

Recommendation Report for Planning Permission

REF NO: FG/46/19/PL

LOCATION: East Of The Bluebird Cafe
South Drive
Ferring
BN12 5QU

PROPOSAL: Refurbishment of existing car park. Providing a permeable SuDS ground reinforcement grid paving system. Providing a level allocated car parking spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to refurbish the existing car park, by way of a permeable SuDS ground reinforcement grid paving system.
SITE AREA	Approximately 4,098sq.m. The proposed ground reinforcement system will cover 800sq.m. of this land (19.5%).
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The car park is an open area, with existing residential boundary curtilage to the North, and beach huts, and further, the beach, to the South.
SITE CHARACTERISTICS	Car parking area.
CHARACTER OF LOCALITY	The area serves and as land to park, accessing the beach.

RELEVANT SITE HISTORY

FG/159/18/PL	Two-storey extension to the existing Cafe in order to provide increased internal seating, multi-purpose space, with improved service & food preparation area, disabled access & bike storage.	Refused 13-02-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Parish Council - No objection.

- There are no P.R.O.W footpaths shown on the plans.
- Parking bays should ensure that the footpath is defined and not obstructed.

- A physical delineation barrier should be conditioned to reduced safety risks.

Ferring Conservation Group - No objection

- There is a footpath along the Northern boundary of the site. This would require protection from parked cars.
- A condition should be imposed requiring a low wall be built, to prevent obstruction of the path.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. There is not currently any physical delineation (low wall) that prevent obstruction of the footpath, and it is considered that given the refurbishment, which results in an increase of spaces, this may reduce the likelihood of this happening anyway. Additionally, it is considered that as a result of the low speeds of the car park, there will not be any increase in safety risk in the area.

CONSULTATIONS

Natural England

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

Environment Agency

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

W.S.C.C Highways - No objection

The Local Highway Authority raise no concerns to the proposal, stating that they believe it will not have a 'severe' impact on the operation of the highway network. They requested that a Construction Management Plan would be submitted to the Local Planning Authority prior to development taking place.

W.S.C.C P.R.O.W - Objection

The Public Rights of Way department object to the application, in that if bays 29-31 were occupied, then this would be an offense, as it would be obstruction of a footpath. If the applicant wishes to process, they would need to alter the layout of the intended car parking bays, or seek to formally divert the footpath. Also, consent would be required to undertake works to the surface of a P.R.O.W without consent from the WSCC P.R.O.W service.

Natural England - No objection.

The Council's Drainage Engineers - No objection.

The proposed materials form a permeable surface, and as a result the proposed development would not increase runoff.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The relevant condition is not necessary as works to be carried out on site is private, and the area outside is not subject to Council control. An informative will be added to the consent

informing the applicant that the proposal would result in an obstruction to the P.R.O.W, and that they would require consent from W.S.C.C to perform any works the surface of this P.R.O.W. The application cannot be refused on these grounds in that concerns relating to a P.R.O.W are not material planning considerations.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
CSP1	C SP1 Countryside
WSP1	W SP1 Water
SDSP2	SD SP2 Built-up Area Boundary

[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.

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).

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 the site lies outside the built-up area boundary where development or redevelopment is unacceptable in principle and is not considered to accord with policy C SP1 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. These are that the proposal is a

refurbishment of an existing car park and has no negative impact on the surrounding area, which is not countryside.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) and the Ferring Neighbourhood Plan.

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP). Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan.

MATERIAL CONSIDERATIONS

The application site is adjoined to its Northern, Eastern and Western boundaries by built form. The site is partially within the built up area boundary. The application only seeks to refurbish the existing area, not to extend it. For these reasons, it is considered that there are other material considerations that would weigh in favour of granting planning permission, contrary to the principles of the development plan.

VISUAL AMENITY AND CHARACTER

In that the proposed development seeks to refurbish an existing run-down area, the proposed development is considered to improve the visual character of the area, without having a significant impact upon its established character. Therefore, the proposed development is deemed to be in accordance with D DM1 of the Arun Local Plan.

HIGHWAYS

West Sussex County Council Highways department have no objection to the application, in that they believe that the proposed development would have no 'severe' impact upon the operation of the highway network, and that there are no transport grounds to resist the proposal. The P.R.O.W department stated that the object to the proposal, in that the proposed parking bays 29-31 that are approved against the application would obstruct the existing footpath, however, this is not a material planning consideration, and therefore, the application cannot be refused on these grounds.

DRAINAGE

The Council's Drainage Engineers were consulted on the application, and have no objection to the application.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is 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

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 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:
 - Ferring Beach, Car Parking & Ground Works - Location Plan - BBL - 1000 - Rev. 01 - March 2019
 - Ferring Beach, Car Parking & Ground Works - Existing & Proposed Block Plan - BBL - 1001 - Rev. 00 - March 2019
 - Ferring Beach, Car Parking & Ground Works - Proposed Site Plan & Photos for Info - BBL - 1002 - Rev. 00 - March 2019
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 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.