

Recommendation Report for Planning Permission

REF NO: FG/27/18/PL

LOCATION: 58 Ferringham Lane
Ferring
BN12 5LU

PROPOSAL: Demolition of care home & redevelopment to provide for apartment building for 7 self-contained flats, cycle parking, bin storage & car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for 7 self contained flats (6 x 2 bed and 1x 3 bed) in a 2.5 storey building with a hipped roof and 2 gable elements on the front elevation on approximately the same foot print as the existing building but shifted back on the site by 1.5-2.5 m and slightly further to the south so that it is 2.5 m nearer that boundary. The bulk of the roof will be larger and vary between 1.0 and 2.5 m higher than the existing.

The 3-bedroom unit will be in the roof space with terraces at the front. Three of the 2 bed units will be at ground floor with gardens at the rear and patios in front and the other three will be on the first floor with balconies at the front. Unit sizes range from 80 to 141m².

There will be 2 windows on the south west elevation - one for a bedroom and one for a landing at first floor and 2 narrow windows are proposed at first floor on the other side (north west) serving a bathroom and kitchen.

The front of the property will be laid with permeable paving with a 1.2 metre high wall and 9 car parking spaces are to be provided (against a maximum standard of 10 spaces).

Traffic generation is expected to be the the same as for the permitted use. (18 traffic movements between 0700 hours and 1900 hours).

SITE AREA

0.14 HA

RESIDENTIAL DEVELOPMENT DENSITY (NET)

50pha

TOPOGRAPHY

Predominantly flat.

TREES

There are 14 trees on the site, of which 11 are Category C trees (low value trees with more than 10 years lifespan remaining), and 3 are Category U trees (low value trees with less than 10 years lifespan remaining).
- 7 of the Category C trees and all 3 Category U trees are to

be removed or pruned.

- The other 4 Category C trees are to be retained.
- Extensive re-planting is proposed..

BOUNDARY TREATMENT

1.8 m close boarded fences to the side and rear and open on the front.

SITE CHARACTERISTICS

The property was used as a care home until last year. It is a detached 2.5 storey building constructed of red brick with white render with a hipped roof and accommodation in the roof space with dormers and roof lights. There is a 1.5 storey addition to side with flat roof garage beyond which has been converted to habitable accommodation. The 1.5 storey element has 4 windows in the south west side elevation at first floor and 2 windows in the north east side elevation at first floor with dormers in the roof on this side and at rear and a small secondary window at first floor on rear.

CHARACTER OF LOCALITY

There is a gravel parking area to front of site.

The area is residential with a mix of property types and styles. The bungalow to the north has a high pitched roof gable end on to the road and a window on the side facing the application site. There is a detached double garage with a high pitched roof gable end on to the road in front of this bungalow. The house next door (to the north) has a window with a Juliet balcony on the rear elevation facing the application site. To the south is a 2 story house with a gable end on to the road with 2 windows on the side facing the application site - one at first floor and one at mezzanine level. There are 2 bungalows in Malcolm Close with gable ends facing the application site. To the rear there is a bungalow which has a dormer window facing the application site. On the opposite side of the road are 2 storey dwellings. One is open on the front boundary and the other has a 1.8m close boarded fence at the front.

RELEVANT SITE HISTORY

FG/90/12/

Conversion of garage to care room and front bay extension

ApproveConditionally
14-08-12

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council
No response

7 letters of objection

overlooking of rear garden in Malcolm Close, inadequate parking leading to parking in local residential roads, concern over sightline and highway safety, should be no higher than existing building, need is for 2 bed not luxury flats.

2 letters of support

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusions section. Reference to luxury development is not a material planning consideration.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Parks and Landscapes

Arboriculturist

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Greenspace

No objection. Landscaping will need to incorporate native and ornamental species which will give year round screening/seasonal interest whilst allowing for habitat and wildlife foraging potential.

Details required regarding species choice, size and densities at time of planting, the positioning of existing trees to be retained any proposed infill to the existing boundaries and enhancement planting in the proposed garden areas.

Environmental Health

No objection in principle subject to a condition requiring a Construction Management Plan and hours of work restriction and advise on lighting and fire safety

Consultant Arboriculturist

Support tree retention plan. Recommend conditions to protect retained trees

WSC

No objection. Ferringham Lane is a private road and therefore is not the responsibility of WSCC as the Highway Authority. For this reason the details in this report are for Advice only.

The current access has not been maintained and is formed of differing materials.

There are no kerb-lines along this section of Ferringham Lane, however some formalisation and standard construction of the proposed access points would be recommended.

As the road is private there is no legal/enforceable speed restriction in place however, given the location it is unlikely speeds will exceed 30mph. It is therefore recommended that visibility splays are provided in line with Manual for Streets 2.

Car and cycle parking has been provided along with bin storage which will be collected from kerbside as per the neighbouring residential dwellings.

The proposed 7 flats is unlikely to lead to a significant increase in traffic on the local highway network.

Engineers

Please apply standard conditions ENGD2A, ENGD5A and ENGD5B

Soakaways must be investigated for surface water disposal. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of

the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers

COMMENTS ON CONSULTATION RESPONSES:

- comments noted and appropriate conditions added

POLICY CONTEXT

Within the built up area boundary in Flood Zone 1.

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

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

D SP1 Design
D DM1 Aspects of Form and Design Quality
W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 6

Land at Ferringham Lane

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 and is 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.

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. The examination was completed 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. 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).

The Ferring Neighbourhood Plan has been made and the relevant policies considered in the determination of this application.

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.

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

The application site is in the built up area boundary therefore under the provisions of policy GEN2 of the Arun District Local Plan and policy SD SP2 of the emerging Arun local Plan 2011-2031 and policies 1a and 6 of the Ferring Neighbourhood Plan development is acceptable unless it conflicts with other policies in the Plan.

VISUAL AMENITY

The building is well designed to integrate with the street scene and broadly of the same height as exiting nursing home using gabling as a detail to reflect the form of the other buildings in the locality. It occupies a similar foot print to the existing building and although the bulk of the roof is greater there is sufficient space about the building for it not to appear overbearing and as it is set back in line with the properties either side it will not appear intrusive in the street scene. It therefore complies with policies GEN7 of the Arun District Local Plan and policies D SP1 and D DM1 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY

There will be 2 windows on the south west elevation - one for a bedroom and one for a landing at first floor. The house to the south which faces this elevation has 2 windows on the side facing the application site - one at first floor and one at mezzanine level. However, the windows on the respective buildings are not directly opposing and due to the proximity of the two elevations there will only be oblique views and no direct overlooking from the proposed windows on the side of the building. Moreover there are 3 windows in this elevation on the existing building which serve bedrooms in the care home.

The bungalow to the north has a high pitched roof gable end on to the road and a window on the side facing the application site. There are 2 narrow windows proposed at first floor north west serving a bathroom and kitchen. Whilst there is a window at ground floor on this side of the bungalow it is approximately 2 m from the boundary and currently faces on to a 2m high close boarded fence therefore with the appropriate boundary treatment there will be no direct overlooking.

There are 5 windows proposed on the rear at first floor and 2 windows in the roof on this elevation. The gardens of the properties which surround the site are already overlooked by each other and were previously overlooked by the care home.

Overall it is considered there will be a significant reduction in overlooking as a result of this development.

Due to the orientation of the property and the existing configuration of the properties either side, there will not be an unacceptable increase in overshadowing and minimal impact on outlook from these or the properties on the other side of the road. The daylight report finds that the scheme will have an acceptable impact on the window on the front elevation and 3 windows on the side elevation of number 60. The reduction in windows from those on the existing care home will reduce overlooking. As such the proposal complies with policy GEN7 of the Arun District Local Plan and policy D DM1 of the Arun Local Plan 2011-2031

HIGHWAY SAFETY AND PARKING

The application site is on a private road where the highway authority have no jurisdiction. The scheme provides for 9 car parking spaces which is within the maximum standard of 10 spaces and is considered acceptable given County Highways advice that the proposal will not result in a significant increase in traffic.

TREES

The trees which are to be removed are all of low quality, and so their removal does not raise any planning issues. Replacement planting is proposed which will enhance the appearance of the site.

LANDSCAPING

New planting is proposed and can be secured by condition. A tree protection plan has been assessed by the Councils tree officer who supports the proposed retention of trees.

ECOLOGY

The site was previously used as care home so there is no impact on ecology or biodiversity.

DRAINAGE

With regard to surface water drainage, there is little change to the overall footprint and areas of hardstanding will be finished with permeable paving. Foul drainage demands on the site will be similar to the existing permitted use of the site. A detailed scheme for foul water and surface drainage can be secured by conditions to comply with policy GEN9 of the Arun District Local Plan and policy W DM3 of the emerging Arun Local Plan 2011-2031.

CONCLUSION

The application is considered to accord with Development Plan policy and is recommended for approval subject to the following conditions.

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

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 ...

TA 1078 /01B: Location Plan and Block Plan

- TA 1078 /02: Existing Site Survey
- TA 1078 /03: Existing Ground Floor Plan
- TA 1078 /04: Existing First Floor Plan
- TA 1078 /05: Existing Second Floor Plan
- TA 1078 /06: Existing Elevations
- TA 1078 /07: Existing Elevations
- TA 1078 /08: Existing Streetscene Elevation
- TA 1078 /09: Existing Sections
- TA 1078 /10: Proposed Site Plan
- TA 1078 /11: Proposed Ground Floor Plan
- TA 1078 /12: Proposed First Floor Plan
- TA 1078 /13: Proposed Second Floor Plan
- TA 1078 /14: Proposed Front Elevation
- TA 1078 /15: Proposed Front Elevation (including front boundary treatments)
- TA 1078 /16: Proposed Side Elevation
- TA 1078 /17: Proposed Rear Elevation
- TA 1078 /18: Proposed Rear Elevation (including rear garden fences)
- TA 1078 /19: Proposed Side Elevation
- TA 1078 /20: Comparative Streetscene Elevations (existing and proposed)
- NJCL 214 B-1 - 22.01.2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 6 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan.

Note : Condition 7 is to be retained as it provides the means to get the maintenance manual

updated should the drainage scheme have been altered during the construction phase. This can happen due to a multitude of reasons. It ensures that the property owners/management company are provided with a maintenance manual that reflects what has been installed on site. A manual that does not reflect what has been built is likely to be considered worthless/misleading to those who need to maintain the system.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :
- a. An indicative programme for carrying out the works
 - b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
 - c.Detail of any flood lighting, including location, height, type and direction.
 - d.The parking of site operatives and visitors
 - e. Loading and unloading of plant and materials
 - f.Storage of plant and materials used in construction and development
- Hours of Operation: 07:00 to 18:00 Monday to Friday; 8:00 to 13:00 hours on any Saturday; no working on any Sunday, Public or Bank Holiday

Reason: In order to safeguard the amenity of the nearby residents in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the construction plan prior to commencing any building works.

- 8 No development above damp proof course (DPC) level 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. 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.

- 9 No trees to be retained on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised

or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the retained trees are protected during construction.

- 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: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 13 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 14 Ferringham Lane is a private road and therefore is not the responsibility of WSCC as the Highway Authority. For this reason the following information is for Advice only.
The current access has not been maintained and is formed of differing materials.
There are no kerb-lines along this section of Ferringham Lane, however some formalisation and standard construction of the proposed access points would be recommended.
As the road is private there is no legal/enforceable speed restriction in place however, given the location it is unlikely speeds will exceed 30mph. It is therefore recommended that visibility splays are provided in line with Manual for Streets 2.