

Recommendation Report for Planning Permission

REF NO: FG/176/21/PL

LOCATION: 78A Langbury Lane
Ferring
BN12 6QE

PROPOSAL: Extensions to front parking. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to block pave an area of reinforced grass to the front to create 4 new parking spaces to be accessed from the existing driveway to Brookside Close. New low shrub planting will be added to the front and drainage will be via a soakaway.
SITE AREA	830 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	None - open plan frontage.
SITE CHARACTERISTICS	Existing front garden to a care home. Grassed with plastic open cell reinforcement. Shrub planting adjacent to the building retained. The application states the site has been used as an informal parking area for the past 12 months. The care home is made up of 2 pitched roofed dormer bungalows joined with a flat roof infill and flat roof rear extension.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached and semi detached dwellings of varying design, mainly single storey, set back from the road frontage in relatively large plots. There are other examples of frontage car parking in the streetscene, including to the front of the adjoining site (78).

RELEVANT SITE HISTORY

FG/185/18/NMA	Application for non material amendment following a grant of planning permission FG/65/18/PL - alter window to east elevation to ground floor bedroom 3A to fire escape door & window	Approve 12-10-18
FG/66/18/PL	Part change of use for western half of building from Residential Care Home (C2 Residential Institution) to residents living together as a single household (C3(b) Dwelling House)	ApproveConditionally 12-07-18

FG/65/18/PL	Single storey rear side ground floor extension, first floor dormer extension, alterations to east & west doors, change of glass to obscure in all bathrooms, infilling rear dining room glass with brick & relocation of shed.	ApproveConditionally 18-06-18
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Noted.

REPRESENTATIONS

Ferring Parish Council have not responded.

One objection on the grounds that parking on the road harms visibility and this adversely affects the safety of pedestrians. One letter of no objection with concern over insufficient parking at the site and that movements to/from the site are detrimental to road safety. One e-mail containing photographs.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The parking spaces may help to alleviate some of the concerns raised by residents which concern issues with the existing use.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection subject to a condition to ensure the spaces are provided before first occupation. Comment that:

- The existing access is from Brookside Close, an un-classified road subject to a speed limit of 30mph;
- The additional parking area is not anticipated to result in a material intensification of use of the site access and visibility appears sufficient for the anticipated road speeds in this location;
- No recorded injury accidents at the site access;
- No evidence to suggest that the access is operating unsafely, or that the proposed increase in parking area would exacerbate an existing safety concern;
- The spaces do not meet minimum specifications of 2.4 x 4.8m set out in Manual for Streets, however there appears to be sufficient space for 4 vehicles to park in an informal arrangement;
- A turn on site would be preferred - this may not be possible due to site constraints if the parking area was full; and
- Would not raise a highway safety concern to this arrangement given the local highway context and that neighbouring properties operate similar arrangements without evidence of highway safety concern.

ADC DRAINAGE - due to the scale, location and type of application, have no conditions to request. Alterations to surface water drainage must be designed/constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is not appropriate to impose a pre-occupation condition as the use is operating.

The plans condition will ensure the spaces are implemented in accordance with the approved drawings.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
CIL Zone 4;
Current Flood Zone 1; and
Future Flood Zone 3 by 2061.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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. Policy 1A of the Ferring Neighbourhood Development Plan is relevant and is referred to in this report.

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 does not result in any harm to visual/residential amenity or to the safety/convenience of the local highway.

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

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

CONCLUSIONS

PRINCIPLE:

The site lies in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) and policy 1A of the Ferring Neighbourhood Development Plan provided it is in accordance with other policies of the ALP covering such issues as visual amenity, highway safety/parking and residential amenity.

HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods & supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

The Arun Parking Standards SPD states parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimising adverse effects on road safety and avoiding increased on-street parking demand.

This application proposes to formalise the parking that is currently taking place on the frontage. It will continue to allow 4 cars to be parked off road potentially minimising the instances of cars being parked on street (although it is accepted that may still occur as it does currently). The proposal will result in a safer parking layout as cars will not have to negotiate a soft surface when it is wet. WSCC raise no objection. Whilst it may be necessary for cars to back onto Brookside Close, this is not considered to be dangerous due to low traffic speeds. The proposal is in accordance with the relevant policies.

VISUAL AMENITY & CHARACTER:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Section I of the Arun Design Guide generally expresses a preference for spaces to the front to ensure active frontages provided that they do not dominate the streetscene or are at the expense of landscaping.

The proposal would not meet this guidance as it seeks to pave over a grassed front garden to create parking spaces. However, it is material that the garden is being used for parking and the adjoining building has a large frontage parking area associated with it. Landscaping is being retained/proposed to help soften the parking area. It is not considered that there will be any materially adverse harm to the character of the streetscene and therefore no conflict with the relevant policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The parking area is to the front of the care home and there are residential properties to the immediate north east and south east. However, the proposal will formalise an existing parking arrangement which has been ongoing for the last 12 months and it is noted that no residents have raised any concerns as to noise disturbance from the use of these spaces. The vehicle movements are associated with an existing use that has the benefit of planning permission. There is no conflict with the relevant policies.

SUMMARY:

The proposal is in accordance with the relevant development plan policies and the application should 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 not CIL Liabie as it concerns other development.

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:

Location and Block Plan ref 200 Rev A;
Existing and Proposed Site Plans ref 201.

The parking spaces shall thereafter be retained at all times for their designated purpose.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 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.