

Recommendation Report for Planning Permission

REF NO: FG/10/20/PL

LOCATION: Ferring Country Centre And Riding Stables
Rife Way
Ferring
BN12 5JZ

PROPOSAL: The construction of a new 11kV Substation utilizing a concrete base and pre-fabricated GRP enclosure.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct an electricity substation.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is an open field, bordered by fencing of a light construction.
SITE CHARACTERISTICS	The site is an open field.
CHARACTER OF LOCALITY	The locality is rural in its nature, and appearance. However, it is noted that the site is bordered by built form

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council - No comment.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection, subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is not considered to be reasonable to apply said Environmental Health condition relating to a noise scheme, due to the separation distance between the host building, and the nearby residential dwellings.

POLICY CONTEXT

Designation applicable to site:
Outside of built up area boundary
East Preston to Ferring Gap

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposal will have an acceptable impact on the intrinsic beauty of this countryside location.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies in a countryside location outside of the Built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is evidence to suggest that the beauty of the Countryside will be protected and not be adversely impaired.

Ferring Neighbourhood Plan in policy 1A states that 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.' This is consistent with Arun Local plan Policy C SP1.

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

DESIGN AND VISUAL AMENITY

The proposed development in a corner location abutting the rife covers an area of approximately 0.05 hectares, and measures 2.8m wide, 3m deep and 2.4m high. The proposed substation is not of a size, height and location that will adversely impact the open character of the area it is sited in. It will be located tucked into the corner of the field such that due to its limited height and footprint it will not appear as a dominant or obtrusive feature within the locality.

The application site is an open field, which is approximately 1.2km from the South Downs National Park. However, for the reasons explained above it is not considered to result in harm to the views out of the Park.

The proposed development is considered to be in accordance with C SP1, D SP1, LAN DM1 and D DM1 of the Arun Local Plan, in that it is not considered to result in any significantly harmful impact upon the rural character of the locality, or views out of the South Downs National Park.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significantly harmful overshadowing or overbearing impact upon the occupiers of nearby dwellings. This is resultant of the separation distance of approximately 75m between the proposed substation and the nearby dwellings. It is not known as to whether the ventilation system will have a harmful impact upon the occupiers of the nearby dwellings, as a result of noise. However, an informative will be added to alert the applicant to the Environmental Health department powers with regard to this. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

 - New 500kVA package substation - NCS2148-E-LAYOUT-05 - 20-01-2020
 - New 500kVA package substation - NCS2148-E-LAYOUT-01 - 20-01-2020
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031
- 4 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 5 **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.