

Recommendation Report for Planning Permission

REF NO: FG/5/18/PL

LOCATION: 9 St Malo Court
St Helier Road
Ferring
BN12 5EY

PROPOSAL: Hard standing to parking bay at front grass verge.

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

This proposal is for a car parking space to be located on the frontage of this site abutting the road serving this area and adjacent to the applicants property. It would be sited where there is presently a grassed verge between the existing low front boundary wall and metalled edge of the road.

The applicant advises that there is often insufficient space within St Malo Court to park and wishes to provide his disabled relative with a safer parking space outside the property rather than the present visitor parking on Sea Lane. The surface finish would be grass, growing through hard wearing matting to give the continued appearance of a grassed verge.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

A low dwarf wall between the grass verge and the garden of no.9.

SITE CHARACTERISTICS

The site is one of a pair of flats (nos.8 and 9). These are part of a group with a centre courtyard parking which the 5 blocks of 2 flats share. Access is from St Helier Road into the courtyard. The land around the pair of flats is for the most part open and laid to grass.

CHARACTER OF LOCALITY

The area is residential. On Sea Lane dwellings are a mixture of types and designs, including two-storey and bungalows. In St Helier Road, apart from St Malo Court, the dwellings are a mixture of bungalows or chalet type bungalows of mixed design and materials. Opposite the site is some limited two storey development. Dwellings in St Helier Road have verges in front behind which there is a low means of enclosure. The area has a mature, spacious and uncluttered open appearance.

RELEVANT SITE HISTORY

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Ferring Parish Council objects on the basis that this will set a precedent and will alter the street scene clearly contrary to policy GEN7 of the Arun District Local Plan.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not agreed that the creation of the parking bay will have an unacceptable detrimental impact on the open character of the area for the reasons set out in the conclusions section.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways raises no objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2 Built -Up Area Boundary

D DM1 Aspects of Form and Design Quality

D SP1 Design

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

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Ferring has a Made Neighbourhood Plan, this is therefore part of the Development Plan and must be considered. Whilst there are no policies relating specifically to the type of development proposed in this application, Policy 1A is relevant and this states that:

Policy 1A: Spatial Plan for the Parish

The Neighbourhood Plan defines the built up area boundary of Ferring village, as shown on the

Proposals Map.

Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted. The proposed development is in accord with the above policy.

The proposal accords with the above policy.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

"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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

The site is located within the boundary of the built up area and as such there can be no objection to the principle of development subject to compliance/consistency with development plan policies and all other material considerations. This includes the need for development to be in keeping with the character and appearance of an area in accordance with Policy 1A that requires developments to be 'suited to an urban setting'.

DESIGN AND VISUAL AMENITY

The proposal insofar as it relates to the associated works and development to provide a parking space, as described in the applicants supporting information dated 22 March 2018, will have a very limited impact on the appearance of the existing verge area. At present, the full detail of what would comprise the parking space and its construction have not been submitted, but this aspect could be controlled by a condition so as to ensure a satisfactory scheme is delivered in terms of design and visual amenity.

There is also the further consideration of what the development works would facilitate as a consequence of the parking of a car on the space provided. This would be the regular parking of a car on what would normally be expected to be uncluttered verge which contributes to the open and pleasant appearance of the immediate locality. The question is whether this parking would be so harmful to visual amenity that it would be reasonable to refuse planning permission. In this regard, it also needs to be borne in mind that parking on or partly on the verge can already occur, with or without the more formalised provision of a the space. From a visual inspection at the time of the site visit and photographic evidence submitted it is

evident that such parking already occurs.

It is considered that the provision of a more specialised surface, mixed with grass growing through would mitigate the visual impact of informal parking and damage to the verge. Whether or not the provision of the space is made will not prevent the parking which presently occurs. It is not considered that the provision of the space in a satisfactory manner would result in a significant harm to visual impact and amenity.

It is therefore considered that the more formalised provision of the parking space is acceptable in terms of design and visual amenity, subject to full details which can be controlled by a condition.

RESIDENTIAL AMENITY

The proposal will impact on outlook from nearby dwellings. However, for the same reasons as given above in respect of design and amenity the impact is not considered to be significantly increased to a level where there would be harm such that a refusal of permission would be justified.

HIGHWAYS

St Helier Road is a Private Street and is not an Adopted Highway. Therefore the road is under the control of residents and/or a residents association. The granting of planning permission would not remove the need to obtain any required private permissions or consents.

The provision of the space would also mean that a car could be accommodated fully off-street and would therefore mitigate the potential for impact on the flow of traffic arising from parking partially on and partially off street. This would represent an improvement in a highway and pedestrian safety context.

CONCLUSION

The proposed development is not considered to result in unacceptable impact or harm to visual or residential amenity and is therefore in accord with policies.

It is therefore recommended that the application be approved, subject to 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

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 drawings:

Site Location Plan - Received with Application
Block Plan - Received with Application.
Works Schedule - Email Dated 22.03.2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Before the development hereby permitted is first commenced, accurate and detailed drawings and sections of the parking space including materials to be provided shall first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure the provision of a satisfactory scheme in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan. This is a pre commencement condition which is justified on the grounds of controlling the potential impact on the visual amenity of the locality.

- 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 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.