

Recommendation Report for Planning Permission

REF NO: FG/78/22/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 (resubmission of FG/14/22/PL) following Prior Approval for change of use to residential (FG/25/22/PD). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to alter the front and rear ground floor elevations, including: - Replacing 2 No. windows and 1 No. door to the shop front. - Replacing 1 No. rear door and install 1 No. new door and 2 no. new rear windows.
BOUNDARY TREATMENT	The front boundary of the site abuts the highway. The rear features 1.8m high close boarded fences to a 15m long communal back garden that serves a number of flats at the rear of Ocean Parade.
SITE CHARACTERISTICS	The site is currently vacant. The front elevation features a ground floor shop frontage and a flat above with white cladding and 2 No. uPVC windows at the first floor. There are also a mix of facing bricks, white render, and white cladding 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 applicant's terrace. A number of the ground floor retail units within the terrace have previously received planning permission for change of use to residential dwellings. As such, many have also had their ground floor shop frontages replaced with residential frontages.

RELEVANT SITE HISTORY

FG/25/22/PD	Notification for Prior Approval under Schedule 2, Part 3, Prior Approv not req Class MA for the change of use from retail (Class E(a)) to 19-04-22
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residential (Class C3)-conversion of existing retail unit
into 2 No self contained residential units.

FG/14/22/PL Replace existing shop front to ground floor front elevation Refused
with new door and windows, new windows to ground 29-03-22
floor rear elevation and replacement door. This
application is in CIL Zone 4 (Zero Rated) as other
development.

Prior to this application, a similar proposal was submitted and refused. A prior notification application was later submitted and approved for the change of use of the ground floor of this site from retail to residential.

REPRESENTATIONS

Ferring Parish Council - Response awaited.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

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 considered to comply with relevant Development Plan policies in that it is of a suitable design for the site and remains in character with the locality.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

Development Plan policies relevant to this application include SD SP2, D DM1, D DM4 & D SP1 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan and Section L of the Arun Design Guide apply.

The development is sited within 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 Development Plan.

Arun has adopted a Design Guide which provides detailed guidance that helps to raise design standards across the district. Section M states that development should respond to the distinctiveness of their host dwelling and surroundings in terms of scale, massing, materials, and protect the amenities of occupants and neighbours.

DESIGN AND VISUAL AMENITY

The new ground floor frontage is to be rendered in white which is matching to the rest of the terrace. There are to be 2 No. new windows and 1 No. new door. The 2 No. new windows consist of white uPVC and Aluminium and be approx. 2.2m in height with the West most window being approx. 1.8m in width and the Eastern most window being approx. 1.2m in width. The proposed 1 No. new door to the front elevation is of matching materials and is to be of a similar form to the Western most new window.

Section L of the Arun Design Guide states that materials proposed should be simple, robust, weather well with time, and reflect the local vernacular. In this instance the use of white render, uPVC and Aluminium are appropriate per the Design Guide.

The new front windows are of a different design to those that currently populate the other residential units within the terrace. These windows are however, to consist of matching materials and are of a similar form to the front doors found across the terrace. They are not of an adverse visual design and not incongruous within the overall aesthetic of the terrace or the property. They are therefore, of an acceptable design.

Owing to the siting of the building on the North side of the terrace and therefore neighbouring shops, the front elevation alterations will be a prominent visual alteration on the North side. However, it is of a similar, appropriate design when compared to the eastern side of the terrace which is populated by numerous ground floor residential units and it will therefore, remain in character within the overall locality.

To the ground floor rear elevation, there is to be 1 No. replacement door, 1 No. new window/ door and 1 No. new window. These doors and windows are to be of matching materials and designs to those on the front elevation and are acceptable. Owing to their siting at the rear of the property, they are not visible from the wider street scene and will have no visual impact on it.

The proposed West elevation also includes the removal of 1 No. timber frame door. This is acceptable.

The nature and scale of all proposed works are modest, subservient, and integrated with the host dwelling.

The proposal is compliant with relevant Development Plan policies D DM1(1)(14)(15), D DM4(a)(b)(e) & D SP1 of the Arun Local Plan and Sections M & L of the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The nature and scale of the proposed development is such that there will be no adverse impacts on neighbouring amenity by way of overbearing or overshadowing. All new viewpoints are at ground floor level and either look out to the street or the rear amenity space. None of which give rise to any adverse impacts by way of overlooking.

By virtue of not being overbearing, overshadowing, or overlooking, the proposal is compliant with relevant Development Plan policies D DM1(3) & D DM4(c) of the Arun Local Plan.

SUMMARY

The proposal is compliant with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL Liable.

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:

- Proposed Elevations (Dwg No. 2005 Rev 01).
- Proposed Plans (Dwg No. 2006 Rev 01).

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 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.