

Recommendation Report for Planning Permission

REF NO:	FG/87/21/PL
LOCATION:	Tudor Close Ferringham Lane Ferring BN12 5NQ
PROPOSAL:	1 No. new unit in roof space & other changes including retention of flat roof extensions and new dormers to courtyard elevation (revised application further to permission granted under FG/105/20/PL). This site is in CIL Zone 4 (Zero Rated) as flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The addition of 1 extra flat in an exiting roof void by adding a mezzanine floor. It is also proposed to add two car parking spaces to serve the additional parking requirement that will be generated as a result. In order to provide daylight to this flat two dormers with three windows are proposed to the first floor internal west elevation. These windows will be fitted so that the internal glazing will be fixed closed & obscure to 1.7m above finished first floor level.
SITE AREA	0.18 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2 metre close boarded fence.
SITE CHARACTERISTICS	The application site is a former large thatched roof, part single, part two storey building which is in use as a public house with associated access and parking around the outside. The works to implement permission FG/105/20/PL are well underway.
CHARACTER OF LOCALITY	The locality is mixed with residential areas to the west, south and north and Ferringham Lane village centre to the east which consists of a parade of shops with residential properties above.

RELEVANT SITE HISTORY

FG/105/20/PL	Conversion of existing Public House (Use Class A4) to create 7 No residential units comprising 5 No 1-bedroom units & 2 No 2-bedroom units & the erection of 2 No 1-bedroom semi-detached bungalows, associated car parking & landscaping (resubmission following	ApproveConditionally 30-10-20
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FG/46/20/PL). This application affects a Public Right of Way & is in CIL Zone 4, CIL Liable for new dwellings.

The number of proposed residential units has increased by one, without extension, achieved by making more efficient use of the existing floor areas (including currently vaulted areas at first floor) resulting from the previous use of the building as a pub.

The use of this vacant space means that an additional 2 bed flat can be added without impacting on the 7 flats (5 No 1-bedroom units & 2 No 2-bedroom units) & 2 semi detached bungalows approved under the FG/105/20/PL.

REPRESENTATIONS

None received from the Parish council or other interested residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Private Sector Housing - No objection subject to informatives.

WSCC Highways - No objections subject to conditions.

Environmental Health - No objection subject to construction hours condition.

ADC Greenspace - No objection.

ADC Conservation officer - Whilst the change of use and the majority of the associated works are considered to be acceptable and, in some parts would actually enhance the appearance of the building, there is some concern regarding the creation of an additional unit in the existing open roof void of the western range of the building.

It is not clear how the creation of a new floor to create an additional unit of accommodation in the area that best preserves the agricultural character of the building, is a positive approach. Surely, leaving the area open to the exposed timber roof structure would be better. This was the approach of the previous application, and this element of the proposal is considered to be disappointing and out of character.

ADC Drainage - No objection subject to standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. With regard to the recommended drainage condition this is not considered necessary as the proposal does not generate any additional footprint.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
BLDGS SPEC CHAR
PD RESTRICTION
NO PUBLIC SEWER
RIGHT OF WAY
TREE PRES ORDER

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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 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.

No policies in the Ferring Neighbourhood Plan are considered relevant to 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 it has an acceptable impact on the character and appearance of the area as well as the residential amenities of neighbouring occupiers. It also acceptably retains and efficiently converts a section of a building of character.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The use of this vacant space means that an additional 2 bed flat can be added without impacting on the 7 flats (5 No 1-bedroom units & 2 No 2-bedroom units) & 2 semi detached bungalows approved under the FG/105/20/PL.

PRINCIPLE

The application falls to be assessed against policies within the Arun Local Plan (ALP) which include policies D DM1, D DM2, D SP1, D DM4, T SP1 and HER DM2.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 DM2 requires that internal space standards are appropriate as guided by the Nationally Described Space Standards. Policy D DM4 requires that extensions and alterations to existing buildings sympathetically relate to the existing building, are visually subservient to it and blend in to the character and appearance of the area.

Policy D DM4 requires that alterations to buildings are sensitively designed taking account of the qualities of the host building and do not result in an appearance alien to local character.

Policy HER DM2 requires that alterations and extensions to buildings of character are not harmful.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The proposal is consistent with the above policies for the reasons set out below.

DESIGN

The additional flat would be located within the roof void with the only external alteration being dormer windows facing in towards the court yard of the property. It is therefore considered acceptable in terms of design. The only external works involve the insertion of dormers which provide daylight and ventilation for the proposed flat. These are sensitively added to the internal west elevation of the building so that they appear integrated and subservient to the host building.

The design of the proposal is consistent with the Arun's design guide which requires that development proposals should be sympathetic and respectful to its surroundings. In this case the works are within the body of the site and have no impact on the wider area. The dormers cannot be seen from public vantage points and so have no effect on the character of the wider area.

For the reasons given above the development would be in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACES STANDARDS

The 2 bed proposed has been demonstrated to be in accordance with the Nationally Described Space Standards and therefore the proposal would accord with policy D DM2 of the Arun Local Plan.

The open space approved by FG/105/20/PL is sufficient to meet the needs of an extra unit. Furthermore, the site is within easy reach of the coastline and wider countryside where ample external space can be enjoyed.

RESIDENTIAL AMENITY

The dormer windows of the additional flat are considered acceptable in terms of residential amenity. Any potential overlooking will be mitigated by the windows having glazing fixed closed & obscure to 1.7m above finished floor level.

The development as a result complies with policies D DM1 and D DM4 of the ALP.

HERITAGE

The Tudor Close is a locally listed building of character (a non designated heritage asset for the purposes of the NPPF) covered by Policy HER DM2 of the Arun Local Plan which requires that alterations and extensions to buildings of character are not harmful.

The applicants have provided a heritage statement in accordance with para 189 of the National Planning Policy Framework (NPPF) and as such the application can be assessed in accordance with para. 190 of the NPPF and Para 197 of the NPPF which requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

The additional apartment in the western roof void would be internal only and would not impact the external appearance of the building.

The proposed dormers and their design as described in the earlier section are such that they relate sensitively to this building of character. The thatched roof which is of key interest is being retained.

The proposal is therefore in accordance with policy HER DM2 of the Arun Local Plan and the NPPF.

PARKING AND HIGHWAYS

The proposed development will add another two spaces to that already approved. which is sufficient for any increased demand. Conditions would be applied to provide cycle parking and electric car charging points. No other objections have been raised by the Highways Authority and the development would therefore accord with policy TSP1 of the Arun Local Plan.

CONCLUSION

The proposed development is acceptable for the reasons outlined above and is recommended to 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 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 Survey 2003TU_R2_004- Rev.2
Sub plan request 01.12.21
Proposed first floor plan 2003TU_R2_201- Rev.1

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 the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.
- 4 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 dormers, windows & door have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dormers, windows and door.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM2 of the Arun Local Plan.

- 5 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 in accordance with T DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 7 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 Arun Local Plan.

- 8 The windows on the west elevation of the flat hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to 1.7 metres above finished floor level.

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

- 9 INFORMATIVE: All conditions pertaining to permission reference FG/105/20/PL shall remain in force.

- 10 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.