Recommendation Report for Planning Permission

REF NO: **FG/161/14/PL**

LOCATION: Onslow Caravan Park
Onslow Drive
Ferring

PROPOSAL: Demolition of three buildings & erection of replacement workshop & machinery store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed storage building would be 19m wide and 20m deep and would have an eaves height of 3.5m and a ridge height of 5.5m. It would 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
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high hedging to rear to railway line.
SITE CHARACTERISTICS	Area of proposed building is grassed with some fencing and a shed.
CHARACTER OF LOCALITY	Established caravan site with homes arranged along internal access roads. Homes would be located to the east and west of the building. The building would be close to the internal access road.

RELEVANT SITE HISTORY

FG/25/61	Continued use as caravan park until March 1987	ApproveConditionally 15-03-1961
FG/99/74	Provision of main drainage to existing caravan sites	ApproveConditionally 14-11-1974
FG/83/76	Provision of main drainage for 22 caravans	ApproveConditionally 30-11-1976

FG/52/77	Connection of caravans to main drainage - Phase 3	ApproveConditionally 21-07-1977
FG/156/78	Demolition of disused toilet block and provision of two additional caravans	ApproveConditionally 06-12-1978

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning
Environment Agency
Engineering Services Manager
Engineers (Fluvial Flooding)
Environmental Health
Sewerage Consultee for BC
Southern Electric
Network Rail

Consultations responses received:

Environmental Health - No Objection as long as structure does not breach site licence conditions

Southern Water - No Objection in principle an informative is suggested.

Environment Agency - No flood risk objection

Engineers - No Objection. Standard conditions requested

Network Rail -We note that on the plan the new building appears to be in very close proximity to the Network Rail boundary. We request that any building should be situated at least 2 metres from Network Rail's boundary. More detail is given below together with other criteria the developer should take into account in both the design and construction and future maintenance such as scaffolding, piling, plant and materials, drainage, and fencing.
The developer must ensure that their proposal, both during construction and after completion of works on site, does not:
· encroach onto Network Rail land
· affect the safety, operation or integrity of the company's railway and its infrastructure
· undermine its support zone
· damage the company's infrastructure
· place additional load on cuttings
· adversely affect any railway land or structure
· over-sail or encroach upon the air-space of any Network Rail land
· cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
The developer should comply with the following comments and requirements for the safe

operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land.

The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of

mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the

use of such machinery and a method statement should be submitted for the approval of the Network Rail's
Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
Fencing
In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
We also note that the new building is over the culvert that runs under the railway. We would recommend the developer ensures that there are no covenants or restrictions as to building over the culvert in that area.
We request the developer contacts, Network Rail Asset Protection at AssetProtectionSussex@networkrail.co.uk to agree an Asset Protection Agreement with us to enable
approval of detailed works and method statements prior to any works commencing on site.

Comments on Consultation responses:

Comments noted. Site licence and Network Rail considerations are separate from planning legislation.

POLICY CONTEXT

Designation applicable to site:
Abuts railway
Right of Way
Overhead Power line
Public sewer on site
East Preston and Ferring Strategic Gap
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	DEV35	Tourism Development Requiring a Coastal Location
	AREA10	Strategic Gaps
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D SP1 Design SD SP3 Gaps Between Settlements C SP1 Countryside TOU SP1 Sustainable tourism and the visitor economy

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Ferring; Littlehampton; Yapton. There are no policies specifically relating to this site.

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 a strategic gap where development is strictly controlled. It comprises an established caravan park. Any development must be compliant with the relevant national and Local Plan policies.

The structure will replace 3 dilapidated buildings at the entrance to the site which will be removed. They have a floor area of 93 sq m. These buildings do not currently meet the storage needs of the caravan site. Much of the machinery that is used on a regular basis for maintenance and upgrading purposes has to be kept off-site or left in the open. The application includes a layout plan detailing the position of equipment within the building to demonstrate why a building of the size proposed is required. The equipment is also itemised and photographed. The proposed replacement building has a gross floor area of 380 sq m. It is divided into bays and the bay closest to the rear of the site has a reduced height. The building cannot be located in the same position as the building it replaces due to the proximity to the overhead powerline. The building would be centrally located within the park with static caravans to 3 sides and would not appear as an isolated feature in the landscape. It is considered that the building size has been appropriately minimised to limit its visual impact and the floor area proposed has been satisfactorily justified. The building is necessary to store and maintain equipment required to meet the day to day needs of the business. The central position within the site is also considered appropriate.

The visual impact of the building is acceptable. The building would benefit from screening from the railway embankment to the rear which would obscure the lower 1.5m of the building when viewed from the north. The size of the building would be relatively modest and the use of materials would be in-keeping with a rural setting. The materials used for the finish of the building will be subject to a condition requiring samples to be submitted prior to the construction of the building.

The style of building proposed is similar to many agricultural buildings and would be appropriate to its rural location. It is located within the established caravan park with caravans on 3 sides. Its size and position would not compromise the fundamental objectives of the strategic gap.

In the absence of any undue harm the countryside or the integrity of the strategic gap, it is recommended that the application be approved subject to the conditions set out below.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for 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 neutral 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 Sheet 1 Location Plan, Sheet 2C Proposed Block Plan, Floor Plan and Elevations 4B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

5 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

6 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 GEN3, GEN7 and AREA10 of Arun District Local Plan

7 INFORMATIVE: The applicant is advised to take account of the consultation response received by the Local Planning Authority and set out below:
We note that on the plan the new building appears to be in very close proximity to the Network Rail boundary. We request that any building should be situated at least 2 metres from Network Rail's boundary. More detail is given below together with other criteria the developer should take into account in both the design and construction and future maintenance such as scaffolding, piling, plant and materials, drainage, and fencing.
The developer must ensure that their proposal, both during construction and after completion of works on site, does not:
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need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

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of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

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We also note that the new building is over the culvert that runs under the railway. We would recommend the developer ensures that there are no covenants or restrictions as to building over the culvert in that area.

It is requested that the developer contacts, Network Rail Asset Protection at AssetProtectionSussex@networkrail.co.uk to agree an Asset Protection Agreement with us to enable

approval of detailed works and method statements prior to any works commencing on site.

More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

As regards the demolition we have no comment nor require to see any further information.

8 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

9 INFORMATIVE: No development or new tree planting should be located within 3 metres either side of the centreline of the public foul sewer.

No new soakaways should located within 5 metres of a public foul sewer.

All existing infrastructure should be protected during the course of construction works.

Should any sewer be found during construction works, an investigation will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

Please contact Southern Water Developer Services on 0330 3030119 for further advice.

10 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.