

PLANNING APPLICATION REPORT

REF NO: FG/152/19/PL

LOCATION: 40 Little Paddocks
Little Paddocks
Ferring
BN12 5NJ

PROPOSAL: Erection of 2 x 3 bed detached chalet bungalows with associated parking and amenity space including the demolition of the existing house and garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish an existing single storey bungalow, and erect 2 x 2 storey dwellings with 3 bedrooms each.
	The proposed number 39 Little Paddocks measures approximately 10m by 10m, with the roofspace being used as accommodation by way of four dormers, with one on every roof slope. The proposed number 40 Little Paddocks measures approximately 6m by 15m, with dormers on its Eastern and Western roof slopes.
SITE AREA	Approximately 647sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Whilst it is noted that there is a Tree Preservation Order within the area, none of the trees covered by this order are on the application site.
BOUNDARY TREATMENT	The site is bordered by mature foliage, and fencing to a height of approximately 3.8m, and 1.8m respectively.
SITE CHARACTERISTICS	The site comprises a bungalow, enclosed by mature foliage. The bungalow is accessed from its South Western side.
CHARACTER OF LOCALITY	The area is populated by a mixture of detached dwelling styles and types.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- This is an overdevelopment of the site which is harmful to local character.
- Inadequate on site car parking that cannot be accommodated on roads.

45 letters of objection from 30 households (including Ferring Conservation Group):

- The proposal would result in an unsafe access onto the road network.
- The proposal is an overdevelopment which is out of character with the area.
- The dwellings will impact negatively on wildlife.
- Insufficient infrastructure to support an additional dwelling.
- The proposals would result in overlooking of adjacent dwellings.
- The drainage system is overloaded, the proposal will lead to further flooding.
- It is out of character with an area recognised as an 'Area of Special Character' in the Ferring Neighbourhood Development Plan.
- Result in additional traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

All relevant planning comments made are addressed in the Conclusions section of the report. The area is not a designated Area of Special Character in the Neighbourhood Plan. The Neighbourhood Plan included a statement that it would seek for Arun District Council to designate Little Paddocks as an Area of Special Character but this is not listed within the Local Plan as such. The potential for designation was not progress further than Phase 1, therefore, further work is required.

CONSULTATIONS

- Arboriculturist
- WSCC Strategic Planning
- Environmental Health
- Parks and Landscapes
- Engineering Services Manager
- Engineers (Drainage)
- Arboriculturist
- Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

- Environmental Health - No objection subject to conditions.
- W.S.C.C. Highways - No objection subject to conditions.
- Arun District Council Engineers - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst construction management conditions are not normally applied for small scale residential development such as this one, in this case the local highway environment requires protection and such a condition is therefore considered to be necessary. All other conditions suggested by Environmental Health are not considered to be necessary for such a development.

POLICY CONTEXT

- Designation applicable to site:
- Within built up area boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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 the proposed development is considered to have no significantly harmful impact upon the character of the locality, or the residential amenities of neighbouring dwellings sufficient to justify to refusal of the application.

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

In this case, the key policies are D SP1, D DM1 and T SP1 of the Arun Local Plan. Additionally, Policy 1a of the Ferring Neighbourhood Development Plan.

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 15 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 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.

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.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The proposed development is considered to represent a proposal that appears in keeping with the general pattern, site coverage and scale of the existing development in the area. The dwellings are positioned over 8m from the Northern boundary of the site, and over 4m from the Western boundary of the site. Whilst there will clearly be a change in character as a result of the proposals, it is not considered that this would be so significantly negative that would justify a refusal of the application bearing in mind factors such as the varied character of the area and the retention of the mature boundary treatments to the plot.

The proposed dwellings are separated from each other by a gap of approximately 2m, which is not an uncommon side-to-side relationship for the locality. There is a proposed site coverage which is reasonably comparable to those within the area, with an average percentage coverage being approximately 26%. The proposed dwellings would be 27% and 36% respectively. Whilst the value for no. 40 is notably higher than that of the area, this is predominantly due to its form being designed as to allow for sufficient private amenity area, and separation distance from the street scene. The proposed development is considered to be in accordance with the guidance within the Arun Design Guide, in that the building lines of the proposed dwellings are informed by those within the locality and the pattern of the development appears to reflect the characteristics of the area described in more detail below.

Little Paddocks is host to a wide variety of dwellings, with varying scales, designs and appearances. There is a mixture of two storey, 1.5 storey and bungalows visible from the application site. There is also a wide variety of materials visible within the locality of the host dwelling, with both contemporary materials, and more classic styles evident.

The design of the proposed dwellings are considered to contribute to this varied character. The proposed development is considered to be designed as such to demonstrate accordance with the Arun Design

Guide, which details how corner buildings should be designed in order to not cause harm to the area. This includes the proposals use of the building lines within the area to create a consistent frontage along both the Northern and Western aspects of the application site. Furthermore, the application uses the fenestration of the proposed dwellings in order to allow for natural surveillance of the area.

The application site is bordered to its Northern and Eastern boundary by a low 1m fence with hedging and mature foliage. This foliage contributes to the character of the area, which acts as a corridor between the South Paddock, and the North Paddock. As a result of the scale of the foliage, large portions of the proposed development will be screened from the public realm. Due to the foliage's contribution to the locality, and its help in screening the proposed development from the public realm, a condition can be applied to ensure that this foliage is retained in perpetuity, unless otherwise agreed in writing.

The proposal is considered to have respect for the character, and appearance of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including the need to have minimal impact to users and occupiers of nearby property and land. This means avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Regard should also be had to paragraph 127 of the NPPF which requires an acceptable level of residential amenity for existing and prospective occupiers.

The proposed development is not considered to result in any harmful impact upon the residential amenities of neighbouring dwellings, by way of overbearing or overshadowing impact. This is due to the separation distance between the proposed dwellings, and the nearby existing dwellings. The closest neighbour, to the East of the application site, is not considered to be harmfully overshadowed by the proposed no. 39. This is due to the fact that the proposed dwelling is only 2.5m high, when 1m away from this boundary.

With regard to potential for loss of privacy to adjacent occupiers, the proposed development is not considered to give rise to a harmful impact on the privacy of adjacent occupiers. The proposed dwelling no. 40 features windows on all of its first floor elevations, however, to the East and South, where there is potential for harmful impact, these windows are obscure glazed.

The proposed dwelling no. 39 has first floor windows on all elevations and to the East and West, these are obscure glazed. To the South, the window has potential to give rise to a loss of privacy to the occupiers of 41, and 42 Little Paddocks. As such, it will be conditioned that this window be obscure glazed, and fixed to be non-opening, below 1.7m from internal floor level. This is considered to mitigate the potential for harm on the residential amenities of the neighbours to the South. Furthermore, the other windows of this dwelling are not considered to result in a loss of privacy, as they are either obscure glazed, or face towards the street scene.

The site, and the proposed dwellings would provide an adequate living environment for future occupiers.

The Arun Design Guide includes guidance which residential gardens should conform with. Residential gardens of new developments should be 10.5m long, and be 50sqm in their area. The proposed no. 39 has a private amenity area to its Southern elevation, which is 77sqm in its area, however, it is not 10.5m in its length. The same can be said for no. 40, which has an amenity area to the North totalling 96sqm in its area, but it is 8.8m deep. Some of these areas include enclosed amenity areas to the front of dwellings which is typical within the area. There are concerns relating to the impact the retention of the foliage may have on the amenity area size of #40 Little Paddocks, whilst the foliage may result in a

decrease in usable area of the private amenity area, it is not considered so significant a reduction as to cause the area to reduce below that required by the Arun Design guide. Furthermore, foliage is considered to be commonplace in external amenity areas, and in some instances, may be deemed to have merit to the quality of the application site.

Whilst it is noted that the proposed development does not conform to the standards set out in the Arun Design Guide, there are material considerations which outweigh this conflict. The amenity areas are appropriately sized when compared to those in the locality, as the majority of dwellings have similar gardens to that proposed. Furthermore, there are substantial local amenity areas that can be used for recreation, like the 'North Paddock', which is across the road from the application site. In addition Ferring sea front can be found nearby with significant green swards.

It is noted that no 40 would project beyond the rear elevation of no. 39, which has potential to have a harmful impact upon this private amenity area. However, it is not considered to result in harmful overbearing impact, in that the area projecting past the Southern elevation is a small section of the dwelling which slopes away from the boundary, before achieving its maximum height. When adjacent to the boundary between the proposed dwellings, no. 40 is at its eaves height, of approximately 2.4m when 1m away from the boundary. As such, it is not considered to result in an overbearing impact.

The proposed development is considered to be in accordance with D DM1(3), D DM4(c) and QE SP1 of the Arun Local Plan.

TRANSPORT, PARKING AND HIGHWAY SAFETY

The application has been assessed by County Highways who consider that the proposed development would not give rise to a 'severe' impact upon the operation of the highway network as per paragraph 109 of the NPPF.

With regard to parking within the development, the Arun District Council Parking Standards Supplementary Planning Document anticipates a demand of 2 spaces per dwelling. Each dwelling provides two hardstanding spaces which meets this demand as well as a garage. Additionally in line with policy that requires that all new dwellings provide electricity charging points for cars a suitably worded condition will be included.

The proposal is therefore considered to be in accordance with policy T SP1 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires acceptable levels of internal space as per the Nationally Described Space Standards. It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The dwellings have floor areas and an internal layouts depicting; 2 storey, 3 bedroom, for 5 person occupation. The required space standard is 93m². The proposed dwelling named no.39 Little Paddocks has an internal area of 117.17m² including the internal garage, when this is removed, it becomes 102.47m². The proposed dwelling no.40 Little Paddocks has an internal area of 121.19m², when the internal garage is subtracted from this, it becomes 103.5m². Therefore, the dwelling accords with the standards.

ECOLOGY AND TREES

The application site is currently a residential garden. Whilst the footprint of built form within the application site does increase, it is not to such a degree that it unacceptable impact on the ecological value of this garden.

Comments are awaited from the Council's ecologist and tree officer which may suggest mitigation measures by, for example, the retention of existing trees. The report will be updated once these are received.

Furthermore, the foliage bordering the site, as referenced above, is set to be retained, which is considered to help mitigate any potential for ecological and tree harm.

SUMMARY

The proposed development is considered to be in accordance with the relevant policies within the Arun Local Plan, and for the reasons outlined above. As such, the proposal is considered to be acceptable and approval is recommended 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

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:

- Site Location Plan - RS18.54.SP01 - Nov 19
- Proposed Block Plan - RS18.54.BP01C - Nov 19
- Proposed Ground Floor Plan - RS18.54.SL05A - Jan 2020

- Proposed First Floor Plan - RS18.54.SK06A - Jan 2020
- Proposed Roof Plan - RS18.54.SK04B - Jan 2020
- 39 Proposed Plans and Elevations - RS18.54.PL05H - Aug 2019
- 40 Proposed Plans and Elevations - RS18.54.PL04J - Aug 2019

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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 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, including cladding, and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 6 The dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the houses will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 Unless otherwise agreed in writing, the existing landscaping on the Northern and Western boundaries of the application site shall be retained in perpetuity as existing on the site.
- Reason: In order to prevent harm upon the character of the locality, in conflict with D DM1 of the Arun Local Plan.
- 8 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank Holidays.
- Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.
- 9 Details shall be submitted to and approved by the Local Planning Authority of acoustic fencing and associated tree and shrub planting along the boundary between the two dwellings, and bordering the application site. The dwellings shall not be occupied until such acoustic fencing and associated tree and shrub planting has been installed/planted in line with the approved details and retained as such in perpetuity.
- Reason: In the interests of the environment of the development, in accordance with Arun Local Plan policies D DM1 and QE DM1.
- 10 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated parking purpose.
- Reason: To provide car-parking space for the use, in accordance with T SP1 of the Arun Local Plan.
- 11 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 current sustainable transport policies, including T SP1 of the Arun Local Plan.
- 12 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide the following details:
- a) An indicative programme for carrying out of the works;
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials, including permitted times for deliveries;
 - d) Storage of plant and materials used in constructing the development;
- Reason: To protect the local highway amenity of the area in accordance with Policy TS SP1 of the Arun Local Plan.
- 13 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided

between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 14 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A Statutory Nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 15 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A Statutory Nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 16 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/152/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015