

Recommendation Report for Planning Permission

REF NO: FG/167/14/PL

LOCATION: 52-56 Ferring Street
Ferring

PROPOSAL: Demolition of 52-56 Ferring Street and construction of a two and a half storey building with accommodation in the roof, to provide a mixed use development of 3 No. two bed flats and 2 No. one bed flats and three retail units at ground floor (Use Class A1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to demolition of the existing buildings on the site and their replacement with 3 ground floor retail units and a 2 bedroom flat to the rear, 3 two bedroom flats at first floor and 2 one bedroom flats on upper floors.

SITE AREA

.04 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 125 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Building is located on back edge of footpath. Side boundary to north has 1.8m close boarded fencing behind the building which is located on the boundary.

SITE CHARACTERISTICS

Detached 2 storey building with painted rendered elevations and cladding to gables flat roofed single storey extension to rear. Previous use 'Newview' windows and doors occupied whole of ground floor, now empty. First floor vacant. Car parking in front of unit. Flat roofed single storey structure to rear.

CHARACTER OF LOCALITY

Village centre location with predominantly retail uses at ground floor and commercial and residential uses above. Area of public open space opposite.

RELEVANT SITE HISTORY

	remodelling and extension to provide 5 no. one and two bedroom flats.	26-09-2007
FG/220/07/	Minor amendments to previous application FG/78/07 to reflect actual surveyed site dimensions. No increase in proposed accommodation of 5 no. flats.	ApproveConditionally 06-03-2008
FG/109/14/PL	Demolition of 52-56 Ferring Street and construction of a two and a half storey building with accommodation in the roof, to provide a mixed use development of 3 No one bed flats and 3 No two bed flats and three retail units at ground floor (Use Class A1)	Refused 02-10-2014

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection - Whilst the Parish Council welcomes the development of housing and 3 new retail outlets in the heart of the village, concern is expressed regarding the size of the proposed development and the allocation of parking for the proposed number of dwellings and retail outlets. The scale of the building is too large for the centre of the village and as there is no provision for parking highlighted in the planning application. There is a distinct lack of parking in the village centre.

3 letters of objection - Car parking is a problem for residents. Ferring is now at saturation point with vehicle parking problems resulting from the increase in population. Parking is getting worse. At times the roads become impassable to traffic. Where are the 2 cars from each shop, plus any customer cars going to park? There are 5 spaces in front of this property for customers, but where are the other potential 16 cars going to park? Proposal needs to be scaled back.

Comments on Representations received:

County Highway Officer has no objection to the proposal in terms of parking capacity. It is not considered that traffic generation would significantly vary between the existing use and that proposed.

Concerns regarding the size of the building are agreed.

CONSULTATIONS

WSCC Strategic Planning
Engineers (Fluvial Flooding)
Engineering Services Manager

Consultations responses received:

County Highways - No Objection. As part of the proposal the existing vehicle access will be closed with the option for additional parking in place of the existing access point. No private parking is provided. Note is taken of the sustainable nature of the site near to a variety of bus and rail options. There is a bus stop immediately to the north of the site which would be available to residents of the proposed flats and customers of the retail units. Cycle storage should be provided and must be secure, covered and capable of holding at least one cycle per

bedroom.

The public parking spaces are not within the ownership of the applicant, it would appear they are generally used by customers visiting the existing Newview retail unit. As such, it is anticipated that the three proposed retail units would continue to benefit from these spaces in order to allow customers to park for short periods.

The site is recognised as having a permitted use as retail in the past. It is not considered that traffic generation would significantly vary between the two. It is not considered that the proposal could be resisted on the basis of traffic generation.

Conditions securing cycle parking and closure of the existing access should be included.

Engineers - Imposition of a standard condition is requested.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN12](#)
[DEV26](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Parking in New Development
Criteria for Retail Development
D SP1 Design
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
RET SP1 Hierarchy of Centres
RET DM1 Retail Development

PLANNING POLICY 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication'

of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 of the locality and 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

The replacement of the existing building and reinstatement of retail and residential uses is acceptable in principle subject to relevant development control criteria being met.

This application follows an earlier application FG/109/14/PL which was refused for reasons which included the adverse impact on the residential amenities of the property to the north, the non adherence to emerging space standard policies and the adverse impact of the development on the visual amenities and character of the area. This application has reduced the extent of development at first and second floor to the rear by deleting a one bedroom unit. These changes have addressed the un-neighbourly impact of the development on the property to the north. The

width and overall height of the development is as previously refused, but the eaves height has increased by 0.4m. The revisions have not therefore addressed concerns in relation to visual amenity and the character of the area.

The site is located within an area of predominantly 2 storey development with no purpose built accommodation above first floor level. The proposed redevelopment transforms a detached domestic scale 2 storey building with 2 roof pitches to the site frontage and space to the southern boundary which is in keeping with its surroundings, into a built form that dominates and straddles the site and is out of keeping with the general pattern and scale of development. The eaves height of the building would be 1m higher than existing and significantly higher than the adjoining properties to the north. The roof would have a steep slope and contribute to the overpowering impression of the development which is opposite a road junction and close to a bend in the road and readily visible from the site frontage and open space opposite. The overall ridge height of the roof would exceed the height of the developments either side and its width and design would result in a bulky development that adversely affects the character of the area. In addition to the unacceptable increase in the bulk of the roof the first floor would be extended to the rear. This would be visible from the side of the building to the south which further emphasises the visual prominence of the building and its overall mass. The design of the front elevation of the building with large first floor patio style openings also contributes to the loss of domestic scale. The size of the openings in the roof dominate the appearance of the roof and this combined with the steep roof slope gives the perception of a flat roofed 3 storey building not a 2 storey property with ancillary openings in the roof.

The application site is adjacent to a residential and commercial premises to the north and commercial units to the south and east. The property is located on the northern boundary and is joined to the covered entrance to the ground floor restaurant which has a residential unit above. The neighbouring restaurant premises has an outside patio seating area to the rear. The proposed first floor extension would increase the depth of the building on the site and its projection to the rear. The adjacent residential accommodation at first floor has a bedroom on the side elevation with the main window currently facing onto the side boundary. Some light and outlook is provided from the gap beyond the existing rear elevation of the adjacent building and this would be retained by the configuration of the building now proposed.

The proposed development is stepped in from the northern boundary at first floor level which has reduced its overbearing impacts. Rear roof terraces are proposed to serve the first floor units. Provided adequate screening is erected on the northern side boundary of the northern balcony no materially adverse overlooking effects would result. Overlooking to the adjacent restaurant patio area would be oblique and therefore acceptable. A distance of 10m is retained to the rear boundary which is adequate to preclude adverse overlooking to the rear to the northern portion. In any case the uses enclosing the site to the rear are commercial.

Each flat has some external space provision as required by policy EDDM3 and the minimum depth of balconies is 1.5m in accordance with this policy. The essential internal space standards are set out in Policy DDM2 of the Emerging Local Plan. The essential general space standard for a one bedroom 1 person flat is 37sq m and for a 1 bed 2 person is 50 square metres. The proposed floor areas for flats 5 and 6 which are 1 bedroom units are 49.6 sq m and 48.7sq m which exceed the one person standard and are only slightly below the 2 person. The essential general internal floor area for a 2 bedroom 3 person flat is 61 sq m and each of the 3 bedroom flats has a minimum total internal floor area of 66 sq metres. The proposal therefore meets this

policy requirement.

The outside space assessed against policy DDM3 accords with the minimum garden depth and the external space requirements.

The application is therefore 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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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).

SECTION 106 DETAILS

The application would have been subject to a signed affordable housing agreement relating to a commuted sum totalling £28,478 however it must be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superseded by paras 13-21 NPPG which now governs the matter.

Therefore the planning obligation is no longer a material planning consideration and contributions will not be sought.

RECOMMENDATION

REFUSE

- 1 Given the design, height and massing of the proposed development it would be a dominant and obtrusive feature in the street scene detrimental to the visual amenities and character of the area in conflict with policy GEN7 of the Arun District Local Plan and

policies DDM1 and DSP1 of the Emerging Local Plan.

- 2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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(s) 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.