

REPORT UPDATE

Application No: FG/58/22/PL

Reason for the Update / Changes

Reason for Update/Changes:

Ferring Parish Council provided an updated comment.

- Following the revisions to the plans from the original proposal and the consultation response from County Highways, Ferring Parish Council Planning & Licensing Committee are content to withdraw their objection.

Officer Comment

- There are now no objections to the proposal.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: FG/58/22/PL

LOCATION: 4 The Pantiles
Ferringham Lane
Ferring
BN12 5NE

PROPOSAL: Conversion of the top two floors into a 1 No 3 bed flat (resubmission following FG/22/22/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks conversion of the top two floors of the building to form a 1No. 3 bed flat (resubmission following FG/22/22/PL).
SITE CHARACTERISTICS	The site forms a beauty salon which is occupied over three floors.
CHARACTER OF LOCALITY	The area is predominately residential. The site is occupied by a row of terraced properties. They have retail uses to the ground floor serving a local shopping parade with residential above.

RELEVANT SITE HISTORY

FG/22/22/PL	Change of use of top two floors from treatment rooms to	Withdrawn
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1 No 1 bed flat and 1 No 2 bed flat. This application is in 06-04-22
CIL Zone 4 (Zero Rated) as flats.

An application was withdrawn in April 2022 and this proposal removes a dormer from the previous application.

REPRESENTATIONS

Ferring Parish Council - Objection.

- Following the resubmission to create a single dwelling and the removal of the north facing dormer, some design and overlooking issues have been overcome.
- The application does not define the Riparian Ownership responsibilities for the watercourse (shown on the plan) which crosses the site at the front of the property. It is not known whether that responsibility will rest entirely with the owner of the ground floor premises or be held jointly with the residential property on the first and second floors.
- There are no defined parking spaces and it is not clear whether any dedicated spaces are provided for the flat or how they would be allocated for the residents private use.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

A riparian owner is the person, or people, with watercourses on, next to or under their property. Riparian responsibilities usually lie with the person who owns the land or property but may be the tenant depending upon the agreement in place and would be a private matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

It does not appear that any off-street parking provision is provided for the proposed flat. The parking standards require 2 spaces be provided. The existing 4 treatment rooms spread across the two upper floors would have generated its own parking demand which would likely have been similar to the proposed use. The existing parking would likely have made use of what appears to be some communal parking within the site frontage, but outside the red edge of this application. In conclusion WSCC does not consider that the proposal would have and an unacceptable impact on highway safety.

ENVIRONMENTAL HEALTH

Environmental Health has no objection to the above proposal subject to a noise and construction hours condition.

PRIVATE SECTOR HOUSING

Full comments regarding compliance with room sizes, fire safety, ventilation and other general requirements can be found on the Council's website.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition limiting hours of construction and noise test are not necessary with no external changes proposed.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development

[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:

SPD13	Arun District Design Guide (SPD) January 2021
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, 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 Development Plan was made on 14/01/15 and its policies are referred to in this report.

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 conflicts with policy T SP1 in that no parking is provided, although it is in compliance with other relevant development plan policies.

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 other material considerations that address and overcome the conflict with T SP1 as outlined below in the report.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built-up area boundary, such development should comply with the policies in the Development Plan. The relevant issues are visual amenity/character, residential amenity, highway safety and parking.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the built-up area boundary will be supported, subject to accordance with other relevant development plan policies. The proposal complies being located within the BUAB.

The Council has an adopted Design Guide which provides up to date advice in Section R on matters such as new development and the need for it to successfully integrate with the existing prevailing character of an area.

The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites (2.42 years). The proposal would deliver 1 dwelling in a sustainable location which will provide a minor contribution to the shortfall in housing supply.

DESIGN AND VISUAL AMENITY

The building is currently a beauty salon occupied over three floors. The proposal will retain the salon to the ground floor and convert the top two floors into a flat.

The retention of the commercial use on the ground floor is supported as the site is located within a local shopping parade.

The Arun Design Guide SPG seeks to raise design in the district. Part R.O1 which deals with apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Part J.02 requires the appropriate scale for new extensions/alterations to existing forms that should be determined by their context, their location within the order of streets, and their function and positioning. There are no external changes proposed and as such the development complies with the guidance.

With the conversion resulting in no external changes and its proposed use in keeping with the residential area, the proposal will not result in harm to the appearance or character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan seeks that new development should 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 that all development contributes positively to the quality of

the environment and will ensure development does not have a significantly negative impact upon residential amenity.

NPPF paragraph 130 (f) states development should have a high standard of amenity for existing and future users.

The proposal converts the first and second floor into living accommodation with a kitchen/living area and bedroom to the first floor and 2 bedrooms to the second floor.

There are no additional windows proposed and whilst the use of the rooms will change, this will not result in a significant increase in overlooking upon amenity.

The proposed residential use would not result in additional noise, with the use having similar characteristics to existing and to that of other properties in the locality.

There are no changes proposed that result in unacceptable adverse harm upon amenity by way of overlooking, overbearing, or overshadowing in accordance with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

SPACE STANDARDS

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the nationally described space standards provide guidance. The required internal space standard for a 3 bed, 3 persons, two storey property is 84sqm.

The floor plan measures 82sqm and is slightly short of the requirements, such that it would not result in substandard living accommodation warranting refusal of the application.

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

To the rear there is a small garden area. This narrows towards the rear but nonetheless does provide a suitable amount of private external space for the residents of the flat. The site is also in close proximity to the beach.

PARKING

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.

Regard should be had to para 111 of the NPPF which states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

ADC Parking Standards for a 3-bed property in this location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. There are no parking spaces provided and therefore it does not comply with the guidance.

To the site frontage there is an area for communal parking to serve the shops that front Ferringham Lane.

WSCC Highways have considered the application and do not object, noting that the highway immediately

adjacent to the site is maintained privately and therefore it is not anticipated to impact upon the local highway network. The existing business use which consisted of 4 treatment rooms was spread across the two upper floors and would have also generated its own parking demand which would likely have been similar to the proposed use.

The lack of parking provision is acceptable in this case and will not result in adverse harm upon the highway. This is due to the site being located in a sustainable location, opposite a bus stop, adjacent to a possible source of off street parking and given that the existing use of the site requires parking similar to that proposed.

Cycle storage has been demonstrated on the plan, located to the rear garden. Full details of the storage provided will be conditioned to encourage sustainable transport methods.

SUMMARY

This proposal represents an appropriate conversion of existing floor space and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. For the reasons given above it is recommended that the application be approved in accordance with 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.

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, Site, Elevation and Floor Plans - 154/01

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 part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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.

- 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.