

Recommendation Report for Planning Permission

REF NO: FG/57/22/PL

LOCATION: 12 Little Paddocks
Ferring
BN12 5NJ

PROPOSAL: Demolition and erection of 1 No new dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 3 bedroom detached 2 storey dwelling which will replace the existing 3 bedroom bungalow. The dwelling has a ridge height of 6.9m and an eaves height of 4.93 sq m. The 2 storey footprint of the dwelling is 10.24m by 10m which is comparable with the floor area of the existing bungalow. The application does not include a garage but includes a new porous driveway to replace the existing driveway. Parking provision in front of the dwelling remains unaltered at 3 spaces. The materials are indicated generally on the elevation plans and include render and cladding to elevations.
SITE AREA	595 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Hedging and planting to site boundaries. Site frontage open.
SITE CHARACTERISTICS	The site is occupied by a detached single storey dwelling with white painted elevations and a tiled roof. The site frontage is hard surfaced with a car port located on the boundary with no. 13.
CHARACTER OF LOCALITY	The area is characterised by mainly detached dwellings of varying design. They are mostly single storey dwellings, many of which have been extended in the roof area. Plot sizes are similar and the dwellings are set back a uniform distance from the road frontage. No. 14 to the east is a 2 storey dwelling.

RELEVANT SITE HISTORY

FG/74/95	Utility room & rear dormer to existing attic room	ApproveConditionally 06-10-95
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REPRESENTATIONS

16 Objections:

- 2 storey building out of keeping.
- Will result in overlooking and a loss of privacy to both adjacent properties, no's 11 & 13 Little Paddocks and other neighbouring properties.
- The contemporary design and appearance of the elevations are in stark contrast to the characterful bungalows of Little Paddocks and are not in harmony with the distinctiveness of the wider setting, paying little regard to the current spatial amenity and pattern of the street scene.
- Will set a precedent.
- The proposal will directly impact 4 Grange Park causing a loss of residential amenity. The bedroom window looks directly into the garden, lounge area and principal bedroom.
- There is a restricted covenant on the deeds of these properties that requires any building or changes to a building to be approved by the Little Paddocks Shareholders and they have not given permission, making the build unlawful.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are addressed in the Conclusions section of this report. Restrictive covenants are a private legal matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Request conditions in respect of electric vehicle charging point provision, submission of a Construction Management Plan and restriction on hours of construction/demolition.

Drainage Engineer - No Objection.

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

County Highways - No Objection.

The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. It is not contrary to the National Planning Policy Framework (paragraph 111), and there are no transport grounds to resist the proposal.

Electric Vehicle parking and cycle parking should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requirement for conditioning of a Construction Management Plan is considered unduly onerous. The limit on hours of construction would be sufficient protection for neighbouring properties.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 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 there would be no unacceptable adverse effect on visual or residential amenity or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area boundary where the principle of residential redevelopment is acceptable and will be permitted, subject to consideration against other policies of the Local Plan.

In this case the key Arun Local Plan policy considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development) and W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

Parts J (Building Design, section J.01, Form and Character) and H (Welcoming Streets and Spaces) of the Arun Design Guide are also of relevance.

Policies 1A (Spatial Plan for the Parish) and 10 (Sustainable Drainage Systems) of the Ferring Neighbourhood Plan 2014 (NP) are relevant to consideration of this application. Policy 1A, supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Policy 10 requires Sustainable Drainage Systems to be considered. The drainage for the proposal would be controlled by Building Control Regulations.

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

DESIGN AND VISUAL AMENITY

The applicant seeks planning permission for the erection of a replacement dwelling. The proposed development is in keeping with the general pattern of development in the locality in terms of site coverage and scale. The dwelling maintains the existing distances to the site boundaries. Whilst there will clearly be a change in appearance of the street scene with a change in the design from a traditional bungalow to a contemporary 2 storey dwelling this would be acceptable given the set back position of the property and the distance to site boundaries and the varied style of properties in the area. Little Paddocks has a mix of more traditional style bungalows and some have been replaced or extended to modernise their appearance and increase their height and presence on their plots. The closest dwelling to the application site which has been altered to a 2 storey dwelling is no 14 to the east. The proposed development is in accordance with the guidance within the Arun Design Guide, in that the building lines of the proposed dwellings are informed by those within the locality and the pattern of the development

reflects the characteristics of the area described in more detail below.

Little Paddocks is host to a wide variety of dwellings, with varying scales, designs and appearances. There is also a wide variety of materials visible within the locality of the host dwelling, with both contemporary materials, and more traditional styles evident. The design of the proposed dwelling would contribute to this varied character. No 14 Little Paddocks to the east is 2 storeys high and is of modern design. The submitted elevation plans do not detail the proposed materials but they indicate render/painted and cladding to elevations. To ensure that the details are acceptable for a dwelling in this location a materials condition has been recommended. The proposal would respect the character, and appearance of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The plot is located in a corner of Little Paddocks and the plot width narrows towards the site frontage. The proposed replacement dwelling would be sited in the same position on the plot as the existing dwelling and would retain the existing gaps to neighbouring boundaries. To both sides the gap of 1.5m increasing to a minimum of 4.1m towards the rear would be retained. Although the height of the dwelling would increase to be 2 storeys the dwelling would not project beyond the side elevations of adjoining dwellings preventing unacceptable harmful impacts upon these private amenity areas. The distances and angle of the dwelling would result in acceptable spacing to neighbouring properties and would not result in any materially adverse overbearing impacts to the properties siding onto the plot. The side elevations of adjoining properties do not contain any primary windows and first floor windows proposed in the side elevations would be conditioned to be obscure glazed and fixed shut below 1.7m to prevent direct overlooking.

The property does not directly abut the rear gardens of 3 Grange Park and 5b Cedar Close but instead is sited at an angle to them. It is located 16.6m from the shared boundary with 5b and 12.4m from the boundary with no 3. However this property has a limited curtilage and is located close to the site boundary. The proposal would result in some and acceptable over looking of the dwelling and garden. The first floor rear bedroom windows, particularly the central window would face onto this property but would accord with the Arun Design Guidance in Parts J.06 and H.04 of that document which recommends that habitable room windows should generally be at least 14 metres from the flank wall of the neighbouring property. The proposed rear facing bedroom windows are located 16-17m from the flank wall of 5b. The garden length of the replacement dwelling is 12m and meets the 10.5m length referred to in the Design Guide. This would ensure it is acceptable in terms of the amount of overlooking which results and would not cause material harm to the property to the rear in terms of overbearing and overlooking impacts.

The proposed development accords with policies D DM1(3), D DM4(c) and QE SP1 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

The proposal has a gross internal floor area of 123 sqm. Policy D DM2 of the Local Plan requires adherence to the Nationally Described Space Standards. According to these standards the minimum gross internal floor area for a 3 bedroom 2 storey dwelling is of 102 m2. The proposal would comply with this standard and policy D DM2 of the Arun Local Plan.

ACCESS AND PARKING

Parking standards for a three-bed dwelling in this area results in the requirement of 2 spaces. Adequate onsite parking is proposed in front of the dwelling. The provision of an electric vehicle charging point would accord with the requirements of Arun's parking standards and is recommended to be controlled by condition. Cycle parking provision (2 spaces) can be conditioned. The proposal accords with policy T SP1 of the Arun Local Plan.

BIODIVERSITY

Arun Local Plan policy ENV SP1 and NPPF indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area and policy ENV DM5 seeks to achieve a net gain in biodiversity. No ecological report has been submitted setting out the biodiversity present and appropriate mitigation for any loss and how biodiversity gains can be made. In order to ensure compliance with policy ENV SP1, required enhancements are the subject of a condition.

DRAINAGE

The site lies in an area at low risk of flooding, Flood Zone 1. Policy W DM3 sets out that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process, in order to increase the levels of water capture and storage and improve water quality. Policy 10 of Ferring Neighbourhood Plan also requires drainage to be considered. No details have been submitted in relation to SUDS and the proposal therefore conflicts with policy. However, any alterations to provide acceptable surface water drainage would be designed and constructed in accordance with Building Regulations.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. There is no mention of sustainable measures being implemented throughout the design, so a condition is recommended to secure the provision of renewable energy measures in order to ensure compliance with the policy.

SUMMARY

For the reasons set out above the proposal is compliant with Arun Local Plan policies D SP2, D DM1, QE SP1 and with policy 1A of the Neighbourhood Plan which supports proposals inside built up area boundaries provided they are suited to an urban setting and accord with provisions of the neighbourhood plan and with other relevant development plan policies.

It is recommended that the application be approved 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 CIL Liabie therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location and Block Plans Drawing 3
Proposed Floor Plans and Elevations Drawing 1
Proposed Site Plan Drawing 4
Street Scene ADN 3D Visuals Drawing 5
Proposed Street Scene & Site Plan Drawing 6

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

- 3 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 Holidays.

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

- 4 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017) , Arun's Parking Standards and the National Planning Policy Framework (NPPF)

- 5 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 D DM1 of the Arun Local Plan.

- 6 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the side elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 7 The windows at the first floor on the side east and west elevations of the building shall at all times be glazed with obscured glass and be fixed to be permanently non-opening below 1.7 metres in height from finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 9 No part of the development shall be first occupied until car parking spaces have been provided on site 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.

- 10 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.

- 11 Prior to occupation of the dwelling biodiversity enhancements shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The enhancements shall be 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.

- 12 INFORMATIVE: The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being

carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished and / or renovated, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACM's being disturbed. The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACM's. If an owner / occupier chooses to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACM's need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

- 13 **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.