

Recommendation Report for Planning Permission

REF NO: FG/121/18/PL

LOCATION: Onslow Caravan Park
Onslow Drive
Ferring
BN12 5RX

PROPOSAL: Variation of condition 2 imposed under FG/37/17/PL relating to approved site plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application seeks approval to amend the position of the building approved under FG/37/17/PL. The proposed storage building is 13m wide and 24.1m long and has an eaves height of 3.5m and a ridge height of 4.9m. A workshop building measuring 6m by 9m with an eaves height of 2.7m and a ridge height of 3.8m would be attached to the eastern elevation. It will be used for vehicle and machinery storage and as a workshop and would be constructed of profiled sheeting. The building would replace 3 smaller buildings at the entrance to the site.
SITE AREA	5 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to much of site. The evergreen tree screen to the south of the site has been removed.
SITE CHARACTERISTICS	Construction of the workshop has already commenced on site.
CHARACTER OF LOCALITY	The site is an established caravan site with homes arranged along internal access roads. Homes are located to the west of the building. The building is close to a car parking area and the internal access road will be realigned. The caravan site lies on the edge of a residential area characterised by mainly 2 storey semi detached dwellings.

RELEVANT SITE HISTORY

FG/48/18/DOC	Application for approval of details reserved by condition imposed under planning permission FG/37/17/PL relating to condition No. 4 (Surface water drainage) & 6 (Construction management plan)	DOC Approved 08-06-18
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FG/22/18/DOC	Application for approval of details reserved by conditions imposed under planning permission FG/37/17/PL relating to condition No. 3 (Schedule of materials), 4 (Surface water drainage), 6 (Construction Management Plan) & 8 (Landscaping scheme)	DOC Approved 01-05-18
FG/37/17/PL	Demolition of 3 No. buildings & erection of replacement workshop & machinery store (resubmission following FG/161/14/PL).	ApproveConditionally 08-05-17
FG/85/15/PL	Demolition of three buildings & erection of replacement workshop & machinery store (amendment to FG/161/14/PL).	Refused 29-07-15

This application has been submitted to reflect the position that the storage building has been constructed on site which differs from that approved under FG/37/17/PL. The South West corner of the building is 2.93m from the boundary as opposed to the 2m approved.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Ferring Parish Council.

5 Objections - This building is a huge eyesore and has turned our properties into an industrial site

- it's far too big for purpose and blocks the sun from my garden.
- It is a monstrosity
- All the building work noise has ruined summer.
- It has affected views of the Downs
- Loss of daylight
- Devaluation of property
- Building may store gas bottles
- The building may have flood lights-Roof is too close to power lines causing safety issues
- Fence has been moved-Building work started before permission was granted
- No notice was posted outside the property giving residents reduced opportunity to comment
- Concern regarding noise from workshop
- Incorrectly positioned and far too big for purpose

COMMENTS ON REPRESENTATIONS RECEIVED:

Only the change in siting of the building can be considered as part of this proposal. The size of the building has not changed from the approval. The building has been constructed in a slightly different position from the approval and this application seeks permission for this amended siting. The approved building is a material planning consideration. The re-positioning has improved the relationship with neighbouring properties by increasing the distance between neighbouring dwellings and the building. The loss of a view and de-valuation of property are not material planning considerations. Storage of gas bottles already occurred in this area and is covered by other legislation.

The application has been advertised in accordance with procedure and the application has not been determined as soon as the advertising period has expired. Notices were displayed at the site entrance and in Meadow Way.

Floodlighting is not included as part of this proposal.

CONSULTATIONS

Network Rail

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objections to the above variation of condition. The comments in our response dated on 20/04/2017 remain unchanged and valid.

Environmental Health - No Objection. There are no significant noise or environmental health issues arising out of this change.

Drainage Engineer - In addition to the condition imposed on FG/37/17/PL please apply an additional standard condition.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The additional condition requested by Engineers cannot be imposed. It would not be justifiably reasonable to impose the condition on the basis of the slight repositioning of the building which is not closer to site boundaries.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Within Gap between Settlements

Right of Way

Overhead Power line

Public sewer on site

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
QESP1	QE SP1 Quality of the Environment
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TOUDM1	TOU DM1 Tourism related development
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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.

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.

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

The site lies outside the built up area boundary within the East Preston to Ferring Settlement Gap where development is strictly controlled. However it is within an established caravan park. Any development must be compliant with the relevant national and Local Plan policies. The relevant policies relating to development in this location are policies SD SP1, SDSP2, CSP1 and SDP3 of the Local Plan and policy 1a of Ferring Neighbourhood Plan. For the reasons identified in FG/37/17/PL development was

considered appropriate in this location and the principle of the development will not be considered further.

The need for the building and its design, position and size were considered acceptable and have been approved under application FG/37/17/PL. This a material planning consideration. The alteration which has resulted in the submission of this application is the movement/repositioning of the building by moving the south west corner of the building 0.93m further from the boundary. Given the scale of the building this has a negligible impact on the appearance of the building in the wider landscape and the proposal is therefore considered compliant with policies DDM1 and SD SP3 of the Local Plan in relation to the impact of the development on the visual amenities of the locality.

In terms of residential amenity the development would be further from the rear boundaries of properties in Meadow Way. The size, height and footprint of the building are as approved under FG/37/17/PL. The amended position therefore has no materially adverse impact on the residential amenities of adjoining properties by reason of overbearing impacts and in fact represents an improvement in the relationship between the existing dwellings and the work shop in accordance with policies DDM1 and DSP1 of the Arun Local Plan.

With regard to drainage, the building is the subject of a Drainage condition imposed on FG/37/17/PL and will be controlled by an additional condition as requested by our drainage engineer. The proposal therefore accords with policy WDM3 of the Local Plan and policy 10 of Ferring Neighbourhood Plan.

The application is therefore 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

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 permission of FG/37/17/PL.

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 Sheet 1A Location Plan, Sheet 2A Proposed Block Plan, Sheet 3A Proposed Site Plan, Floor Plan and Elevations Sheet 4.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The building hereby approved shall be used as a workshop and machinery store associated with Onslow Caravan Park use and for no other purpose and shall be removed from the site within 3 months of the uses ceasing.

Reason: In the interests of the visual amenities and character of the area in accordance with policies DDM1, DSP1 and SDSP3 of Arun Local Plan

- 4 No plant or machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 hours to 1800 hours Monday to Friday inclusive, 0700 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies DDM1 and QEDM1.

- 5 INFORMATIVE: All of the informatives and discharged conditions imposed on FG/37/18/PL shall remain in force until the development is completed, or the time limits within the conditions expire, except for Condition 1 which is varied by the approved drawings specified above in Condition 1 (of this approval).

- 6 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.