

Recommendation Report for Planning Permission

REF NO: AL/39/21/PL

LOCATION: Little Beechfield
Dukes Road
Fontwell
BN18 0SP

PROPOSAL: Installation of a 40ft (12m) container housing an autofeed Biomass Boiler and associated equipment to replace existing boiler and installation of a 20ft (6m) container housing plant room for blown air for existing log drying business. This application is in CIL Zone 3 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install 2 containers to the rear of the site. These will serve as an autofeed Biomass Boiler and form a housing plant room for blown air for existing log drying business.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
SITE CHARACTERISTICS	The site is occupied by single storey property. There are a number of storage units.
CHARACTER OF LOCALITY	Semi-rural location to the north of the A27.

RELEVANT SITE HISTORY

AL/28/99/	Change of use of land from agricultural to residential for the siting of a mobile home.	Refused 14-07-99
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None.

REPRESENTATIONS

Aldingbourne Parish Council have no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - A request for further information to determine whether a permit for the boiler was required. Following discussions between the agent and Environmental Health, they were satisfied that a noise condition is necessary.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The fumes conditions is not necessary with no burning of waste on site.

POLICY CONTEXT

Outside built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DSP1	D SP1 Design

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 site is outside of the built up area boundary as defined by SD SP2 of the Arun Local Plan. The proposal is for ancillary equipment which would support the existing development that is located on the site. The development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with D DM1). In this case, the key policy considerations are deemed to be D DM1 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan 2 , with Policy EH1 of relevance to the application.

The principle of development is considered acceptable and as such will be assessed against relevant development plan policies.

DESIGN AND VISUAL AMENITY

The proposal involves the construction of 2 containers to the rear of the property. These will not be visible from the street scene due to their location, set back from the road by approximately 70m.

1 container will be 2.59m in height with a length of 12.1m and a width of 2.4m. This will serve as a auto-feed boiler. The 2nd container is smaller in size and will be located alongside with a length of 6.1m, width of 2.35 and a height of 2.45m which will serve a drying log, kiln room.

The Arun Design Guide is a supplementary planning document which states development should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale and massing. The containers are fairly modest in size. There appears to be various materials on site such as metal sheds and the addition of the containers is not considered to appear out of character within the area which is predominately rural in nature.

Due to the location of the containers which are not visible from the wider area and their modest height, the proposal is not considered to result in harm upon the appearance of the area and accord with D DM1 of the Arun Local Plan.

NEIGHBOURING AMENITY

The containers are located a sufficient distance from neighbouring properties and are unlikely to be visible and not considered to appear unduly dominant or overbearing upon neighbouring amenity.

NOISE

Plans have been submitted to demonstrate the noise levels that will be heard at certain distances from the site. Discussion were had between Environmental Health and the agent and subsequently they were satisfied that the boiler which is contained in a unit to further mitigate noise, and with the closest receptors being around 70m away, the development will not give rise to adverse noise impact upon amenity in the area and no conditions are requested.

Due to the siting and size of the structures, it is not considered to result in harm upon neighbouring amenity and accord with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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
 - Location, Block, Floor and Elevation Plans.
 - Technical Data Sound Measurements - 304
 - Technical Data Sound Measurements - 155

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 **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.