

Recommendation Report for Planning Permission

REF NO: AB/8/15/PL

LOCATION: Rear of The Norfolk Centre
Mill Road
Arundel

PROPOSAL: Single storey container cabin (resubmission following AB/118/14/PL). This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission to retain and existing portacabin at this site. The portacabin is located to the north west of the Norfolk Centre and adjacent to the portal framed shed to the north. It is set back from the public highway, located on land slightly higher than the overall site by approximately 1m and partly screened in some directions by a brick wall to the front. The portacabin is a dark green in colour.

SITE AREA

The site area is 0.14 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Near continuous hedging and trees along the southern boundary which fronts Mill Road commonly over 2m in height. Flint and brick walling above 2m in height along northern and western boundaries. Wooden gates and the side walls of Post Office yard buildings form the eastern boundary treatment.

SITE CHARACTERISTICS

The site comprises the Norfolk Centre which is used for community purposes, a car park to the south and the Listed remains Grade II of Maison Dieu, a former monastery.

CHARACTER OF LOCALITY

Mainly commercial in character, the surrounding area comprises a Post Office and yard to the south, a car park with sizeable portal framed shed to the north. Arundel Museum is to the east and the grounds of Arundel Castle to the north.

RELEVANT SITE HISTORY

AB/76/87	Construction of shed for storage	ApproveConditionally 14-09-1987
AB/19/94	Erection of one single garage type building for storage purposes (size 20'3" x 10'5")	ApproveConditionally 17-05-1994
AB/100/14/PL	A single storey portable cabin style building within the Arundel Conservation Area.	Withdrawn 22-09-2014
AB/118/14/PL	Single storey portable cabin style building (resubmission following AB/100/14/PL). This application affects the character and appearance of the Arundel Conservation Area	ApproveConditionally 17-12-2014

AB/100/14/PL was for a 9.6m long and 3m wide flat roofed metal portacabin. The portacabin was to be in a generally similar location to the currently proposed one. This application was withdrawn.

AB/118/14/PL was for a very similar portacabin in the same location as AB/100/14/PL and the proposal was revised to include wood cladding to the south west elevation facing Mill Lane and to match the Norfolk Centre.

REPRESENTATIONS**Representations received:**

Arundel Town Council

Arundel Town Council raises no objection subject to the conditions attached to AB/118/14/PL being imposed. These were that permission was temporary for a period of 3 years and the south west elevation was to be clad in wood in a finish and colour to match the Norfolk Centre.

No representations have been received from surrounding occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

The Conservation Area Advisory Committee raises no objection and suggests temporary planning permission for not more than 3 years.

This Council's Conservation Officer has not commented.

The Historic Buildings Advisor (HBA) has not commented. It is however worth noting that in respect of the previously permitted larger portacabin, the HBA raised not objection -on the basis that it is a low, temporary structure in a largely discrete location.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Conservation Area
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Conservation Areas
The Form of New Development
D DM1 Aspects of Form and Design Quality
HER DM1 Listed Buildings
HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Arundel Neighbourhood Plan has the following objectives and measures which are relevant to this application:

1. To maintain and enhance the nationally and locally important heritage assets and special character of the town and its setting:

- Conflict between the conservation of a heritage asset and any aspect of a development proposal should be avoided or minimised

There are no policies which relate to the present proposal.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The considerations in this proposal remain largely as previously, although the current proposal is for a container cabin. This has the appearance of a metal transport type container and has a vertical metal corrugated appearance. Normally speaking, such a container would be considered to be detrimental to the Conservation Area and the setting of nearby Listed Buildings however previous planning history and the extant AB/11/14/PL are material considerations, particularly as the most recent and still extant planning permission is for a larger storage facility.

Considerations in this current application are as follows:

PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is considered unacceptable unless it complies with relevant Local Plan policies.

SITE HISTORY AND CONTEXT

This application is a further

submission of following AB/100/14/PL and AB/118/14/PL which were similar all in respects except that the latter proposed to wood clad on the south-west elevation to match the Norfolk Centre.

The presently proposed portacabin is also similar to one previously approved under AB/183/07, although this was sited in a different location to the north of what is now the Arundel Museum.

The current application is for use in connection with Norfolk House the museum to the south. The use is considered consistent with the community purpose of the Norfolk Centre.

DESIGN AND VISUAL AMENITY

The proposed portacabin will be discreetly positioned behind the Norfolk Centre. In this location, it will not be seen from Mill Road to the east and will not be overly prominent from Mill Lane due to being partly obscured by 2m high boundary walling and a considerable set-back distance at over 10m from the road.

A wooden clad end fronting Mill Lane would match the appearance of the Norfolk Centre and mitigate visual impact and this will ensure that it acceptably blends in with the building. This can be controlled by means of a condition. The portacabin will be a temporary structure and this can also be controlled by way of a suitable condition.

It is therefore considered that the proposed portacabin is acceptable, with cladding, in design terms and is considered to preserve the character and appearance of the Conservation Area in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

EFFECT ON THE LISTED REMAINS OF MAISON DIEU

The portacabin will be sited in the grounds of the Grade II Listed remains of the northern section of Maison Dieu. The location of the portacabin behind the Norfolk Centre means that it will not adversely affect the setting and appearance of the Listed remains.

There has previously been no objection from the Historic Building's Advisor who considers the portacabin to be a low, temporary structure in a largely discrete location.

It is therefore recommended that the application is approved, 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 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 (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The container cabin 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 3 years from the date of this permission.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The south-west elevation of the container cabin hereby approved shall be clad in wood in a finish and colour to match the Norfolk Centre.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.