

Recommendation Report for Planning Permission

REF NO: FG/79/21/PL

LOCATION: 18A Ocean Drive
Ferring
BN12 5GJ

PROPOSAL: Erection of a single storey garden building

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

Application site is located on Ocean Drive and these properties are subdivided into flats. This application seeks planning consent for erection of single storey outbuilding measuring 5.5m in width by 3.0m in depth. The outbuilding will encompass flat roof 2.5m in height and external finishing will consist of wooden cladding to the external walls.

REPRESENTATIONS

Parish - no response

No letters of representation received from the adjoining dwelling.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The Council's Arboriculturalist - pre-commencement condition recommended

POLICY CONTEXT

Designation applicable to site:

Built up boundary

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM4	ENV DM4 Protection of trees

[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

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, ENV bDM4 and D DM4 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan. Proposal complies with these policies.

DESIGN AND VISUAL AMENITY

Due to the scale and siting of the proposed development some views of it along the public domain, limited to the top 0.8m of the outbuilding above the close boarded fencing, will be available. Whilst this is noted, this is not considered to amount to unacceptable harm to the character and appearance of the area. This is specially so given that the elements of it that are visible are of a scale and constructed of materials (wooden cladding) which are sympathetic to the character of the area.

As such, the proposed development is considered to be in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in an overbearing or overshadowing impact upon occupiers of neighbouring dwellings. This is due to the modest scale of the proposal and its separation distance from the occupiers of neighbouring dwellings.

The proposal is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

TREES

There are mature pine trees of high public amenity and landscape value growing off-site to the west; the crowns of which overhang the garden by several metres. They enjoy Statutory Protection, being the subject of TPO/FG/1/12. Previously applicant withdraw the application and re-submitted this application by re-positioning the outbuilding outside the RPA. For this application Councils Arboriculturist has recommended pre-commencement conditions.

SUMMARY

The proposed development is conflict with ENV DM4 of the Arun Local Plan in that it does not demonstrate that there would be no harm to off-site protected trees.

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 Liable 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:

Site plan

Block plan

Proposed elevation and floor plan : un-numbered drawing

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 Prior to the commencement of development details shall be submitted which shall be approved by the Local Planning Authority to ensure that the trees adjacent to the site shall be protected by the applicant employing the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same. In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: In the interests of the protection of trees adjacent to the site in accordance with policy ENV DM4 of the Arun Local Plan. This is necessary as a pre-commencement condition in order to protect the trees adjacent to the site from the adverse impacts of development.

- 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.