Recommendation Report for Planning Permission

REF NO: **AL/67/12/**

LOCATION: Land to west of
Westergate Lodge
Westergate Street Aldingbourne

PROPOSAL: Erection of detached building for storage purposes

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent for the erection of a detached building for storage purposes.
SITE AREA	Approximately 1.5ha
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature vegetation, mixed native hedging and trees to side and rear boundaries.
SITE CHARACTERISTICS	The site is a former nursery, which contains the remains of brick agricultural outbuildings and glasshouses. The site is overgrown and is partly cultivated for the growing of fruit and vegetables.
CHARACTER OF LOCALITY	Outside built-up area boundary. Residential development is located to the east, Aldinbourne Community Centre recreation ground lies to the north, and open countryside/nurseries are located to the south and west.

RELEVANT SITE HISTORY

AL/25/03/	Extension comprising annexe for disabled person and full time carer.	Refused 02-05-2003
AL/65/03/	Extension comprising accommodation for disabled person, new front porch and internal alterations. (Re-submission following application AL/25/03/)	Approve Conditionaly 19-09-2003
AL/51/04/	Erection of a conservatory	Approve Conditionaly 24-06-2004

AL/68/12/	Erection of a Polythene Tunnel	Approve Conditionaly 17-09-2012
AL/20/51	Use of land as site for one caravan	Approve 19-09-1951
AL/20/51/A	Dwelling house	Approve 09-01-1952
AL/20/51/B	Glasshouse and boilerhouse	Approve 05-12-1962
AL/10/74	Outline for 53 houses	Refused 03-07-1974
AL/64/75	Removal of condition restricting to agricultural occupancy as in AL/20/51/A	Refused 10-09-1975
AL/98/79	Extension to side of house comprising ground floor study and first floor bedroom and shower room	Approve Conditionaly 14-11-1979

REPRESENTATIONS

Representations received:

Awaited.

West Sussex Wildlife Protection: Land needs to be checked in case of wildlife activity.

Comments on Representations received:

Awaited.

CONSULTATIONS

Southern Water Planning
Environment Agency
Engineers (Fluvial Flooding)

Consultations responses received:

Drainage Engineers: In principle, SUDs should work in this location. The design must be capable of containing a 1 in 100 year event +30% on the site without increasing the risk of flooding to others.

Southern Water: Request that should this application receive planning approval, the following informative is attached to the consent: A formal connection to the public sewerage system us required in order to service this development. The application makes reference to SUDs. This relies upon facilities which are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities. Where a SUDs system is to be implemented, drainage details to be submitted to the LPA should: specify responsibilities of each party for implementation of SUDs; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development. Request that should this application receive planning approval, the following

condition is attached: no development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing.

Environment Agency: No comment.

Comments on Consultation responses:

Comments noted. Details of foul and surface water drainage shall be controlled by condition. An informative will be added advising the applicant to contact Southern Water with regard to connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:
Outside built-up area boundary
Special control adverts
Permitted development restriction
Drainage Area
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

BACKGROUND AND PROPOSAL

The site is a former nursery located outside the built up area boundary, where new development is strictly controlled to protect the intrinsic character and beauty of the countryside (para 17 of the NPPF). The site is accessed via an unmade gravel track and contains the remains of a numbner of former agricultural buildings and glasshouses.

The site is overgrown and contains dense vegetation. Part of the site to the north and eastern boundaries is currently under cultivation for the growing of fruit, vegetables and wild flower meadows for private use. The site is not a commercial nursery.

The proposal seeks consent for the contruction of a detached outbuilding to be used as storage for gardening equipment. The building will measure 16.1 metres in length, 5.1 metres in width with a maximum ridge height of 3.6 metres. The building will be constructed from blockwork and faced in timber cladding with a concrete tiled pitch roof. Four windows and a solid timber door will be positioned on the south elevation and rainwater will discharge into rainwater butts. The building will be positioned on the site of a semi-derelict outbuilding.

PRINCIPLE AND VISUAL AMENITY
The site is located outside the built-up area boundary and, as such, is afforded protection under policy GEN3 of the Arun District Local Plan. This restricts development in open countryside to the operational needs of agriculture, forestry, extraction of minderals or deposit of waste; quiet informal recreation; diversification of the rural economy; and essential road schemes.

The site is not a commercial nursery, but is for personal use by the applicant for the growing of vegetables/fruit and as a wildflower meadow. Given the site's previous history as a commercial nursery, the use of the site (quasi horticultural) is considered acceptable in principle.

Further, the site is classed as previously developed land under Annex 2 of the National Planning Policy Framework, as it contains the remains of permanent structures used for horticulture (glass houses and brick outbuildings) that have blended into the landscape over time.

Paragraph 111 of the National Planning Policy Framework states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously development, provided that it is not of high environmental value. The site is not deemed to be of high environmental value: it is not a designated Site of Special Scientific Interest (SSSI), an Area of Outstanding Natural Beauty (AONB) and it is not located within the South Downs National Park. The building, although large, will occupy the footprint of a semi-derelict outbuilding that previously formed part of the nursery. Furthermore, the site is flat and is well screened by mature trees and dense vegetation. As such, its visual impact will be limited. The materials of timber cladding are considered appropriate for this semi-rural location.

The applicant confirms that the building is to be used solely for the storage of gardening equipment (e.g. rotivators, strimmers, wheelbarrows) associated with the cultivation of the land. A condition is recommended to ensure that the building is used solely for this purpose, and is not not used as residential accommodation, or for commercial purposes.

RESIDENTIAL AMENITY
The nearest neighbouring property is approximately 100 metres to the east. At this distance, there will be no adverse impact on residential amenity.

DRAINAGE
The site is located within Flood Zones 2 and 3, where there is a medium to high risk of flooding.

With regard to surface water drainage, the applicant states that surface water drainage will be disposed of via SUDs (sustainable urban drainage system). The Council's Drainage Engineer states that this is acceptable in principle for this scale of development in this location. The design must be capable for containing a 1 in 100 year flood event + 30% increase on the site, without increasing the risk of flooding to others. A condition is recommended to ensure that details of the proposed means of surface water drainage are submitted and agreed in writing prior to commencement of development.

With regard to foul water drainage, Southern Water requests that the proposed means of foul water sewerage disposal is agreed in writing prior to commencement of development. A formal connection to the public sewerage system will be required in order to service the proposed development.

SUMMARY
In summary, the proposal is considered acceptable in principle, subject to the building being used solely as ancillary storage in connection with the private cultivation of the land. The proposal is not considered to have an adverse visual impact on landscape character or visual amenity. The proposed means of foul and surface water disposal will be controlled by condition. It is therefore recommended that consent is granted, subject to the conditions outlined below.

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 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 (Neutral) 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 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: drawing 12.071.100 Location Plan, Block Plan, Proposed use of plot drawing, drawing 12.071.101 proposed rebuild of partially demolished storage buildings, received on 12 July 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The building hereby permitted shall be used solely as ancillary storage of gardening equipment associated with the cultivation of the land, and shall be used for no other purpose whatsoever.

Reason: To accord with policies GEN7 and GEN3 of the Arun District Local Plan and to prevent the establishment of a unit of accommodation.

4 The development hereby permitted shall not be undertaken for commercial purposes.

Reason: In the interests of highway safety and amenity, to comply with policy GEN7 of the Arun District Local Plan.

5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system has been implemented in accordance with the agreed details, and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

6 Development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.

No building shall be occupued until the foul water sewerage system has been implemented in accordance with the agreed details, and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

7 INFORMATIVE: The applicant is advised that a formal application for connection to the public sewerage system is required in order to service the development. Please contact Atkins Ltd, Angle St James House, 39A Southgate Street, Winchester, SO23 9EH (01962 858688) www.southernwater.co.uk.

8 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, GEN9

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.