

Recommendation Report for Planning Permission

REF NO: Y/87/18/PL

LOCATION: Rookery Farm
Flansham Lane
Felpham
PO22 6EP

PROPOSAL: Change of use of redundant farm building & adjacent land to dog boarding kennels.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to convert and partially extend the existing building to facilitate its reuse as kennels for up to 18 dogs. The proposed use will also include outdoor exercise runs, an indoor play area, staff room, WC, storage, reception, grooming area, laundry and office. The proposal also provides 6 parking spaces, a bin store and cycle shed. The extension will measure 4.4m wide by 30.4m long with a lean to roof of between 2 and 2.3m high. No change to the access arrangements.
SITE AREA	0.3 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	Existing single storey pitched roof barn with concrete & tin walls and a tin roof. Open to each end with a small timber shed on the west side. Part grassed, part bare earth hardstanding surrounding.
CHARACTER OF LOCALITY	Part of a much larger former farm site. Many of the buildings (and land) are still used for farming (for egg production) but there are other commercial uses occupying some of the buildings including the following business types: car repair, caravan design and packaging design. There is also an on-site farm shop.
None.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council
"No objection"

Four letters of objection raising the following issues:

- (1) Harm to cyclists crossing the junction of the Rookery Farm access with the A259 using the new shared use path - as a result of the intensification of the site;
- (2) Need warning signs to ensure vehicles exiting the site are aware of cyclists;
- (3) Not acceptable that cyclists should have to give way to vehicles; and
- (4) Need better visibility at this junction.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the concerns about the relationship of vehicles to cyclists, WSCC Highways were approached and gave the following advice:

- As part of the Felpham to Littlehampton Cycle/Pedestrian Route, the Stage 3 Road Safety Audit (RSA) identified a couple of items which require action at Rookery Farm entrance (i.e. 25m of vegetation clearance either side of the junction and also installing give-way marking behind tactile paving), otherwise everything is ok. This is currently being looked into by the WSCC project team; and
- I am happy to suggest the applicant considers providing some internal signs to make drivers aware of cyclists (This will need to be within land under their control).

The applicant was also approached to see if they would provide further signage. He responded to say that:

"We of course can put signs up on our driveway warning people exiting the site that there is a cycle path. However the cyclists don't actually have right of way as the cycle path is separated from the road by a verge. Also Hiong Ching Hii of West Sussex council who was / is in charge of the cycle path has assured us that no signs are needed warning cyclists to give way at our entrance. And this is after his team have assessed our entrance twice. So it seems a bit rich that we now need to put signs up. Is it worth referring ADC to Mr Hiong Ching Hii?"

WSCC Highways also separately responded to one of the representations and copied the Local Planning Authority into the email. This advice is summarised below:

- In relation to this specific planning application, I note your points in relation to visibility from the Rookery Farm access and the nature of who has priority crossing the access. Unfortunately in this instance there is very little that can be done as a result of the planning application. The planning application is not considered to significantly increase the amount of movements through this junction and the proposals do not intend to make any changes to this existing access which is currently in use.
- Legislation is clear in that we can only ask for improvements where they meet the Community Infrastructure Levy (CIL) regulations, in that a contribution should only be requested where it is,
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- In this instance given that the access is existing and that the likely impact of the development is not considered to significantly change the use of the access we would not be able to seek changes to the access or refuse the application on this basis.
- With regards to the visibility around the junction given that this is on highway land at an existing access it is for the Highway Authority and not the developer to address any visibility issues. I have therefore

passed your email and concerns onto the Arun Area Office. They will investigate this and see whether any vegetation clearance can be undertaken to help improve visibility for road users in this location.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Economic Regeneration

Engineers (Drainage)

Engineering Services Manager

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Raise no objection subject to conditions. Comments as follows:

- The site does have an existing vehicular access onto the A259, no modifications are proposed to the existing access arrangements;
- The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity;
- Sightlines along the A259 from the existing point are considered acceptable;
- A review of the access onto the A259 indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely in this location.
- The LHA consider given the scale of the proposals there will be no material increase in traffic movements over the existing use;
- In addition there are no known capacity and congestion issues within the immediate vicinity of the site;
- The proposed parking allocation is considered acceptable and there is sufficient space for vehicles to park and turn within the spaces available;
- It is considered unlikely that there would be any potential increase for on-street parking as a result of these proposals.
- The A259 does have a newly installed footway/cycle link that connects to the site and into Felpham village;
- It is worth noting that the Stage 3 Road Safety Audit (RSA) identified a couple of items which require action at the Rockery Farm entrance (i.e. 25m of vegetation clearance either side of the junction and also installing give-way marking behind tactile paving), however we understand this is being addressed with our Project Team;
- Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses;
- The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal.

ADC ECONOMIC DEVELOPMENT - Raise no objection.

ADC DRAINAGE ENGINEER - No objection subject to a pre-commencement drainage condition.

ADC ENVIRONMENTAL HEALTH - Originally had concerns over how noise will be controlled, impacts on nearby dwellings, will there be a noise management plan, odour pollution from faeces and where the

FTP will be located. However, following the receipt of further information, confirmed that have no objections and do not request any conditions.

COUNCIL's ECOLOGIST - Following the submission of a phase 1 habitat survey, are happy that the barn is not being used by wildlife and do not require any further surveys. Request conditions to protect wildlife from any works to trees or any new lighting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class A Road; and
Special Control of Adverts.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy E4

Minimising the environmental impact of development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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 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 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.

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

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 will not result in any material harm to the safety and convenience of the highway, will not adverse effect on the amenity of residential properties, does not give rise to harm to protected wildlife species and does not harm the character of this existing rural agricultural/business site.

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 lies outside of the built up area boundary (BUAB) as per both the Arun Local Plan (ALP) and the Yapton Neighbourhood Development Plan (YNDP). ALP policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless for a certain category of development or in accordance with policies in the Plan which refer to a specific use or type of development. In this case, it is considered that the proposal represents a form of rural diversification in that the proposal seeks to reuse a currently vacant/underused agricultural building, create a new business and provide new jobs. This would therefore be in accordance with policy C SP1.

Policy BB1 of the YNDP states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. These are not the same as those within the ALP and therefore, the

proposal would be in conflict with this policy. However, it should be noted that section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: any conflict between development plans must be resolved in favour of the policy which is contained in the last document. As the ALP is the most recent, any conflict between the YNDP and the ALP would be resolved in favour of the latter.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. The policy requires the scale of development keep within the general confines of the overall character of a locality.

Policy D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; and do not compromise the established spatial character & pattern of the place.

The proposed extension is to the eastern side of the building and although this is closest to the road, the building is not visible in the streetscene due to elevation (Rookery Farm as a whole is higher than Flansham Lane), distance (140m) and the presence of buildings in between. The extension will be visible from the access road into the Rookery Farm site but there are no concerns particularly as the extension is to be clearly subservient in scale and will be designed to visually integrate with the host building. The proposals will also add new windows, doors and new northern and southern sections of wall to the building. These are required to enable the new use to function and be water tight. There is no concern with these improvements and the proposal is considered to be in accordance with ALP policies D DM1 and D DM4.

HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to

the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The comments of West Sussex Highways are reported above. They do not have any concerns with the existing access from a safety point of view and do not consider that the proposal will generate a material increase in traffic movements over the existing use.

It is acknowledged that cyclists using the new shared use path along the north side of the A259 have concerns with the Rookery Farm access junction in that vehicles have right of way over cyclists. However, this is an existing situation and it is not considered that the proposed development generates a need for improvements and there would be no grounds for a refusal. Highways also comments that the Highway Authority are responsible for visibility at the junction and will investigate this to ascertain whether any vegetation clearance can be undertaken to help improve visibility for road users in this location.

The proposed parking provision is also considered to be sufficient and the proposal will not generate any increase for on-street parking. It is not considered that the proposal would have a 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (para 109). The proposal is therefore also in accordance with the relevant development plan policies and in respect with the guidance with the NPPF on highway safety.

AMENITY ISSUES:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

Policy QE DM1 of the Arun Local Plan 2011-2031 requires that applications for noise generating development must provide evidence to demonstrate that there are no suitable alternative locations for the development and also provide a noise report. Policy QE DM3 provides policy advice in respect of air pollution but this does not include any specific advice in respect of odours.

The application proposes the following mitigation measures to minimise noise and odour pollution:

- (a) Dogs will be kept active during the day;
- (b) The pens will be arranged so that they do not face each other;
- (c) The three internal pens will have solid sides (thus preventing adjoining dogs from seeing each other);
- (d) The use of the external pens will be strictly controlled;
- (e) Dog waste will be bagged immediately and put in dedicated waste bins;
- (f) The bins will be emptied by Professional Animal Waste Solutions (PAWS), once a week, or more often if required;
- (g) The foul treatment plant will be located to the northeast of the barn, where it is away from the sun and a significant distance from any nearby dwellings; and
- (h) The proposed boarding kennels will need to be licensed by ADC and if they do not meet the standards required by the Council then a license could be withheld or withdrawn.

It should also be noted that the closest residential dwellings are Rookery Cottage (160m to the west) and Little Rookery (190m to the south). These are considered to be far enough away such that that there will

be no harm to these properties from either noise or odour pollution. The Council's experts on pollution matter, Environmental Health, raise no objections. The proposal is therefore in accordance with policies QE SP1, QE DM1 and QE DM3.

SUMMARY:

The proposed conversion and alteration of this vacant barn is an appropriate form of development in the countryside and will bring about new economic activity on this part of the site. Its impact upon the locality is considered to be minimal with no harm to highway safety or residential amenity. It is therefore recommended for approval in accordance with 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

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:

Drawing 001 Location Plan; and
Drawing LANGMr01-KRI-PA-001 Rev 2.00 Proposed Site Layout, Proposed Floor Plan and Proposed Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, QE DM1 and T SP1 of the Arun Local Plan.

- 3 The development hereby approved shall be carried out in accordance with the noise and odour mitigation measures as set out in the email from the applicant's agent dated 07/01/19 and which include:

- (a) Dogs will be kept active during the day;
- (b) The pens will be arranged so that they do not face each other;
- (c) The three internal pens will have solid sides (thus preventing adjoining dogs from seeing each other);
- (d) The use of the external pens will be strictly controlled;
- (e) Dog waste will be bagged immediately and put in dedicated waste bins;
- (f) The bins will be emptied by Professional Animal Waste Solutions (PAWS), once a week, or more often if required; and
- (g) The foul treatment plant will be located to the northeast of the barn, where it is away from the sun and a significant distance from any nearby dwellings.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

- 4 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 7 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 8 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.
- 9 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 10 INFORMATIVE: It is requested that consideration be given to the erection of warning signs on the site access driveway for vehicles leaving the site to warn them of the potential for cyclists to be crossing the junction with the A259.
- 11 INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <https://www.gov.uk/permits-you-need-for-septic-tanks>