

FG/43/07**PLANNING APPLICATION REPORT**

DESCRIPTION/ ADDRESS	- Outline application for demolition of 3 no. attached dwellings and replacements with 6 no. chalet bungalows (re-submission of FG/10/06) 1 - 3 Little Paddocks House, Little Paddocks Way, Ferring
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a resubmission of an application following an appeal decision.
SITE AREA	0.29 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings per hectare
TOPOGRAPHY	Mostly flat
TREES	There are several small trees on site, not worthy of a Tree Preservation Order. On the adjacent site there is a Tree Preservation Order covering a Chestnut tree and Ash tree.
BOUNDARY TREATMENT	Fencing.
SITE CHARACTERISTICS	The site is currently occupied by 3 no. dwellings and to the rear of the site is a turning drive and an access (off Beehive Lane) and Little Paddocks Way. There is an area of amenity land fenced off. There is a pedestrian path through to Little Paddocks.
CHARACTER OF LOCALITY	Area of individual detached properties with a pond to the front of the site. There is a mix of houses, bungalows and chalets.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
FG/113/05	Outline application for demolition of 3 no. dwellings and replacement with 8 no. dwellings.	Withdrawn 10 th October 2005
FG/10/06	Outline application for the demolition of 3 no. dwellings and replacement with 6 no. dwellings (resubmission following FG/113/05)/	Refused 17 th August 2006 Appeal Dismissed 5 th December 2006

FG/43/07**REPRESENTATIONS RECEIVED**

SOURCE	SUMMARY OF CONTENT
Ferring Parish Council	No objection - in view of rationale and comments contained in the appeal decision with regard to the previous application. The widening of the access and provision of passing places are on private land from adjoining properties therefore wish a condition be imposed to secure these works prior to commencement of development.
Paddocks Way (Ferring) Ltd.	Objection. The road is too narrow to allow two vehicles to pass and the passing places are fundamental to the proposal. The applicant has no control of Little Paddocks Way. The Company will not give permission for the alterations to the Lane.
2 letters of objection	The density is not suitable for the area. The access is a narrow track with no visibility on Beehive Lane.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	No highway objections.
Parks and Landscapes	Several trees within the vicinity are subject to a TPO. It is not clear what trees are to be felled/retained. A tree survey needs to be provided which must conform to BS 5837 with a method statement for tree protection. £6,000 must be provided for off site play facilities.
District Legal Services	A new S106 agreement has been drawn up.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, CH1, LOC1, DEV3, NE17 Arun District Local Plan : GEN7, GEN8, GEN20
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PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development PPS 3 - Housing PPG12 - Transport
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POLICY COMMENTARY

The above policies combine to describe the development control criteria against which all proposals will be determined by the Authority particularly with regard to the effect on neighbours, the character of the area and trees covered by a Tree Preservation Order.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

Noted - Land ownership is not a material planning issues, it is a private matter. The density is in fact quite low at 21 dwellings per hectare.

ASSESSMENT OF PROPOSAL**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 the construction of 6 dwellings will not have an adverse impact on the character of the area. The application is for siting and access only, the layout allows sufficient space between each of the properties and will not cause any demonstrable harm on neighbours. The siting will not create any demonstrable overlooking or overshadowing onto existing residential properties. County Highways have previously raised no objection.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application, which is in outline is to determine the layout and access only. It is exactly as previously submitted (FG/10/06) which was recommended for approval, but was refused by the Development Control Committee on the grounds that *"the provision of 6 dwellings would result in an overdevelopment of the site which would be out of character with the area"*. At the appeal, the Inspector stated that *"I consider that the six detached chalet bungalows would not be out of character with the surrounding development and would therefore be appropriate in this setting"*. The Inspector found the proposal acceptable and was aware of the Committee Report and proposed conditions. He dismissed the appeal only on the grounds that the appellant had not provided a Section 106 Agreement or unilateral undertaking with regard to contributions towards off-site play facilities.

The proposal is to demolish 3 dwellings and replacing these by re-siting them and adding 3 more dwellings and in the process making better use of the site. The proposal provides adequate amenity space in a horseshoe arrangement. This proposal utilises otherwise

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CONCLUSIONS

wasted space as it is currently a turning area and is therefore an improved use of land.

Little Paddocks Way is a narrow access and the proposal includes 3 passing places. The proposal also includes improved visibility onto Beehive Lane.

The design statement identifies that the site is well screened by mature trees and that the existing plot is large and untypical of the area. The mature planting of the area is noted and it is intended to retain the majority of trees together with the hedges and shrub planting and new planting as well. The Inspector was satisfied that the proposal would not affect the trees covered by the Tree Preservation Order.

A Section 106 Agreement has been signed by all landowners and is now in place.

It is considered that there are no unacceptable detrimental effects on neighbours as any proposed dormers could be confined to the front elevations therefore angled not to cause any direct overlooking. The site is well screened and therefore there would not be any overshadowing caused by the layout. Therefore it is recommended that the application is approved subject to the conditions set out overleaf.

FERRING

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Outline application for demolition of 3
No. attached dwellings and
replacement with 6 No. chalet
bungalows (Resubmission of FG/10/06)

1-3 Little Paddocks House
Little Paddocks Way
Ferring

RECOMMENDATION**AppCond SubS106**

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Scale;
- (b) Appearance;
- (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The building hereby permitted shall not be occupied until the passing places have been laid out in accordance with the plan drawing number 4861/SK2 and the places shall not thereafter be used other than for the purposes for which it is provided.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 The building hereby permitted shall not be occupied until the visibility splays as shown on plan 4861/SK2 have been laid out in accordance with the details hereby approved by the Local Planning Authority.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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- 5 No trenches or pipe runs for services and drains shall be cut or laid within 5 metres of the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 6 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

7 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV11, CH1, DEV3, NE17

LOCAL PLAN: GEN7, GEN8, GEN20

NATIONAL POLICIES: PPS1, PPS3,PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

