

PLANNING APPLICATION REPORT

REF NO: FG/127/20/PL

LOCATION: Onslow Caravan Park
Onslow Drive
Ferring
BN12 5RX

PROPOSAL: Retrospective application for the demolition of 3 No. existing buildings & erection of replacement workshop & machinery store building (amended design & siting to FG/37/17/PL). This site is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The application seeks consent for the replacement workshop and machinery store which has been constructed on site. The structure which has been erected does not comply with the permission previously granted.</p> <p>The differences between the building constructed and the previous permissions FG/37/17/PL and FG/121/18/PL are :</p> <ul style="list-style-type: none"> · A revised building footprint comprising a reduction in the width of the building by 1060mm and setting back the rear building line of the south elevation (to the workshop area) by 900mm. · Increasing the ridge heights of the main building by 800mm and the workshop area by 298mm. · Increasing the eaves heights of the main building and the workshop area by 318mm. <p>Other elevational changes include:</p> <ul style="list-style-type: none"> · The repositioning and widening of the vehicular entrance on the northern elevation of the main building. · The insertion of a new single width door to the workshop area on the northern elevation (which replaces the approved double width roller shutter door opening for this part of the building). · The insertion of four additional roof lights (eight in total) in the northern roof plane of the main roof. · The removal of the rooflight in the northern roof plane of the workshop area. · The removal of two single width doors on the east elevation. · The insertion of eight new roof lights in the southern roof plane of the main roof.
SITE AREA	0.138 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None 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	<p>The area of the caravan site relating to this retrospective 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.</p> <p>These buildings and yard area are accessed directly off the main caravan park drive which links into Onslow Drive to the east.</p> <p>A high voltage (above ground) electricity cable passes over the yard area and the older storage/workshop buildings</p>
CHARACTER OF LOCALITY	<p>The site lies adjacent to residential dwellings on the edge of Ferring village.</p> <p>Static caravans are located immediately to the north and west.</p> <p>Existing residential properties all of which fall within the defined 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).</p> <p>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.</p>

RELEVANT SITE HISTORY

FG/121/18/PL	Variation of condition 2 imposed under FG/37/17/PL relating to approved site plan.	ApproveConditionally 24-09-18
FG/37/17/PL	Demolition of 3 No. buildings & erection of replacement workshop & machinery store (resubmission following FG/161/14/PL).	ApproveConditionally 08-05-17
FG/85/15/PL	Demolition of three buildings & erection of replacement workshop & machinery store (amendment to FG/161/14/PL).	Refused 29-07-15

FG/121/18/PL was granted retrospective permission for the following changes to the approved drawings:

- The relocation of and increased width to the main door opening north elevation.
- The deletion of the roller shutter door opening to the workshop area on the north elevation and the insertion of a standard single door.
- The removal of two door openings in the east elevation to create a blank elevation.
- The insertion of four additional roof lights (eight in total) in the north facing roof plane of the main roof.
- The removal of a roof light in the northern roof plane above the workshop area.
- The insertion of eight new roof lights on the south facing roof plane of the main roof.
- A 900mm set back to the workshop area along the southern elevation.

During the course of construction it became apparent that the ridge and eaves heights of the building were higher than as shown on the approved plans for FG/37/17/PL.

The main reason for this was that the building as constructed used a standard portal frame instead of a bespoke frame which would have had a lower roof height. This application has now been submitted to address these changes.

REPRESENTATIONS

Ferring Parish Council - Objection:

- The general style, location and usage of the building has already been granted, but specific conditions were imposed on the ridge height due to the overall size, mass and height otherwise having an unreasonable and overbearing impact on neighbouring properties.
- The structure now has a ridge height exceeding not only that granted but also exceeding the previously refused application. The ridge height was crucial and is detrimental to the amenity value of the neighbouring resident's gardens and outlook without any justification.
- This was constructed contrary to the planning permissions as granted resulting in an unjustified, overbearing detrimental impact on local residents.

32 Objections (including Ward Member and petition with 101 signatures):

- Building is ugly, too big and too close to housing in Meadow Way.
- When in use the noise is unneighbourly.
- This is a blot on the landscape and ruins the views/outlook of the Downs and beyond.
- The building that has been erected is a monstrosity and not in keeping with the surroundings. It should be removed or reduced in height.
- Too close to houses.
- Reduction in daylight.
- Will adversely affect property values.
- Building works are too noisy.
- Stored gas bottles are a potential hazard.
- Roof of the building is too close to the power lines causing safety issues.
- Fence has been moved
- No justification has been given for this breach of planning controls.
- The purpose is industrial and not residential.
- If the application is accepted it will set a precedent to allow similar types of construction on this site.
- The highway safety will be compromised by additional traffic entering and leaving the site on the narrow roads.

- Adding to drainage problems in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comment in respect of the height of the building in relation to that previously refused is correct. This proposal has a ridge height 20cm higher and an eaves height 30cm higher, but the building refused under FG/85/15/PL was in a different location within the mobile home park.

The right to a view and decrease in property values are not material planning considerations.

The building is not being used for industrial purposes and its appearance reflects that of a modern farm building.

The response to the other points raised are considered in more detail in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection. Conditions requested.

Environmental Health - No Objection. Conditions requested.

Southern Water - No Objection.

Drainage Engineer - 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
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 relevant policies in Ferring Neighbourhood Plan have 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."

Section 70(2) of TCPA 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,
 - 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.

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.

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 within the Caravan Park is already accepted by virtue of planning permissions FG/37/17/PL and FG/121/18/PL. The differences are not significant but not so minor as to benefit from a Non Material application where changes to already approved applications are approved and considered on the basis that they do not materially effect neighbouring and visual amenity.

The main considerations for this application relate to:

- The differences in the height and the elevational changes between the approved scheme and the current scheme.
- The effects that these changes would have on the amenity of the occupiers of nearby residential properties.
- Other material considerations.

All these issues are assessed below.

NEED FOR THE BUILDING

The need for the building was accepted under application FG/37/17/PL. This a material planning consideration. The changes which are included in this application do not relate to any additional need.

The building will be used for secure storage of machinery that is used on a regular basis for the maintenance of the caravan park and the workshop area which is required to service and maintain the storage items in good order. This helps the established business run efficiently and effectively.

VISUAL AMENITY AND CHARACTER OF THE AREA SETTLEMENT GAP CONSIDERATIONS

The site falls within the East Preston to Ferring Settlement Gap and therefore 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.

Whilst it is acknowledged that the building as constructed is 800mm higher than previously approved this increase would not make a significant material difference to the 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 building is not significantly different to that approved under FG/37/17/PL and would use the same palette of materials previously approved under FG/22/18/DOC. On this basis the appearance of the building accords with Local Plan Policy D DM1.

The main increase in height of the building is to the ridge of the main roof located above the vehicle and machinery storage area. This has increased by 800mm. The ridge height of the roof above the workshop area has increased by 298mm. The effects of these increases will be negligible when the building is viewed from the rear garden areas of the nearest residential properties to the south (No's 6 to 12 Meadow Way) because of the shallow pitch of the roof which means that most of the increased height will be at an angle and sloping away from these properties instead of being in a vertical plane.

The part of the new building nearest to these residential properties comprises the wall forming the south elevation. This has increased the height to the eaves by 318mm. The increase is slight and only has a moderate effect particularly as new landscape planting will be undertaken along the southern boundary

as per discharged Condition No. 8 of FG/37/17/PL.

It provides for new tree and hedgerow planting to be provided along the southern boundary. Over time this planting will grow helping 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.

The submitted Site Sections detail the differences between the building as approved and as constructed and the neighbouring residential properties No. 53 Onslow Drive (a bungalow) and No. 8 Meadow Way (a two-storey semi-detached house). This shows that the increased height of the barn as constructed is only a marginal increase compared to the approved scheme and that its ridge height at 5736mm continues to be lower in height than No. 8 Meadow Way which has a ridge height of 8110mm.

The building is visible from the southern side of Meadow Way and between the gaps of the existing residential properties on the northern side of the road, but the increased ridge height is not readily perceptible.

The changes to the approved building, therefore, have an acceptable scale and massing in terms of the streetscene. Although the building is about the same width as two pairs of semi-detached houses located to the south it is lower in height by about 2374mm. It is acknowledged that the new building can be seen from the public footpath adjacent to the southern boundary but the differences do not make it overly dominant and will be less visible when the new boundary planting matures and becomes established over time.

Overall the scale and massing of the building as constructed is not out of keeping with character of the caravan park or the surrounding residential area. Although the overall height of the building has increased compared to the approved scheme it does not have a materially adverse detrimental overly dominant and would accord with the provisions of policies D DM1 and DSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The back to back distances between the barn and the two nearest residential properties to the south (Nos 6 and 8 Meadow Way) are 15m and 17m, respectively. The presence of the public footpath and dry ditch (approx. 5m wide) between the application site boundary and the rear garden boundaries to the south contributes to the separation and distance between the buildings. The building is not coming any nearer towards these boundaries.

The effects of the increased height of the building on the rear garden areas and from within the houses in Meadow Way would only be slight in terms of outlook and does not result in a materially unacceptable increase in harm to residential amenity.

Whilst the ridge height of the workshop is 298mm higher, the approved scheme for this part of the building is still 1475mm lower than the ridge height of the bungalow to the north-east ('Whispers' - No. 53 Onslow Drive). The workshop building has a scale and massing that is similar to that of the bungalow. This, combined with an 17m gap between the two buildings, creates an acceptable relationship between the two buildings that does not unacceptably harm the residential amenity of the occupiers of the bungalow. As such the development accords with the policies D SP1 and D DM1 of Arun Local Plan.

The applicant has commissioned a Shadow Study that compares the extent of shadowing that the

approved scheme and the building as constructed would create. The Shadow Study assesses the situation at the times of the Spring Equinox (21st March); Mid-Summer (21st June) and Mid-Winter (21st December). Owing to the orientation of the building which is generally in a north-east to southern-west direction and the location of the nearest residential properties which are located to the east and south of the new building the proposed development does not result in any direct overshadowing of nearby residential properties or their garden areas. Indeed, the differences between the approved scheme and the development as built are very similar. As such the development does not result in significant loss of sunlight or adverse overshadowing and accords with policy D DM1 and criteria (c) of Policy D DM4.

The alterations to the external appearance of the building are limited to the north and east elevations. These elevations face into the main area of the caravan park and as such these alterations will not be seen from outside the caravan park. Notwithstanding this, the alterations are in keeping with the original design concept for the building and its scale. The building as constructed includes four additional roof lights in the northern roof plane and eight new roof lights on its southern plane. These have been incorporated to maximise the amount of natural light within the building during daylight hours reducing the need for artificial lighting. This embodies the principles of sustainable design and will assist in reducing energy use which is encouraged by paragraph 8 of the NPPF.

FLOOD RISK

Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where certain criteria have been satisfied. The application is supported by a Flood Risk Assessment (FRA) which confirms that the wider caravan park falls within Flood Risk Zones 2 and 3 and that the majority of the application site itself falls within Flood Zone 1 (Low Probability of Flooding) with a small part of the western side being within Flood Zone 2 (Medium Probability of Flooding). The workshop/storage uses within the new building are considered to be 'less vulnerable'. The finished building will incorporate various flood resistant and resilient construction measures.

The proposed changes to the approved building do not impact on the risk of flooding and this aspect of the proposal does not need to be considered further given the above.

The development therefore accords with Local Plan policy W DM2, policy 10 of the Ferring Neighbourhood Plan and with guidance set out in paragraph 163 (b) and (e) of the National Planning Policy Framework (NPPF).

DRAINAGE

Policy WDM3 of Arun Local Plan seeks an increase in the levels of water capture and storage and water quality and that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development at an early stage of the design process.

The application is supported by a Surface Water Drainage Statement which is similar to the details that formed the discharge of Condition No. 4 of planning permission FG/37/17/PL and were subsequently discharged under FG/48/18/DOC. Engineers have confirmed their agreement to the submitted details.

Infiltration testing demonstrated that a blanket soakaway is not a viable option. The most appropriate surface water drainage solution for rainwater collected from the roof of the building involved the installation of two 8.5 cubic metre circular tanks located above ground at the eastern end of the workshop building. These storage tanks are sized to store a 100 year plus 30% extra rainfall allowance for climate change and would be linked at low level. Both storage tanks would be screened to soften their appearance. Details of the screening are the subject of a planning condition.

The proposed surface water drainage strategy accords with Policy W DM3 of the Local Plan and policy 10 of Ferring Neighbourhood Plan.

CONCLUSION

The development does not significantly increase the height and external appearance of the building previously approved. These differences would not result in undue harm to residential or visual amenity and the application is therefore 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

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Drawing No. 031 11 - Location Plan
 - Drawing No. 031 05 Rev B - Site Plan
 - Drawing No. 031 12 Block Plan
 - Drawing No. 031 06 A- Proposed/Constructed Floor Plan, Roof Plan and Elevations
 - Drawing No. 031 07 - Permitted Floorplan, Roof Plan and Elevations

- Drawing No. 031 08 - Constructed & Consented Comparison
- Drawing No. 031 09 - Site Sections
- Drawing No. 031 10 - Site Sections with figure dimensions
- Drawing No. 20060 - Topographical Survey

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.

- 2 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 DDM1, DSP1 and SD SP3 of Arun Local Plan

- 3 No plant or machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site other than between 07:00 to 18:00 hours (Monday to Friday) and 07:00 to 13:00 hours (Saturday). No operation is to take place on Sundays or on Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan

- 4 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.

- 5 Within 3 months of the date of this permission details of landscaping to the water storage tanks area shall be submitted to and approved by, the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use of the building or the completion of the development, whichever is the sooner, 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.

- 6 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

- 7 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take,

damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 9 INFORMATIVE: As detailed within the Bat Scoping Report and Preliminary Ecological Appraisal (Sept 2020) a precautionary approach should be undertaken and following an inspection by an ecologist prior to works commencing, removal of cladding and any roof tiles should be undertaken by hand in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted.
- 10 INFORMATIVE: At the time of our Engineer's last visit to site, it was noted that some of the drainage had been constructed, although the headwall into the ditch required finishing. Please Engineers once the headwall is complete and provide photographs.
- 11 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/127/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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