

Recommendation Report for Planning Permission

REF NO: FG/115/19/PL

LOCATION: Ferring Country Centre
Rife Way
Ferring
BN12 5JZ

PROPOSAL: Removal of condition 3 imposed under FG/181/18/PL relating to surface water drainage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The application relates to removal of the drainage condition associated with the provision of a shallow pitched roof timber building 14.7m long, 7.3m wide, 2.23m high to eaves and 3.5m high to ridge.
SITE AREA	88.19 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There are a range of fences and walls approx. 1.8m high enclosing parts of the site internally.
SITE CHARACTERISTICS	Established country centre with car parking adjacent to the existing roadway. The larger units have pitched roofs with green clad upper elevations. Several public footpaths are located across and around the site.
CHARACTER OF LOCALITY	Predominantly rural

RELEVANT SITE HISTORY

FG/62/19/DOC	Approval of details reserved by condition imposed under FG/203/18/PL relating to conditions 3-surface water drainage, 4-details of materials & finishes, 5-Construction Management Plan & 6-covered & secure cycle parking spaces.	DOC Approved 09-08-19
FG/203/18/PL	Variation of condition 2 imposed under FG/31/17/PL relating to approved plans (new building more central to shop & ticket office closer to activities they serve).	ApproveConditionally 07-01-19

FG/181/18/PL	Erection of a single storey, timber structure woodworking shop.	ApproveConditionally 26-07-19
FG/151/17/DOC	Application for approval of matters reserved by condition imposed under FG/129/16/PL relating to condition 3 for surface water drainage.	DOC Approved 19-01-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Happy that ground investigation results alleviated the concern which caused the condition to be added in the first place.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Right of Way
Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems

DSP1	D SP1 Design
CSP1	C SP1 Countryside
HWBSP1	HWB SP1 Health and Wellbeing

[Ferring Neighbourhood Plan 2014 Policy 10](#)

Sustainable water management

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1A 'Spatial Plan for the Parish' and 10 'Sustainable Drainage Systems and Water Management' of Ferring Neighbourhood Plan are considered relevant to consideration of this application

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area or drainage and flooding.

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

This application seeks to remove the surface water drainage condition which was imposed on planning

permission (FG/181/18/PL) /for a woodworking workshop for use by the adults who attend the site on a daily basis.

The site is located in the countryside within a settlement gap. Policies CSP1 and SDSP3 of the Local Plan and policy 1A of the Neighbourhood Plan are therefore relevant. The building would increase the range of recreational/art/craft facilities available at the site and policy HWB SP1 is therefore also relevant. Policy CSP1 is met if the proposal accords with other policies in the Plan which refer to a specific use or type of development. Since the proposal reduces the need to travel by providing additional facilities within the site and ensures that arts and crafts are available to all residents it accords with both policies CSP1 and HWB SP1.

The proposed design of the building is in keeping with the rural appearance of the locality and has previously been approved and considered to be acceptable and would not appear as an isolated features in the landscape. It would accord with policy DDM1(1 and 14). It would be viewed against the backdrop of other buildings at the Centre. It has been determined that the building would not compromise, either individually or cumulatively the character or integrity of the settlement gap and the proposal would therefore accord with policy SD SP3 of the Arun Local Plan. It could not be better located elsewhere given the requirements of the established Centre and the need for the building to provide additional facilities within the existing Centre and reduce the need to travel between sites.

The building is located 3m from the closest neighbouring residential property boundary which abuts the Onslow Caravan Park. Use of equipment within the building adjacent to residential properties would potentially cause a noise nuisance so a condition has been imposed on the use of the workshop to Monday to Friday and Saturday mornings only in the interests of residential amenity in accordance with policies DDM1(3) and policy QE DM1 of Arun Local Plan. The building itself given its limited eaves height of 2.2m would have no adverse overbearing impact on residential amenity and therefore would accord with policy DDM1 of Arun Local Plan.

This application only relates to the removal of the drainage condition, all other aspects of the application are as approved. The applicant has been liaising with the Council's Drainage Engineer and Soakage Testing and Soil Infiltration data have been submitted in support of the application. The Council's Engineer has no objection to the removal of the condition. The proposal therefore accords with policy WDM3 of the Local Plan and Policy 10 of Ferring Neighbourhood Plan in that it has been satisfactorily demonstrated that the development will be adequately drained.

The application is therefore recommended for approval. The other conditions previously imposed in planning decision FG/181/18/PL still apply as set out in the Informative..

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE

- 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 INFORMATIVE: This permission relates to the removal of condition 3 of planning permission FG/181/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number FG/181/18/PL remain in force and must be complied with. This decision only relates to the removal of Condition 3 of that planning permission.

- 3 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.