

Recommendation Report for Planning Permission

REF NO: FG/41/20/PL

LOCATION: Ferringham House
58 Ferringham Lane
Ferring
BN12 5LU

PROPOSAL: 1 No new dwelling & detached hydrotherapy pool house along with associated external works & creation of 1 No additional vehicular entrance.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

The new dwelling would be detached, two storey, 6 bedroom, with a double gable end and cat slide roof form. The application form proposes the elevations would be facing brickwork with brickwork plinth detail, and dressed flint work to recessed entrance area. The roof would be natural slate to the pitched roofs and single ply membrane to the flat roof areas. Windows would be white, uPVC sliding sash, and doors powder coated aluminium sliding doors. A brickwork boundary wall, to match main house, to western boundary with wrought iron fence panels over is proposed and permeable block paving to the access and driveway. A single storey double garage with flat roof is proposed within the front driveway area. A separate single storey hydrotherapy pool house with a pitched roof within the rear garden is also proposed.

The drawings have been revised during the course of the determination period of this application, as follows:

- * Reduction in boundary wall to 1m (with 400mm wrought iron railings above).
- * Reduction in the depth and bulk of the two storey rear projections nearest to the boundaries with neighbouring properties.
- * Addition of single storey ground floor rear elements.
- * Inverted dormer window on the south western roof slope has been removed.
- * Site plan has been corrected (showing former care home outlined in blue and previous planning permission outlined in red).
- * Additional rooflight (total 7) to south west roof slope.
- * Sections have been provided to allow calculation of the Gross Internal Area and check impact regarding overlooking.
- * Reduction in size of first floor rear window and omission of Juliette balcony to Bedroom 5 to reduce overlooking to Southwards and Littlestead. Both narrow first floor rear

windows to be obscure-glazed.

* A Tree Report has also been submitted during this time.

As the changes result in a reduction in development, it was not considered necessary to re-consult the public/neighbours on the proposals. However, in accordance with the Neighbourhood Plan regulations, since the changes constitute more than 'minor' changes, the Parish Council/Neighbourhood Plan Forum body was re-notified. They confirmed (email dated 22nd July 2020) that they have no further comments to make.

SITE AREA	0.13 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	7 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The most publicly visible aspects of the plot are now largely denuded of tree cover, there remain on-site trees to the rear of the plot and potentially some off-site trees overlapping the development that could be adversely affected by these proposals. Online records suggest a Tree Preservation Order affects this plot.
BOUNDARY TREATMENT	1.8 m close boarded timber fencing/vegetation to the side and rear perimeter and open at the front.
SITE CHARACTERISTICS	The site consists of a vacant plot of land, with scrub and former building foundations, enclosed to the frontage with Heras fencing. The plot was previously the site of a detached, 2.5 storey, 1930s care home, which was demolished after its closure in 2017. The site is bounded to the north, south and east by residential properties.
CHARACTER OF LOCALITY	The site is located on the eastern side of Ferringham Lane, within the Built-Up Area Boundary of the village of Ferring. It lies to the south and outside of the Ferring Conservation Area. The character of the area is suburban/edge of village and consists a mix of residential properties, including chalet bungalows, 2 storey properties and 2 storey blocks of flats. Most properties are set back from the road, enclosed to the frontage, and have on-site parking provision, and gardens to the front/sides/rear.

RELEVANT SITE HISTORY

FG/27/18/PL	Demolition of care home & redevelopment to provide for apartment building for 7 self-contained flats, cycle parking, bin storage & car parking.	ApproveConditionally 26-06-18
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Planning permission was granted in 2018 (ref. FG/27/18/PL) for the demolition of the existing care home and its replacement with an apartment block of 7 flats. This forms a 'fall-back' position to the current application. The principle of development in this location and of this scale has been established on this site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

No objection.

The LPA are advised to pay particular attention to any overlooking to the adjacent neighbour from the rear first floor windows and to ensure the perimeter walls/fences would not impede highways and visibility in egress from the site on the narrow bend fronting the site.

The Parish Council were re-notified in respect of the changes to the scheme (which constituted more than 'minor' changes) during the determination period of the application. The Parish Council have not responded with any further comments. They confirmed (email dated 22nd July 2020) that they have no further comments to make.

1 comment as follows:

- Existing fencing and trellis on site's southern boundary to 'Littlestead' is in ownership of 'Littlestead' having been erected and maintained by its owner for many years. No objection to additional height for further privacy.
- Very large bay tree in the site on southern boundary is exceptionally high - amenity to 'Littlestead' would be improved if this tree were to be reduced in height by around 50%. This was intention agreed under previous planning permission.
- Support infilling vacant plot. However, agree with the ADC Senior Planning Officer (correspondence to architect 2nd June 2020) that footprint and height of the rear projections is too large, and could result in enclosing/overbearing impact on neighbouring properties. Welcome reduction in size to ensure proposed dwelling is no larger than the demolished care home/approved block of flats.

2 letters of objection as follows:

- Sympathetic to the reasons for the hydro pool (disabled occupant) but concerns regarding its siting and size and impacts of overbearing, loss of light and amenity to kitchen and external patio area of 2 Grange Park.
- Overlooking from side window toward garden and conservatory of no. 56 Ferringham Lane.
- Height of western boundary wall at 1.2m would obstruct view when exiting property at no.56. Highways safety issues. Must be at a height of 1m maximum to maintain clear visibility.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and matters addressed under 'Conclusions' section of this report.

Officers response:

- Ownership of boundary treatments: not a planning matter, but a private/civil matter to be agreed under the Party Wall Act.
- Size of trees on site with regard neighbour amenity: not a material planning consideration. Tree retention and planting considered separately by Trees Officer.
- Height of western boundary regarding visibility and highways safety: The applicant has provided amended drawings during determination period showing lower boundary wall of 1m.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)
Environmental Health
Arboriculturist
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH:

No objection, subject to planning conditions requiring a Construction Management Plan (CMP) to control noise and air pollution, hours of construction to be controlled, and a Lighting Scheme to control light pollution (and impact on local wildlife).

WSCC HIGHWAYS:

No objection.

Ferringham Lane (privately maintained road) becomes part of the maintained highway network about 150m north of the site. Police collision data from last 5 years shows no recorded injury accidents attributed to road layouts within the vicinity of the site. There is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing highways safety concern. It is proposed to install a second vehicular access into the site from Ferringham Lane to create a double ended in-out driveway. The applicant will need to contact and get formal consent from the proprietor of the privately maintained road for the access works. The LHA does not consider the additional access nor the proposed use as a dwelling would result in a material intensification of movements to and from the site. Three car parking spaces are proposed. This includes a double garage with internal dimensions of 6m by 8m. The driveway would accommodate space for at least 2 vehicles. Parking provision would accord with ADC Parking SPD and would be sufficient for dwelling of this size in this location. Residents will be able to utilise the second access to exit the site in forward gear. All parking spaces should be provided with Electric Vehicle Charging Points. Two cycle parking spaces should be provided to accord with the ADC Parking SPD, and these would be provided as secure and undercover within the proposed double garage. Conclude that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC DRAINAGE ENGINEER:

No objection. No planning conditions to request, given the location, scale and type of development. Advise that any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

SOUTHERN WATER:

Formal application to SW for connection to the public sewer will be required. Request informative. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site (informative will be added). Also SUDs must be effectively maintained in long term to avoid surface water flooding which may result in inundation of the public sewer system (condition will be added).

ADC TREES:

Initially raised objection due to lack of any supporting arboricultural information. An Arboricultural Impact Assessment and Method Statement with Tree Protection Plan has since been provided by the applicant. No objection, subject to planning conditions to secure pre-commencement site meeting to inspect protective fencing and ground protection measures, and that all activity is undertaken in strict accordance

with the approved Arboricultural Impact Assessment and Method Statement.

ADC LANDSCAPE & GREENSPACE OFFICER:

No objection. Small development of 1 replacement dwelling no requirement for onsite Public Open Space, Play facilities or offsite contributions. The potential impact of the proposals could be blended into the surrounding environment with further landscape offer and greening to counteract impacts of development. Recommend submission of landscape details to provide ornamental and native improvements and potential biodiversity gain. Tree protection methods in relation to trees within and beyond the site boundary that may be affected by the development proposals should be provided (condition will be added).

ECOLOGY ADVISOR:

No objection. Planning conditions would be required regarding any external lighting scheme to minimise the impact on bats, and to control the months of site/vegetation clearance to protect wild nesting birds. A number of biodiversity enhancements are also required including; the provision of bat and bird boxes, log piles on site, hedgehog nesting box, infilling hedgerows etc. It is agreed that, due to the applicants' Chiroptophobia, bat boxes would not need to be installed in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Matters addressed in 'Conclusions' section of this report. The construction management condition requested by environmental health is not considered necessary to this limited scale of development.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
HSP1	HSP1 Housing allocation the housing requirement
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees

ENVDM5 ENV DM5 Development and biodiversity

ENVSP1 ENV SP1 Natural Environment

[Ferring Neighbourhood Plan 2014 Policy 10](#)

Sustainable water 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

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 contained within the Ferring Neighbourhood Plan (made 2014) are relevant in the determination of this planning 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 the Arun Local Plan and Ferring Neighbourhood Plan in that development in this location within the BUAB would be acceptable in principle, the proposals would result in an increase in housing supply, and the proposals would have an acceptable impact on the visual amenity of the area, the residential amenity of neighbouring occupants, the quality of internal and external living accommodation of future occupants, waste provision, sustainable construction, highways, drainage, trees, and ecology.

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:**

Arun Local Plan (ALP) policy SD SP2 states development should be focussed within Built-Up Area Boundaries (BUABs), subject to consideration of other policies within the Development Plan. Similarly, policy 1A of the Ferring Neighbourhood Plan (FNP) states that proposals for development inside the BUAB will be supported, provided they are suited to an urban setting, and accord with other policies of the NP and DP.

The site is located within the BUAB of Ferring. As such, development in this location is acceptable in principle, in accordance with policies SD SP2 and 1A, subject to consideration against all other relevant policies in the Development Plan.

HOUSING SUPPLY:

Housing supply policy H SP1 of the ALP sets out the housing requirement for the District, stating that within the Plan period 2011-2031 at least 20,000 new homes will be accommodated. The FNP makes reference to the need for housing.

The LPA currently has a 2.9 year housing land supply (i.e. below the required 5 year HLS).

The proposed addition of 1 new home would be welcomed since it would add to the housing supply within the District and accord with housing supply policy H SP1 of the ALP and the objectives of the FNP.

VISUAL AMENITY:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment. Objectives 1 and 3 of the FNP seek to achieve appropriate well designed development to accord with the NP and ALP and South Downs Plan and deliver a well designed housing mix. The Arun District Council Design SPD is due to be adopted mid 2020 and provides detailed design guidance for developments in the District.

Planning permission was granted in 2018 (ref. FG/27/18/PL) for the replacement of the existing care home on the site with a new apartment block of 7 flats. This existing permission forms a 'fall-back' position in the consideration of the current application, where the acceptability of a development of this siting and scale has already been established on this site. The current application is for a detached, 2 storey single dwelling, with an attached single storey garage and detached single storey outbuilding (hydro pool house) within the rear garden.

The proposed building would be two storeys (approved scheme was 2.5 storeys) and would have the same ridge height (approx. 9m) as the approved scheme. It would reflect the roof profile and heights of other buildings in the vicinity, and would not appear out of scale in this respect. As per the approved scheme, it would have a gable end roof form, this detailing would reflect the form of other buildings in the locality. It would have a larger footprint than the approved scheme and the former care home, but would have a lesser bulk at first floor/roof level than the approved scheme. The approved scheme was set back in line with the front building line of the neighbouring property, no. 56. The proposed building would be set back from the road but would be set slightly forward of the front building line at no. 56. It would align with the front building line of no. 60 and would be set back from the front building line of no. 62. Given the varying building line and that there is no uniformity along this part of Ferringham Lane, the proposed siting is considered acceptable in terms of the existing pattern and layout of development. There would remain space and gaps around the buildings, meaning the new development would not appear cramped on its plot nor intrusive in the street scene. The proposed building would be of a sympathetic design and materials which would integrate well with the surrounding environment. It is recommended a planning condition is applied to secure details of the proposed materials to ensure a sympathetic appearance in the street scene. The attached double garage would be single storey and predominantly behind the front boundary treatment so would not appear prominent.

The proposed outbuilding (hydrotherapy pool house) would be located at the end of the rear garden. There are other outbuildings in the gardens of other properties in the vicinity. The proposed outbuilding would have a relatively large footprint for an outbuilding, and in comparison to other neighbouring outbuildings, but it is accepted this would be required to accommodate a hydrotherapy pool and associated plant etc. (for the disabled future occupant). It would be single storey and have a flat roof (to keep it as low profile as possible). The outbuilding would be located at the rear of the site. This would reduce its overall prominence and it would have no impact on the street scene. As such, it is concluded the outbuilding would have an acceptable impact on the visual amenity of the area.

In conclusion, the new dwelling and outbuilding (hydrotherapy pool house) would have an acceptable impact on the visual amenity and character of the area, and would accord with the NPPF, ALP policies D SP1 and D DM1 and the objectives 1 & 3 of the FNP.

RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, DM2 and DM3 seek to protect residents from noise, light and air pollution. The Arun District Council Design SPD is due to be adopted mid 2020 and provides detailed design guidance for developments in the District, including with regard to matters of amenity. Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

It was concluded under the previous 2018 permission (ref. FG/27/18/PL) that the new apartment building would result in a reduction in overlooking in comparison to the existing care home, and that the proposed building would have an acceptable impact on the outlook and light levels to neighbouring occupants. The current application proposes a building of a slightly larger footprint than the approved scheme and former care home, projecting further at two storey height at the front of the site and with additional single storey rear extensions projecting further back at the rear of the site. The building would be two storey and have the same ridge height as the approved scheme but less bulk overall at first floor/roof level.

The proposed building would be set forward by approx. 2m (rather than aligned with, as per the approved scheme) of the front building line of no. 56 Ferringham Lane to the south west. The new building would project rearward the rear building line of no.56 by around the same, 2m (as per the approved scheme). Given this minimal depth projection beyond the front and rear openings to no. 56 and the pitched roof form of the new dwelling, it would not result in significant overbearing or overshadowing and acceptable outlook and light levels would be maintained to these openings at no.56. No.56 has three side facing windows, which appear to serve a garage at ground floor level, a landing at mezzanine level and a bathroom at first floor level. As such, these three side openings are not the sole/principle openings to any habitable rooms, so the proposals would have an acceptable impact on outlook and light levels to the occupants at no.56.

The new dwelling would have one small window (serving an en-suite) at ground floor level on the south west side elevation, facing toward no. 56. Although there is a 1.2m-1.8m boundary fence between the two properties, since this new window would serve an en-suite it could be conditioned to be obscure-glazed (in particular to protect the privacy of future occupants). There would be seven rooflights on the south west roofslope, facing toward no. 56. During the course of the determination period of the application, the drawings were amended and the proposed inverted dormer window within the south west roof slope was omitted. Since the side-facing mezzanine and first floor windows to no.56 serve non-habitable rooms (a landing and bathroom), given the angle and height of the proposed new rooflights in

section, and since there were 3 windows in this elevation of the former care home, there is not considered to be significant or additional overlooking to no.56 as a result of the proposed rooflights to this elevation.

The proposed building would be set further forward by approx. 3.7m (than the approved scheme) on the side of no.60 Ferringham Lane to the north east, but it would not project beyond the front building line of no.60. Under the permitted scheme, the Daylight Report found that the scheme would have an acceptable impact in terms of outlook and light levels on the door and 2 windows in the side elevation of no.60, since these three side openings are not the sole/principle openings to any habitable rooms. Although the current proposal would project further forward by around 3.7m facing these side openings at no.60, for the reasons before, the same is concluded to be the case. The pitched roof form of the new dwelling would lessen the impact on this neighbouring bungalow's openings. During the course of the determination period of the application, the drawings were amended to reduce the depth projection at two storey height at the rear to avoid an enclosing and overbearing impact on no.60. The two storey element nearest the boundary with no.60 would project around 3.5m rearward of the rear building line of no.60 and would now only project around 200mm beyond that of the approved scheme. Taking into account the scale of the former care home and what was approved under the previous planning permission, it is concluded the proposals would have an acceptable impact on the outlook and light levels to the rear openings at no. 60 and would not result in a significant enclosing or overbearing impact on the rear elevation and rear garden to no.60. The proposed ground floor rear extensions, by reason of their scale and the boundary treatments (1.2-1.8m in height), would not result in a harmful loss of outlook, light or privacy to neighbouring properties (at 'Southwards', 'Littlestead' nor no.60 Ferringham Lane).

No. 60 has 3 side facing openings (1 door & 2 windows) facing toward the application site. The new dwelling would have two windows (serving a store room and bedroom suite) and two doors (to a utility and vestibule) at ground floor level on the north east side elevation facing toward no. 60. Given these new openings would face toward a 1.8m high close boarded fence on the boundary these would not result in any overlooking toward the side windows of no.60. There are three rooflights (serving a physiotherapy room and dressing room) but as shown in section these would be at an angle and height so as not to result in overlooking to no.60.

There would be 5 sets of windows/rooflights on the rear elevation at first floor level. The gardens of the properties which surround the site were previously overlooked, to some degree, by the former care home on the site. The previous planning permission, for a new block of flats to replace the care home, approved a number of rear windows at first floor level, on this basis. During the course of the determination period of this application, the drawings were amended to reduce the size of one of the first floor rear floor to ceiling height windows to Bedroom 5 (to no larger than the size approved under the previous planning permission) and to omit the Juliette balcony. This was done in order to avoid harmful overlooking toward the rear gardens and elevations of Southwards and Littlestead, which would be in very close proximity, at only around 3-9m away from this proposed new window. The revised proposals for this window would now be acceptable and not result in harmful level of overlooking to the neighbouring properties at the rear. The narrow window adjacent would serve a WC and would be obscure-glazed so would not result in any overlooking. The other first floor rear floor to ceiling height windows and Juliette balcony (to Bedroom 4) is considered to be acceptable and would not result in harmful overlooking. It would be no more harmful than the approved scheme, which had three first floor rear windows in this location, and it would only provide oblique angles of view toward the garden of Littlestead and no direct angles of view to this neighbouring property itself. The rear window nearest the boundary with no. 60 would be a narrow window serving an en-suite, would be obscure glazed and due to its orientation would not provide any direct views into the garden of no.60.

The proposed outbuilding (hydrotherapy pool house) would be sited at the end of the rear garden,

adjacent to the rear boundary with 2 Grange Park. The outbuilding would extend along this rear boundary by a length of approx. 8.5m. Part of it's length (approx. 2.5m) would be partially sited behind an existing outbuilding in the garden of 2 Grange Park. The outbuilding would have a flat roof with a height of approx. 3m on the boundary with no.2. The new building would have a height approximately 1.2m above the existing fence line and 1m above a 2m fence line (which would be permissible under PD rights) to 2 Grange Park. Whilst it is accepted that there would be some impact on outlook and light levels to the rear patio area and kitchen doors of this neighbouring property closest to the proposed outbuilding, given the outbuilding would rise above the existing fence line by 1.2m and by 1m above a 2m fence (which would be permitted under PD rights) and to compensate there are also large grounds to the side of 2 Grange Park and the rear garden and patio are not the only garden space to the property, it is concluded the impacts of the proposed outbuilding on this neighbouring property and garden area would not justify and warrant a refusal.

The Council's Environmental Health Team have advised planning conditions requiring a Construction Management Plan (CMP) to control noise and air pollution, hours of construction to be controlled, and a Lighting Scheme to control light pollution (and impact on local wildlife).

In conclusion, the proposals would have an acceptable impact on outlook, light and privacy levels and would maintain acceptable levels of residential amenity also with regard to noise, light and air pollution, in accordance with the NPPF, and policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the ALP.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards provide guidance. The national space standards advise that for a 2 storey, 6 bedroom home, the minimum Gross Internal Area (GIA) is between 123-132sqm (with 4sqm built-in storage).

Based on the amended floor plans and sections now provided the GIA of the house is approximately 695.5sqm (includes garage), with an additional 55.3sqm for the pool house in the garden. This would far exceed the national internal space standards and the requirement for internal space of an adequate size, as required by ALP policy D DM2.

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted 2020), which will include guidance on external space standards, and requires that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. Regard should be had to paragraph 127 of the NPPF which states "Planning policies and decisions should ensure that developments (f) 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".

Although the built footprint of the proposed dwelling would be larger than the footprint of the former care home or the approved scheme, and there would be the addition of a pool house, the proposals include a patio and rear garden area with soft landscaping to serve the dwelling. Whilst this garden area is not particularly large to serve the occupants of a 6 bedroom dwelling, given the site constraints, and the size of the former care home and approved block of flats, the outdoor amenity space provision is considered acceptable in this instance.

BIN STORAGE:

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins.

Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

No bin storage (for refuse/recycling) is shown on the plans. It is assumed that bins or a bin enclosure would be located within the front driveway area behind the front boundary wall. A planning condition is to be applied requiring details of a bin enclosure to make the development acceptable in this respect.

SUSTAINABLE CONSTRUCTION:

ALP policy ECC SP1 states that the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change. Policy ECC SP2 is also relevant and sets out a number of sustainability measures to promote energy efficiency and renewable energy. Objective 6 of the FNP is to achieve sustainable well-designed development and reduction in resource use. Paragraphs 150 (b) and 151 of the NPPF are relevant since they state that new development should be planned in ways that can reduce greenhouse gas emissions, such as through its location, orientation and design and seek to increase the use and supply of renewable and low carbon energy and heat.

Solar panels are shown on the south west elevation of the new building. A rainwater harvesting tank has also been shown. These sustainability measures would help to generate renewable energy and conserve water consumption. A planning condition is to be applied requiring an Energy Statement and Plan setting out in detail the sustainable construction methods, energy conservation/efficiency measures and renewable energy sources, and requiring 10% on-site generation from renewable or low carbon energy generation or using the fabric first approach. A planning condition will also be applied requiring the provision of Electric Vehicle Charging Points within the front driveway/garage to promote the use of electric vehicles and reduce carbon emissions.

HIGHWAYS:

Regard should be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020). Policy 106 of the NPPF refers to maximum parking standards for residential and non-residential development. ALP policy T DM1 supports the provision and promotion of sustainable modes of transport such as electric vehicles, walking, cycling and public transport.

The Local Highway Authority (LHA), WSCC Highways, have raised no objection to the proposal. They have confirmed that there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing highways safety concern. It is proposed to install a second vehicular access into the site from Ferringham Lane to create a double-ended in-out driveway. The applicant will need to contact and get formal consent from the proprietor of the privately maintained road for the access works, and an informative will be added to this permission reminding the applicant of their responsibility to do so. The LHA does not consider the additional access nor the proposed new dwelling would result in a material intensification of movements to and from the site. Residents will be able to utilise the second access to exit the site in forward gear. The LHA conclude that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the

operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The ADC Parking SPD requires that a house of this size (6 bedrooms) in this location (Parking Behaviour Zone 2) would require a provision of at least 3 car parking spaces on site. Three on-site car parking spaces are proposed. This includes a double garage with internal dimensions of 6m by 8m which meets the Manual For Streets Guidance for double garages to accommodate 2 vehicles. However, in accordance with the ADC Parking SPD, each garage space will count as only 0.5 parking space (since garages are often nowadays used for storage too), so the double garage will count as only 1 parking space. The driveway would accommodate space for at least 2 vehicles. As such, the on-site car parking provision would accord with ADC Parking SPD and would be sufficient for dwelling of this size in this location. As per the ADC Parking SPD, a planning condition will be applied requiring the provision of Electric Vehicle Charging Points (EVCP) within the garage/front driveway to promote the use of electric vehicles and reduce carbon emissions. Two cycle parking spaces should be provided to accord with the ADC Parking SPD, and the Site Plan shows these would be provided as secure and undercover within the proposed double garage.

The proposals would have an acceptable impact on car and cycle parking and highways safety, in accordance with the NPPF, and policies T SP1 and T DM1 of the ALP.

DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy 10 of the FNP requires proposals to demonstrate that their sustainable drainage design features will be effective in managing the risk of surface water flooding and may include features such as; permeable driveways, water harvesting and storage, green roofs, soakaways etc.

The site is in Flood Zone 1 (low risk of flooding). No FRA or flood mitigation measures are required in this regard. The Site Plan shows that the driveway will be constructed of permeable block paving and there will be a rainwater harvesting storage tank installed. These measures would improve surface water drainage on site. The Council's Drainage Engineer has raised no objection to the proposals nor requested any planning conditions, given the location, scale and type of development. They have advised that any alterations to surface water drainage must be designed and constructed in accordance with building regulations, and an informative will be added accordingly.

The Site Plan shows new foul drainage runs to be discharged to existing inspection chamber. Southern Water have confirmed that a formal application to them for connection to the public sewer will be required. An informative will be added accordingly.

The proposal would not result in flood risk and would accord with the NPPF, policies W DM2 and W DM3 of the ALP and FNP policy 10.

TREES:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity.

The most publicly visible aspects of the plot are now largely denuded of tree cover, there remain on-site

trees to the rear of the plot and potentially some off-site trees overlapping the development that could be adversely affected by these proposals. Online records suggest a Tree Preservation Order affects this plot.

The Council's Trees Officer initially raised an objection to the application due to the lack of any supporting arboricultural information. An Arboricultural Impact Assessment and Method Statement with Tree Protection Plan has since been provided by the applicant. The Trees Officer has now confirmed they have no objection, subject to planning conditions to secure pre-commencement site meeting to inspect protective fencing and ground protection measures, and that all activity is undertaken in strict accordance with the approved Arboricultural Impact Assessment and Method Statement.

Subject to planning conditions, the proposals would have an acceptable impact on trees, in accordance with ALP policy ENV DM4.

LANDSCAPING:

The Council's Landscape and Green Space Officer has provided comments on the application, as follows:

The potential impact of the proposals could be blended into the surrounding environment with further landscape offer and greening to counteract the visual impacts of development. The indicative Site Layouts and Tree Protection Plans make reference to indicative planting alongside tree retention. These details would require expanding in the form of a detailed Planting Plan and Specification detailing species choice, actual plant quantities, planting densities and size at time of planting. Detail should also be provided regarding existing trees and boundary planting. Landscape provision to the dwelling and improvement with native species infill plus further boundary screening as required. All proposed planting should be considered and its connection for biodiversity and habitat explored, with a biodiversity net gain following development. Trees specified should be at a size which allow instant impact, but which will establish and mature as the site develops. Recommend submission of landscape details to provide ornamental and native improvements and potential biodiversity gain. Tree protection methods in relation to trees within and beyond the site boundary that may be affected by the development proposals should be provided.

A planning condition requiring the submission of a Landscape Plan including detailed Planting Scheme and Specification will be added accordingly.

ECOLOGY:

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paragraphs 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of Net Biodiversity Gain measures. Development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The Council's Ecology Advisor has been consulted. They advise that planning conditions would be required regarding any external lighting scheme to minimise the impact on bats, and to control the months of site/vegetation clearance to protect wild nesting birds. They also advise a number of biodiversity enhancements including; the provision of bird boxes, log piles on site, hedgehog nesting box, infilling hedgerows etc. The applicants have provided a Biodiversity Enhancement Strategy Site Plan which sets out the biodiversity enhancement measures required.

Subject to planning conditions, the proposals would protect ecology and result in enhancements to biodiversity (Net Biodiversity Gain) in accordance with the NPPF, Environment Bill and ALP policy ENV DM5.

SUMMARY:

The proposal is considered to comply with relevant Development Plan policies in the Arun Local Plan and Ferring Neighbourhood Plan in that development in this location within the BUAB would be acceptable in principle, the proposals would result in an increase in housing supply, and the proposals would have an acceptable impact on the visual amenity of the area, the residential amenity of neighbouring occupants, the quality of internal and external living accommodation of future occupants, waste provision, sustainable construction, highways, drainage, trees, landscape and ecology.

The application is therefore recommended for approval, subject to the following planning 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 CIL Liable (1 new dwelling) 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:

- Proposed Site Plan (2.01 Rev E), received 07/07/2020
- Proposed Ground Floor Plan (2.02 Rev D), received 24/06/2020
- Proposed First Floor & Roof Plan (2.03 Rev F), received 24/06/2020
- Proposed Elevations (2.04 Rev D), received 24/06/2020
- Proposed Physio Pool (2.07 Rev A), received 07/07/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework and policies D SP1, D DM1 and QE SP1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs, windows and doors 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 visual amenity by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework and policies D SP1 and D DM1 of the Arun Local Plan.

- 4 The proposed ground floor window (to the en-suite) in the south west side elevation and the two proposed narrow first floor windows to the eastern rear elevation of the new building hereby permitted shall be obscure glazed and non-opening up to a height of 1.7m. It shall thereafter be so maintained.

Reason: To protect the amenity of future and neighbouring occupants in accordance with the National Planning Policy Framework and policy D DM1 and QE SP1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the side walls/roof slope or rear wall/roof slope of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with the National Planning Policy Framework and policies D DM1 and QE SP1 of the Arun Local Plan.

- 6 No construction / demolition 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 noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with the National Planning Policy Framework and policies D DM1, QE SP1 and QE DM1 of the Arun Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the

entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with the National Planning Policy Framework and policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that the construction works will have an acceptable impact on local residents before they begin.

- 8 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and wildlife and local residents from light pollution in accordance with the National Planning Policy Framework and policies D DM1, QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 9 The flat roof areas of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with the National Planning Policy Framework and policies D DM1 and QE SP1 of the Arun Local Plan.

- 10 No part of the development shall be first occupied until details of a dustbin enclosure (to provide refuse and recycling storage) shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall thereafter be retained.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policy D DM1, QE SP1 and WM DM1 of the Arun District Local Plan.

- 11 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until 3 car parking spaces have been provided on site (within the double garage and front driveway) and in accordance with the approved Proposed Site Plan. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the occupiers of the dwellings, in accordance with policy T SP1 of the Arun Local Plan.

- 13 No part of the development shall be first occupied until a minimum of 2 covered and secure cycle parking spaces have been provided on site (within the garage) and in accordance with the approved Proposed Site Plan. The cycle spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 14 No part of the development shall first be occupied, until the provision of facilities to enable the charging of electric vehicles has been installed (within the garage and the front driveway). 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) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 15 No development above damp proof course (DPC) level shall take place unless and until a Sustainable Urban Drainage Scheme (to specify the responsibilities of each party for the implementation of the SUDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development) has been submitted to and approved in writing by the Local Planning Authority. The SUDs measures are to be implemented, retained and maintained thereafter as per the details of the approved scheme.

Reason: To ensure the long term effectiveness of the SUDs, adequate surface water drainage, and to avoid the risk of flooding and the inundation of the public sewer, in accordance with the National Planning Policy Framework, policies W DM2 and W DM3 of the Arun Local Plan and policy 10 of the Ferring Neighbourhood Plan.

- 16 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).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 17 The biodiversity enhancements set out in the Biodiversity Enhancement Strategy Site Plan (received 8/6/20) are to be implemented and retained thereafter.

Reason: To enhance biodiversity in the local area and result in a Net Biodiversity Gain on site, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 18 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert (or designated competent person) representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Arbortrack Systems Ltd., Appendix: A, June 2020.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with Arun Local Plan policy ENV DM4. It is necessary for this to be a pre-commencement condition to ensure that the appropriate tree protection measures are installed prior to commencement of development.

- 19 All activity at the site is to be carried out in strict accordance with Arboricultural Impact Assessment & Method Statement, (produced by Arbortrack Systems Ltd., Ref: jwmb/rpt1/58ferringhamlane/AIAAMS, dated 12th June 2020).

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation, a Method Statement (prepared by an Arboricultural Expert and that stipulates how this can be achieved without adverse impact on tree RPAs) must be submitted to and approved in writing to the Local Planning Authority, prior to commencement of any works on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with Arun Local Plan policy ENV DM4. It is necessary for this to be a pre-commencement condition to ensure that RPA of trees would be adequately protected prior to commencement of development.

- 20 No development above damp proof course (DPC) level shall take place unless and until a Landscape Plan to include details of boundary treatments/screening and a detailed Planting Scheme and Specification (detailing species choice, actual plant quantities, planting densities and size at time of planting) has been submitted to and approved in writing by the Local Planning Authority. All landscaping on site is then to be carried out in strict accordance with this approved Landscape Plan.

Reason: In the interests of the visual amenities of the locality and local wildlife, in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 21 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 22 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 23 INFORMATIVE: The applicant is reminded of their responsibility to gain formal consent from the proprietor of the privately maintained road for the proposed access works.
- 24 INFORMATIVE: Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.
- 25 INFORMATIVE: A formal application to Southern Water for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/infrastructure-charges
- 26 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site