

Recommendation Report for Planning Permission

REF NO: FG/135/17/PL

LOCATION: South Point
Beehive Lane
Ferring

PROPOSAL: Erection of 1 no. 2 bed dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the erection of a single storey flat roofed 2 bedroom detached apartment building which would match the design of the adjoining flat development which is currently under construction.
SITE AREA	589 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is surrounded by hoardings
SITE CHARACTERISTICS	The site is currently empty, comprising part of a building site.
CHARACTER OF LOCALITY	Mixed commercial and residential. Mainly bungalows fronting Beehive Lane. Houses at rear in Little Paddocks.

RELEVANT SITE HISTORY

FG/132/12/	Renewal of Unimplemented Planning Permission FG/86/09 for demolition of existing dwelling and erection of 4No. chalet bungalows with access from Beehive Lane.	App Cond with S106 16-11-2012
FG/116/15/PL	Demolition of existing dwelling and erection of 10 No. 2 bed apartments, new access & cycle & bin stores	Refused 22-09-2015 <i>Appealed</i> Appeal: Dismissed 11 04 2016
FG/186/16/OUT	Outline application with some matters reserved for erection of 8 No. 2 bed	ApproveConditionally 03-02-2017

apartments

FG/33/17/PL	8 No. 2 bed apartments, new access, bin & cycle store	ApproveConditionally 11-05-2017
FG/100/17/PL	Variation of conditions 2 & 8 imposed under FG/33/17/PL relating to approved plans & approved landscaping plans.	ApproveConditionally 09-08-2017

The application follows an earlier dismissed appeal on the site FG/116/15/PL which comprised 10 dwellings and was refused for reasons which included the following

'The proposal by virtue of its size, length to road frontages, footprint and scale, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DDM1 and EDSP1 of the Emerging Local Plan'

. The Inspector stated at para 3 'Lying at the meeting point of five local roads, this corner site which had been cleared by the time of my site visit, has a pivotal role in the spatial character of this area, which is distinguished by the generally low height of its buildings and the substantial public spaces and private gardens of the surrounding houses which give this village centre a distinctly spacious identity. This character softens the transitions between the varying patterns of development and different townscapes which surround the centre.'

At para 7 he states' Its long, continuous frontages along the southern and western curtilages of the site would be at odds with the pattern of development to the south and east which is characterised by buildings of much smaller footprint between which are retained distinctive, separation gaps. In the context of the houses in Beehive Lane and in Ocean Drive, which are the areas upon which the site has greatest bearing, the proposal would disrupt the spacious character of the area and would, without the distinctive separation gaps between dwellings, appear as overdevelopment.

He therefore considered that the development which included building in the area now proposed was overly dominant and did not respect the spacious character of the area.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection - This proposal is contrary to the approved applications FG/186/16, FG/33/17 & FG/100/17,

Condition 2. Arun District Council refused the original planning application for ten dwellings on the

grounds that it was an overdevelopment of the site. A subsequent application for eight dwellings was approved on the basis that there will be a provision for communal amenities and to leave space between the proposed dwellings of the neighbouring property.

This additional proposal is undeniably an overdevelopment of the site. The additional dwelling is out of keeping and will cause a significantly greater visual impact and damage the character of the surrounding area.

62 Objections - This after thought is a disgrace and in the proposed setting appears like a public

convenience. The application should be thrown out as a 'developers try on' to abuse the permission previously granted. It is too close to the resident at 3 Beehive Lane, it worsens considerably the southern aspect of the proposed development, it detracts from the

amenities on offer to the poor residents of South Point and would entail yet another motor vehicle for a development already badly planned.

A previous application for 10 flats was refused and the second application for 8 flats and communal space was passed. This would be over development of the site.

Detrimental to the character and visual amenities of the surrounding residential area, and because approval would contravene the very conditions under which plans FG/186/16, FG/33/17 and FG/100/17 were granted. It is a transparent attempt by the developers to circumvent those conditions now that building approval has been obtained and implementation has begun. Unfortunately this is the standard modus operandi of many property developers and it demonstrates their cynical contempt for both the planning process and the residents of this neighbourhood. It is a surprise it was even accepted by the Council as a valid application, given that it seeks to contravene former planning conditions which were the subject of due process.

The impact on the neighbouring dwellings nos 2 and 3 is greater.

Should this application be approved it must surely throw into doubt the integrity of Arun District Council's planning committee. Inevitably it would also attract very bad publicity and again the loss of faith of this community in the Council and the Councillors that we elect.

The area intended for the community garden must be retained as such, both to maintain some space between the development and the neighbouring properties, and to create a useful amenity for the flat-dwellers. A decision to allow this application would open the door to gross overdevelopment of an already congested site, and the result would be even more out of keeping with the surrounding area than the present development. We can see no legitimate grounds whatsoever for the application to be approved; it would seem that the applicant has totally disregarded, and has shown no respect for, the planning process, and we would be dismayed if the council allows itself to be manipulated by the audacious self-interest of the developers.

Comments on Representations received:

The adverse impact that the development has on the character and visual amenities of the area are agreed. However it is not considered that the proposal is in-neighbourly.

The Local Planning Authority could not reasonably have returned the application without registering it..

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSSCC Strategic Planning

Consultations responses received:

Southern Water - We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

County Highways - West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application nos. FG/116/15 (refused - not on highway safety grounds) for 10 x 2 bed apartments and FG/186/16/OUT & FG/33/17 (permitted) for 8 x 2 bed apartments.

A 'guided' speed limit of 20 mph is present on Beehive Lane and is indicated by way of carriageway markings.

An inspection of the Design & Access Statement and block plan establishes that the new

dwelling will utilise the access arrangements approved under FG/186/16/OUT & FG/33/17 for 8 x 2 bedroom apartments. The new dwelling will also have use of the shared cycle storage facilities and communal parking area consisting of 10 spaces. This meets with the WSCC Parking Demand Calculator.

In conclusion it is not anticipated that this proposal would be detrimental to highway safety, therefore, the LHA does not wish to raise any objections. If the LPA are minded to approve the application then the LHA would advise that a condition is applied to secure a Construction Management Plan that takes into consideration this additional dwelling on-site.

Drainage Engineer - The proposal will affect the surface water drainage scheme proposed/approved under FG/33/17/PL. The applicant will therefore need to investigate the necessary modifications and submit a revised scheme to cater for the additional dwelling. Please apply a suitable condition.

Comments on Consultation responses:

- comments noted. Provided an appropriate drainage condition is imposed policy 10 of Ferring Neighbourhood Plan which requires developments to demonstrate that their sustainable drainage design features will be effective in managing the risk of surface water flooding, be would be adhered to.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u> <u>GEN12</u>	The Form of New Development Parking in New Development
Publication Version of the Local Plan (October 2014):		D SP1 Design D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards
Ferring Neighbourhood Plan 2014 Policy 1A Ferring Neighbourhood Plan 2014 Policy 10		A Spatial Plan for the Parish Sustainable water management

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 may be 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 Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

Policies 1A 'Spatial Plan for the Parish' and 10 Sustainable Drainage Systems of Ferring Neighbourhood Plan are considered relevant.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities and character of the locality.

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 & BACKGROUND

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable. This application is to provide a single storey dwelling adjacent to the 8 flats being constructed in an area that was allocated as amenity space to serve the flats.

DESIGN AND VISUAL AMENITY

This application seeks approval for an additional single storey dwelling adjacent to the block of 8 flats which have been recently approved and are now under construction. The dwelling would be located in an area that was allocated as amenity area to serve the flats. The 1930s design would replicate that of the flats under construction and is not in itself unacceptable. However the proposal occupies an area which provides an important visual break between the approved flats and the adjoining bungalows.

The site is located close to the corner of Beehive Lane in a prominent position and the addition of a unit in this position would result in a cramped form of development which would harmfully erode the spacious nature of development in the locality. The character of Beehive Lane is derived from detached bungalows and chalet dwellings in small/medium plots and the development would clearly sit at odds with this general pattern of development in terms of not only layout, but also footprint.

The appeal Inspector referred to the important spacious character in the appeal decision for FG/116/17/PL. He considered that the village centre has a distinctly spacious identity at para 3. In para 7 he stated that in the context of the houses in Beehive Lane the proposal would disrupt the spacious character of the area and without the distinctive separation gaps between dwellings would appear as overdevelopment.

This proposal would be visually aligned to the flat development under construction and would not relate to the character of Beehive Lane to the east which comprises generally pitched roof bungalows with rear gardens which have rear garden lengths exceeding the area behind the proposed apartment. The footprint of the bungalow would also significantly exceed that of the adjoining more modest bungalows. It would not therefore be in keeping with the more spacious character of the existing adjoining properties or accord with the existing pattern of development.

The new dwelling is located within the previously approved communal garden area serving the flats and comprises a detached single storey unit of accommodation. Whilst it is located within the approved flat development site area and visually reflects the approved design it is effectively a detached dwelling and not an apartment and therefore in accordance with the external space standards policy DDM3 of the emerging local plan requires a rear garden area of 85 sqm with a minimum depth of 10m. The proposal does not have a separate rear garden area and even if the communal space behind the dwelling is considered it does not meet these requirements. The depth of communal garden to the rear is 6m which is less than the limited garden length of 6.9m to the rear of the semi detached properties nos 3 and 3a, to the east, and the area is only 60sqm. This is a further indication that the dwelling is too large for the site and that it is not character with the area.

The communal space is also important as a setting to the flats at South Point. This development has a different design to the bungalows in Beehive Lane and requires space around it on all sides to ensure that it fits appropriately in the streetscene and does not result in an overdevelopment of the site. The amount of space surrounding the development which is not covered in hard landscaping/ parking areas would be limited. A building of the significant proportions currently under construction requires a reasonable amenity area to assimilate well with the general spacious character of the area given the length of the elevations. There would be no meaningful communal external garden space left to serve the flats in the proposed layout. All that is retained for use by future residents is provided in strips either adjacent to the road frontages or to the rear of the unit proposed.

The officer report for FG/33/17/PL for the 8 flats stated 'the footprint of the building when taken together with the car parking, cycle parking and storage and bin storage areas no longer dominates the site coverage. A greater distance is provided to both Little Paddocks and Ocean Drive frontages which reduces the visual prominence of the building on both corners. Adequate amenity/landscaped space is provided to the rear of the units and each unit would have its own area of outside space in the form of a balcony or terrace in compliance with policy DDM3 of the Emerging Local Plan. The meaningful area of landscaping assists in assimilating the building into its setting and better replicates the pattern of detached dwellings and gardens than the previously refused appealed scheme.'

This proposal clearly reduces the space around the building eroding in part the alterations which were made to the appealed scheme which justified the acceptability of the earlier scheme for 8 flats. The length of the building along the Beehive Lane frontage was referred to in para 7 of the Inspector's decision letter as 'a long and continuous frontage which was at odds with the pattern of development to the south and east'. In para 9 he went on to say that the building had 'unrelenting' frontage lengths. The provision of a building in the gap would erode this important visual spacing and add to the perceived length of development adjacent to the frontage. Although a gap is provided between the flats and the bungalow proposed much of this forms the access to the parking area. The visually important landscaped buffer area adjacent to no 3 has been deleted.

Policy 1A (Spatial Plan for the Parish) of the Ferring Neighbourhood Plan 2014 (NP), supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the relevant development plan policies. Given the above it is considered that the proposal would conflict with this spatial policy.

RESIDENTIAL AMENITY

The apartment will be located a reasonable distance from site boundaries. At its closest point the development would be 1.1m from the boundary with 3 Beehive Lane and given its height of 3.7m it would not result in adverse overbearing impacts on the adjoining property. The rear elevation would face the communal garden area and parking spaces. No adverse overlooking would therefore result.

The proposal accords with the Council's adopted Internal Space Standards and is acceptable in terms of the amenity of future residents in this respect. However it comprises a detached dwelling and therefore in accordance with the external space standards policy DDM3 of the emerging local plan requires a rear garden area of 85 sqm with a minimum depth of 10m. The proposal does not have a separate rear garden area and does not therefore accord with this policy. It therefore fails

to provide adequate outdoor space for future occupiers adversely affecting their residential amenity.

HIGHWAY ACCESS

The site is in on a private estate and will have only one access onto Beehive Lane. County Highways have no objections to this proposal. The scheme provides for 11 spaces which exceeds this requirement. However that is on the basis that the spaces are not allocated. If they are allocated the requirement would be 14 spaces and then the proposal has an under provision of parking. Since the site is sustainably located on a bus route and the parking level accords with the calculator it is considered acceptable. The amount of on street parking likely to be generated would not be at a level that would warrant refusal of the application.

SUMMARY

The proposal is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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.

RECOMMENDATION

REFUSE

- 1 The proposal by virtue of its layout, position and footprint, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding

residential area and provide an unsatisfactory amount of outdoor amenity space for occupiers of the dwelling contrary to policy GEN7 of the Arun District Local Plan and policies DDM1, DDM3 and EDSP1 of the Emerging Local Plan and policy 1A of the Ferring Neighbourhood Plan.

- 2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.