

Recommendation Report for Planning Permission

REF NO: FG/7/22/PL

LOCATION: Henty Arms
2 Ferring Lane
Ferring
BN12 6QY

PROPOSAL: Removal of 2 No existing single storey outbuilding and fencing to rear and erection of 2 No new timber pergolas to rear including fixed seating and new raised decking and timber pergola with profiled metal pitched roof to rear including fixed seating to front existing external drinking area. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Removal of 2no. x existing single storey outbuilding and fencing to rear and erection of 2no new timber pergolas to rear including fixed seating and new raised decking and timber pergola with profiled metal pitched roof to rear including fixed seating to front existing external drinking area.

The proposed front pergola will be 4.5m in depth, 7.6m in width, overall height of 3.05m inclusive of a 0.15m composite timber decking fixed to timber framework above external ground level with seating arrangement, 1.18m high timber panels fixed to timber framework and 2no. timber planter boxes. The front pergola will have 10 degree pitched profiled metal roof sheeting fixed to top of timber purlins between truss rafters.

The proposed rear pergola will be 8.6m in depth, 7.05m in width to aligned with the existing side and rear elevation, overall height of 3.73m with seating arrangements, 1.18m high timber panels fixed to timber framework and 3no. timber planter boxes. The front pergola will have 10 degree pitched profiled metal roof sheeting fixed to top of timber purlins between truss rafters.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging to railway line to approx. 2m height on other side of track which runs along southern boundary

SITE CHARACTERISTICS

Detached 2 storey property located adjacent to railway crossing. Residential properties to north and west. Car parking area to front and rear. Children play area and outside seating / drinking areas to the rear and on the edge of front parking

area adjacent to railway line containing picnic tables.

CHARACTER OF LOCALITY

Predominantly residential characterised by a mix of dwelling type and style.

RELEVANT SITE HISTORY

FG/38/17/PL	2m fence to enclose garden area with 1m picket fence at east end of garden adjacent to car park. Provision of children's play area.	ApproveConditionally 13-06-17
FG/53/11/CLE	Application for a Lawful Development Certificate for an existing use - Use of marquees during April - September	Approve 25-10-11
FG/54/11/CLE	Application for a Lawful Development Certificate for an Existing use - storage of 1x container for storage purposes	Approve 25-10-11
FG/12/07/	Form external drinking/eating area to rear of lounge bar & in central courtyard install pergola and Jombrella awnings.	ApproveConditionally 22-03-07

Relevant planning history associated with this application site are noted.

REPRESENTATIONS

No comments received from the Parish Council or neighbouring residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health

Environmental Health has no adverse comments about the proposed scheme subject to condition (construction hours).

Economic Regeneration

No response was received from Economic Regeneration team.

COMMENTS ON CONSULTATION RESPONSES:

The Officers' comments are noted and are discussed in more detail in the conclusion section.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Asset of Community Value

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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 Neighbourhood Development Plan

Policy 1A in the Ferring Parish Neighbourhood Plan have been taken into account in the determination of this application. However, Proposal4 relates to Assets of Community Value which include The Henty Arms.

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 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 application seeks permission for removal of single storey outbuilding and fence in a residential area. The key policies are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The application property is already operating as a public house with external eating area under FG/12/07/PL. The principle of development in this regard has therefore been established.

Ferring Parish Council has a Neighbourhood Plan and Policy 1A is the relevant policy.

Further guidance from the Arun Design Guide is relevant and referred to below.

IMPACT ON CHARACTER AND APPEARANCE

The proposed front pergola will be visible in the street scene, while the proposed rear pergola will not be visible in the street scene. Furthermore, the proposed front pergola will distort the building line. The design of the proposed front pergola is appropriate and necessary to the use of the pub and it is open in character and it will be located closer to the railway line. Therefore, due to the scale, mass, bulk, positioning and nature of the proposed development, it is considered that the proposed front pergola will be in keeping with the character and appearance of the host building and will not detract from the character and appearance of the street scene.

Therefore, the proposed development will be acceptable and will accord with local policies D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed rear pergola will utilise an existing footprint, while the front pergola will result in increased footprint. The proposed pergolas will respect existing separation distance to habitable windows and neighbouring properties. Therefore, the proposal will neither be dominating nor result in any enclosure which will adversely affect neighbouring occupiers.

It is considered that the proposal would facilitate the continued use of the pub by the community in accordance with its recognition as an Asset of Community Value. Since the proposal will be well spaced away from nearby properties, it will not be overly prominent or obtrusive and will not adversely impact on

the residential amenities of the locality.

However, the site is located in a predominantly residential area, where noise can be an issue. However, as a public house some noise is to be expected. Environmental Health has not objected to this application but recommended condition (construction hours) to be attached should the application be approved.

It is not considered that the proposed development will result in significant adverse harm to the residential amenities of neighbouring occupiers to justify a refusal in this instance. The proposal is in accordance with D DM1 and D DM4 of the Arun Local Plan.

HIGHWAY SAFETY AND CAR PARKING

Arun Local Plan's Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para. 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para. 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal will not alter the existing parking arrangement.

The application site is sustainably located, there are alternative modes of transport available to potential customers. In addition, the proposal is not considered to generate significant traffic and parking demand to exacerbate the existing parking condition. Therefore, the proposal will accord with Policies SPD11 and T SP1 of the Arun Local Plan.

CONCLUSION

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for refusal.

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; 934-(P)-03, 934-(P)-04, 934-(P)-05 and 934-(P)-06

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 demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of The Adopted Arun Plan 2011 - 2031.

- 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.