

# Ferring Parish Council

## Community Right to Build Order 2: Village Hall





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# 1\_introduction

## 1.1 what is a CRTBO ?

A Community Right to Build Order (CRTBO) Submission is comparable to a Planning Application, but with two key differences:

- a CRTBO can only be submitted by a community group or organisation (and so are usually drafted with an eye to community benefit).
- whether or not a proposed CRTBO is 'made' depends on whether the local community as a whole votes in favour of it at a referendum.

So that this document is intelligible, it is also worth noting that there are also differences of terminology, amongst others:

- whereas a Planning Application may be 'granted', a 'Submission' CRTBO is 'made', (the result is however basically the same, that the proposals set out become accepted under planning law).

The right of qualifying bodies, in this case Ferring Parish Council, to produce and submit a Community Right to Build Order is granted under the The Neighbourhood Planning (General) Regulations 2012.

## 1.2 why has Ferring Parish Council submitted this CRTBO?

The Council has prepared this, and it's two other CRTBO's, to support the Neighbourhood Plan. The CRTBO's do this in a number of ways:

- they help illustrate in detail particular proposals set out within the Submission Neighbourhood Plan and thus give the community a better idea of what is intended.
- they give the community the chance to decide whether or not to support these particular proposals.
- if the proposals are voted for, then the local authority (Arun District Council) will 'make' the Orders. Since this means these parts of the plan will have been given the equivalent of a planning consent, it brings them that much closer to being delivered.

## 1.3 the purpose and organisation of this document.

Whilst part of the purpose of this document is to illustrate proposals for one CRTBO, it also serves a second key function by providing the basis for the Local Authority to 'make' the Community Right to Build Order if it is voted for. Accordingly the document provides two distinct kinds of information and, depending on the interest of the reader the following may be a useful guide as regards how to read or use it.

For those wishing to form a view as regards both the benefits and character of the proposals the following sections of the document might be best focused upon:

- Section 1, the introduction, provides an overview of the nature and purpose of the Order and the benefits of the proposals to the community.
- Section 3, the design statement, provides both illustrations of the design proposals and has information to help provide an understanding as to why the designs have been developed as they have.

For those wishing to review planning law framework associated with the Order, the other sections of the document pertain. In particular:

- Section 2, the order, which provides the Order definition, and sets out a number of Conditions that will need to be met so that the proposals can be implemented. These include safeguards that the community will commit itself to that will provide a number of reasonable protections to, inter-alia, neighbours close by.
- Section 6, the basic conditions statement, which shows how the proposals sit within the overarching framework of local and national planning policy.

and

- Section 7, the Consultation Statement, which provides a record of consultation both with the local community and with other parties on the way towards the referendum.

Of the remaining sections of the document, Section 4 & 5, relate to Archaeological and Heritage issues and will be of interest as regards such matters. Section 8 relates to Enfranchisement Rights and provides confirmation that these rights will remain exercisable.

Whilst the required contents of a Community Right to Build Order are set out in Regulation 22 of the abovementioned Neighbourhood Planning (General) Regulations 2012, it may be noted that the contents of this submission order document extend substantially beyond those requirements, and are drawn up both so as to provide a substantive and illustrated basis for the neighbourhood community to make an informed decision at referendum, and to ensure the quality of the future development.

## 1.4 The CRTBOs and the Neighbourhood Plan: New Housing and a New Community Centre

This Submission CRTBO 2: Housing at the Village Hall is one of 3 that, together with the Submission Neighbourhood Plan itself, have been orchestrated and submitted to Arun District Council by Ferring Parish Council on behalf of the Parish as a whole.

Both CRTBO 2, and CRTBO 1, which proposes houses on land behind the Henty Arms, are important and interrelated parts of the Neighbourhood Plan.

One reason the Plan has been drawn up is straight forward: new housing is required within the Parish by government and can't be avoided but its; type, location, purpose and benefits arising from it can be substantially influenced to community advantage through a Plan.

Whilst the submission Neighbourhood Plan documents new policies and proposals across a range of areas that need no re-iteration here, one matter it is useful to mention in this introduction is this: it is proposed in the Plan that both these housing CRTBO's will generate income to the Parish Council, through both capital receipts and infrastructure contributions, that will be used to enable the provision of a substantial new Community Centre on the site of the Glebelands and Retirement Clubs and a third key element of the Plan.

It should be recognised that the Neighbourhood Plan, and each of the three community right to build orders, will be subject to separate referenda which may happen at different times, and that each may be supported or rejected on its own merits.

*(For further information on the proposed Community Centre see CRTBO 3).*

# 1.5\_introduction

## 1.5 Housing to meet local needs within the Parish

Through community consultation prior to and during the drafting of the Neighbourhood Plan the need for a new type of housing, for 'downsizers', was identified.

For many within the parish the wish to stay in a home of their own within the village has become a difficulty since there are practically no small scale homes that suit: homes that are easy to maintain at low cost, designed with a bit of space internally so they are comfortable for those with restricted mobility, that provide ready access to the shops on the high street, and also of course with a bit of character contributing to the quality of the streetscape of the village as a whole.

The parish council proposes to meet its housing obligations through the provision of downsizer dwellings, as an appropriate response to the community's needs. The provision of manageable housing for the elderly will result in the availability of larger properties in the existing housing stock, providing suitable, spacious property on the market for local families.

## 1.6 Locating New Housing where it best suits the community

The Neighbourhood Plan proposes locations for new housing for three reasons:

- firstly through the consultation process prior to and during the drafting of the Neighbourhood Plan preferences have been established to avoid compromising the strategic green gaps between Ferring and adjoining villages, and for any required new housing to be within the village's built up boundaries rather than in those green gaps. and
- secondly the sites chosen have been selected because they are on sites owned or controlled land by community organisations, and this provides the basis for the use of the profits of housing development to benefit of the local community, and
- both the central locations chosen for new housing are very close to the amenities on the high street and so, are very suitable for building the downsizer homes that meet local need.

## 1.7 CRTBO 2 New housing at the Village Hall

CRTBO 2 is a proposal to make 10 new 1 bedroom "downsizer" homes on the land currently occupied by the Village Hall.

The land is owned by The Village Hall Trust and is accessed from Ferring Street.

More information about the design of this new housing scheme may be found in Section 3 of this document, the Design Statement.

## 1.8 CRTBO 2 Land owners and Tenants

The Village Hall Trust, owners of the proposals site, have been integrally involved in the drafting of both this and the other Community Right to Build Orders.

The interests of the clubs currently using the Village Hall have been a key focus in the drafting of proposals set out in Community Right to Build Order 3 for the proposed new Community Centre. Members of these clubs are kindly pointed to this Order 3, to gain their own understanding of how their club(s) will be affected.

# 2\_the order

## description of development

Ferring Parish Council's Community Right to Build Order 2 proposes development on land at the Village Hall, Ferring Street, Ferring, Sussex BN12 5JP.

On a site area of 0.121Ha, the proposals is for; site clearance including demolition of the existing village hall; provision of 1 bedroom maisonette style open market apartments, up to 10 in total, with a gross internal floor area of up to 750m<sup>2</sup> in total, and in buildings of 2 and/or 2.5 storey height; new access arrangements to Ferring Street; 10 parking spaces included within new hard and soft landscape works across the site.

## the site



fig. 1: site as existing

# 2.1\_order conditions

## 2.1.1 Time Limit

The development hereby permitted shall begin before the expiration of fifteen years from the date of approval of the Order.

*Reason: in order to achieve a balance between allowing a reasonable time period for the details and any delivery mechanism to be agreed and set up and the community to participate with the need to achieve sustainable development.*

## 2.1.2 Construction Management

No development shall take place until a Construction Method and Management Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- traffic management within the site confines and delivery times and routes in and out of the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling / disposing of waste resulting from demolition and construction works
- a restriction on any burning of materials on site

*Reason: to safeguard the safety and amenity of local residents.*

## 2.1.3 Scheme for Foul and Surface Water Drainage

No development hereby permitted shall take place until details of foul and surface water sewerage disposal have been submitted to and agreed in writing by the local planning authority. No buildings hereby permitted shall be occupied until foul and surface water sewerage disposal works have been implemented in accordance with the agreed details.

*Reason: To ensure consideration is given to sustainable drainage in accordance with national and local policy and in the interests of achieving sustainable development.*

## 2.1.4 Landscape

No development hereby permitted shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of all existing hedgerows and trees and details of those to be retained, together with measures for their protection in the course of development.

*Reason: to ensure existing landscape features of note are retained and integrated into a landscaping scheme.*

## 2.1.5 Landscape Implementation and Maintenance

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.

*Reason: to ensure the sustainability of existing and proposed landscape features.*

## 2.1.6 Ecology

No development hereby permitted shall take place until ecological surveys have been carried out in accordance with Natural England Technical Information Notes to confirm the presence or absence of ecologically important fauna on the site and until a scheme for the protection and enhancement of the ecology of the site has been submitted to and approved in writing by the local planning authority and the scheme shall include mitigation measures such as may be required and shall be carried out as approved.

*Reason: To protect and enhance the ecological value of the site in line with national planning policy in accordance with Arun District Local Plan policies GEN7, GEN29 and GEN30.*

## 2.1.7 Lighting

No development hereby permitted shall take place until a scheme assessed against ILE Guidance for external lighting has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

*Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.*

## 2.1.8 Highways and Access

Development shall not be commenced until details of the access for vehicles, cyclists and pedestrians including any works to the junction with Ferring Street, have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until those works have been constructed in accordance with the approved details.

*Reason: To satisfactory standards of access into and within the proposed development in accordance with policy national and local plan policies.*

## 2.1.9 Car and Cycle Parking

No part of the development shall be first occupied until car and cycle parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

*Reason: to ensure timely provision of car and cycle parking space serving the community centre, and thus the amenity of local residents.*

## 2.1.10 Layout, Scale, Design and External Appearance

Details of the layout, scale, design and external appearance of the buildings hereby permitted including details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority before the development begins and the development shall be carried out as approved.

# 2.1\_order conditions

*Reason: to ensure sustainable development and having regard to national policy and the local plan.*

## **2.1.11 Code For Sustainable Homes**

All dwellings shall be designed and constructed to meet a minimum Code for Sustainable Homes Level 4, unless otherwise agreed by the local authority.

No development shall commence until arrangements for assessment and implementation, by duly accredited parties as necessary, have been agreed with the local authority.

*Reason: to ensure sustainable development and having regard to national policy and the local plan.*

## **2.1.12 Windows overlooking the private house to the east of the site**

No windows shall be formed at 1st floor or higher level in the eastern walls of any building that directly overlooks the west elevation of the house immediately to the east of the site.

*Reason: To protect the amenities and privacy of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.*

## **2.1.13 Terraces overlooking the private gardens to the east of the site**

No terraces or balconies or access to flats roofs shall be formed at 1st floor or higher level in the eastern walls of any building that directly overlooks the west elevation of the house immediately to the east of the site.

*Reason: To protect the amenities and privacy of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.*

## **2.1.14 Planning Obligation**

No development hereby permitted shall commence until a Section S106 agreement has been signed by the developer and the local planning authority in respect of requiring

reasonable financial contributions to the provision of the Ferring Community Centre and to necessary local utilities works.

*Reason: to ensure the development is acceptable in planning terms in accordance with National Planning Policy Framework para 204.*

# 2.2\_order informatives

## 2.2.1 Highways Act

Prior to commencement on site, completion of a S278 Agreement with West Sussex County Council as the Highways Authority will be required under the 1980 Highways Act – Works within the Highway, to cover off-site highways works.

## 2.2.2 Highways and Access

The developer will need to carry out detailed design works liaising with West Sussex County Council Highways Department to meet Condition 2.1.8 & 2.1.9.

## 2.2.3 Stage One Road Safety Audit

A Stage One Road Safety Audit and Designers Response in accordance with the WSCC Audit Policy, will need to be provided prior to any development commencing.

## 2.2.4 Planning Obligations

The requirement for a Planning Obligation is made to ensure the development permitted by the Order is acceptable in planning terms. The condition 2.1.14 is necessary as it is not possible at the time of making the Order to ascertain the precise sums required of the financial contributions and therefore a Section 106 Agreement cannot be completed and signed prior to the Order being made.

The precise sums will be known once a) an agreement has been reached between the landowner and the developer on the value of the development scheme and b) the costs of any necessary utilities works are known. This will ensure that the Section 106 Agreement, and therefore the Condition, is precise and reasonable and reflects market conditions to prevent the planned development being stalled.

It is intended that the financial contribution related to a) above will be broadly commensurate with the net value of receipts arising from the development scheme permitted by the Order. In this regard, some flexibility must be allowed to ensure that costs arising from implementation of the Order, for example legal costs associated with land transactions, should be deductible prior to the total value of the contribution being determined. It will also take into account

the prevailing local housing market conditions in respect of sales values that may be achieved.

It is intended that the reasonable financial contribution related to b) for necessary utilities works, be agreed within the timescale required to agree a).

Once all this information is known, then it is intended that the local planning authority and the developer will complete and sign the Section 106 Agreement, with the local planning authority consulting with the Parish Council (as the qualifying body making the Order) during that process.

# 3\_design statement

## introduction

This section of the Order describes the project proposals and the design process that led to these proposals. It follows the format of a design statement that would normally accompany a planning application, considering first the context of the site and then carrying out an analysis of both the context and the site to establish the constraints as a basis for a design proposal.

From this analysis, a design concept was developed that responds to the constraints and opportunities and makes provision for the project as set out in the brief in section 3.1. The design concept sets out a series of basic development parameters for the site that will control massing, scale and form of the building, and its relationship to its surrounds.

The design process as set out in section 3.2 involved the consideration of the technical issues and feedback from consultation with the local community and other parties. A public consultation event was held to review the draft proposals prior to finalising the scheme and drawing up the Order.

Section 3.3 sets out the project proposals for which this Order is being made. They are set out as plans sections and elevations to describe the physical scale, form and appearance of the building, along with three dimensional sketch studies and reference images to describe the character of the proposals and their relationship to their setting.

After the Order is approved further work will be carried out to develop detailed design proposals that will form the basis for demonstrating technical compliance with statutory standards and for construction. Conditions have been included in this Order, as set out in section 2.1, specifying various constraints in order to ensure that the development meets basic conditions.



fig. 2: ferring village aerial

# 3\_design statement



fig. 3: ferring village hall

# 3.1\_brief

## brief

A working group was set up by Ferring Parish Council to progress this Order, and meetings were held to develop a brief, review design issues and agree the project proposals that are set out in the brief.

The project brief for the Order was informed by the state of the parish report and consultation during the drafting of the Neighbourhood Plan which both identified the need for elderly downsizer dwellings within the village.

Through the consultation the following objectives were agreed for the elderly downsizer dwellings;

- Provide dwellings that are easier and less costly to manage, maintain and run
- Locate the dwellings in close proximity to local amenities and the centre of the community so there will be less reliance on car journeys and it will be easier for residents to maintain social contact
- Design for accessibility and to adapt to changing mobility needs
- Provide an option for local people who would otherwise would have to move away from the village making it more difficult to maintain social contact with friends and family

The development of the site with this type of dwelling will meet an identified local housing need and provide cross funding for the development of a new community hall for the village. Through a combination of capacity testing of the site, the site context and constraints, and consideration of the layout and size of this type of dwelling, a brief was agreed based on the provision of a group of 10 one & two bedroom homes for elderly downsizers.

- In addition this, the working group set out the following criteria for the development of the site:
- The design should create a positive addition to the setting of Ferring Street
- The character of the buildings should be compatible with the local vernacular and reflect local materials
- A parking standard of one space per dwelling should be used to reflect the accessibility of the site and the dwelling type
- The residential amenity of the existing houses adjacent to site should be respected



fig. 4: village green



fig. 5: shops to the south of the site



fig. 6: henty arms

## 3.2\_the design process

### contextual analysis

#### the context

The village structure (fig. 2) is defined by the built footprint which is concentrated within a strip running between the A259 and the coast. To the east and west of this strip are remaining open areas of land that provide a sense of separation between Goring by Sea to the east and East Preston to the west.

The London Victoria to Littlehampton rail line operated by Southern Rail runs east west through the village (1) parallel to, and some 400m to the south of the A259. The two parts of the village are inked by a level crossing point on Ferring Street (2) that is controlled by an automatic barrier. The village centre (3) is just to the south of the railway line along Ferring Street (4) and includes the main area of shops and businesses, and the village green (5).

The site (6) is located in the village centre on the eastern side of Ferring Street, to the north of the village green between two parades of shops that include a range of retail services and amenities to meet every day needs. There is a public house, the Henty Arms (7) 100m to the north of the site

Although the immediate context of the site is characterised by a mix of uses that serve the village centre, the general context is residential in layout, character and scale with the majority of buildings being two storeys.

The area has a varied architectural character that includes Listed buildings and more utilitarian mid C20th buildings such as the southern parade of shops.

There are bus stops (8) 50m to the south of the site with north and south running services providing local and wider connections.

#### summary

The site is part of the village core and accessible for shops amenities and transport. It is also close to the social spaces and activities within the village including the village green, Henty Arms pub, Retirement Club and Library. It is well located for elderly downsizers.

The site is in a prominent location along what is effectively the village high street within a mix of building uses and architectural styles. In summary, the site is suitable for elderly downsizers provided the redevelopment is sensitive and makes a positive contribution to the character of the village core.



fig. 7: site context

# 3.2\_the design process

## site analysis

### site

The site (1) is on the eastern side of Ferring Street and is served by two existing vehicle access points (2) off Ferring Street serving a small parking forecourt in front of the building. There is a gentle slope up from Ferring Street to the parking forecourt with the building sitting approximately 1.0m above street level.

The existing Village Hall (3) on the site is a single storey brick and tile building with a pitched roof, built in 1924 and with a parking area accessible from and fronting onto Ferring Street. The site and building are owned by the Village Hall Trust which operates the building and it is let for a variety of functions, clubs and activities.

The site sits between two parades of shops with residential development opposite and behind.

In terms of streetscape, the existing layout is relatively weak, particularly when approached from the north. The street boundary is defined by a low wall, but dominated by the elevated parking forecourt with the building as background. Visually, there is poor definition and containment to the street frontage and little active engagement between the building, its functions and the street.

The northern boundary of the site adjoins a drive leading to two large residential properties with a planted boundary along the drive. The vehicle access to the site on this boundary comes off the access to the parking lay by in front of a two storey parade of shops (4) with residential above and a pitched roof.

The eastern boundary is with the two large residential properties (5) and is defined by a mature hedgerow. The southern boundary abuts another two storey parade of shops with a parking lay by in front (6) and residential above with a flat roof. The upper residential floor is set back from the shop frontage. Behind this parade of shops there is a service and parking area (7) with a single storey garage block that also adjoins the site boundary.

A low flint and brick wall defines the western boundary of the site with Ferring Street which includes a small green area in front of the original village hall entrance. The opposite side of Ferring Street is residential with two Grade II Listed houses

immediately facing the site, one of which (8) is set back behind a mature garden, whilst the other (9) is built up to street edge and so, as a grouping of structures contribute to the visual variety of the streetscape. Both houses share the same palette of brick and flint walls with pitched roofs and together form a positive frontage to the street.

Immediately to the south of the site is the village green (10).

The redevelopment of the site will require the demolition of the existing building as it is not suitable for conversion and would not meet current standards. The HER record confirms that the site is not within a Conservation Area and the existing building is not Listed and that there are no other designations that might affect development, although consideration will need to be given to the Listed buildings opposite. The site is within a Zone 1 flood risk area. The existing vehicle access and capacity of the site is sufficient to serve the new development.

### summary

There are no known technical constraints that would prevent the redevelopment of the site as set out in the brief, and the location and setting of this site make it suitable for elderly downsizers with most amenities on the doorstep. However its prominent position within the village core and the proximity of Listed buildings will require a sensitive architectural response. The redevelopment of this site provides an opportunity to improve the streetscape and provide for a local need.



fig. 8: existing vehicular access



fig. 9: existing vehicular access



fig. 10: view from ferring street towards site (south)

## 3.2\_the design process



fig. 11: view from ferring street towards site (north)



fig. 12: eastern boundary



fig. 13: grade II listed properties (west)

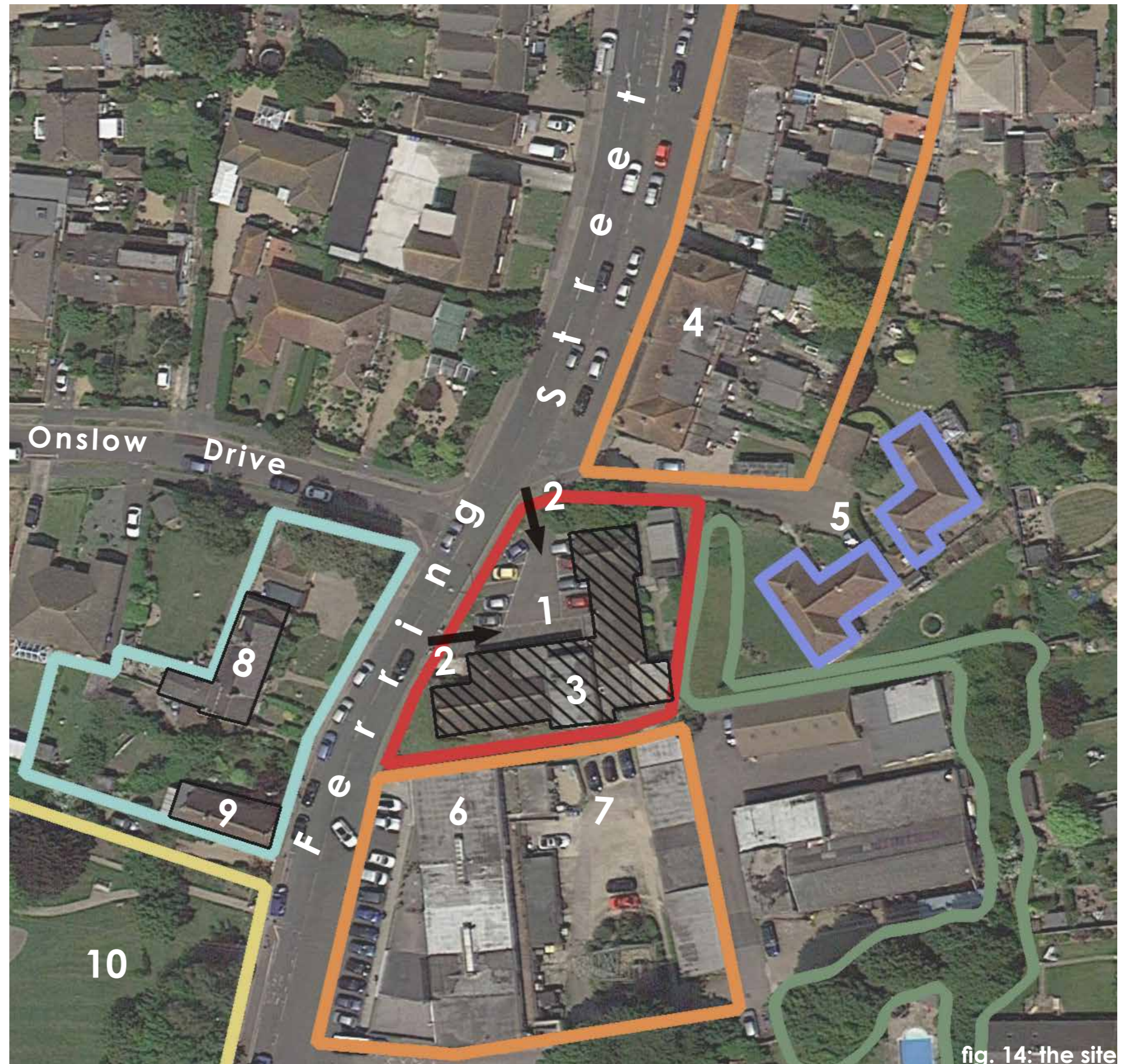


fig. 14: the site

# 3.2\_the design process

## constraints

A constraints plan, as set out on the opposite page summarises the key design issues that the development of the site will need to address.

A better sense of containment (1) needs to be provided to strengthen the street edge.

The development will also need to create a greater sense of activity along the street edge (2) which may be achieved through a building layout to improve overlooking and surveillance.

The prominent location of the site and the set back of the shopping parades either side requires a design response that provides a focus at either end of the street frontage. At the northern end a focus (3) is needed to reinforce the containment of the street and direct views along the street.

At the southern end a focus (4) may beneficially be provided to help create a gateway as the street geometry changes on the approach to the village green and in response to the listed building at the street edge.

Both of these focal features will also need to respond to the scale of the adjacent shopping parades (5).

The scale and layout of the development, its materials, landscape and architectural design should complement the character and scale of Listed buildings and their gardens (6) opposite.

The layout should respect the privacy and amenity of the dwellings and private gardens (7) adjacent to the eastern boundary. Sensitivity should be shown as regards the windowed south west elevation to the nearer of these two bungalows in particular.

The southern boundary treatment should provide a screen (8) to the car parking and service area of the southern shopping parade.

Pedestrian connections should provide links to the north and south along Ferring Street.

## 3.2\_the design process



fig. 15: view from onslow drive towards site



fig. 16: village green



fig. 17: car parking to south of site



fig. 18: constraints plan

# 3.2\_the design process

## design concept

### site layout

The design concept is based on a site layout that creates a clear distinction between the public and private in order to animate the building, protect the adjacent residential amenity and accommodate vehicle access and parking. The main body of the building (1) is two storeys and set back from the street, more or less on the footprint of the existing village hall. This creates a layout with clear distinction between the public and private.

The private side has private gardens (4) serving the proposed ground floor dwellings to protect the privacy of the existing gardens adjacent to the site. The space in front of the main body of the building provides a shared entrance courtyard (5) for parking and a place of arrival into the scheme. This layout avoids having parking and vehicle movements to the rear of the site where it would be in conflict with the existing gardens.

Animation to the courtyard and the street will be provided by the entrances to dwellings, west facing balconies (6) at the upper level overlooking the courtyard and street, and the internal layout of the dwellings with living rooms and kitchens on the public elevation.

At the northern end of the main block, and on the gateway / second block, the roof form (7) is lifted above general roof line and rotated to create a focal point beyond the end of the existing northern shopping parade. This will be further articulated by feature windows and architectural detail. This arrangement serves to keep the scale of the southern end of the main block sufficient to ensure the proposal is not overbearing in relation to the near bungalow to the east.

On the southern end of the street frontage a standalone building, also two storeys (8) has been brought forward to the street, also with a roofline as (7). Designed to act as a focal point beyond the end of the existing southern shopping parade, it will also create a gateway to the village green with the listed building opposite (9).

To improve the sense of containment and street edge, a stronger boundary treatment (10) will be provided with a combination of flint and brick walling and soft landscape designed to reflect the character of the gardens and buildings opposite (11). This will make the entrance courtyard

feel more enclosed and a semi private space, whilst allowing the balconies and internal layouts to provide surveillance and animation to the street. This arrangement, provides an echo of the plan form of the listed building group opposite, and as with this group, contributes to the various nature of the way buildings address the street along its length. Similarly the height of the new enclosing flint wall coupled with proposed new planting will, with plant growth over time, provide an echo of the richness of the mature gardens to the listed buildings.

A single vehicle access (12) will reinforce the sense of enclosure and street edge. This will include a pedestrian link to the south with an additional pedestrian link (13) to the north through the boundary wall.

### dwelling design

A two storey building form is proposed in response to the scale of the setting. The wish to keep each dwelling on one level and avoid internal staircases has led to a layout that has been planned around a main block of eight dwellings with four on each floor and a standalone block with a single dwelling on each, giving a total of ten dwellings.

Each dwelling has an individual entrance and its own front door from the courtyard. For the upper level dwellings, the stair is designed with a shallow pitch and space for a stair lift to be added if required.

To meet the needs of elderly downsizers, the following were agreed as design objectives through consultation and the development of the brief:

- All dwellings should be designed to LifeTime Homes standards to meet the changing mobility needs of residents
- A 'passive design' approach should be taken with high insulation standards to ensure low energy costs
- Dwellings should be a generous size
- Dwellings should have architectural character and the opportunity for personalisation
- Layouts should be fluid and based on an open plan format to make the most of the space
- Living spaces are to be designed to provide high levels of daylight
- Each dwelling must have a private external space

In response to these criteria the design proposes the following which are illustrated in Section 3.3 Project Proposals;

- Ground level dwellings with easy to manage private gardens, first floor dwellings with generous covered west facing balconies overlooking the street. All layouts designed with external spaces as an extension to the living space.
- Wall thicknesses to provide high levels of insulation
- Large openings to external spaces to make them easy to use and provide high levels of daylight
- Roofs designed to add architectural interest to the interior and, in respect of the upper level northern two units of the main block, and of the upper level maisonette of the gateway / second block, provides an 'mezzanine room' for family, visitors or as a hobby/work room. The upper level two units at the southern end to the main block have low eaves lines, but still use the underside of the pitched roof forms to contribute to internal eventivity.

## 3.2\_the design process



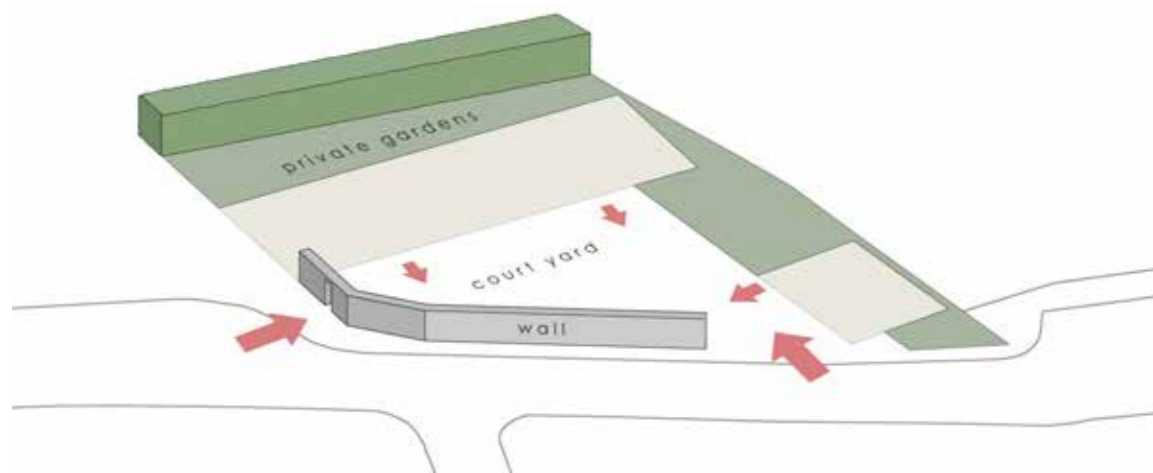
**fig. 16: concept**

# 3.3\_project proposals

## a group of 10 one & two bedroom homes for Elderly Downsizers

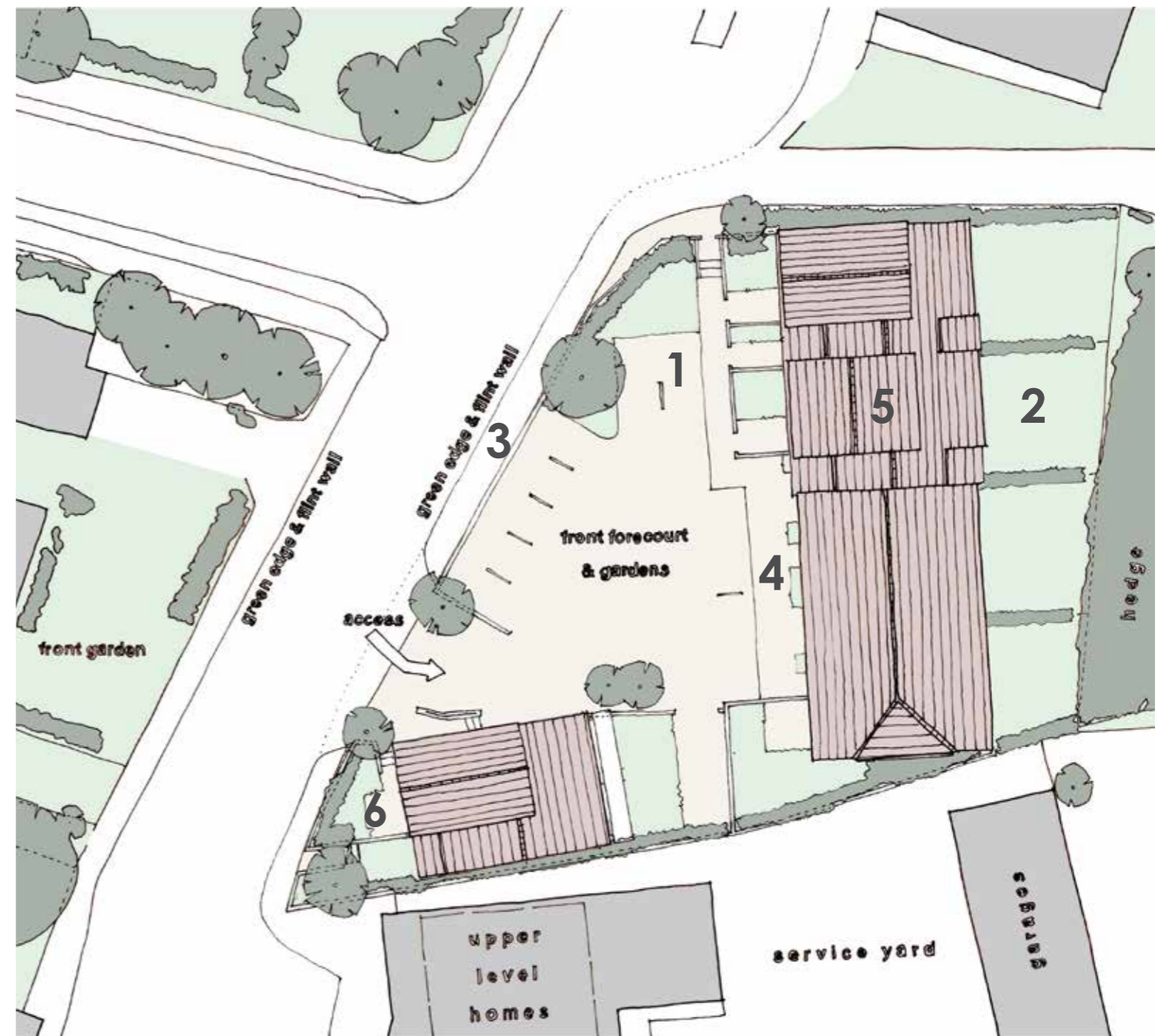
### concept 1

The group of two storey buildings is planned around a shared courtyard with parking for each home, a pedestrian entrance and landscape. The layout creates a green edge of private gardens backing onto the existing gardens. A new wall, along with the courtyard landscape, will create an attractive boundary to Ferring Street.



### concept 2

Homes on the upper storey have west facing balconies overlooking the courtyard and Ferring Street to maintain the privacy of neighbours gardens. The design creates architectural interest with a focal point view and a gateway along Ferring Street.



The illustration above is a site plan of the proposal showing:

1. Courtyard with pedestrian entrance, parking and landscape
2. Private gardens
3. Boundary wall and landscape to Ferring Street
4. West facing balconies overlook the courtyard & Ferring Street
5. Roof designed as architectural focal point
6. Buildings create 'gateway' along Ferring Street

### NOTE:

The buildings sit on the footprint of the existing village hall.

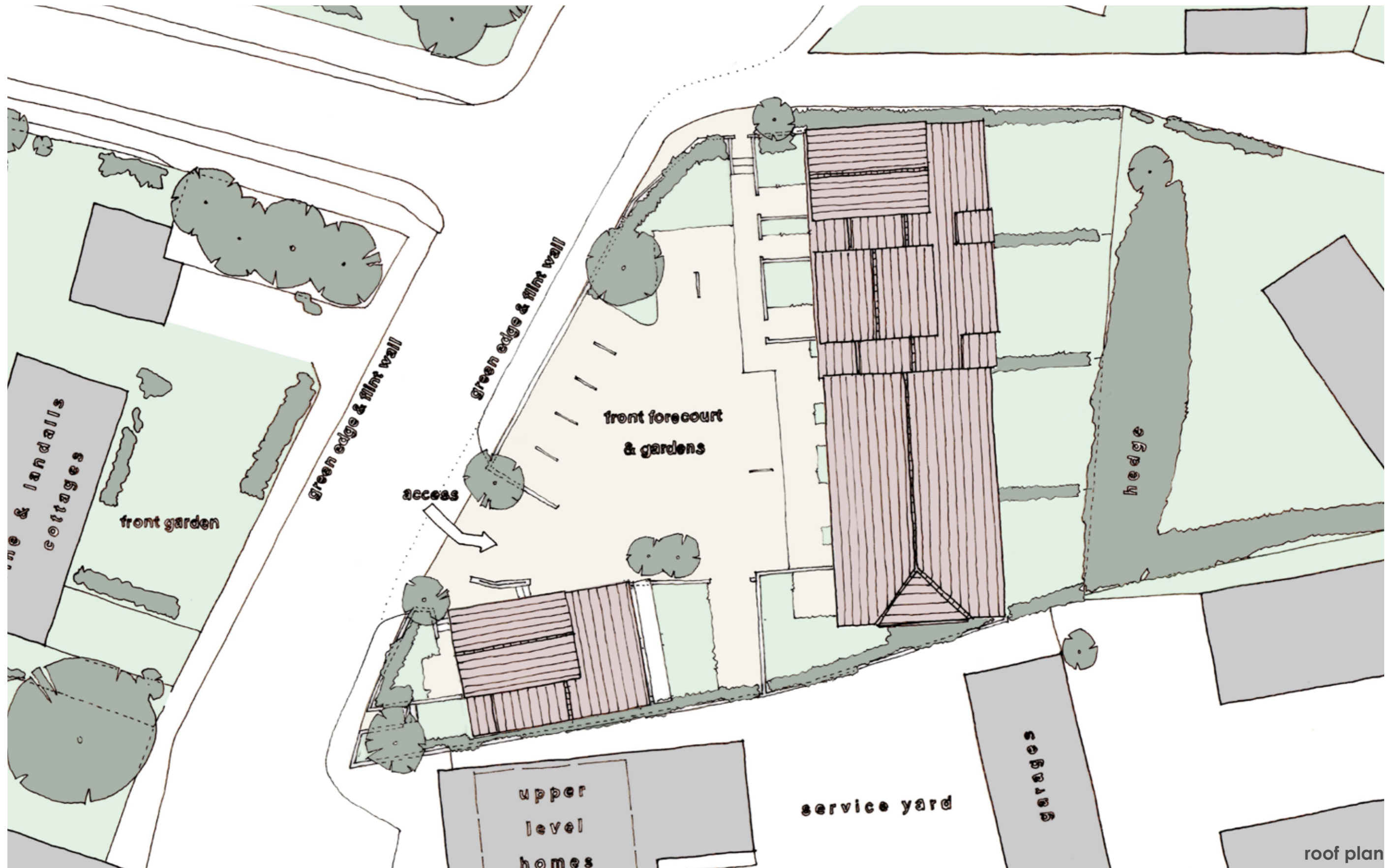
## 3.3\_project proposals



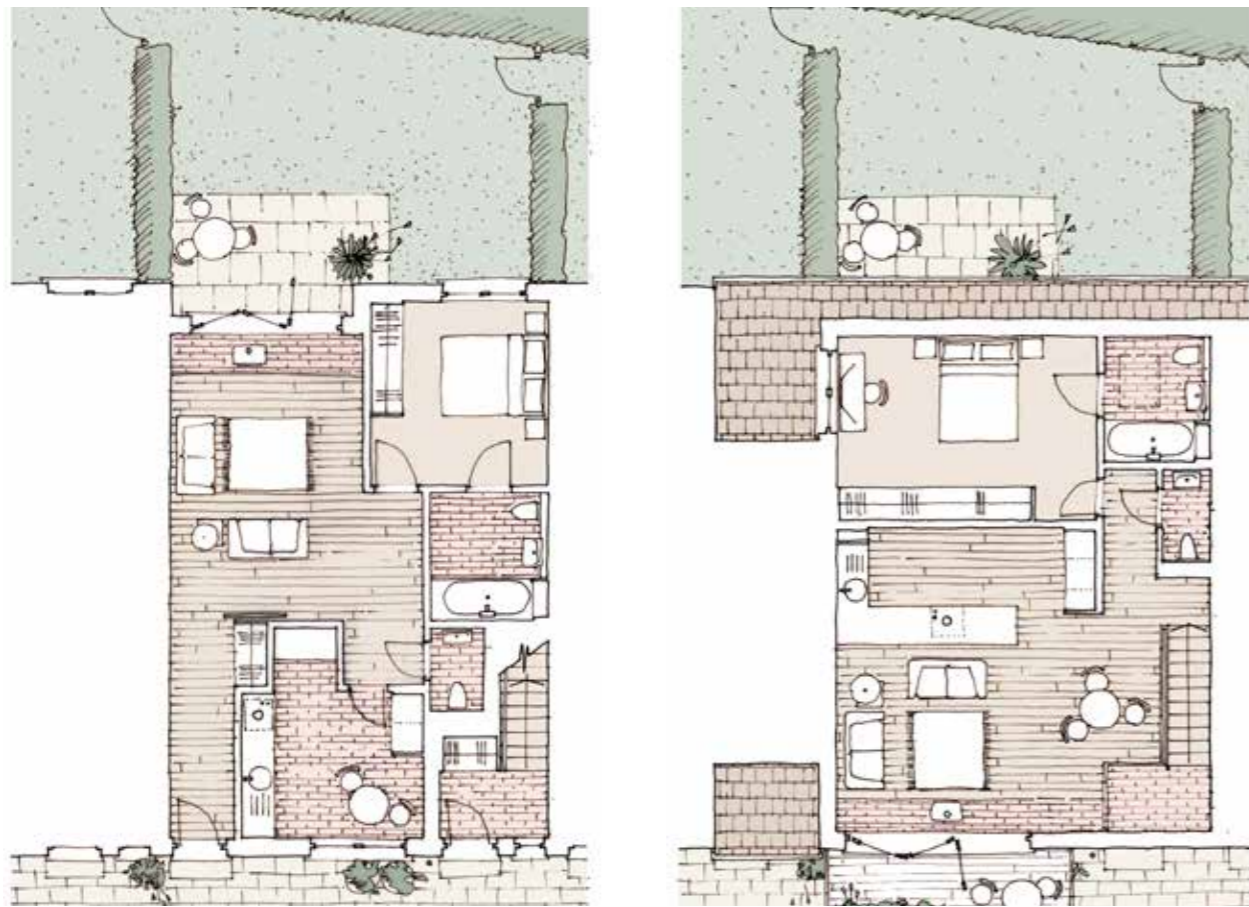
## 3.3\_project proposals



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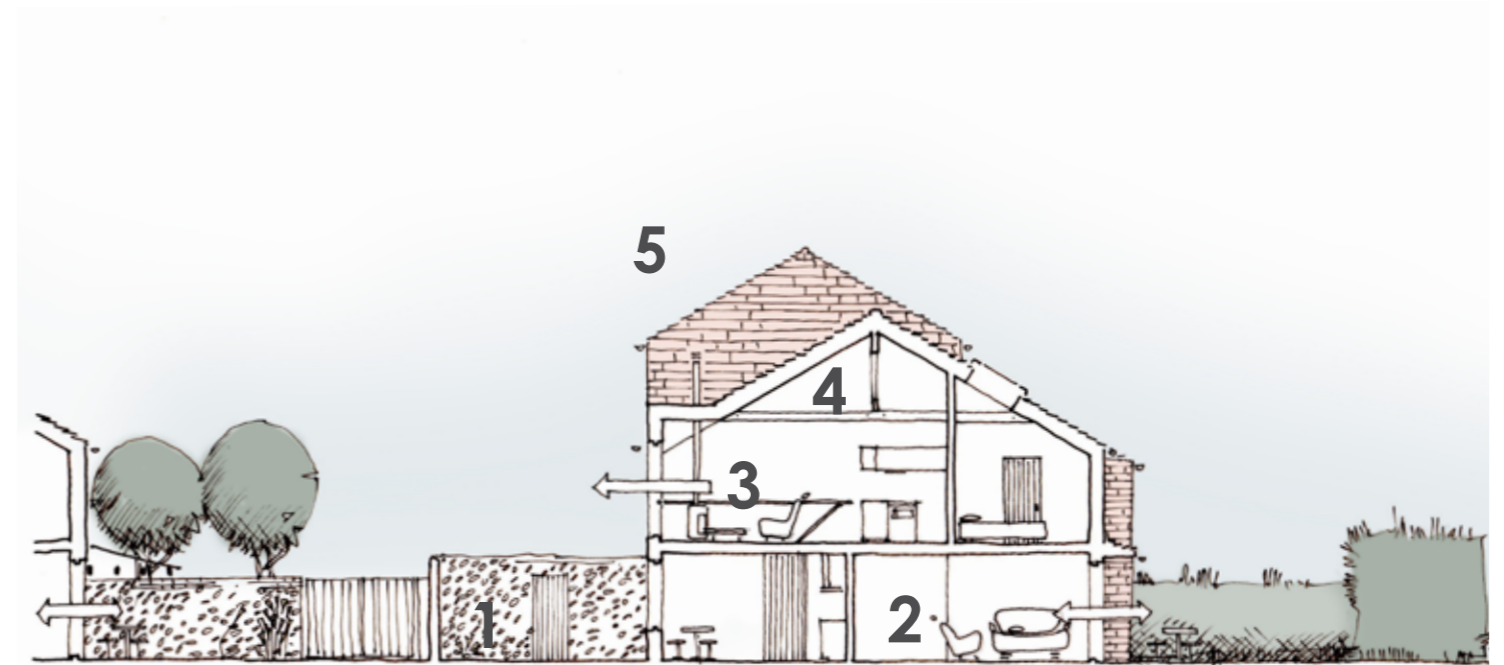


# 3.3\_project proposals



## plans

The plans above show both floors of the main building. The living spaces of the ground floor homes open onto small private gardens. The living spaces of the first floor homes open onto balconies overlooking the courtyard and street. Roof spaces are used to create architectural interest to the first floor homes. All homes will be designed to Lifetime Homes standards, with space for a stair lift if required.



## section

The illustration above is a section through a chalet bungalow home showing:

1. Courtyard and entrances to homes
2. Ground floor living spaces opening onto private gardens
3. First floor living spaces opening onto west facing balconies
4. Roof spaces providing architectural interest to first floor homes
5. Roof design used to create architectural focal point



# 3.3\_project proposals



**sketch view 1**

The illustration above is a view looking south along Ferring Street towards the site. It shows how the building form is used to create a focal point and architectural interest, and how the new wall and landscape will improve the edge to Ferring Street. A pedestrian gate will replace the existing vehicle access creating a stronger edge to the street, with first floor living spaces designed to overlook the street and provide surveillance.

The buildings will use a combination of traditional local materials, plus modern high performance materials and systems such as windows, insulation and services to create buildings that are efficient to run, have low energy bills and sit well in their surroundings.



**sketch view 2**

The illustration above is a view looking north along Ferring Street towards the site. It shows how the layout creates a gateway with a building form that responds to the layout of the Listed buildings opposite. The main wing of the building can be seen set back behind the entrance courtyard with a vehicle and pedestrian entrance framed by a new boundary wall and landscape.

The landscape design of the entrance courtyard, private gardens and balconies will contribute to the richness of the scheme and the character of Ferring Street.



# 4\_archaeology

As required under The Neighbourhood Planning (general) Regulations 2012, Regulation 22(1)(d), the following is an Archaeology Statement per Regulation 22(2)(a)(b)(c)

## 4.1 Historic Environment Record review

The Historic Environment Record (HER) for the neighbourhood area has been reviewed, per regulation 22(2)(a).

This review included the following documents published by West Sussex County Council:

121\_HER\_Data\_Map  
121\_HER\_Data\_Report  
121\_Registered\_Park\_or\_Garden\_Map  
121\_Registered\_Park\_or\_Garden\_Report  
121\_Listed\_Buildings\_Map  
121\_Listed\_Buildings\_Report  
121\_Historic\_Landscape\_Characterisation\_Time\_Depth\_Map  
121\_Historic\_Landscape\_Characterisation\_Broad\_Character\_Type\_Map  
121\_Historic\_Landscape\_Characterisation\_Character\_Type\_Map  
121\_Historic\_Landscape\_Characterisation\_Report  
121\_Scheduled\_Monument\_Map  
121\_Scheduled\_Monument\_Report

It was noted that the Archaeological Information within the HER records are contained within:

121\_HER\_Data\_Map  
121\_HER\_Data\_Report

## 4.2 review findings

The 121 HER Data Map & Report provides records of 75 “monuments” within an approximate 1.5km radius of order site, perhaps half of which are within the Neighbourhood Area, Ferring Parish.

The above records fall broadly into two categories: a cluster associated with Highdown Hill, towards the north of the parish at c. 1km north of the order site, and the remainder which present a fairly even spread across the rest of the parish. Of this latter category the following are archaeological:

Roman: MWS...  
3133 - Find - Pottery  
3140 - Find - Cremation Urn  
3141 - Find - Pottery

3151 - Find - Cremation Urn and Jug  
3156 - Evidence  
3158 - Find - 3 vessel fragments - C4 Pottery Pit  
5562 - Find - Pottery Cremation Vessel

The record of this find notes that it is a sensitive area vis a vis Archaeology.

Bronze age: MWS...  
3136 - Find - Palstave  
3171 - Find - Burnt Mound & Bronze Age Hoard

Neolithic: MWS...  
3131 - Find - Axehead  
3160 - Find - Half flint axe

There are no records of findings within the site to which the submission order relates, the closest appears to be MWS3133, at approximately 500m north of it.

## 4.3 impacts on the order proposal

The records indicate widespread archaeological findings across the neighbourhood area, but the patterning of these does not suggest that the order site is archaeologically sensitive. At the same time the site of the order has been dug, through its use for the Village Hall currently on site, and has thus been subject to disturbance.

Accordingly West Sussex County Council Archaeology Team, to whom the parish were referred by English Heritage, considers proposals “de minimis”, and require neither alteration to proposals nor their conditioning.

# 5\_heritage

## 5.1 heritage assets

Two Grade 2 Listed Buildings are within sight of the proposals site; DesigUID 1443 Landalls and Vine Cottage and DesigUID 630 Rose Cottage. These are located opposite and south of the frontage of the proposals site on Ferring Street.

## 5.2 Landalls and Vine Cottage

The Legal Description of Landalls and Vine Cottage is as follows: One building. Early C19. Two storeys. Five windows. Faced with cobbles with dressings, quoins and modillion eaves cornice of red brick. Slate roof. Casement windows. Listing NGR: TQ0947902944

The Curatorial Notes are as follows: Type and date: early C19 HOUSE. Date: from 1800 to 1832. Main material: cobble. Main material: brick. Covering material: slate

## 5.3 Rose Cottage

The Legal Description of Rose Cottage is as follows: C18. Two storeys. Three windows. Faced with cobbles with dressings, quoins and modillion eaves cornice of red brick. Tiled roof. Casement windows. One modern bay on ground floor. Listing NGR: TQ0947502916

The Curatorial Notes are as follows: Type and date: C18 HOUSE. Date: from 1700 to 1799. Type and date: modern HOUSE. Date: from 1900 to 1984. Main material: cobble. Main material: brick. Covering material: tile

## 5.4 English Heritage

As Grade 2 Listed Buildings English Heritage does not provide comment on matters affecting setting.

## 5.5 The Character and Setting of the Listed Buildings

The buildings may best be considered as a grouping, arranged as they are along a contiguous stretch of Ferring Street, with Rose Cottage to the south of the proposals site and abutting the Village Green, and Landalls and Vine Cottage running up towards the north and opposite the proposals site (see *figure 13 in the Design Statement above*).

Rose Cottage is set forward to the street edge, presenting to

the street an attractive 2 storey gable end whose construction evidences a historic process of additive or accretive constructions that have resulted in a mixed materials palette of brick elements interwoven with flint work, with window openings formed at different periods.

Landalls and Vine Cottage are set back from the street edge, and present a low two storey entrance elevation parallel to street comprising originally of a single cottage to which another has been added, and which historic circumstance has seen combined to form a single dwelling house. The construction of these cottages features flint walling and traditional window openings, all of a period, and with two roofing materials, red tile and the slate referenced in the listing, one used for each of the original cottages. To the front of the cottage a mature landscaped front garden has been formed behind a low flint wall that forms the street boundary.

The age and character of these buildings very much sets them apart from the buildings that surround them; the modern flat roofed shopping parade opposite Rose Cottage, and the largely single storey early 20th Century Village Hall on the proposals site opposite Landalls and Vine Cottages. The parade for example is a concrete frame construction all built at one time and featuring the horizontality often associated with such 20thC constructions. The pre modern Village Hall on the other hand is a purpose built community building of non domestic scale, and features numerous accretions some more successful than others, and which now takes a plan form comprising two predominantly single storey wings, set behind a raised parking forecourt.

At greater distance the streetscape is largely featured by 20thC domestic buildings, low in scale and density, and notable principally for the well developed private gardens that inhabitants have created.

## 5.6 Proposals Response

Centrally the proposals have responded by recognising that use of the broad outline of the existing village hall plan form of two wings, though separated into two blocks of building, provides an opportunity to echo the positive contribution to streetscape provided by the listed buildings. Setting one block behind a forecourt, whilst bringing forward the other towards the street edge, and providing an enhanced enclosing boundary wall element in flint complemented by new planting, creates a positive addition to the varied character of the streetscape at its best and as represented

by the listed buildings.

In detail this approach to plan form and street edge is augmented by provision of a roof scape that again gives an echo of the additive roof forms of Landalls and Vine Cottage, and which features a variety of low and high 2 storey elements.

# 6\_basic conditions

## 6.1 introduction

6.1.1 This Statement has been prepared by Ferring Parish Council ("the Parish Council") to accompany its submission to the local planning authority, Arun District Council (ADC), of Community Right to Build Order No.2: Village Hall ("the Order No.2") under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

6.1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Ferring, as designated by the Local Plan Sub-Committee of ADC on 29 November 2012 and by the South Downs National Park Authority (SDNPA) on 14 March 2013 (see Figure 17).

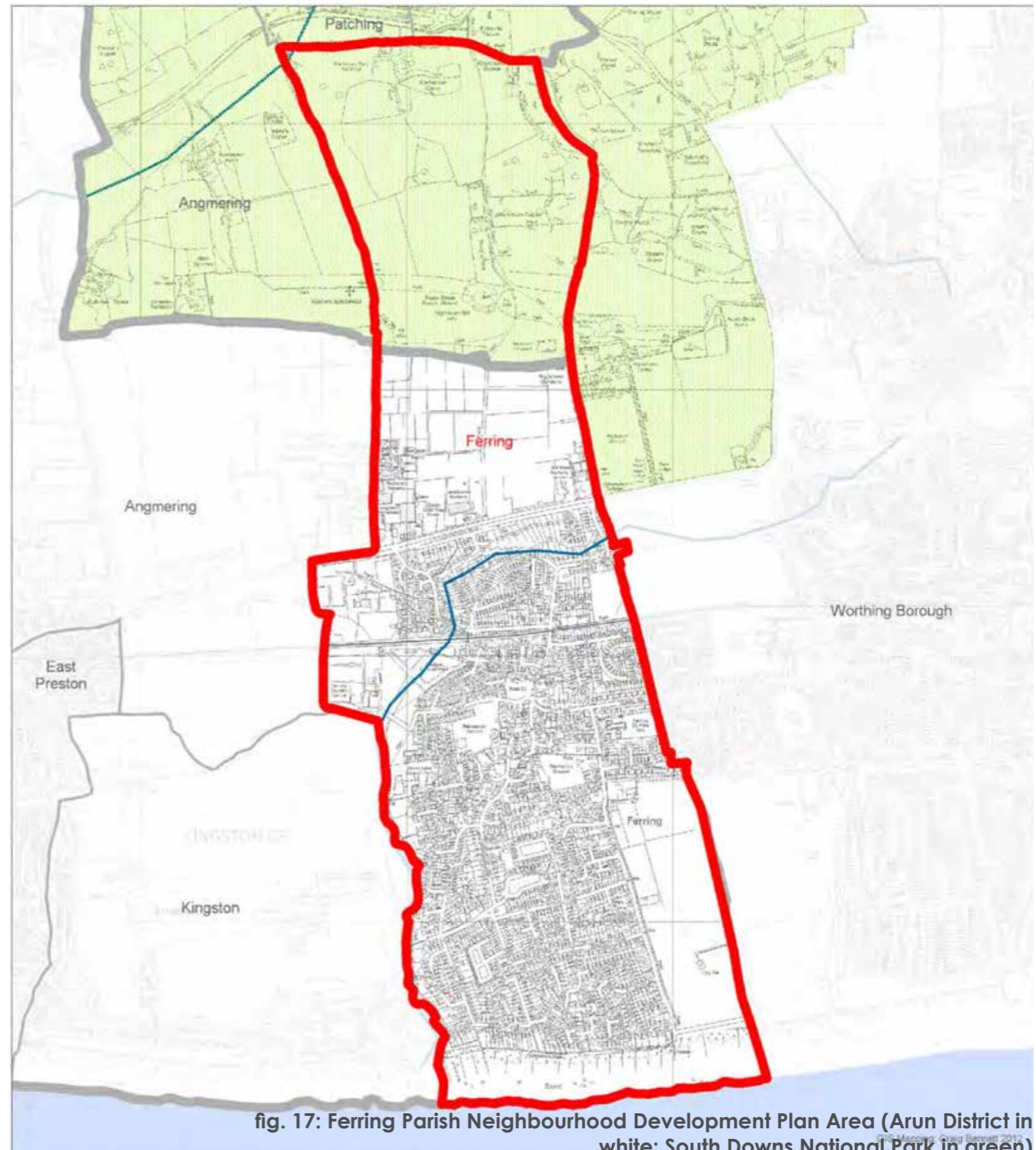


fig. 17: Ferring Parish Neighbourhood Development Plan Area (Arun District in white; South Downs National Park in green)

# 6.1\_basic conditions

6.1.3 The Statement addresses each of the 'basic conditions' required of the Regulations and in doing so explains how the Order No.2 meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

6.1.4 The Regulations state that a Community Right to Build Order will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Community Right to Build Order,
- the making of the Community Right to Build Order contributes to the achievement of sustainable development,
- the making of the Community Right to Build Order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the Community Right to Build Order does not damage a Listed Building or setting or any features of architectural or historic interest it possesses if the Order is intended to grant permission for development that affects the building or its setting
- the making of the Community Right to Build Order does not damage the character or appearance of a conservation area if the Order is intended to grant planning permission for development in relation to buildings or other land in the area
- the making of the Community Right to Build Order does not breach, and is otherwise compatible with, EU obligations.

6.1.5 In parallel with the submission and examination of the Order No.2, the Parish Council has also prepared two other Community Right to Build Orders and a Neighbourhood Development Plan for the Parish of Ferring ("the Neighbourhood Plan"). The context for all three Orders is set out in the Neighbourhood Plan and they relate to its three most important policies.

6.1.6 However, in accordance with Regulation 23 of the Regulations, the Orders are submitted for examination independently of each other and of the Neighbourhood Plan so that neither an Order nor the Neighbourhood Plan are dependent on the making of one another. Should the Order not be made in due course then the provisions of the Neighbourhood Plan may be implemented through a conventional planning application.

## 6.2 background

6.2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2012. The key drivers of that decision were the encouragement of ADC to towns and parishes in its district to prepare Neighbourhood Plans and a keenness of the Parish Council to manage local development and to promote the sustainable development in the parish.

6.2.2 A Steering Group was formed comprising parish councillors and other invited local people and it was delegated authority by the Parish Council to make day-to-day decisions on the Neighbourhood Plan. However, as qualifying body, the Parish Council approved the publication of:

- the State of the Parish report
- the Pre-Submission Neighbourhood Plan and a Draft Strategic Environmental Assessment (SEA);
- the Submission Neighbourhood Plan, including the SEA; and
- the three Community Right to Build Orders

6.2.3 The Parish Council has worked with officers of ADC during the preparation of the Neighbourhood Plan and the three Orders. The positioning of the Neighbourhood Plan and the Orders in respect of the emerging development plan, which proposes to establish a clear policy framework for neighbourhood plans, has been challenging. Progress on the new Arun Local Plan was delayed in May 2013 when ADC did not approve the submission of the Plan for examination. The new Local Plan was approved in part by ADC in February 2014 for pre submission consultation later in the year. Given this version of the plan has not yet been examined then this Statement cannot take it into account. However, it is noted that the version does not differ greatly from the 2013 version, the reasoning and evidence of which have informed the Neighbourhood Plan and Order No.2.

6.2.4 In which case, a number of saved policies of the 2003 Local Plan continue to provide a valid policy framework for the Order No.2, the other Orders and the Neighbourhood Plan. However, the Parish Council was also keen to use the Neighbourhood Plan to achieve local housing objectives and, in doing so, to realise other community objectives.

6.2.5 The proposal to implement the three most important

policies of the Neighbourhood Plan using Community Right to Build Orders was agreed by the Parish Council during the preparation of the Pre Submission version of the Neighbourhood Plan. Once the key features of those policies had been defined it became clear that each policy would benefit from an order for its implementation for two reasons:

- making an Order will enable the local community to engage in the detailed provisions of each Order and to have the opportunity to vote at a referendum
- making the Order would enable the Parish Council to secure grant aid from the Homes & Communities Agency to appoint the necessary professional and technical advice to undertake the necessary consultations with statutory and other bodies

6.2.6 The strategy for making the Orders comprised four parts:

- use the first Regulation 14 Pre Submission Neighbourhood Plan to begin the Regulation 21 publicity period by informing the statutory bodies and the local community of the key features of each Order and placing their justification clearly in the context of the Neighbourhood Plan vision and objectives
- if the representations on the Pre Submission Neighbourhood Plan were encouraging then to secure funding from the Homes & Communities Agency to carry out detailed feasibility work and, in doing so, to continue the necessary consultations required by Regulation 21
- to await the completion of the documentation for all three Orders before undertaking a further Regulation 21 period of consultation on each Order, to coincide with a Revised Pre Submission Neighbourhood Plan consultation period under Regulation 14
- if the representations on the Order were positive then submitting it to ADC for a concurrent examination and referendum with the other Orders and Neighbourhood Plan

## 6.3 conformity with national planning policy

6.3.1 The Order No.2 has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF). The NPPF defines a Community Right to Build Order as:

*"An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning*

# 6.3\_basic conditions

*permission for a site-specific development proposal or classes of development."*

6.3.2 The NPPF sets out the purpose of Community Right to Build Orders within the context of neighbourhood planning thus:

*"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to ... grant planning permission through ... Community Right to Build Orders for specific development which complies with the order." (para 183)*

*"Communities can use ... Community Right to Build Orders to grant planning permission. Where such an order is in place, no further planning permission is required for development which falls within its scope." (para 201)*

## making an order

6.3.3 In overall terms, there are a number of NPPF paragraphs that provide general guidance on the process by which Community Right to Build Orders should be made, to which the Order No.2 has directly responded:

*"Local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted." (para 71)*

*"... Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination. Policies in this Framework that relate to decision-taking should be read as applying to the consideration of proposed ... Orders, wherever this is appropriate given the context and relevant legislation. (para 202)*

*"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private*

*resources and improved outcomes for the community." (para 188)*

*"The more issues that can be resolved at pre-application stage, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs." (para 190)*

*"The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible." (para 191)*

*"The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible." (para 192)*

6.3.4 The Consultation Statement of the Order No.2 (see Section 6) sets out specifically how these NPPF principles have been adhered to in complying with the provisions of Regulation 21 of the Regulations. In general terms, the Parish Council has worked closely with ADC officers and officers from the relevant statutory and other bodies in its preparation. This work commenced during the preparation of the Neighbourhood Plan in Spring 2013 and has continued to date. The provisions of the Order No.2 are the result of this work, which has validated and refined the key features of the Order described in the Pre Submission Neighbourhood Plan in May 2013 and in the Revised Pre Submission Neighbourhood Plan and Draft Order No.2 published in February 2014 for consultation.

## The use of planning conditions and obligations

6.3.5 Given that the NPPF requires Orders to be prepared

and administered in accordance with its general 'decision-taking' advice (para 202 – see above), its provisions on the use of planning conditions and planning obligations are also relevant to Order No.2:

*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." (para 203)*

*"Planning obligations should only be sought where they meet all of the following tests:*

- necessary to make the development acceptable in planning terms;*
- directly related to the development; and*
- fairly and reasonably related in scale and kind to the development." (para 204)*

*"Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled." (para 205)*

*"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." (para 206)*

6.3.6 It is proposed The Order No.2 contains fair and reasonable planning conditions that meet the above tests in order to ensure the development scheme is acceptable (see Section 2), in accordance with the Town and Country Planning Act 1990. In this regard it is noted that The Order No. 2 description provides definition for proposals accompanied by a Design Statement containing illustrative information. As such, whilst the Regulations state that an Order may or may not be accompanied by Conditions, for this Order the Conditions are included to ensure the detailed development of the proposals will deliver a sustainable development scheme. The Parish Council has thus sought from and used 'model' conditions made available by ADC officers and are considered relevant for a development proposal of this type. As such, all meet the tests of para 206 and none are considered to impose an unnecessary constraint on the achievement of a successful scheme.

# 6.3\_basic conditions

6.3.7 It is proposed The Order No.2 also contains a condition (2.1.14) requiring the completion and signed of a Planning Obligation under section 106 of the Town and Country Planning Act 1990 before the commencement of the development it permits. The use of a planning condition is necessary as it is not possible at the time of making The Order No.2 to ascertain the precise sums required of the financial contributions and therefore a Section 106 Agreement cannot be competed and signed prior to The Order No.2 being made.

6.3.8 The precise sums will be known once a) an agreement has been reached between the landowner and the developer on the value of the development scheme and b) the costs of any necessary utilities works are known. This will ensure that the Section 106 Agreement, and therefore the Condition, is precise and reasonable and reflects market conditions to prevent the planned development being stalled.

6.3.9 It is intended that the financial contribution related to a) above will be broadly commensurate with the net value of receipts arising from the development scheme permitted by the Order. In this regard, some flexibility must be allowed to ensure that costs arising from implementation of the Order, for example legal costs associated with land transactions, should be deductible prior to the total value of the contribution being determined. It will also take into account the prevailing local housing market conditions in respect of sales values that may be achieved (as acknowledged by para 205).

6.3.10 It is intended that the financial contribution related to b) for necessary utilities works, be agreed within the timescale required to agree a).

6.3.11 Once all this information is known, the condition is drafted to require that the local planning authority and the developer complete and sign the Section 106 Agreement prior to development being commenced: the condition is therefore enforceable.

6.3.12 The primary justification for the development proposed by The Order No.2 is to help finance the delivery of the new Ferring Community Centre (itself the subject of the Order No.3). Without such an outcome, a housing scheme requiring the loss of the existing village hall would not be acceptable in planning terms. Crucially, the local community has made clear its support for The Order No.2 is also contingent on the delivery of this outcome.

6.3.13 Both the planning condition and planning obligation

are therefore directly related to the proposed development and the use of the planning condition will enable the planning obligation to be fairly and reasonably related to the scale and kind of the development.

6.3.14 A viability appraisal has been prepared which demonstrates that the residual development value of a scheme described in The Order No.2 should be achieved and that a Planning Obligation can be agreed in due course. However, in doing so, it is proposed to confine the obligation only to making a financial contribution for this express purpose and for any necessary utilities works.

## the development described by the order

6.3.15 The Order No.2 accords with para 50 of the NPPF in providing for the development of up to 10 new homes to meet specific local demand that has not been met from recent consents and windfall schemes. As such, the Order No.2 will contribute to the supply of housing in the parish as a developable site that will be made available by the landowners, including the Parish Council, once a satisfactory alternative allotments site has been secured.

6.3.16 In doing so, the Order No.2 specifies the housing type to be especially suited to older households to enable local people to remain in their village community when 'downsizing' from their larger current houses. The local market does not meet this demand that has been apparent during the community engagement activities of the Neighbourhood Plan and of the preparation of the Orders. The location of the site adjoining Ferring Village Centre is ideal for older persons being able to easily walk to the local shops and services.

6.3.17 The Order No. 2 is especially compliant with the NPPF in respect of it enabling and facilitating social interaction and sustaining a healthy community (para 70). Not only will the Order No.2 lead to the re-provision of a multi-purpose community facility that is better able to meet the modern and diverse demands of local community for such facilities. It will, in combination with the other two Orders if made, bring about a transformation in the quality and range of community facilities serving the whole village community. This integrated approach to planning for bespoke housing supply to meet local demand and for new community facilities – using Community Right to Build Orders where appropriate – is precisely the outcome desired by the NPPF of neighbourhood planning (in para 71).

6.3.18 The Ferring Village Hall charitable trust is the landowner of the Order No.2 and it is willing and able to deliver it as described herewith. The trust is exerting this degree of control over the future of its land asset to bring about a viable and sustainable long term planning solution. As a charitable trust, it is able and willing to judge the viability of the Order No.2 very differently to a conventional house builder requiring a competitive financial return. In this case, the Order No.2 accords with para 173 of the NPPF in benefiting from a credible delivery solution.

## 6.4 contribution to sustainable development

6.4.1 The Neighbourhood Plan has been subject to a Strategic Environmental Assessment (SEA) of its environmental effects in accordance with EU Directive 2001/42. The assessment demonstrates that the Neighbourhood Plan will not have any significant environmental impacts; rather its sum of policies will deliver a significant net positive environmental outcome.

6.4.2 Specially, the Neighbourhood Plan Policy 3 that makes the allocation to which the Order No.2 relates has been assessed positively. The summary assessment of the policy in the Basic Conditions Statement of the Neighbourhood Plan is as follows:

*"The policy enables the redevelopment of the much cherished but problematic village hall. Its open market housing will meet local demand for smaller houses suited to older households that is not being catered for by recent consented schemes or windfalls of the last few years. This will enable many local people to 'downsize' and stay within the village. The site adjoins the Ferring Village centre to enable residents to walk to the local shops. This benefit outweighs the cost of not providing for affordable housing, as there is little local affordable housing need to meet in the village. It therefore has significant direct social and some economic benefits. The requirement for a financial contribution from the scheme to invest in the new Community Centre of Policy 9 will deliver major indirect social benefits."*

6.4.3 However, in addition to the Order No.2 benefiting from this assessment of the Neighbourhood Plan SEA, it is important to establish its sustainable development credentials in more details and these are considered below:

# 6.4\_basic conditions

## social value

6.4.4 All of the Village Hall facilities will be re-provided with modern equivalents as part of the multi-functional community centre proposed by Order No.3 and Policy 9 of the Neighbourhood Plan. This will transform the provision of such facilities in the parish for the long term benefit of the community. The loss of the Village Hall would not have been countenanced without such social value being created.

6.4.5 The Order No.2 will also contribute to the supply of housing that will especially address an unmet demand of local people for a bespoke housing solution. In doing so, it will release larger homes that may be unsuitable for older person households on to the market for younger family households to occupy. The close proximity of the site to the Ferring Village Centre will enable occupants to walk to the shops and services and very much feel they remain part of the village community.

## environmental value

6.4.6 The location of Order No.2 opposite a Grade II listed building does not prevent development in principle but does require that its provisions will sustain or enhance the architectural or historic significance of that heritage asset or its setting. The Design Statement of the Order No.2 describes the ways in which the new housing scheme will respond to its location in the streetscene generally and to the listed building opposite specifically.

6.4.7 ADC officers have confirmed that the site requires no flood risk assessment or an environmental impact assessment and is not proximate to an EU Habitats site. It contains no trees or vegetation subject to preservation orders.

6.4.8 The illustrative scheme demonstrates the intent of the parish to pursue a contextually sensitive proposal featuring the provision of high quality public realm whilst Conditions to the Order provide key assurance that the detailed development of the proposals will have appropriate regard to both the natural and the built environment.

## economic value

6.4.9 The Order No.2 will have no significant direct economic impact. The construction of the development it provides for will support jobs in that industry during its build out and that in turn may benefit local shops from increased footfall given their close proximity to the site. The presence of new homes

very close to the village centre may lead to a longer term increase in footfall.

## 6.5 general conformity with the development plan

6.5.1 The Order No.2 has been prepared to ensure its general conformity with the development plan for Arun.

6.5.2 As described above, the current status of the development plan – the adopted 2003 Local Plan – together with the untested Submission Arun Local Plan of May 2013, has made judging this matter challenging. At the outset, the Parish Council considered the alternative of awaiting the adoption of the new Arun Local Plan as being too long to plan for the long term solutions to the Community Centre, Village Hall and allotments issues.

6.5.3 The 2003 Local Plan could not, of course, have anticipated the existence of the Localism Act almost a decade later and so made no provision for the use of Community Right to Build Orders. However, its saved policies are relevant for the determination of planning applications in Arun and are therefore also relevant in respect of the Order No.2.

6.5.4 The Basic Conditions Statement of the Neighbourhood Plan summarises the conformity of Policy 3, which makes the allocation for the land to which the Order No.1 relates, thus:

*“The policy proposes the redevelopment of a listed Building of Character to enable its replacement with the new Community Centre of Policy 9. It does not provide for any affordable housing, as it is specifically intended to deliver a maximum residual value to reinvest in delivering Policy 9. Further, there is unmet local demand for ‘downsizing’ homes that the market is not meeting; conversely there are few households in housing need in the parish. A combination of housing development supported by Policy 4 and of recent consents in the village will deliver a significant increase in local affordable housing supply of some 40 dwellings.”*

6.5.5 However, the Order No.2 must be considered to in general conformity with the development plan in its own right. The key saved policies of the adopted 2003 Arun Local Plan are:

## GEN7 The Form of Development

*“Planning permission will only be granted for schemes displaying high quality design and layout. Development proposals involving new buildings or significant extensions or alterations must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area.*

*Development will be permitted provided it:*

- i. makes efficient use of land or buildings and, in the case of new residential development, achieves net densities of at least 30 dwellings per hectare;*
- ii. demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;*
- iii. promotes sustainable development, including the effective use and conservation of energy and reducing the need to travel, particularly by private car;*
- iv. does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;*
- v. takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;*
- vi. retains significant open or wooded areas which, in their own right, make a material contribution to the local environment;*
- vii. allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians;*
- viii. provides for vehicle parking in accordance with Policy GEN12 and Appendix 2 and open space in accordance with Policy GEN20.*

*In all cases, the District Council will expect a high standard of design and layout and all applicants will be encouraged to improve the visual amenities of the particular locality in scale, external appearance, hard and soft landscaping and materials.”*

6.5.6 The Order No.2 description sets out limits to proposed development and the conditions attached to the Order are there to govern its detailed development and to ensure thereby that larger than local issues are adequately addressed. The Order No.2 is however also provided with a Design Statement setting out the contextual analysis that underpinned the design of an illustrative scheme proposal

# 6.5\_basic conditions

included within the statement. The statement thus seeks to demonstrate in outline, that the order is permissible.

## GEN8 Development and Provision of Infrastructure

*“Development will not be permitted unless the infrastructure or facilities made necessary by the development are available or will be provided at the appropriate time. Permission may be granted subject to the development being phased in step with such provision by a landowner, developer or service provider. The Local Planning Authority may seek fair and reasonable contributions to be made by landowners or developers towards the cost of infrastructure, service or amenity provision, to meet the needs of the occupiers or users of the development ...”.*

6.5.7 The Order No. 2 includes a planning condition (2.1.14) that requires the completion and signing of a Planning Obligation prior to the commencement of the development. The informative to the condition explains its purpose and scope in the context of the national policy guidance on the use of conditions and obligations.

6.5.8 The primary purpose of the Order No.2 is to enable a significant investment to be made in re-providing community facilities – the Ferring Community Centre and the replacement allotments - and in helping meet the costs of any necessary utilities works. It is therefore entirely in accordance with the provisions of this saved policy.

## DEV17 Affordable Housing

*“Within allocated and unidentified housing developments of 25 or more dwellings or residential sites of 0.8 hectare or more, irrespective of the number of dwellings, the Local Planning Authority will seek to secure the provision of affordable housing.”*

6.5.9 ADC revised its standards for affordable housing on 18 August 2010, resolving that:

*“The following be adopted by way of guide figures for the purposes of negotiation, to be read in conjunction with Arun Local Plan Policy DEV17: (b) for developments of 1 to 14 units an affordable housing provision of 15% be sought district wide, subject to further research to ensure this is financially viable.”*

6.5.10 The Order No.2 proposes to make no provision for affordable housing, either on site or as a financial contribution to off site provision. This is because the driver of the Neighbourhood Plan policy enabling the Order is the need to maximise the residual value of the development scheme to allow for a planning obligation to be secured for a financial contribution to delivering the proposed Ferring Community Centre. The viability appraisal of the Order No.2 shows that making provision for a 15% affordable housing contribution will undermine this over-riding objective.

6.5.11 Consultations have been undertaken with ADC officers to assure them of the reasoning for not complying with the standard affordable housing policy. It is very unlikely that the Order No.2 (and Order No.1) will undermine the ability of ADC to secure affordable housing contributions either in Ferring or elsewhere in the future, given the special circumstances that apply. It is noted that two recent large housing consents in the parish will both meet the 30% affordable homes requirement and the Neighbourhood Plan will expect all other windfall schemes in the parish to comply with that requirement.

## Emerging Local Plan

6.5.12 The Neighbourhood Plan has been mindful of the publication of parts of the Pre Submission Arun Local Plan by ADC during the completion of the Order No.2 and of the Neighbourhood Plan. The NPPG (ID 41-009) allows for neighbourhood plans coming forward before the Local Plan to reflect the reasoning and evidence of the emerging plan as appropriate.

6.5.13 The strategic policies of the emerging Arun Local Plan do not differ greatly from those of the 2003 Local Plan although they do provide an up-to-date housing strategy for the district. In general, the policies continue to deploy the Built Up Area Boundary mechanism to distinguish established settlements like Ferring from their surrounding countryside. They also restate the importance of preventing settlement coalescence, of protecting designated and non-designated heritage assets and of promoting sustainable communities.

6.5.14 More specifically, the plan requires towns and parishes in the district to contribute to meeting housing supply and for those preparing neighbourhood plans to make such provision. Although not approved at the time of this Statement, a previous version of the plan indicated that Ferring would be required to make provision for 50 homes in

the plan period 2014 – 2029. It also restates and updates development management policy, in respect of replacing lost community assets, protecting the setting of listed buildings, and the design of housing proposals.

6.5.15 The Order No.2 is therefore consistent with the strategic intent and with the key development management principles of the emerging Local Plan.

## 6.6 compatibility with EU legislation

6.6.1 The Order No.2 has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

In particular Conditions 2.1.12 & 2.1.13 to The Order No. 2 are provided to protect the interests of adjoining residential owners and ensure compatibility with;

- Article 8 – Right to respect for private and family life, a summary of which states;

*“1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*

- Article 1 of Protocol 1 – Protection of property, a summary of which states;

*“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.*

*The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”*

# 6.6\_basic conditions

6.6.2 The Order No.2 is not in close proximity to any European designated nature sites and so does not require an Habitats Regulation Assessment under the EU Habitats Regulations. The making of the Order No.2 is therefore not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats) Regulations 2007 9(e). This was confirmed by the local planning authority on 25.4.2014.

6.6.3 Further, the specified development of Order No.2 does not require an Environmental Impact Assessment as it does not fall within the definition of Annex 2 to the EIA directive. This was confirmed by the local planning authority on 30.4.2014.

6.6.4 However, a screening opinion was issued by ADC in July 2013, which advised that the Neighbourhood Plan should be prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA). An SEA has therefore been undertaken of the Neighbourhood Plan.

## 6.7 listed buildings & conservation areas

6.7.1 As set out in Schedule 4B to the Town and Country Planning Act 1990 Clause 8(3), this basic condition applies in so far as an order grants planning permission for development that affects a listed building or its setting. The Order No.2 does relate to development within the setting of a listed building. The Design Statement describes the significance of the setting and the ways in which the provisions of the Order will sustain and enhance its significance to the satisfaction of ADC and English Heritage.

6.7.2 As set out in Schedule 4B to the Town and Country Planning Act 1990 Clause 8(4), this basic condition only applies in so far as an order grants planning permission for development within a conservation area. The Order No.2 is not within a conservation area.

# 7\_consultation statement

The requirements of the Parish Council, as qualifying body, for Pre-submission consultation and Publicity are set out in The Neighbourhood Planning (General) Regulations 2012, Part 6, Regulation 21.

This regulation has three sub clauses setting out requirement detail, the first sub clause (a) relates to Publicity and concerns local community awareness of, and participation in, the drafting of the order proposals. The second (b) concerns the process of consultation with affected parties including local infrastructure service providers, statutory bodies, and land owners. The third (c) concerns copying proposals to the local authority. This statement deals with each of these sub clauses in turn.

## 7.1 publicity

### 7.1.1 publicity: regulation 21.(a)

This regulation states:

*“Before submitting an order proposal to the local planning authority, a qualifying body must...publicise, in a manner likely to bring it to the attention of people who live, work or carry on business in the area -*

- (i) details of the proposals for...a community right to build order:*
- (ii) details of where and when the proposals may be inspected:*
- (iii) details of how to make representations: and*
- (iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the proposals are first publicised.”*

### 7.1.2 first publication of order proposal

The proposals for a community right to build order were first set out in pre-submission drafts of Ferring Parish Council's Neighbourhood Plan 2014-2029, published in May 2013 and available for inspection at Ferring Parish Council Offices thereafter.

### 7.1.3 community steering group

The order was subsequently developed further by a steering group brought into being by the parish council, and reflective of a spectrum of interest groups within the parish community: representatives of the Village Hall Trust, the Glebelands Trust, The Retirement Club and the Parish Council all participated.

In addition to public meetings held (see 7.1.4 & 7.1.5 below),

the steering group met on over 6 occasions between Sept 2013 and Mar 2014.

### 7.1.4 immediate residential neighbours

Further detail of the order proposals was presented to immediate residential neighbours at a preview meeting on 27.11.2013 in Ferring Village Hall. All such neighbours were invited by hand delivered post to each house in question. 7 local residents subsequently attended.

The meeting comprised an introduction to the parish's neighbourhood plan and the order, a detailed presentation of the order proposals, and then a question and answer session at which all those present were invited to provide feedback. The meeting was orchestrated by the chair of the parish council, who subsequently drew up review notes of the meeting.

### 7.1.5 public exhibition

A public exhibition was held on 14.12.2013 at which further details of the order proposals were presented at the Glebelands Club in Ferring.

The exhibition was attended by members of the steering group to assist visitors as necessary. A questionnaire was provided inviting comment and giving notice that the contents of the exhibition could also be viewed at the parish offices post the exhibition, and giving a date of 26.1.2014 by which any representations should be made. Visitors were invited to hand in completed questionnaires on their way out of the exhibition.

### 7.1.6 publicity reviews

The steering group met twice to review the preview meeting of immediate residential neighbours, comments made and questionnaires completed at the exhibition, and representations subsequently made. The primary review was on 13.1.2014 at the parish council offices. The subsequent review was on 27.1.2014.

### 7.1.7 main issue and concerns - meeting with immediate residents on 27.11.2013

The following notes were made in respect of the question and answer session at the above meeting.

*Questions were asked in a direct way, but generally the tone of discussion was well mannered and productive with the main comments being made in respect of the building types and traffic/parking matters. Main aspects noted were as follows:*

- A strong preference was expressed that the proposed accommodation be targeted on elderly downsizers only and not on starters at all.*
- A suggestion was made to reduce the number of dwellings and increase the amount of car parking having regard to traffic and parking conditions in the area. It was pointed out that relocation of the Village Hall function to the Greystoke Road site would greatly ease both traffic and parking conditions in this part of the village centre and that, on this basis, the proposed development would actually be a positive gain in parking terms.*

### conclusions

*The meeting ended amicably at approximately 9.15 pm with no significant disagreements.*

*It was indicated that the pre-view suggestions would be considered in relation to the preparation of revised plans for the 14th December Open Day event. Perhaps the main points to take away would be to target the proposed new homes solely on downsizers and to provide a little extra parking if this was possible without losing any dwelling units.*

### 7.1.8 main issue and concerns - exhibition & exhibition questionnaire

The proposal was generally well received. There were concerns about traffic movement, as this is a pinch point for traffic within the village. However when residents understood that the current village hall traffic, which is considerable, would relocate to the Glebelands Centre if the plans went through the comments were more favourable. Residents were asked if they thought the housing should be designed for elderly downsizers only, first time buyers only or a mix of these two groups. Opinions were split 33% in favour of elderly only and 67% mixed development. The site was considered very suitable for elderly downsizers due to its proximity to village shops and services. The most important factors in the design were considered to be low energy costs and easy

# 7.2\_consultation statement

maintenance. Convenient transport links were also cited as a plus point,  
“ Overall the scheme seems very tasteful and suitable for their surroundings”  
“ The village hall development should be in keeping with its existing surroundings”

## 7.1.9 consideration and order amendment

Feedback to the publicity was reflected in the proposals via, proposal amendment or otherwise as follows:

- concerns relating to the provision of extra parking on site were noted, but it was not considered practical to provide parking beyond that set out the site, which at 10 standard scale spaces, was 1 space more than the 9 substandard provision on the site as existing.
- as set out in the notes above, the difficulties of parking in the village centre were if anything most likely to be eased by the proposals since they were contingent on the removal of parking space demand associated with the community centre from this part of Ferring Street.

## 7.2 consultation

### 7.2.1 consultee check list

Regulation 21 (b) states:  
“Before submitting an order proposal to the local planning authority, a qualifying body must...consult-

(i) any consultation body referred to in paragraph 2(1)(a) of Schedule 1 whose interests the (Parish Council) considers may be affected by the proposals for a ...community right to build order:”

Per Schedule 1 (a) the Parish has consulted as follows

- “any person -  
(k)(i) to whom the electronic communications code applies....”(interest not materially affected)
- “(k)(ii) who owns or controls electronic communications apparatus...” (interest not materially affected)
- “where it exercises functions in any part of the neighbourhood area -

(l)(i) a Primary Care Trust...”(interest not materially affected)

“(l)(ii) a person to whom a license has been granted under... the Electricity Act 1989...”(see consultee 1 below)

“(l)(iii) a person to whom a license has been granted under... the Gas Act 1986...” (see consultee 2 below)

“(l)(iv) a sewerage undertaker” (see consultee 3 below)

“(l)(v) a water undertaker.” (interest not materially affected)

any consultation body referred to in paragraph 2(1)(b) of Schedule 1 whose interests the Parish Council considers may be affected by the proposals for a ...community right to build order:”

Per Schedule 1 (b) the Parish has consulted as follows

“where the neighbourhood area to which the ...community right to build order relates consists of or includes any part of the area of a parish council, that parish council.”  
(consultation n/a since parish are the qualifying body)

any consultation body referred to in paragraph 2(1)(c) of Schedule 1 whose interests the Parish Council considers may be affected by the proposals for a ...community right to build order:”

“any parish council...which adjoins the neighbourhood area”  
(interest of neighbouring parishes not considered to be affected)

(ii) “where the (Parish Council) considers the development to be authorised under the proposed...community right to build order which falls within any catagory set out in the Table in paragraph 2 of Schedule 1, any consultation body mentioned in the Table in relation to each of those catagories”

Thus from the Table in Schedule 1 (2)

- (a) Any development - English Heritage  
(see consultee 4 below)
- (b) From Schedule 5 Articles 15 & 16 (of the Town and Country Planning (Development

- Management Procedure)(England) Order 2010), proposals...  
(a) In National Park (n/a catagory)
- (b) In Metropolitan County (n/a catagory)
- (c) Land in non Metropolitan County - the district planning authority. (see consultee 5 below)
- (d) Land in a parish - the parish council (consultation n/a since parish are the qualifying body)
- (e) Proximity to areas notified to HSE as regards toxic or explosive etc substances - the Health and Safety Executive (n/a catagory)
- (f)(i) Affecting trunk roads - the Secretary of State for Transport (n/a catagory)
- (f)(ii) Affecting level crossing - the operator of the Railway in question and the Secretary of State for transport (n/a catagory)
- (g)(h)(i)(j) Matters relating to Highways - the local highway authority (see consultee 6 below)
- (k) Notified areas of coal working - the coal authority (n/a catagory)
- (l) Development involving mining - the Environment Agency (n/a catagory)
- (m)Development close to Royal Palace or Park - The Historic Buildings and Monuments Commission for England - (n/a catagory)
- (n) Alteration of a Listed Building - The Historic Buildings and Monuments Commission for England - (n/a catagory)
- (o) Development affecting the site of a scheduled monument - The Historic Buildings and Monuments Commission for England - (n/a catagory)

# 7.2\_consultation statement

(p) Development affecting any garden or park of special historic interest - The Historic Buildings and Monuments Commission for England - (n/a category)

(q)(i)(ii) Development within 20m of a main river or culverting/ controlling streams - The Environment Agency - (n/a category)

(r) Development for storage/ refining minerals - The Environment Agency - (n/a category)

(s) Development involving use of land for refuse or waste - The Environment Agency - (n/a category)

(t) Development involving sewage/ slurry etc. - The Environment Agency - (n/a category)

(u) Development relating to use of land as a cemetery - The Environment Agency - (n/a category)

(v)(i)(ii) Development in/ likely to effect or within 2km of an site of special scientific interest - Natural England - (n/a category)

(w) Development involving land where there is a theatre - The Theatres Trust - (n/a category)

(x)(i)(ii) Development entailing loss or future likely loss of of 20Ha agricultural land - The Secretary of State for the Environment, Food and Rural Affairs - (n/a category)

(y)(i)(ii) Development within 250m of land which has been used for waste - The Environment Agency - (n/a category)

(z) Development for fish farming - The Environment Agency - (n/a category)

(za)(i)(ii)(iii) Development involving playing fields - The English Sports Council - (n/a category)

(zb)(i)(ii) Development affecting inland waterways - British Waterways Board - (n/a category)

(zc) Development involving Hazardous Substances - The Health and Safety Executive - (n/a category)

(zd)(i)(ii) Development involving strategic infrastructure etc. - The Regional Development Agency - (n/a category)  
(ze)(i)(ii) Development on land in Flood Zone 2 or 3), or in Flood Zone 1 and notified - The Environment Agency - (n/a category)

(zf) Development on land of 1 Ha or more - The Environment Agency - (n/a category)

(c)(i)(ii) Development in neighbourhood of civil aerodrome, or involving works above 91.4m above ground level - The Civil Aviation Authority - (n/a category)

(d)(i)(ii) Development in neighbourhood of military aerodrome etc, or involving works within 300m of the perimeter of a military aerodrome - The Secretary of State for Defence - (n/a category)

(e) Development affecting any garden or park of special historic interest - The Garden History Society - (n/a category)

(f) Development in an area of a London borough....Protected Vistas - The Mayor of London - (n/a category)

(g) Development described in article 26(1) (trunk or special roads) of the Town and Country Planning (Development Management Procedure)(England) Order 2010 - The Highways Agency - (n/a category)

**(iii)** “any person who, on the date 21 days before the order proposal is submitted under regulation 22, the qualifying body considers to be  
(aa) an owner of any land which is proposed to be developed under the order proposal - (see consultee 7).

and  
(bb) a tenant of that land - (n/a category)

## 7.2.2 Consultee Summary List

Consultee 1 - UK Power Networks, as regard local electricity distribution network

Consultee 2 - Southern Gas Networks, as regards local gas distribution network

Consultee 3 - Southern Water, as regards local sewerage undertaker

Consultee 4 - English Heritage, as regards listed building settings

Consultee 5 - Arun District Council, as local planning authority

Consultee 6 - West Sussex County Council Highways

Consultee 7 - The Village Hall Trust, as land owner

## 7.2.3 Consultation Process

Whilst Regulation 21(b)(iii) requires that consultees scheduled therein, land owners or tenants, be consulted at least 21 days prior to order submission, otherwise the process of consultation, whilst not specified, may usefully be inferred by Regulation 22(2) which sets out what a Consultation Statement must contain. Clause 6.2.4 of this consultation statement is drawn up accordingly.

### 7.2.4(i)Consultee 1 - UK Power Networks

Contact - Anastasia Iordanou,  
Technical Assessor, Connections Gateway  
UK Power Networks  
Metropolitan House  
Darkes Lane  
Potters Bar  
Herts, EN6 1AG  
E: anna.iordanou@ukpowernetworks.co.uk

Details of proposals and site plans as existing were issued on 23rd Jan, and consultation via email exchanges ensued.

# 7.2\_consultation statement

On 24.1.2014 UK Power Networks raised no issues and confirmed that no further consultation was required pending order submission and, in due course, power connection requests.

A copy of final draft proposals was issued for consultation purposes on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council. No further response was received.

## 7.2.4(i) Consultee 2 - Southern Gas Networks

Scotia Gas Networks Limited, St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ  
plantlocation@sgn.co.uk

Details of proposals and site plans as existing issued, and email exchanges ensued.

Verifying location of gas infrastructure assets was the issue, both to ensure safety, and acceptability of proposed building works locations, and availability of gas to serve the proposals.

Details of location and type of existing assets were provided, and evidenced acceptability of proposals and availability of gas for use in the proposals.

A copy of final draft proposals was issued for consultation purposes on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council. No further response was received.

## 7.2.4(iii) Consultee 3 - Southern Water

Contact - Bob Tidy  
Southern Developer Services, PO Box 4056, Worthing  
West Sussex, BN13 3XX

There were three main issues on the site:

- to establish the location of main sewers, to ensure that no proposed buildings run across mains sewer lines inclusive of required offset distances.
- to establish the capacity of the existing foul water infrastructure to ensure that design flows resulting from proposals can be accommodated.
- to establish as necessary the capacity of the surface water infrastructure to ensure that design flows resulting

from the proposals can be accommodated.

Searches were carried out with data gathered from Southern Water to establish mains sewers locations confirming that

- no sewers ran through the site
- there is foul water capacity using existing infrastructure
- existing potable water pipework locations, sizes and inferred capacity.

A surface water design strategy was mapped, and the following approach outlined:

- ground conditions were subject to a desk study and found suited to a SUDS approach, with reduced outflows from the site via incorporation of permeable areas during detailed design development.
- capacity and type of surface drainage from the site was not established but the site has existing surface water drainage, which can be augmented with attenuation and/ or SUDS as may be agreed during detailed design.

A copy of final draft proposals was issued for consultation purposes on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council.

Southern water reverted confirming search findings with additional comment & definition as follows:

- local sewerage and water systems have limited capacity, but that this is not a constraint to development providing that planning policy supports the provision of the necessary local infrastructure,
- there is a risk that the necessary local sewerage or water distribution system will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and planning conditions.

Accordingly changes were made to the proposed S106 condition in the Submission Order to acknowledge the potential need to make contribution to utilities infrastructure.

## 7.2.4(iv) Consultee 4 - English Heritage

Principle Contact: Samantha Johnson  
Inspector of Historic Buildings and Areas, South East Office,  
Eastgate Court, 95-205 High Street, Guildford, Surrey, GU1 3EH

Details of the proposals were sent, and email exchanges ensued.

At issue was the setting of the two Grade 2 listed buildings the opposite side of the road to the proposals site.

Details sent illustrated the possible impacts on the streetscape, but in any event, English Heritage confirmed that they did not need to be consulted on the settings of Grade 2 Listed Buildings.

A copy of final draft proposals was issued for consultation purposes on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council.

## 7.2.4(v) Consultee 5 - Arun District Council

Juan Baeza, Team Leader Development Control East Area  
& Donna Moles, Neighbourhood Development Plan Officer  
Planning Dept, Arun District Council, Third Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Draft order proposals were set out in the parish's pre-submission draft Neighbourhood Plan, in May 2013, in respect of which Arun District Council were consulted as an integral part of the NP consultation process: principle contact within ADC at this stage was Donna Moles.

Subsequent consultation as detail of the order proposals were developed was carried out in the period from September 2013, to order submission: principle contact Juan Baeza.

The consultation from September 2013 principally concerned requests for information: namely, contacts within consultee organisations and seeking confirmation as to appropriate consultees. Drawings related to the proposals were issued 20th December 2013, and a meeting held on 21st January 2014 to discuss the submission, with a focus on technical issues surrounding the order content.

A meeting on 27th was held with Donna Moles, principally to discuss the submission NDP, being drawn up in parallel to the order, and technical matters relating to the order drafting, consultation & submission processes were discussed.

A draft of the order was sent to both principle contacts within ADC on 5.2.2014, and a second final draft on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council.

ADC provided a response to the above second draft on 1st April 2014, making a range of comments on various details of the draft, in many respects a "sense check" of the document, and noting the following:  
*"Our duty at this stage is to assist the Ferring Neighbourhood*

# 7.2\_consultation statement

*Plan Group in making sure the draft orders you subsequently submit to us are in a form that will allow the Examiner at forthcoming examination recommend that it goes to referendum. The comments are reflective of comments from all departments of Arun District Council.*

## **ADC pre-submission comments**

*We have tried to outline the areas where there may be some degree of divergence with national or planning policy, to help you in preparing justification for these departures. The following list is intended to be a guide on some key issues identified in the orders"*

Other than the above mentioned "sense check" comments/ some corrections of fact, and other observations, which have generally resulted in various minor amendments to the submission order, the following issues were raised;

- that housing should be to Code for Sustainable Homes Level 4, since this is required of development from 2013 onwards. The submission condition 2.1.14 was changed accordingly.

- that no basic conditions or consultation statement drafts had been included within the final proposals being consulted upon. ADC questioned whether they should have been, or whether it is acceptable to produce them alongside the submission document. In this connection Reg 21 of The Neighbourhood Planning (General) Regulations 2012, sets out the requirement for consultation and refers in Reg 21 (a)(i) and (c) to issue of details of proposals, and proposals respectively. "Proposals" here appear to refer to development detail, rather than order detail.

- that ADC appeared to be being asked (via a condition shown in this final draft) to perform the role of determining the level of contributions to support the community centre. ADC suggested this was contrary to the principles of CRTBOs, and recommended that the order be specific regarding the level of contributions that are required.

Further to this the Conditions to the order relating to S106 were amended to clarify the parish's ambitions, and by reference to Planning Aid for England advices. An informative was added to the order referring to the obligations in order that the intent of the parish was fully intelligible and to guide later S106 formulation.

- ADC provided written confirmation that the Order Proposals met basic conditions relating to Habitats on 25.4.2014, and

on EIA on 30.4.2014.

## **7.2.4(vi) Consultee 6 - West Sussex County Council Highways**

Principle Contact: Dominic Smith, Planner,  
Strategic Planning, West Sussex County Council  
2nd Floor, Northleigh, County Hall, Chichester, PO19 1RH  
Details of proposals and site plans as existing and proposed were issued, and consultation via email exchange and conference call ensued.

No issues were raised as regards the proposals and Conditions as regards highways matters have been attached to the order pursuant to controlling detailed design and implementation phases of the project post order referendum.

A copy of final draft proposals was issued for consultation purposes on 18th February 2014 with a stated requirement that comment be made by 1st April 2014 to the parish council.

A response to this formal consultation was received suggesting an addition to the order conditions relating to car and cycle parking, which was incorporated into the submission order.

## **7.2.4(vii) Consultee 7 - The Village Hall Trust, Freeholder Village Hall**

Principle Contact: Paul Webster, Chair.  
Village Hall, Ferring Street, Ferring,  
West Sussex, BN12 5JP

The trust provided 3 representatives on the Parish Council's Community Right to Build Orders Steering Group, Mrs Betty McCann, Paul Webster and Richard Sims. As such the interest's of the Village Hall Trust have been fully reflected in the preparation of the proposals.

## 7.3 copy of proposals

A copy of the proposals for a community right to build order was sent to Arun District Council on 18 February 2014.

# 8\_enfranchisement

## 8 enfranchisement

The Neighbourhood Planning (General) Regulations 2012 Regulation 22(1)(f) requires that the Parish Council, as qualifying body, provides detail of the enfranchisement rights, as defined in paragraph 11 of Schedule 4C to the 1990 Act, which, if any, are not exercisable in relation to the proposals: there are none which the Parish Council proposes are not exercisable.

