

Recommendation Report for Planning Permission

REF NO: FG/79/22/PL

LOCATION: Onslow Caravan Park
Onslow Drive
Ferring
BN12 5RX

PROPOSAL: Variation of condition 4 imposed under FG/62/21/PL relating to approved landscaping scheme.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

FG/127/20/PL granted retrospective permission for the demolition of 3 existing buildings & erection of replacement workshop & machinery store building (amended design & siting to FG/37/17/PL). It was subject to condition 4 which stated:

' Within 3 months of the date of this permission the landscaping scheme approved under FG/22/18/DOC shall be carried out and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.'

This period was extended by planning permission FG/62/21/PL, dated 07-06-2022, which increased the timeframe for provision of the landscaping for a further year. Condition 1 stated

'Within 12 months of the date of this permission the landscaping scheme approved under FG/22/18/DOC shall be carried out and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun

Local Plan.'

A further extension of time for provision of the landscaping is requested to allow for resolution of the outstanding constructional issues associated with Building Regulations for the building. The works being undertaken on site currently require digging out the base of each of the columns which support the building which will need to be reformed with a more substantial concrete pad measuring a square metre. Some remedial works are required for elements of the roof. In carrying out these works it is likely that a significant proportion of landscaping required under condition 4 if provided would be damaged and need replacing.

At the time of the submission of FG/21/62/PL last year, it was estimated that the works could be completed within six to seven months. This, however, depended on the weather and the availability of contractors and materials as the COVID 19 Pandemic started to ease. However, a contractor has yet to be appointed and a start made on-site so it has been requested that the deadline for carrying out the approved landscaping scheme is increased by an additional 12 months.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The southern boundary currently comprises a 1.8m high close boarded timber fence which runs parallel with a public footpath and dry ditch.

SITE CHARACTERISTICS

The area of the caravan site relating to this application contains a partially constructed barn and workshop, a small yard area, and three storage and workshop buildings which will be demolished upon the completion of the new barn/workshop building.

These buildings and yard area are accessed directly off the main caravan park drive which links into Onslow Drive to the east.

CHARACTER OF LOCALITY

The site lies adjacent to residential dwellings on the edge of Ferring village.

Static caravans are located immediately to the north and west.

Existing residential properties all of which fall in the built-up area boundary of Ferring are located to the north-east, east, and south. These mainly comprise bungalows (to the east) and two storey/two and a half storey houses (to the south).

The nearest residential properties to the barn include a single storey bungalow 'Whispers' (No. 53 Onslow Drive) located to the east and Nos 2 to 16 Meadow Way which are two storey

houses (some with large rear facing dormers) overlooking the new barn/workshop.

RELEVANT SITE HISTORY

FG/62/21/PL	Variation of condition 4 imposed under FG/127/20/PL relating to approved landscaping scheme.	ApproveConditionally 07-06-21
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REPRESENTATIONS

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Landscape Officer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
QESP1	QE SP1 Quality of the Environment

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policy in Ferring Neighbourhood Plan has been considered.

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 not result in material harm to residential or visual amenity, nor would it have an adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The principle of a new storage/workshop building in its current location in the Caravan Park is accepted by virtue of FG/37/17/PL, FG/121/18/PL and FG/127/20/PL. This proposal seeks only to vary the landscaping condition imposed on FG/127/20/PL and amended by application FG/62/21/PL. All other matters remain as approved and do not form part of consideration of this application.

VISUAL AMENITY AND CHARACTER OF THE AREA SETTLEMENT GAP CONSIDERATIONS

The site is in the East Preston to Ferring Settlement Gap and falls to be considered against policy SD SP3 of Arun Local Plan. This states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity and seeks to ensure the separation of settlements is not undermined, the integrity of the gap is not

compromised, and the character of the undeveloped coast is maintained. The previous permissions established that it is an acceptable form of development in the settlement gap.

The delay in provision of landscaping will not adversely affect the long-term retention of the separate identity between East Preston and Ferring or result in any additional perception of coalescence between these settlements. As such the current scheme accords with Local Plan Policy SD SP3.

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The landscaping is not different to that approved under FG/127/20/PL. Its provision is delayed until the building is complete which means it is more likely to be maintained and established and not require replacement. On this basis the appearance of the building and landscaping accords with Local Plan Policy D DM1.

The tree and hedgerow planting to be provided along the southern boundary will help to screen and soften the appearance of parts of the southern elevation when viewed from the public footpath and the rear of residential properties to the south.

CONCLUSION

The application is recommended for approval subject to the following amended condition.

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 Within 12 months of the date of this permission the landscaping scheme approved under FG/22/18/DOC shall be carried out and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan

- 2 **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.