

Recommendation Report for Planning Permission

REF NO: FG/108/12/MMA

LOCATION: The Old Barn
Ferringham Lane
Ferring

PROPOSAL: Application for a Minor Material Amendment following a grant of planning permission FG/6/12 - revised joinery design to reflect the existing west elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is to amend a previous permission (FG/6/12) to convert the buildings on site to two residential dwellings. The amendments include revision to joinery design to the west elevation opening and incorporation of a log burner flue and cowl to the west roof slope in the Old Barn and for the annexe revision of the internal layout and omission of WC at the entrance of the building, repositioning of roof lights, new joinery design for all windows, new joinery design entrance door and new glazed doors to bedroom two.
SITE AREA	.078 hectares
RESIDENTIAL DEVELOPMENT DEN	38 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Two mature Ilex Oaks on site frontage of significant visual amenity.
BOUNDARY TREATMENT	Boundary wall to footpath to rest home 1m high. Walling to Ferringham Lane. Buildings also on site boundaries.
SITE CHARACTERISTICS	The site comprises a two storey flint barn with a tiled roof and single linked flint building. The buildings were previously used as carpet showrooms. A warehouse building is joined to the rear elevation of the main barn.
CHARACTER OF LOCALITY	Predominantly residential comprising mixed style and age of dwellings and plot sizes. Site lies within the Ferring Conservation Area.

RELEVANT SITE HISTORY

FG/6/12/	Change of use of the Old Barn, Annexe building & warehouse from (A1) retail to 2 no. 3 bed residential dwellings (C3 dwelling houses)	Approve Conditionally 25-05-2012
----------	---	-------------------------------------

FG/113/12/MMA	Application for a Minor Material Amendment following a grant of planning permission FG/4/12/L - revised joinery design to reflect the existing west elevation opening	Approve Conditionally 27-09-2012
---------------	--	-------------------------------------

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

None

Conservation Area Advisory Committee expected joinery details will be in keeping. Refer to Historic Building Advisor.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Conservation Area
Grade II Listed Building
Within Built-Up Area Boundary

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage. Policies SP2, DM17 and DM33 are considered relevant.

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	GEN30	Protection of Species
	DEV30	Local and Village Centres
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area or setting of the Listed Building.

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

The site lies within the Built-Up Area Boundary where re-use of the buildings for residential purposes is acceptable in principle provided normal development control criteria are met.

Before the previous application was approved information was submitted to demonstrate the property had been properly exposed to the open market and the proposal is therefore not contrary to Policy DEV30.

The application proposes amendment to the approved conversion to two residential units each with amenity area to serve them.

One of the Ilex Oak Trees is proposed to be removed, but the Council's Arboricultural Officer is in agreement with this. There is a requirement to replace a preserved tree with another. A landscaping condition is imposed to include such replacement.

The possible presence of bats at the site was discussed with the agent and a bat survey was submitted. Provided the mitigation methods identified in the report are addressed there would be no harmful effects on bats as a result of the conversion.

Activity levels are likely to be less than would have been generated by use as a carpet showrooms; the additional building and the impact on the visual amenities and character of the

area would be acceptable.

In terms of residential amenity there would be no material loss of privacy from first floor roof lights in the main barn which would be 15m from the rear boundary which is an adequate distance to preclude any adverse overlooking effects. No windows are proposed in either the north or south end elevations of the main barn. The roof lights in the South elevation of the single storey building would be obscure glazed to protect the privacy of the adjoining garden.

The alterations proposed would be acceptable in terms of the impact on the character and appearance of the building and there would be no implications for residential amenity. The change in position of the roof lights and size and shape and provision of a flue and a cowl are minor in relation to the development as a whole.

The previous application was approved subject to a legal agreement to provide commuted sum payments of £20,690 in accordance with the Council's interim affordable housing policy. This included a paragraph stating it refers to any later applications amending the permission and twelve of the conditions would relate to this application if approved.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 no negative 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from

report

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 3214 006revD, 007revD, 008revD, 010revF, 011revE, 018revB.
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The rooflight windows on the south elevation of the single storey building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The development shall be carried out in accordance with the Arboricultural Report submitted with the application dated January 2012 and no trenches, cable or pipe runs for services and drains shall be cut or laid within the Root Protection Area as calculated in accordance to Table 2 of BS5837 (2005) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect trees and their roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 8 The development shall be carried out in accordance with the mitigation measures outlined in the Bat Survey dated 18-05-2012 and the measures retained in perpetuity.

Reason: To ensure the development has no adverse effect on protected species in accordance with policy GEN30 of Arun District Local Plan.

- 9 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7,GEN28,GEN30,DEV30 and AREA2

SOUTH EAST PLAN: BE6

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.