

Recommendation Report for Planning Permission

REF NO: FG/134/13/

LOCATION: The Bungalow
Hangleton Lane
Ferring

PROPOSAL: Demolition of existing single storey dwelling, construction of paved display and parking forecourt, with associated landscaping and lighting

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed new forecourt will serve the dual purpose of providing additional parking for customers as well as additional display space for vehicles that are for sale. A total of 27 customer car parking spaces will be provided, 2 of these being disabled bays. The additional external display space provided will be 665 square metres, bringing the total amount of external display space available up to 1128 square metres.

Access and egress arrangements will be altered with the existing access/egress point being restricted to access only. Vehicles leaving site would pass through the proposed parking area and exit onto the southern end of Hangleton Lane.

Hard and soft landscaping scheme, concentrated towards the northern, southern and western boundaries of the site has been submitted.

The proposed forecourt area would be served by external lighting.

SITE AREA

Approximately 2945 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

Existing trees on the western boundary are to be removed and replaced as part of the submitted landscaping scheme. There are also some small garden trees positioned around the bungalow that would be removed. These trees are not considered to possess sufficient amenity value to warrant the imposing of a Tree Preservation Order.

BOUNDARY TREATMENT

The southern and eastern boundaries of the site are open. There is approximately 1.8 metre high timber fencing marking the northern site boundary. The western boundary, which flanks Hangleton Lane, is lined by

coniferous trees and hedging.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling which is set well back from the A259 and accessed via a shared driveway that opens onto Hangleton Lane. The front (southern) boundary is open and there is a lawned area to the front of the dwelling.

CHARACTER OF LOCALITY

The site is located outside of the built area, directly adjacent to a dual carriageway stretch of the A259. Hangleton Lane, which is narrow rural road passes the site to the west. This road becomes a footpath and bridleway further to the north, providing access to the South Downs National Park, the boundary of which is nearby to the north. The road is intermittently bordered by linear development, predominantly consisting of retail and horticultural uses. A recently constructed ASDA store is located on the opposite side of the road to the south-west whilst there is a garden centre to the immediate west of Hangleton Lane. Nearby buildings are generally set back from the road, with parking areas to the front. The village of Ferring is located to the south-east and there is also a row of residential dwellings nearby to the east.

RELEVANT SITE HISTORY

FG/32/96	Outline Application to demolish the existing restaurant and construct a new car showroom and workshop facility and ancillary storage and offices together with external display and parking spaces.	ApproveConditionally 11-09-1996
FG/69/96	Approval of reserved matters following FG/32/96 to demolish the existing restaurant and construct a new car showroom and workshop facility and ancillary storage and offices together with external display and parking spaces.	ApproveConditionally 27-11-1996
FG/61/99/	To provide a single bay, single storey extension to the existing car preparation bay to form an additional preparation area.	ApproveConditionally 22-09-1999

REPRESENTATIONS

Representations received:

Ferring Parish Council

Ferring Parish Council wishes to strongly object to the development of the Yeomans site. Ferring Parish Council is currently putting together a Neighbourhood Plan. Within the Neighbourhood Plan we must identify locations for approximately 50 new dwellings. We

therefore raise the concern than this planning application includes the demolition of a perfectly good bungalow, how can this be acceptable when the village needs housing.

We must also object to any planning application that attempts to alter the north side of the Littlehampton Road. This application is to yet again for a commercial development on rural and agricultural land.

We also raise a concern that the application is for 25 additional car parking spaces on the forecourt whereas the plans submitted clearly shown over 50 parking spaces on the forecourt. The current site has a bungalow with a green space and the Yeoman garage which already unsightly. With the construction of an additional paved display & parking forecourt with associated landscaping & lighting will look even more unsightly.

Hangleton Lane is known as an area that experiences flooding. In heavy rain the current green space helps drain excess water whereas with a paved area the excess water will potentially lay stagnant as it will be a concrete base. With the new larger Yeomans Garage this will increase the traffic on an already challenged road. There is also a risk to the safety of the additional cars leaving the forecourt onto a busy dual carriageway.

EAST PRESTON PARISH COUNCIL: Object to removal of viable housing stock when most local councils are being asked to provide more. This is another application for commercial development on rural land. Concerned that the application is for 25 additional spaces whereas the plans clearly show more than 50 spaces on the forecourt. Green space helps drain excess water, hard surfacing would result in concerns over flooding. Will increase traffic and additional cars joining the dual carriageway would pose safety risk.

42 LETTERS OF SUPPORT: The additional parking and one way traffic management system will offer substantial benefits over current arrangements. The site is currently congested and staff and customers often have to park to the front of neighbouring properties which is visually intrusive and compromises highway safety.

37 LETTERS OF OBJECTION (from 32 individual addresses): Will increase dangers for pedestrians using Hangleton Lane which is a public bridleway. Is a threat to the strategic gap which is vital in preserving green space between Ferring and Goring and in maintaining important habitats for wildlife. Concerned over loss of dwelling given the great pressure for more to be provided in this area. Would result in the loss of the few green spaces along the road. An application for a new garage not far away was rightly refused. If this were a totally new development it would be refused. Will not protect or enhance the quality of the environment. Hard surfacing will increase flood risk onto adjacent carriageway. Could lead to additional road congestion. Concerned at addition of floodlights. Will detract from the rural nature of the north and south side of the A259 and be visually intrusive. This is another step towards industrialising a rural area which is adjacent to the South Downs National Park. No exceptional justification for this development taking place outside of the built-up area. Would distract drivers. Application is for spaces for 25 cars but drawings show more than 50 cars on site. The car sales site is already large. The proposed fencing, lighting and potential noise would compromise the standard of living of residents of neighbouring properties. Will affect the privacy of occupants of the bungalow to the north. Properties will be devalued. Have not seen a site notice.

Comments on Representations received:

RESPONSE TO PARISH COUNCIL: The accompanying plan shows a total of 27 parking spaces (including 2 disabled parking bays) which is consistent with the amount stated on the application forms. Other vehicles shown on the plans indicate those that will be on display for

sale. It is agreed that the proposal would extend linear development within the rural area and would be unacceptable.

RESPONSE TO LETTERS OF SUPPORT: West Sussex County Highways have stated that the proposed arrangements are satisfactory, subject to the application of certain conditions. However, acceptability on highway grounds alone is not reason enough to warrant the approval of the application, with a number of other matters needing to be taken into account, primarily the impact the development would have upon the character and appearance of the surrounding area.

RESPONSE TO LETTERS OF OBJECTION: County Highways have raised no objections against the works in regard to highway safety, discharge of surface water onto the carriageway would have been considered. It is agreed that the proposal constitutes linear development that is specifically identified within Arun District Local Plan Policy GEN3 as unsuitable for rural areas. The proximity of the development to neighbouring residential properties is noted and will be taken into account. Site notices were displayed to the front of the garage on Littlehampton Road as well as on Hangleton Lane on 19th November 2013. The advertising period was extended accordingly to cover the statutory 3 week period. Devaluation of property is not a planning matter.

CONSULTATIONS

WSSC Strategic Planning
Environmental Health
Parks and Landscapes
Engineering Services Manager

Consultations responses received:

COUNTY HIGHWAYS: No objection. The proposal is not seeking to introduce new uses but just to increase parking provision and outside display space. On that basis, the intensification is not anticipated to be significant nor warrant any formal capacity assessments.

The constrained nature of the existing site severely limits manoeuvring space, especially for larger vehicles. The proposed 'in and out' scheme would overcome manoeuvring difficulties. It would also intensify the use of Hangleton Lane which is narrow in places. However, only a short section of the lane would be used. The junction onto the A259 from Hangleton Lane is considered to be of adequate geometry to accommodate the increased use.

The enclosed plan indicates that the visibility splay to the north of the proposed egress would cross 3rd party land and, as such, there is no guarantee that this sight line could be provided. However, guidance within Manual for Streets 2 enables visibility splays to be drawn to the nearside edge of an oncoming vehicle and an adequate sight line that is not dependent upon 3rd party land can be achieved in this way. Revised details would be sought via condition.

A condition is also recommended to secure plans and details of suitable access arrangements for the neighbouring property to the north which currently shares its access with 'The Bungalow.'

Works within the highway need to be undertaken as part of a s278 agreement. The applicant should secure all relevant permissions from the implementation team prior to undertaking any works within the public highway. The landscaping plan appears to show planting within the highway and this would need to be permitted separately under a licence to plant.

ENVIRONMENTAL HEALTH: No objection. Condition EHL2 is recommended & Environmental

Zone E2 is suggested as appropriate. Note - Institution of Lighting Engineers is now the Institution of Lighting Professionals.

Comments on Consultation responses:

Noted. Relevant conditions and informatives will be attached to any approval given.

POLICY CONTEXT

Outside of Built-Up Area
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV8	Circumstances in which Additional Development may be Permitted

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies in that it represents an unacceptable form of development outside of the built-up area that would have a detrimental impact upon the semi-rural character and appearance 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

PRINCIPLE:

The site is located outside of the built-up. Arun District Local Plan Policy GEN3 states that development will not be permitted within the countryside unless it accords with exceptional criteria listed within the policy. Policy GEN3 stipulates that specific development identified by other policies within the Local Plan may be acceptable in a rural location if they accord with relevant criteria. Policy DEV8 sets details acceptable conditions under which the expansion of local firms outside of the built-up area may be approved.

POLICY DEV8 CIRCUMSTANCES IN WHICH ADDITIONAL DEVELOPMENT MAY BE PERMITTED - LOCAL FIRMS

The policy requires that it be demonstrated that no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises. Whilst the stated objective is to relieve congestion within the site it has not been demonstrated that this cannot be done through the redevelopment of the existing premises or that there no alternative sites available.

In addition policy DEV8 requires the following to be met. The proposal to:

Exhibit a high standard of design and layout and relates sympathetically to and protects the surrounding built or natural environment:-

It is noted that garden centre to the west of the site has car parking space to the front which is larger in area than the proposed forecourt. The impact of this parking area is softened by a well planted grass verge that borders the road and hedging that extends along the southern boundary of the car park. The presence of a large car park to the front of the newly built Asda store on the opposite side of the road is also duly noted. It is important to convey that the car parks at both of these nearby sites relate to established uses (in the case of Asda, the garden centre that previously occupied the site had a car park to the front) and would not be regarded as acceptable if they were not associated with the existing use of their sites. However, these existing car parks respect their historic past and not the type of development to be permitted in the countryside.

Although native trees will be planted on the southern boundary, they will be intermittent with sizeable gaps between individual trees through which parked vehicles could be viewed, resulting in a visually obtrusive element. In any case, the presence of existing development on the road in no way justifies further expansion of the built environment within the rural environment which continues to be strictly regulated by both national and local policies.

The green space to the front of the modestly sized dwelling that currently occupies the site is considered to provide an important buffer between the garden centre development to the west and the existing garage site. This buffer helps maintain the semi-rural character and appearance of the surrounding area by preventing the consolidation of linear development that is present alongside the A259.

The proposal would result in the loss of this green space, which would be block paved. It is noted that the accompanying landscaping scheme seeks to mitigate against the loss of the grass area through the use of hard and soft landscaping. This is primarily concentrated towards boundary planting which consists of a mixture of mature, native trees, low growing shrubs, grass and fencing.

It is noted that the proposal includes external lighting of the forecourt area. The Council's Environmental Health Department has been consulted and has offered no objections in principle to the lighting methodology set out in the accompanying design and access statement, provided that the intensity of lighting is controlled to be in accordance with that deemed suitable for an E2 area as defined by the Institute of Lighting Engineers. The design and access statement confirms that the lighting will only be operational during business hours, these being 7AM to 7PM daily and it is considered that this would present unacceptable light pollution overnight. Suitable conditions restricting the operational hours for the lighting would be attached to any given approval. However, whilst the additional lighting is acceptable in terms of environmental health legislation it will add to its discordant effect in this semi-rural location.

Fundamentally, the proposal would seriously harm the semi-rural character and appearance of the surrounding area by introducing a hard built form that would consolidate and intensify existing development on the northern side of this section of the A259, producing a cumulative ribbon of hard development that would permanently and harmfully alter the established nature of the environment. It is therefore considered that, whilst the proposed scheme would offer benefits to the existing business, it would result in far more harm to the visual amenities of the surrounding environment.

SUMMARY:

It is considered that it has not been demonstrated that the existing site could not be redeveloped to provide the required benefits of the company or that there are no suitable premises available elsewhere to accommodate these needs.

In addition the loss of this green and largely open space will result in the unacceptable harm to the character and appearance of the local area which includes the backdrop of the South Downs National Park.

It is therefore recommended that the application is refused for the following reasons.

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 for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of

property in accordance with the general interest and the recommendation for refusal 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, it has been determined that its refusal would not result in any negative impacts 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

REFUSE

- 1 The application site is located outside the defined built up area where the countryside is protected for its own intrinsic beauty and new development which does not require a countryside location is strictly controlled. The potential economic benefits of the proposal are considerably less than the negative effects it would have upon the semi-rural nature of the surrounding area. These would serve to significantly and unacceptably erode its open and spacious character and extend the amount of linear development alongside the northern carriageway of the A259. The proposal is therefore contrary to policies GEN3, GEN7 and DEV8 (ii)(a),(d)&(f) of the Arun District Local Plan.
- 2 It has not been demonstrated that no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises in conflict with policy DEV8(i) of the Arun District Local Plan.