

Recommendation Report for Planning Permission

REF NO: AB/139/21/PL

LOCATION: Crown Yard Car Park
River Road
Arundel
BN18 9JL

PROPOSAL: Storage container in one bay of the Crown Yard car park to store the stalls for the monthly Arundel Farmers Market. This application affects the character & appearance of the Arundel Conservation Area and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the installation of a container in the corner of the existing car park bays. The container would be 2.6m high with a floor area of 4.5m by 2.4m and would comprise corrugated steel panelling.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2-3m high flint/brick walling/fencing to rear on car park boundary.
SITE CHARACTERISTICS	Car park behind retail area.
CHARACTER OF LOCALITY	Town centre mix of commercial, retail and residential.

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - Awaited

Conservation Area Advisory Panel - Comment

- Application lacks information regarding the need for the storage container and whether it is required on a permanent basis or for a temporary period only.
- There is no Heritage Statement
- The proposed steel container will be a large, bland, incongruous and visually alien industrial object located in an area of traditional buildings, structures and materials. Although proposed to be sited in a

relatively inconspicuous place within the car park, it will detract from the appearance of Crown Yard and, therefore, also the character and appearance of the conservation area.

- Concerned at the loss of available public car parking space which becomes very limited in the town during busy periods in the summer.

- The Farmers' Market makes an important contribution to the economic viability of the town and is an attraction for residents and visitors. Its activity and vibrancy makes a positive contribution to the character of the conservation area and is reflective of the town's historic past as a market centre.

- Offer no objection provided there is a justified need for a container of this size for the running of the Farmers' Market and that it is needed to be located in the town centre on a temporary basis only until a more permanent and suitably designed storage building can be constructed or facilities found within an existing building in the town centre and that temporary planning permission is granted for the current proposal, say, for an initial period of 3 years and a colour needs to be agreed for the container. It is suggested that the structure be painted or coated a dark green which would reduce its visual impact and better relate it to the existing leafy background.

- On this basis it would accord with paragraph 202 of the NPPF, the proposal will lead to temporary 'less than substantial harm' to the conservation area and that the limited period of harm is outweighed by the public benefit of the proposal due to the better functioning of the Farmers' Market; the latter making a positive contribution to the viability, vitality, ambience and tourism attractiveness of the conservation area.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Conservation Area

Affects setting of Listed Buildings

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

HERDM3 HER DM3 Conservation Areas

HERSP1 HER SP1 The Historic Environment

HERDM1 HER DM1 Listed Buildings

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.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012.

No policies in the Arundel Neighbourhood Plan are considered relevant to this application.

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 the design of the building is considered acceptable and it would have no adverse impact on residential amenity.

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.

Where the site is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of nearby Grade II Listed Buildings or the character of the Conservation 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

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HER DM2 Proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting.

DESIGN AND VISUAL AMENITY

The application form refers to Arundel Town Council wishing to house a storage container in one bay of the Crown Yard car park in Arundel to store the stalls for the monthly Arundel Farmers Market. The container would have a limited impact on the street scene being set back within the car park and screened by the existing walling. It would only be visible from within the car park. It would have an acceptable impact due to its size and scale for a temporary period. Its materials of construction, corrugated steel panels are conditioned to be painted within 3 months to ensure the visual impact of the structure is minimised. On this basis the proposal accords with policy D DM1 and DSP1 of the Local Plan.

RESIDENTIAL AMENITY

The container would not be located near any residential properties and therefore would not have any adverse impacts on residential amenity. The proposal therefore complies with policy D DM1 of Arun Local Plan.

HIGHWAYS AND PARKING

The proposals involves the temporary loss of a parking space within the public car park, but this loss of provision is not considered significant in terms of the overall size of the car park and presence of other public parking spaces and off road parking within the town centre in close proximity.

HERITAGE IMPACT ASSESSMENT

In terms of paragraph 202 of the NPPF the provision of a container in the corner of the public car park will lead to less than substantial harm to the significance of the designated heritage assets namely the character and appearance of the Conservation Area and the setting of Listed Buildings . When this harm is weighed against the public benefit of providing a much needed storage area for materials and equipment to support the Farmers Market which is important to the Town by improving its vitality and increasing its viability and attractiveness for visitors and residents it is acceptable. This is due to the modest scale of the proposal, its relatively discreet location in the corner of the car park and the use of appropriate paint colour allowing the proposal to have a minimal presence in the Conservation Area on a temporary basis.

The proposal therefore accords with policies HER DM2, HER DM3 and HER SP1 of the Arun Local Plan.

SUMMARY

The provision of temporary container storage is considered to accord with Development Plan policies and 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

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 storage use of the site shall cease and the container hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 28th February 2025.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period and the appearance of the container, by virtue of its design and construction is likely to deteriorate and become detrimental to the visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the container in accordance with policies D DM1 and HER DM3 of the Arun Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Proposed Floor Plan, Elevations, Roof Plan 212835/01
Block Plan
Location Plan
Proposed Location and Specifications

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 Within 3 months of installation of the container the elevations of the container shall be painted in a colour to be agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies D DM1 and HER DM23 of the Arun Local Plan.

- 4 **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.