Recommendation Report for Planning Permission

REF NO: AB/21/25/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 and additional equipment for the monthly Arundel Farmers Market. This application is in CIL Zone 2 (Zero Rated) as other development, affects the character and appearance of the Arundel Conservation Area and may affect the setting of listed buildings.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to retain a storage container which is situated within one bay of the Crown Yard Car Park. The storage container is currently in situ and had a 3 year temporary permission approved in 2022 which has now expired. This application is seeking to renew this for another 3 years.
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	2-3m high flint/brick walling/fencing to rear on car park boundary.
SITE CHARACTERISTICS	The site forms a car park behind Arundel High Street.
CHARACTER OF LOCALITY	The area is mixed in use with commercial, retail and residential.

RELEVANT SITE HISTORY

AB/139/21/PL	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.	ApproveConditionally 24-01-22

An application was approved under AB/139/21/PL for 2022 for the same proposal. This was approved for a temporary period of 3 years.

REPRESENTATIONS

Arundel Town Council provided no response.

2 letters objection received from nearby occupiers.
- Does it mean there will be two containers.
- The container should have been painted which was not done.
- The container attracts anti social behaviour.
- The container should be moved away from residential properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. Anti-social behaviour as a result of the container would not be a material consideration and is a private matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The proposal would be considered to be not appropriate for the historic town centre location and cause harm. Such harm would be identified as less than substantial harm, in accordance with paragraph 215 of the NPPF (2024). As such, you will also need to consider the public benefits.

Conservation Area Advisory Panel - The Panel understand the need for the storage unit but consider that, given the heritage asset context, it would not be appropriate to grant a permanent planning permission for the container. The Panel suggest that a two year temporary planning permission would be appropriate for the current proposal. In the meantime, the Panel considered that the blue painted front elevation of the container only exacerbated its inappropriate appearance and that it would be better to repaint it in the same grey as its side elevations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Arundel Conservation Area
Town Centre Retail Boundary
Surface Water flooding on some parts of the site.
Flood Risk from Climate Change 2111

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
HERSP1	HER SP1 The Historic Environment

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, 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.

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

There are other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is below a de minimis threshold.

CONCLUSIONS

PRINCIPLE

The site falls within the built-up area boundary and is acceptable in principle subject to compliance with relevant development plan policies. Arundel has a made Neighbourhood Plan however none are the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The storage container is already in existence and has a height of approximately 2.6m. It is 4.5m in length and 2.4m in width and takes up one bay in the Crown Yard car park, located to the south-eastern corner. Due to it siting to the corner of the car park, it is only readily visible once you've entered the car park and has limited visual impact upon the wider area and is partially screened by existing brick walling.

It is constructed of grey metal panels with a blue front with a metal shutter. It is considered that the appearance of the storage container could be improved and the blue painted front elevation of the container should match the remainder. A condition will be included for details of colour to be agreed with the LPA prior to painting, to ensure it blends in with the wider area. It is accepted that a condition for painting was included on the previous permission, however this was not complied with. The LPA has additional resources than compared to when the previous application was approved and compliance can be monitored.

The container is used to store equipment/stalls for the monthly Arundel Farmers Market. The storage container is already in existence and had a temporary 3-year planning permission that has now expired. A further temporary permission is sought and the applicants have confirmed they intend to relocate the storage container elsewhere and an alternative location has been identified and are in the process of obtaining the relevant permissions.

On this basis, the proposal accords with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY

The storage contained is situated a sufficient distance away from residential amenity in such that it does not result in adverse overbearing or overshadowing. There is also a wall behind the storage container which helps to provide screening between the site and adjoining occupiers.

The continued siting of the storage container would not result in adverse overbearing, overlooking or overshadowing upon neighbouring amenity in accordance with ALP policies D DM1 and D SP1.

PARKING

The proposals involves the temporary loss of a parking space within the public car park, but this loss of provision is not 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.

The proposal complies with ALP policy T SP1.

HERITAGE

Paragraph 208 of the NPPF requires the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM3 provides criteria to ensure that development will preserve or enhance the character of the Conservation Area of which they area within, or affect the setting.

This Conservation Area has a very strong historic character with numerous listed and locally listed buildings of historic and architectural interest, along with the sympathetic street fittings (street lights etc.) resulting in a strong aesthetic quality. The town contains a significant number of buildings in a small area, which results in a higher density of development, with little open space other than small pockets of land or areas such as Crown Yard itself. However, the natural landscape and the river itself add to the character of the area.

The car park is in the centre of the historic town and is surrounded by development on all sides. Whilst covered in tarmac (as determined by its use), the location of the car park is such that it affords attractive views of the varied townscape, especially views of the rear of the buildings on Tarrant Street to the north, along with views of the rear of the buildings to the High Street and River Road. The car park is enclosed by walling of various ages and designs in either brick or brick/flint. Some of this walling is more positive than other elements. However, when taken as a whole, it forms a positive feature of the space.

Whilst it is acknowledged that the existing car park is a space dominated by tarmac and parked vehicles, the current proposal is problematical. The design of the unit is not appropriate for the historic town centre location, appearing to look like a standard industrial unit with roller front door. The colour of the structure, especially the front elevation is also not appropriate for the sensitive locations. The blue painted front elevation of the container should also be repainted so that it at least matches the remainder. An alternative, more appropriate location should be identified, for a more appropriate structure. As a result, the Conservation Officer advises should an approval should be given, this is on a temporary basis whilst an alternative and more appropriate structure and location are identified elsewhere in the town.

Such harm would be identified as less than substantial harm, in accordance with paragraph 215 of the NPPF (2024). As such, the public benefits that the development will need to be considered. The Farmers Market had around 65 traders each month in 2024. Further stalls were introduced in Jubilee Gardens during the summer months, with a focus on local craft makers. In 2025, there are plans to increase the maximum number of traders to 85 which has the necessary consents to achieve this increase. Arundel Farmers Market enables people to buy fresh, high-quality local produce direct from the producers. This also brings people to the town which has benefitted Arundel High Street encouraging further spending in the town in the local shops and coffee shops. The Farmers Market in which the storage container is associated with, bring significant benefits to the town and the benefit outweighs the harm identified.

With the proposal temporary in nature, the storage container does not result to harm the significance of the heritage assets and the benefits outweigh the less than substantial harm identified, in accordance with ALP policy HER DM1 and HER DM3 of the Plan.

SUMMARY
The provision of a temporary storage container accords with Development Plan policies and is recommended for approval subject to the following conditions.

The approval would be for a temporary period of 3 years.

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 not CIL liable.

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 7th February 2028.

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 Arun Local Plan policies D DM1 and HER DM3.

2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan
- Floor, Elevation, Roof Plan

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

3 Within 3 months of the date of the permission 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 Arun Local Plan policies D DM1 and HER DM3.

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.