

Recommendation Report for Planning Permission

REF NO: FG/50/21/PL

LOCATION: Paddock House
44 Ferringham Lane
Ferring
BN12 5LU

PROPOSAL: Variation of condition approved under FG/115/17/PL relating to condition 2-plans condition. This site is in CIL Zone 4 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application proposes amendments to the design, layout and parking arrangements for the 4 no. bungalows approved under FG/115/17/PL. The following changes are identified in comparison with the extant permission: · The proposed dwellings are in a similar location to those approved and are generally narrower. · The proposed dwellings are deeper than those approved. On Plots 1-3 it is largely ground floor elements that extend beyond the footprint of the approved dwellings. · Plot 4 is slightly deeper than the approved dwelling on this plot, but the two-storey element is further from no. 6 Little Paddocks. · Plot 1 is further from 44 Ferringham Lane with its narrower gable end facing that adjoining property. · Parking has increased from the approved 7 no. spaces to 12 no. spaces with one additional bedroom proposed above the approved scheme. · The three detached garages are removed. · The layout is less formal. · The floor space of all development on the site has been reduced from 699sqm to 660.5sqm. · The dwellings are the same overall height as those approved. · Habitable windows and balconies have been removed from the first-floor east elevations of plots 1-3. an improved situation for nos. 8 and 10 Little Paddocks as they back onto plots 1 and 2. · The proposed dwellings have less first floor bulk on the rear (east elevation facing Little Paddocks).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site itself is boarded by a mixture of close boarded fencing

and hedges of various heights.

SITE CHARACTERISTICS

Site has been cleared and access created. The site was previously occupied by a detached two storey dwelling and a detached garage.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential with Ferringham Lane consisting primarily of detached and semi-detached two storey dwellings set in larger plots.

RELEVANT SITE HISTORY

FG/115/17/PL	4 No. bungalows	ApproveConditionally 15-03-18
FG/20/20/DOC	Approval of details reserved by conditon imposed under FG/115/17/PL relating to conditon 3-visibility splays.	DOC Approved 05-03-20

REPRESENTATIONS

Ferring Parish Council - None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

The principle of the application has been established. This consultation will primarily deal with the latest layout, dwelling size and anticipated vs proposed parking arrangements.

Parking - In total 12 physical spaces in total are being provided, but because 4 are garage spaces it is considered that a total of 10 spaces are being provided with plots 1-3 being afforded 1.5 spaces each and plot 4 being afforded 2.5 spaces. On balance the quantum of proposed parking would be considered adequate to meet the needs of the development.

Turning Area - An area for the turning of fire appliances and refuse lorries has been annotated on the proposed site plan, 2007 2.05 Revision B. The annotation details that plans 2020-6201 002 and 003 prepared by Bright Plan detail this area, presumably with swept path tracking, but plans 2020-6201 002 and 003 are not available on the Arun DC Planning Portal for inspection. It would be beneficial if the plan can be made available for review by WSCC Highways.

County Fire Officer - No Objection requests an additional fire hydrant is conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

An additional fire hydrant cannot be conditioned at this stage. The number of dwelling has not increased and the application only seeks approval to the design and siting of the layout of the approved dwellings not the principle of development on the site so it would not be reasonable to impose such a condition. The swept path plans have now been provided for clarity.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

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

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Ferring Neighbourhood Plan has been made and policies 1A:Spatial Plan and 10 Sustainable Drainage Systems for the Parish are considered relevant to 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 there would be no materially adverse effect on visual or residential amenity.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

In this particular case, permission has already been approved under reference FG/115/17/PL. The application only relates to the alterations listed in the description. All other matters relating to the permission remain unaltered

The key policy consideration in the determination of this application are;

D SP1 (Design), DDM1 (Aspects of Form and Design Quality), and T SP1 (Transport and Development) of the Arun Local Plan. These policies seek to ensure that development:

- Minimises the impact on neighbouring land/residents.
- The design is adaptable and appropriate in design and scale.
- Parking provision meets Arun Parking Standards

Policies 1A:Spatial Plan and 10 Sustainable Drainage Systems are relevant, but the proposed changes do not alter the previous policy considerations in this respect.

VISUAL AMENITY AND DESIGN

Planning permission FG/115/17/PL was granted on 15 March 2018 for 4 no. dwellings identical in appearance located in a straight line from north to south across the application site with spacing of approximately 1.75m between dwellings. The dwellings contain 3 no. bedrooms, two at first floor with projecting gables; one facing east and one facing west. The application submission indicates that the dwellings have a floor area of 155sqm, and the total garage floor space is 79sqm, giving a total floor space of 699sqm. However, from the drawings, the dwellings scale larger than this at 170sqm for each unit. This gives a total of 759sqm of floorspace for the approved development.

The revised proposal comprises the following:

Plots 1 - 3 dwellings will be of similar design to one another, although plot 2 will be a handed version of plots 1 and 3. The front elevations (west) will have a projecting gable with a window at first floor level following the angle of the roof and serving a bedroom. At ground floor level there will be a section of flat roof with parapet projecting forward of the first-floor gable to accommodate an integral garage at ground floor and a covered entrance porch with stacked slate detailing between the two. A small dormer will sit within the main roof slope serving another bedroom.

The rear elevation of each dwelling (east) will have a small gable above the main rear wall with a bathroom window within this gable. At ground floor there will be a flat roof section across the back of the dwelling with a parapet surround. Cedar boarding will be used on the gable and parts of the ground floor whilst the majority of the elevational treatment will be through colour render in bright white and Ibstock Atlas Smooth Blue bricks below damp proof course. The roofs will be Cembrit Westerland fibre cement slates in Graphite. The floor area of each dwelling will be 158.5sqm.

The dwelling at Plot 4 does not include an integral garage and proposes a fourth bedroom. Its front elevation will have a similar appearance to plots 1 - 3 with its projecting gable and small dormer window but at ground floor level will have a larger covered porch area and no parapet roof. Stacked slate will be used as a detail either side of the front door.

The rear elevation will have a projecting gable off the northern side of the east elevation and ground floor flat roof section projecting off the southern side. The flat roof will have a parapet wall on the south elevation and an overhanging roof which extends across the gable end to add design interest. The dwelling will be mostly rendered with brick below damp proof course (details the same as plots 1-3) and with cedar boarding to the dormer window on the front elevation. The roof will be in Cembrit Westerland fibre cement slates in Graphite. The floor area of the dwelling will be 167sqm and it will have a detached single garage of 18sqm as well as two further parking spaces.

When compared with the previous approval the proposed dwellings are similarly located and are generally narrower providing larger gaps between dwellings and more space about buildings and a distinctly detached appearance to each dwelling. The bulk and massing of the dwellings at first floor has been reduced, particularly with respect to plots 1-3. Although the proposed dwellings are deeper than those approved, on Plots 1-3 it is largely only ground floor elements that extend beyond the footprint of the approved dwellings. The distance to the boundaries remains acceptable in accordance with Arun Design Guide. The removal of three detached garages also contributes to a more spacious feel to the development as a whole.

Part P of the Design Guide requires design proposals to be assessed with reference to the characteristic image of the surrounding area. In areas with a variety of architectural styles there will be a greater opportunity to accommodate a proposal that is different to its surrounds; whilst in areas of greater uniformity of character, designs will have to relate to, though not necessarily copy, the predominant architectural language. This proposal retains the height and density of the approved dwellings and provides an amended design which does not appear at odds with the surrounding development which has a mix of design styles and materials.

The amended design would be in keeping with development in the locality and would represent a reduction in the amount of development across the site and still allows for planting adjacent to most of the site boundaries, the proposal therefore accords with part P of the Guide in that it responds positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents in compliance with policies D DM1 and DSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Plot 4 is slightly deeper than the approved dwelling on this plot, but the two-storey element is further from no. 6 Little Paddocks. Plot 1 is further from 44 Ferringham Lane with its narrower gable end facing that adjoining property.

Habitable windows and balconies have been removed from the first-floor east elevations of plots 1-3; an improved situation for nos. 8 and 10 Little Paddocks as they back onto plots 1 and 2. The proposed dwellings have significantly less first floor bulk on the rear (east elevation facing Little Paddocks). Whilst garden areas to the rear have been reduced they retain a depth of 12m to plot 1, 10.5m to plot 2, 10.6m to plot 3 and 11.9m to plot 4 which is compliant with the minimum garden depth of 10.5m referred to in part H of Arun Design Guide. The first floor rear elevation of Plot 1 is closer to the rear boundary and dwelling behind, but back to back distances of existing and proposed dwellings of 21m are provided in accordance with Part H of Arun Design Guide.

The proposal therefore accords with policy D DM1 of Arun Local Plan.

PARKING

Four garage spaces were shown in front of the dwellings with three further parking spaces shown adjacent to the existing dwelling no. 44 giving a total of 7 no. spaces on site under planning permission FG/115/17/PL. This application proposes 12 no. parking spaces. Plots 1-3 each have two spaces and plot 4 has three spaces. Three visitor spaces are shown in a similar position to three approved spaces adjacent to the boundary with 44 Ferringham Lane. The site plan also shows a turning space for a fire appliance and refuse lorry. The location of bin stores and cycle stores for each dwelling is also identified.

Arun Supplementary Planning Document (SPD) requires all 3 bed dwellings to be provided a minimum of 2 parking spaces and all 4 bed dwellings with a minimum of 3 spaces. This results in a demand of 9 spaces. Visitor parking equating to 20% of the total dwelling numbers is required as per the Arun SPD, in this case a minimum 1 space. Therefore, a total anticipated demand of 10 spaces is anticipated.

Although there is a slight shortfall the proposed unallocated visitor parking provision, which is more generous than the Arun APD requires, makes up for this shortfall in anticipated demand. If the previously approved level of car parking is considered the overall amount of parking represents an increase. County Highways have concluded that on balance the quantum of proposed parking would be considered adequate to meet the needs of the development.

In accordance with the adopted parking standards since the amended layout includes alteration to car parking the new standards are being applied. An additional condition is therefore imposed requiring provision of an electric vehicle charging point to each dwelling.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liabe therefore developer contributions towards infrastructure will not be required. The proposal reduces the floor area of the development originally approved and is a Section 73 application not a new application for planning permission.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

2007 - 2.01B Plot 1 floor plans and elevations
 2007 - 2.02B Plot 2 floor plans and elevations
 2007 - 2.03B Plot 3 floor plans and elevations
 2007 - 2.04A Plot 4 floor plans and elevations
 2007 - 2.05B Site plan, block plan, location plan and street elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 Prior to the occupation of the development hereby permitted 1 electric charging vehicle point per dwelling shall be provided in accordance with details to be submitted and approved by the Local Planning Authority and the point shall be retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide for the car parking demands created by the development in accordance with policy T SP1 of the Arun Local Plan and paragraph 110 of the National Planning Policy Framework

- 3 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission FG/115/17/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number FG/115/17//PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission. However it is acknowledged that condition 3 is considered to be ultra vires under application FG/20/20/DOC for the discharge of that condition.

- 4 **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.