

Recommendation Report for Planning Permission

REF NO: FG/105/20/PL

LOCATION: The Tudor Close Public House
Ferringham Lane
Ferring
BN12 5NQ

PROPOSAL: Conversion of existing Public House (Use Class A4) to create 7 No residential units comprising 5 No 1-bedroom units & 2 No 2-bedroom units & the erection of 2 No 1-bedroom semi-detached bungalows, associated car parking & landscaping (resubmission following FG/46/20/PL). This application affects a Public Right of Way & is in CIL Zone 4, CIL Liable for new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert the existing building into 5 x 1 bedroom and 2 x 2 bedroom flats and to add two x 2 bed bungalows in an extension of the building to the rear of the property. Associated parking would be to the front of the building and to a parking area at the rear of the property.
SITE AREA	0.18 hectares
TOPOGRAPHY	Predominantly flat.
TREES	5 small trees tot he south of the boundary of the site on Garden Park. 2 sycamore trees in the south western corner of the site covered by a Tree Preservation Order.
BOUNDARY TREATMENT	2 metre close boarded fence.
SITE CHARACTERISTICS	The application site is a large thatched roof, part single, part two storey building which is in use as a public house with associated access and parking around the outside .
CHARACTER OF LOCALITY	The locality is mixed with residential areas to the west, south and north and Ferringham Lane village centre to the east which consists of a parade of shops with residential properties above.

RELEVANT SITE HISTORY

FG/46/20/PL	Conversion of the existing Public House (Class A4) to create 7 No residential units comprising 5 No 1-bedroom units & 2 No 2-bedroom units & the erection of 2 No 2-bedroom semi-detached chalet bungalows with associated car parking & landscaping. This application may affect a Public Right of Way.	Refused 17-06-20
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FG/46/20/PL refused on grounds of the extension failing to be visually subservient, adverse impact on a building of character and adverse impact on neighbouring properties.

REPRESENTATIONS

Ferring Parish Council - No objection:

- Support retention of building.
- Regret loss of local facility.
- No arboricultural report.

7 letters of objection:

- Extensions would spoil the look of the building/ overdevelopment.
- Adverse impact on trees in Garden Park.
- Additional traffic would be dangerous.
- Loss of local facilities.
- Adverse impact on building of character.

COMMENTS ON REPRESENTATIONS RECEIVED:

The trees are to be addressed via a condition requiring the necessary tree protection works to be carried out prior to commencement of development.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions.

CDC Ecology - No objections.

Conservation Officer - No objections.

On balance, subject to high quality details and finishes, it is considered that the proposal will ensure that the building is put into a use which will ensure that it is suitably maintained, and is therefore acceptable.

ADC Tree Officer - Objection.

The principle of development as described is achievable without undue detriment to retained on and off-site trees. Application requires an arboricultural report and plans to demonstrate this has been properly considered.

COMMENTS ON CONSULTATION RESPONSES:

An agreed pre-commencement condition will be imposed to address the tree officer comments.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
BLDGS SPEC CHAR
PD RESTRICTION

NO PUBLIC SEWER
RIGHT OF WAY
TREE PRES ORDER

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
ENVDM4	ENV DM4 Protection of trees
QEDM3	QE DM3 Air Pollution
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

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:

SPD3	Parking Standards
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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.

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 has an acceptable impact on the character and appearance of the area as well as the residential amenities of neighbouring occupiers. It also acceptably retains and converts a building of character.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application falls to be assessed against policies within the Arun Local Plan (ALP) which include policies OSR DM1, D DM1, D DM2, D SP1, D DM4, T SP1, ENV DM4 and HER DM2.

OSR DM1 requires that community (which would include public houses in accordance with the National Planning Policy Framework) and cultural facilities should not be redeveloped for other uses unless a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements.

Policy D SP1 "Design" states that all development proposals should seek to 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 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.

Policy D DM2 requires that internal space standards are appropriate as guided by the Nationally Described Space Standards. Policy D DM4 requires that extensions and alterations to existing buildings sympathetically relate to the existing building, are visually subservient to it and blend in to the character and appearance of the area.

Policy HER DM2 requires that alterations and extensions to buildings of character are not harmful.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

POLICY ENV DM4 states that development will be expected to provide a detailed arboricultural report where there are existing trees on or adjacent to a development site.

BACKGROUND

In order to address the objections to the previous application FG/46/20/PL the applicants have significantly reduced the height of the rear extension to the Tudor Close, originally comprising 2 x 2 storey dwellings, by now proposing 2 single storey x 1 bed bungalows.

COMMUNITY FACILITIES

Policy OSR DM1 seeks to protect community facilities unless a. 'a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements.'

The applicant has provided detailed marketing information showing that the use as a public house is not viable. The evidence includes:

- two marketing statements showing details of marketing as a public house having been carried out between 2010 and 2019 showing a lack of interest in the property as a public house.
- a personal statement from the applicants with a chronology of the failed attempts since 2008 to see the premises as a going concern.

Included above is reference to renovations/improvement to the Pub having been made and reductions in the asking price of the building having taken place.

Paragraph 92 of the National Planning Policy Framework (NPPF) seeks to protect valued facilities and services and are retained for the benefit of the wider community. This would apply to the Tudor Close as a public house. Para 92 also confirms at part a. that public houses are a community facility and defines them as such.

However as demonstrated in the marketing evidence many attempts to sell on the property have been made and the use as a public house is clearly unviable.

The proposal is therefore seen to be compliant policy OSR DM1 of the ALP and the NPPF.

DESIGN

Given the limited fenestration changes the conversion of the existing building is considered to be acceptable. The extension to add two bungalows to the rear of the property is considered an acceptable addition being one storey in height well below the roof line of the main building. The proposed pitched roofs of the single storey bungalows would be visually integrated and subservient to the design of the existing building in accordance with policy D DM4 of the ALP.

The area is characterised by flats above shops in the nearby local shopping parade and detached single and two storey detached houses sitting comfortably on their plots elsewhere. The two units at the back of the building would fit in with the overall design of the area in that they are of a reasonable size with acceptably sized rear gardens and although attached they mirror other detached bungalows in the area that are in very close proximity to each other thereby appearing attached.

The design of the proposal is consistent with the emerging Arun's design guide which requires that the first step in the design process should generally be the preparation of a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. This should identify the opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. A site appraisal defines the unique characteristics of the development site in spatial terms, and highlights existing relations within the immediate and wider area.

The development would be in accordance with the character and appearance of the immediate locality and would not result in an unacceptable harm to the character and appearance of the surrounding area in conflict with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACES STANDARDS

The dwellings proposed have been demonstrated to be in accordance with the Nationally Described Space Standards and therefore the proposal would accord with policy D DM2 of the Arun Local Plan.

The apartments and two proposed houses have all been provided with external amenity space. The two houses have garden lengths of 16 metres which comfortably exceeds the standard within the Arun Design Guide. There are no specific standards for apartments within the emerging design Guide except for a communal garden standard of 40 sq.m. which does not apply in this case. Given the difficulties of providing open space in the conversion of a historic building together with the proximity of the site to the beach and other open space it is considered the units have been provided with sufficient and acceptable external amenity space.

RESIDENTIAL AMENITY

The proposed new extension would come to within approximately 10 metres of the front elevation of the

properties on Garden Park due south of the existing development. There are no overlooking first floor windows affecting these properties from the proposed development.

There is the issue of bedroom/sitting room and landing windows along the west elevation of flat 6 overlooking the private, external ground floor communal space for flats 3,4,5,6, and 7. However, there are east elevation windows which could compensate for any loss of light/ventilation from making these windows fixed shut and glazed to avoid any unacceptable overlooking of this private amenity space.

There are also sole west elevation first floor bedroom windows to flat 1 which overlooks the front of 12 Ferringham Lane. These windows provide direct views towards the front amenity space to 12 Ferringham Lane at a distance less than 20m away. This is an existing window which overlooks a part of 12 Ferringham Lane where you would not expect it to be used as private amenity space.

The development as a result complies with policies D DM1 and D DM4 of the ALP.

HERITAGE

The existing property is a designated a building of character, a non designated heritage asset.

The applicants have provided a heritage statement in accordance with para 189 of the National Planning Policy Framework (NPPF) and as such the application can be assessed in accordance with para. 190 of the NPPF and Para 197 of the NPPF which requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

The development is acceptable in terms of having a limited impact on the building as a whole as a result of the extension to the rear being single storey which means the new roof would not be visible from the street giving the building an acceptable appearance.

The single storey extension is considered to relate sensitively to this building of character in accordance with policy HER DM2 of the Arun Local Plan.

PARKING AND HIGHWAYS

The proposed development incorporates 18 car parking spaces 2 per dwelling which complies with the Arun Parking Standards Supplementary Planning Guidance standards. The proposal is assessed against policy T SP1. In the event of an approval of the scheme conditions would be applied to provide cycle parking and electric car charging points. No other objections have been raised by the Highways Authority and the development would therefore accord with policy TSP1 of the Arun Local Plan.

TREES

The concern from the tree officer is that a tree report has not been submitted prior to the application however he is confident that the necessary reports/details can protect the trees potentially affected.

It is considered acceptable to deal with the trees on and off the site by way of a condition that stipulates that before development commences a tree protection plan/details showing mitigation measures on any possible effect on the trees on and off site is submitted and agreed with the Council.

CLIMATE CHANGE

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Arun Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that:

"All new residential and commercial development (including conversions, extensions and changes of use) will be expected to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the standards in the level of the Code for Sustainable Homes or appropriate BREEAM rating, applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels."

And that:

"In assessing the achievement of these standards the Council will consider:

- * Site constraints;
- * Technical viability;
- * Financial viability; and
- * Delivery of additional benefits."

In accordance with policy ECC SP2 of the Local Plan it is recommended that conditions be imposed requiring energy efficient measures.

CONCLUSION

The proposed development is acceptable for the reasons outlined above and is recommended to be approved 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

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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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;

Elevations as proposed drg.no. 3932-C3 Rev C dated Nov 2019
First Floor Plan as proposed drg.no. 3932 - C2 Rev B dated Nov 2019
Ground Floor Plan as proposed drg.no. 3932 - C1 Rev B dated Nov 2019

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 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extension and windows & doors of the existing building and proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T DM1 of the Arun Local Plan.

- 6 Prior to the commencement of development details shall be submitted which shall be approved by the Local Planning Authority to ensure that the trees on and adjacent to the site shall be protected by the applicant employing the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason; In the interests of the protection of trees on and adjacent to the site in accordance with policy ENV DM4 of the Arun Local Plan. This is necessary as a pre-commencement condition in order to protect the trees on and adjacent to the site from the adverse impacts of development.

- 7 The windows on the west elevation of the flat 6 shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to 1.7 meter above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 8 The dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that they will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan

- 9 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 10 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.