in terms of loss of natural daylight and loss of privacy to neighbouring occupiers have been considered. Therefore, the proposed development will not result in adverse impacts on the residential amenities of neighbouring occupiers.

A condition to limit the use of the fitness centre to the clients currently using the premises will ensure there is no more material disturbance to the neighbouring residents by an increase in comings and goings.

Due to scale, design and separation distance and its use by clients already using the site, it is considered that the proposed development will not have significant adverse harm on the residential amenities of neighbouring properties in accordance with D DM1 of the Arun Local Plan. It is proposed to restrict the hours of use to exclude evenings and weekends to ensure no additional activity is generated outside of these times which could adversely affect the residential amenities of neighbouring properties.

HIGHWAY SAFETY AND CAR PARKING

Arun Local Plan's Policy T SP1, T DM1 and the ADC Parking SPD (2020) are the relevant local policies. Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should

accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para. 110 of the NPPF states: "In assessing specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para. 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun Parking Standards SPD do not specify the level of car parking provision for a fitness studio but advise that parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site while seeking to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting / retaining staff.

No additional roads/accesses would be required to serve the new single storey timber framed building since existing would be utilised. The proposal will not alter the existing parking arrangement, if the proposed fitness studio's use is restricted to Centre's Day care clients with disabilities only. There have been concerns raised by the Parish Council and neighbours in this regard. A condition is recommended to prevent use of the fitness centre by the general public and thereby prevent any unacceptable impact from additional traffic and parking generation arising from the proposed fitness studio.

The proposal is not considered to generate significant traffic and parking demand to exacerbate the existing parking condition. Therefore, the proposal will accord with policies T DM1 and T SP1 of the Arun Local Plan.

ECOLOGY AND BIODIVERSITY

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 of the Arun Local Plan seeks to achieve a net gain in biodiversity.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) and protected species survey. The PEA suggests precautionary measures to be adhered to prior to and during construction to ensure that an offence under the relevant legislation is avoided. In addition, the PEA refers to ecological protection measures to be carried out as part of the proposed scheme. Opportunities for Biodiversity Net Gain have also been submitted and provision is controlled by the imposition of appropriate conditions

The scheme is acceptable in biodiversity terms and seeks to achieve biodiversity net gain in accordance with policy ENV DM5.

DRAINAGE

The proposed development will be in Flood Zone 1 (low probability of flooding) and this application is not supported with a Flood Risk Assessment. The proposal involves increasing the intensity of use in this countryside location. The Council's Engineer has no conditions to request and any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations. Therefore, the proposed development will not exacerbate the site's existing drainage condition and will be in accordance with policy W DM2.

SUMMARY

The proposed development will be in keeping with the character and appearance of this countryside location, will not harm the Settlement Gap, residential amenity or biodiversity and 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

Location Plan
Proposed Floor Plan, Elevations, Roof Plan and Section 6906RevA
Site Layout Plan 6912.

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 development shall proceed in accordance with the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment dated 07-06-2022 by arbtech and Biodiversity Net Gain document ref GL2543 dated 08-06-2022 and the enhancements shall be provided

before use of the building commences and shall be retained in perpetuity.

Reason: To ensure a net gain in biodiversity in accordance with policy ENV DM5 of the Arun Local Plan.

- 4 The proposed Fitness Studio hereby approved shall be used by the Centre's Day care clients only and shall not be used for any commercial activity or by the general public.

Reason: To avoid harm to the amenities of neighbouring occupiers and to prevent generating significant traffic and parking demand to exacerbate the existing parking condition in line with Policies D DM1 and T SP1 of the Arun Local Plan.

- 5 The Fitness Studio hereby permitted shall not be used except between the operational hours of 8:00am - 8:00pm Mondays to Fridays; 08:00am - 6:00pm on Saturdays; and no Sunday operation.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1 and QE DM1.

- 6 INFORMATIVE: The proposed development hereby approved is considered Sui Generis due to its special, established local charity status and would not provide any basis for precedent for any similar facility which would be outside the built-up area and /or otherwise a Departure from the Development Plan.

- 7 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.