

Recommendation Report for Planning Permission

REF NO: FG/16/15/PL

LOCATION: Land at Greenyers Field
Littlehampton Road
Ferring

PROPOSAL: Cycle store & bin store (amendment to planning application FG/104/14/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for an amendment to approved application FG/104/14/PL to include larger cycle store building and bin storage enclosure.

The bin storage building would have a hipped roof and be 2.1m high to eaves, 3m high to ridge, 3.8m wide and 2.4m deep. The bin enclosure would be a close boarded fence 2.1m high with opening to one side 3.2m deep and 1.9m wide to take two 1100L bins.

SITE AREA

22.68m² (part of a much larger site)

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development. Trees would have been considered as part of the approved application already.

BOUNDARY TREATMENT

The site boundaries are defined in part by concrete posts, post and wire fence, earth embankments and domestic fencing to the east. A public footpath runs along the western and southern boundaries providing access between the A259 and Langbury Lane.

SITE CHARACTERISTICS

The application site lies immediately south of the A259 and between Langbury Lane to the east and the Asda site to the west.

The site is bounded by fencing, earth embankments and tree lines and forms an area of open undeveloped land totalling approximately 1.3 hectares. Public footpath 2125 runs along the southern and western boundaries of the site.

The site comprises undeveloped land which is unkempt and vacant and largely clear of any significant vegetation. The site is relatively well screened by existing tree lines along the northern and western boundaries with a lesser degree of screening to the south however the site is devoid of such screening along the eastern boundary which adjoins existing residential development.

CHARACTER OF LOCALITY

Residential development to the east is predominantly low density and forms the western limit of residential land use in the immediate locality with the A259 Littlehampton Road running north of the site. On the northern side of the A259 lies the South Downs National Park with a mixture of uses ranging from nurseries, a car sales centre, residential and garden centres. Given this mix of uses the locality has a suburban appearance.

The application site is open and undeveloped in character and appearance. It is bounded on one side by existing residential development whilst to the south lies a complex of glasshouses in horticultural use.

RELEVANT SITE HISTORY

FG/108/11/	Outline application for up to 40 dwellings (30% affordable - up to 12 dwellings) 2304sqm of open space, incidental landscaping & vehicular access onto the A259. This application is a Departure from the Development Plan.	Refused 02-02-2012 Appeal: Allowed+Conditions 12 12 2012	<i>Appealed</i>
FG/44/14/PL	Erection of 40 no. dwellings together with access from the A259, associated car parking, landscaping & amenity space. This application is a Departure from the Development Plan	Refused 18-06-2014	
FG/104/14/PL	Erection of 40 No. dwellings together with access from the A259, associated car parking & landscaping & amenity space. Resubmission of FG/44/14/PL. This application is a departure from the development plan.	Approved Cond + S106 18-11-2014	

REPRESENTATIONS

Representations received:

Ferring Parish Council- No comments received.

Comments on Representations received:

Noted

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

WSCC-HIGHWAYS

No highway objection.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary (according to Pre-Submission Local Plan and Neighbourhood Plan)

Class A Road-not adopted

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN15
GEN3
GEN7

Publication Version of the Local Plan (October 2014):

Cycling and Walking
Protection of the Countryside
The Form of New Development
D SP1 Design
T DM1 Sustainable Travel and Public Rights of Way
T SP1 Transport and Development
WM DM1 Waste Management

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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; Littlehampton; Yapton

Ferring has a draft Neighbourhood Development Plan and is a material consideration for this application. However, there are no policies to cover minor development like that of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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

Development outside of the built up area would usually be resisted. However, in this instance the principle of developing this site being acceptable was established by application FG/108/11 (outline application for up to 40 dwellings) which was allowed at appeal. Subsequently, application FG/104/14/PL was approved for 40 dwellings.

The design of the cycle and bin storage is considered to reflect that of the approved residential

buildings of application FG/104/14/PL. Given their modest height it is not considered they would be damaging to the residential amenities of the flats or houses of the scheme.

The scheme meets the WSCC requirements of 8 cycle parking spaces for the 4no. two bedroom flats. Coupled with the two large waste storage bins that can be housed within the enclosure this represents a significant improvement in the amount storage previously approved.

As such it is recommended that permission is granted for the amendment to approved scheme FG/104/14/PL.

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) 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for any mitigation measures to be implemented.

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- FD 14-1244-50, FD 14-1244-55 and 14-1244-605 received 29th January 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment

in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 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.