Recommendation Report for Planning Permission

REF NO: FG/203/21/PL

LOCATION: 4 Sea Lane
Ferring
BN12 5DS

PROPOSAL: **Erection of 1 No. 2 bed single storey dwelling to rear of existing dwelling (Resubmission of previously approved FG/168/18/PL). This application is in CIL Zone 4 and is CIL liable as new dwelling.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. detached single storey 2 bed dwelling to the rear of an existing dwelling. This is a resubmission and seeks to extend the time limit ultimately renewing an unimplemented permission.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high fencing to No. 6 and No. 2.. 2m high close boarded fencing and hedging is located to the boundaries of Regency Court. 1.8m fencing is located to the rear of the site.
SITE CHARACTERISTICS	No.4 is a brick built bungalow with Pan tile roof. Flat roofed garage in front garden area. Single storey property at No. 6 Sea Lane. Regency Court, a two storey residential property is located to the rear of the site.
CHARACTER OF LOCALITY	Predominantly residential characterised by varying styles and age of properties.

RELEVANT SITE HISTORY

FG/168/18/PL	Erection of 2 bedroom single storey dwelling to rear of existing property	Refused 20-12-18 **Appeal: Allowed+Conditions 24-05-19**
FG/148/08/	Erection of new bungalow with access off Ferring Street.	ApproveConditionally 18-12-08

An application was approved for the same development in 2018 on appeal.

REPRESENTATIONS

Ferring Parish Council provided no comments.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

The proposed dwelling will utilise the existing access to 4 Sea Lane, no alterations to the existing access are proposed. Visibility appears sufficient for the anticipated road speeds. There is no evidence to suggest that the addition of a single dwelling would exacerbate an existing safety concern.

The access drive to serve the proposed dwelling will be 2.8m at the narrowest point. Whilst not strictly a matter for the Highway Authority, the applicant should be aware that access for fire appliances may need to be demonstrated in order to meet building regulations.

The proposed plans demonstrate that two parking spaces will be provided per dwelling. This is anticipated to provide sufficient parking for the development. The proposed spaces meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). A turn on site is provided for both dwellings, enabling vehicles to exit onto the publically maintained highway in a forward gear.

The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway. Conditions relating to vehicle parking, cycle parking and EVC are requested.

ECOLOGY

We require a bat brick is integrated onsite facing south/south westerly positioned 3-5m above ground. The lighting scheme will need to take into consideration the presence of bats by avoiding the unnecessary light.

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid- March inclusive. The piles must undergo soft demolition.

CONSERVATION OFFICER

The application site is located in the immediate boundary of the Ferring Conservation Area.
The Conservation Area covers the old core of the village around St. Andrews Church and consists of Ferring Street south of the shops, Church Lane and Ferringham Lane north of Grange Close. It is a small

area surrounded by 20th Century development. There is an informal approach to the design and layout of the area, with different building lines, different styles of architecture and different size gaps between buildings.

It is noted that the proposed development occupies a fair amount of the existing rear garden area, and results in a smaller amenity space for both the existing and new property. It is noted that the proposed development occupies a fair amount of the existing rear garden area, and results in a smaller amenity space for both the existing and new property.

Development to the immediate west and south-west of the application site (within the Conservation Area) is modern in nature and essentially screen the site from within the conservation area. The remainder of the development around the site (outside of the conservation area) is C.20 and of no significance to the conservation area. As a consequence, it is considered that the proposed bungalow will have a neutral impact upon the character or appearance of the conservation area. The application is considered to not cause harm to the significance of the heritage asset or its setting.

FRS WATER AND ACCESS
It is unclear from the information provided if there is sufficient access for a fire appliance to gain access to within 45 metres of the new build property. The route must also be capable of supporting 12 to 18 Tonne axial weight of a fire appliance. If suitable access is not achieved to the new property the fire appliance would have to attend from the main road which will make the property more than the required 45 metres distance from the fire appliance. This is a requirement of Approved Document - B (AD-B) Volume 1 2019 edition: B5 section 13. If access cannot be gained to the required distance, this will need to be mitigated by the installation of domestic sprinkler or water mist systems complying with BS9251 or BS4854 standard.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and requested conditions are included. The issue of fire safety will be dealt with under Building Control.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
WMDM1	WM DM1 Waste Management

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:

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 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 would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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 is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan.

Ferring has a made Neighbourhood Plan with policy 1A of relevance to the application. This states an application within the built up area boundary will be supported provided it accords with relevant policies.

The Council has an adopted Design Guide which provides up to date advice on matters such as new development and the need for it to successfully integrate with the existing prevailing character of an area.

NPPF at paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 124 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

BACKGROUND
An application was approved in 2008 for a dwelling in a similar location.

A subsequent application was refused in 2018 for a dwelling in the similar position but with a different orientation and point of access. This was approved on appeal in 2019.

This application is the same as that which was approved on appeal and seeks to extend the time period which is due to expire in May 2022.

DESIGN AND VISUAL AMENITY
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 SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area.

The proposal seeks to construct 1No. dwelling to the rear garden of an existing detached single storey property at No.4 Sea Lane. There is a detached garage on site that will be removed to enable access along the side of No.4 to the proposed dwelling.

The proposal is set back a considerable distance from the front access at Sea Lane and as such views are largely restricted from the street scene.

The development would be single storey with a hipped roof and two small gable additions to the front elevation. The principal elevation will face east and the dwelling will have a depth of 9.5m and a width of approximately 11.3m retaining between of 1m and 7m to the side and rear boundaries.

The development does not appear as an overdevelopment of the site, with the scale and massing of the dwelling appropriate and comparable to the existing dwelling. The surrounding properties within the vicinity are varied in style and design and the proposed is representative of the general character of the area and would reflect the pattern of development in the locality.

The appearance is traditional with materials consisting of red face brick and plain clay roof tiles. This integrates well with the existing dwelling on site which is similar and is acceptable.

The Arun Design Guide states ' Backland development refers to the development of sites behind existing buildings, which may include rear gardens. Such sites tend not to have a street frontage and may require a new access from an existing highway.

When assessing proposals for backland developments, the following will be considered:
- Scale - Proposals should avoid over-development and should be of a subservient scale to surrounding buildings with frontages to the street.
- Boundaries - Developments will have to consider the views provided to future residents
- External Space - Developments should maintain usable and appropriate external amenity space.
- Outlook - Careful consideration must be given to preservation of existing amenity, through designs which avoid overlooking existing windows and private gardens.
- Access & Parking - Adequate vehicular access must be provided, including sufficient space to accommodate cars to turn within the new development site.'

The proposal accords with the Design Guide being compliant with the aspects listed.

It does note 'Tandem Developments in which a new house is built behind an existing one and shares the same vehicular driveway will generally be unacceptable due to potential problems of access and privacy with the existing dwelling.' The proposal would share an access which the guide notes is generally not acceptable. However there is sufficient room for parking and turning as to ensure that the access route would operate effectively. The arrangements have also not altered from that which were approved in the appeal.

With limited views, the proposal is not considered to be adversely out of character or have an unacceptable impact upon the street scene and wider area. It is therefore seen as in accordance with policy D DM1 and SP1 of the Arun Local Plan and the Arun Design Guide in that the design, character and impact of the dwelling is acceptable.

RESIDENTIAL AMENITY
Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity

Paragraph 127 of the NPPF ensures that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The dwelling will have a ridge height of 5.25m with eaves to 2.3m. Due to the height of the proposal, which is of a similar size to neighbouring properties, it is not considered to appear adversely overbearing.

The principal elevation of the dwelling would face east towards car parking spaces and a short front garden. At the boundary sits the rear garden of No.6, although between 2.9m and 6.6m is retained to the boundary which consist of 1.8m fencing. 1m is retained to both the northern and southern side boundaries.

The rear elevation will face west with a two storey building 'Regency Court' located beyond. The rear garden is 13m in width and has a depth of 7m. There will be a small shed to corner of the garden which would serve as cycle storage.

The proposed layout retains sufficient space to the neighbouring boundaries to ensure the dweling would not give rise to unacceptable overbearing or overshadowing.

The proposed dwelling would not result in any direct overlooking between windows. The windows at the proposed dwelling would be at ground floor only, so any views towards neighbouring gardens would be screened by boundary treatment.

With the dwelling located to the rear of the site, the existing driveway would be extended. This therefore

does have the potential to create some additional noise and disturbance as a result of a car having to drive alongside the boundary with No.6 to access the dwelling. With the driveway leading to one property, the likely number of comings and goings would be relatively limited. It use therefore is not considered to result in an unacceptable level of disturbance to this property.

The proposal complies with policy D DM1, D SP1 and QE SP1 of the Local Plan.

SPACE STANDARDS
ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance.

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the dwelling is suitable for residential use. This states the following sizes should be achievable

1 storey, 2 beds, 2 persons: 61 sqm
4 persons: 70 sqm

The proposed floor area is 68.2m2 and therefore the dwelling is in accordance with the standards for a 2 persons dwelling.

There are no requirements for external space standards however Section H.04 of the recently adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space.

The site plans shows the garden has a depth of 7m which is slightly short and technically does not comply with the guidance. The space is although considered sufficient in relation to the size of the dwelling. The provision of amenity space accords with D DM2 of the Arun Local Plan.

PARKING
Arun Local Plan 2011-2031 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.

Regard should also be had to paragraph 111 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun District Council adopted its Parking Standards SPD in January 2020 and require a 2 bed property in this location (Parking Behaviour Zone 2) to provide a minimum of 2 parking spaces on site.

The site plan demonstrates there would be 2 spaces provided and is compliant with guidance. Following the removal of a garage at the host dwelling, there would also be 2 spaces retained for the use of No.4. A turn on site is also provided for both dwellings, enabling vehicles to exit onto the publically maintained highway in a forward gear.

The site is also in a sustainable location within walking distance of shops, services and public transport.

The LHA does not consider that the proposal would have and an unacceptable impact on highway safety and as such accords with T SP1 of the Arun Local Plan.

Electric vehicle charging points at a rate of 1 charging point with a garage or parking space should be provided, as per the ADC Parking SPD and will be conditioned, along with suitable cycle storage provision.

IMPACT ON HERTIAGE ASSET
The application site is located in the boundary of the Ferring Conservation Area, although does fall outside the designated area.

The Conservation Area covers the old core of the village around St. Andrews Church and consists of Ferring Street south of the shops, Church Lane and Ferringham Lane north of Grange Close. It is a small area surrounded by 20th Century development.

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage assets in this case are of some significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. Development to the immediate west and south-west of the application site is modern in nature and essentially screen the site from within the conservation area. The remainder of the development around the site is C.20 and of no significance to the conservation area. With limited views of the development from within the conservation area, which is of appropriate scale and materials, the proposed bungalow will have a neutral impact upon the character or appearance of the heritage asset.

SUMMARY
In taking the above into account the proposal will not result in unacceptable impacts on; the character of the area, parking/traffic and highways, the residential amenity of the area and internal space for future occupants. The proposals therefore accord with the relevant policies in the Development Plan and the NPPF.

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
- Location Plan - 10
- Block Plan - 11
- Proposed Site Plan - 12 A
- Proposed Floor and Elevations - 13 B

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 Prior to occupation 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 permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework

4 Prior to occupation the following biodiversity measures shall be installed:
- A bat brick shall be integrated onto the building facing south/south westerly positioned 3-5m above ground.
- A bird box shall be installed on the dwelling or on a tree within the garden of the property.
- A hedgehog nesting box shall be installed within the site to provide future nesting areas for hedgehogs.

Reasons: In the interests of amenity and of the environment of the development in accordance with policy ENV DM5 of the Arun Local Plan.

5 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If the works are required within this time an ecologist will need to check the site before any works take place (within 24 hours on any work).

Reasons: In the interests of amenity and of the environment of the development in accordance

with policy ENV DM5 of the Arun Local Plan.

6 As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous materials need to be suitably stored away so animals cannot access them.

Any brush, compost and /or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid October to mid March inclusive. The piles must undergo soft demolition.

Reasons: In the interests of amenity and of the environment of the development in accordance with policy ENV DM5 of the Arun Local Plan

7 No demolition/construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan (Proposed Site Plan -12 A).

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

9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan (Proposed Site Plan - 12 A).). These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and D DM1 of the Arun Local Plan.

10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

11 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.

12 INFORMATIVE: If suitable access is not achieved capable of supporting a 12 to 18 Tonne axial weight of a fire appliance, this will need to be mitigated by the installation of domestic sprinkler or water mist systems. This issue will dealt with under any Building Control application.