

Recommendation Report for Planning Permission

REF NO: FG/101/18/PL

LOCATION: Hangleton Farm Livery Stables
Wadars Animal Rescue Centre
Hangleton Lane
Ferring

PROPOSAL: New cattery for animal rescue centre. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to erect a long rectangular building, 29m long by 4m wide by 2m high on the site of a former stable block which has been removed leaving only the raised concrete base. The building would house 10 rehoming pens, 5 intake pens, a store, a food preparation area and an assessment area.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The building would be constructed and faced of predominantly timber.
SITE CHARACTERISTICS	The site is located at the centre of a number of buildings used by WADARS and therefore the boundary is essentially the surrounding buildings.
CHARACTER OF LOCALITY	The site has its origins as a large stable complex.
	Overall, the site is located towards the northern end of an area of sporadic development on the lower slopes of Hangleton Hill. The site is not particularly discernible in its own right at any distance due to the wide range of other buildings and uses in the locality.

RELEVANT SITE HISTORY

FG/128/13/	Alterations and change of use of buildings B through to K from equestrian/agricultural to animal rescue centre.	ApproveConditionally 15-01-14
FG/129/13/	Internal alterations and partial change of use of main building (Building A) from equestrian/agricultural to animal rescue centre comprising offices at ground floor and associated staff accommodation at first floor level.	App Cond with S106 01-10-14

There are numerous applications related to this site but only those granting consent for the use of this site in 2013 are referred to.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council
No response received.

Letter of support from local resident and the Ferring Conservation Group (FCG)

The excellent work that WADARS does in rescuing pets and wild animals, and re-homing and releasing them is entirely in line with our objectives and quite compatible with the 'Countryside' designation of this land in the Local Plan.

Moreover, the cattery that is proposed re-uses the concrete base of the former derelict stables. It does not, therefore have any impact on drainage, the soil or wild life.

Finally, the design and position of the cattery is calculated to have a low impact on views towards Highdown or from Highdown.

1 letter of support from local resident who agrees with the FCG.

COMMENTS ON REPRESENTATIONS RECEIVED:

The matters raised are addressed in the conclusion section.

CONSULTATIONS

Environmental Health
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

Should planning permission be given I would suggest that the following conditions be applied:

- site hours are restricted in line with those suggested on the application in order to minimise any disturbance to local residents:
 - The site shall be open to staff and volunteers between the hours of 08.00 and 18.00 with the exception of the overnight staff staying on site and any emergencies.
 - Visiting hours be restricted to 11.00 - 16.00 hours on a maximum of 6 days per week.
- Any construction work on site shall take place only between the hours of 08.00 and 18.00 Monday to Friday, 08.00 - 13.00 Saturdays and none on Sundays or bank holidays.
- Before any works of conversion or development commence, a scheme for limiting the transmission of noise between the cattery and the closest residential unit of accommodation and/or any other part of the building surrounding shall be submitted to the Local Planning Authority. Formal written approval of the scheme shall be obtained from the Local Planning Authority and all works must be completed and tested by the Developer to the satisfaction of the Local Planning Authority before any of the units of

accommodation are occupied.

In addition I would request that the following information be provided to the applicant:

Environment Protection Act 1990.

Under section 34 operators have a "duty of care" to ensure that all waste arising from their premises is disposed of without harm to human health or the environment. You may only pass waste to registered carriers or appropriately licensed or authorised disposal facilities.

Staff facilities

Adequate toilet and washing facilities must be available for staff in accordance with health and safety requirements.

Licensing

The cattery will need to comply with any relevant animal boarding licensing requirements and further information can be obtained from the licensing team in Environmental Health.

COMMENTS ON CONSULTATION RESPONSES:

Following discussions with EH it has been agreed that the loose boxes to the immediate north of the proposal satisfies the noise attenuation requirement, whilst it remains in situ. The applicants are to be encouraged to discuss their long term plans with EH to allow for the development of an appropriate noise strategy.

There are no restrictions on opening hours in the 2013 permission and without a change of circumstances it would be unreasonable to impose such conditions to any permission for this scheme.

POLICY CONTEXT

There are no specific designations of relevance for the site. However the area to the north is designated as part of the SDNP.

DEVELOPMENT PLAN POLICES

SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2018, West Sussex County Council's

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

CONCLUSIONS

The main issues to be considered in respect of the above are;

- 1 - Impact upon the character and appearance of the locality including the setting of the South Downs NP
- 2 - Design
- 3 - Purpose of the development
- 4 - Neighbour amenity, noise & disturbance
- 5 - Highway matters

The application site is located within a complex of former stables used by the animal welfare charity. The impact of the proposed building, although it is nearly 30m long, is largely limited to its immediate surroundings. There is very little impact beyond the site boundaries and any views would be limited and seen in the context of a visually busy area with numerous surrounding buildings and uses.

The design is functional for the intended use and appropriate for the location.

The original permission in 2013 included the stables that previously stood on this site. Therefore the traffic generation arising from this proposal is considered to be within that deemed acceptable back in 2013.

There are no specific policies in the development plans which relate to this use, although policy 7 of the Ferring NP does provide a policy context for the consideration of proposals between the A259 and the National Park boundary. Criterion 2 is particularly relevant. it states;

"All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting."

This proposal is considered to meet this test. Furthermore, the overall use provides an important social function and this proposal contributes to the continuation of this use on this site. In this regard the proposal could be considered to contribute to the social sustainability of the area.

Arun Local Plan Policy D DM1 indicates that development has regard to impact on nearby occupiers of property and land by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The housing of animals on the site has the potential to create some noise disturbance and there are a small number of residential properties in close proximity to the site.

Subject to the retention of the buildings to the north of the proposed building there should be no undue noise and disturbance emanating from the site affecting nearby neighbours.

Finally, with regard to highway matters the proposal does not materially intensify the use of the site beyond the original permission and therefore it is considered not to give rise to any adverse highway issues.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no adverse impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans 262/02 and 262/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1 and D DM1 of the Arun District Local Plan.

- 3 The existing building to the immediate north of the proposed development as shown on plan 262/02 shall be retained at all times for the purposes of noise attenuation unless a scheme of noise attenuation on the northern boundary of the site has previously been agreed in writing with the Council and subsequently implemented. The said scheme shall include details of the implementation dates.

Reason: To protect the residential amenities of neighbouring residents in accordance with policy QE DM1 of the Arun Local Plan 2018.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 INFORMATIVE: The Council would encourage the applicant to discuss with the Council's Environmental Health Team the future development of the site so that an appropriate strategy for noise mitigation can be discussed and agreed. To this end the applicant is reminded that a scheme has yet to be submitted and agreed for condition 7 of FG/128/13.