

Recommendation Report for Planning Permission

REF NO: AL/68/22/PL

LOCATION: Aldingbourne Country Centre
Blackmill Lane
Aldingbourne
PO18 0JP

PROPOSAL: Change of use from ancillary accommodation associated with the Aldingbourne Centre (Sui Generis) to use as a day nursery (Class E(f). This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. No external alterations are proposed. The use is intended to expand a business operating from nearby Pulborough and is stated to cater for 21 children. The site plan shows a new fence around the outdoor area on the southern side plus a new bin store and storage for 4 cycles.
SITE AREA	0.05691 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	A timber fence separates the building from adjacent glasshouses.
SITE CHARACTERISTICS	Existing single storey timber building of some 61.1sqm, previously used as a shop before it relocated to the visitor centre building. To the north and east are glasshouses, whilst to the west is the Centre's main focal area of open space. Further south lies the car park with the visitor centre to the south-west. The site is a short walk from the main visitor parking area.
CHARACTER OF LOCALITY	The site is in the Aldingbourne Country Centre which is a horticultural and associated country facilities centre for the training of adults with special needs including in respect to horticulture, growing, catering and furniture restoration. The wider site comprises a shop, allotments, children's play areas, woodland walk, picnic area, client buildings, a modern visitor centre with cafe, green houses and polytunnels, and an animal petting area. The Country Centre is an important resource in the local area. The site is in a rural location, with no residential properties in the immediate vicinity. The site is adjacent to the A27 from which it is accessed via Blackmill Lane or by roads heading North.

RELEVANT SITE HISTORY

AL/110/12/	New visitor building, extension to the existing client facilities building & reconfiguration of existing animal petting buildings. New landscaping elements including car parking, new planting & improved pathways - This application is a Departure from the Development Plan.	ApproveConditionally 11-04-13
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The site is just north of the car park associated with the visitor centre building originally permitted by AL/110/12/PL and subsequently amended by AL/113/16/NMA and AL/70/17/NMA.

REPRESENTATIONS

Aldingbourne Parish Council: support - the proposal will provide local employment, skills development and is a needed facility.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection as trips generated will be of a level that will not materially affect the safety, reliability and/or operation of the strategic road network.

SOUTHERN WATER - no objection.

SOUTH DOWNS NATIONAL PARK - no objection subject to the LPA and Highway consultees being satisfied there will not be a negative impact on local rural roads and traffic management (including the recommendations in the travel plan) can be adequately conditioned.

WSCC HIGHWAYS - given the overall space for parking on site and improvements made as part of the 2012 Centre Improvements application raise no objection. No conditions are advised.

WSCC WASTE & MINERALS - no comment as the application does not meet stated consultation criteria. The proposal should minimise waste generation and maximise opportunities for re-using & recycling waste.

ADC DRAINAGE ENGINEERS - due to the scale, location, and type of application, have no conditions to request. Any alterations to surface water drainage must be designed/constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH - no objection, recommend conditions on electric charge points and asbestos.

ADC ECONOMIC DEVELOPMENT - support. They are aware of the tremendous impact of the Aldingbourne Country Centre on supported employment and as a significant visitor attraction.

COMMENTS ON CONSULTATION RESPONSES:

Noted except as indicated below:

WSCC WASTE & MINERALS - The proposal makes provision for waste & recycling storage.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary.

Within 150m of the South Downs National Park.

Water Source Protection Zones 2/3.

Flood Zone 1.

Area of Advert Special Control.

Mineral Safeguarding Area.

CIL Zone 3; and

Within 12km of the Singleton & Cocking Special Area of Conservation (SAC)

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[Joint Minerals Local Plan 2018:](#)

Joint West Sussex M9 Safeguarding Minerals

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#)

Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EE7

Rural buildings

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019

Protection of bat habitation

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1

Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3

Parking and new developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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. The relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

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 will result in no harm to residential amenity, have no adverse impact on the character of the rural environment and that the impact on the highway network will not be severe.

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.

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:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP), the South Inshore & South Offshore Marine Plan and the

West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area, conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

ALP policy C SP1 states development in the countryside outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. One of these criteria is where development diversifies the rural economy. The proposal will further diversify and support the existing activities at the Country Centre which in turn will diversify the rural environment. ANDP policy EH1 directs new development to within the BUAB however it only precludes development outside the BUAB in areas west of Westergate Street or where it involves housing which this proposal does not.

ALP policy EMP DM1(6) allows for economic growth outside the BUAB where in existing permitted sites such as this. Part (7) of that policy (and likewise ANDP policy EE7) refers to conversion of rural buildings for business use. This is not relevant to the proposal as it was previously in a business use and is part of an larger business site.

The principle of development in this location is therefore appropriate.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9(b) of that Plan states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

WSCC Minerals & Waste have stated no comment as the application does not meet the stated consultation criteria (i.e., is too small in scale). However, the proposal is in accordance with policy M9 by reason that it concerns the change of use of a structure that is existing and is part of a long-established wider development site such that any mineral investigation could not take place.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

ANDP policy GA1 requires proposals are sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs. Policy GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The change of use concerns a building in a long-established site with its own approved access points and parking areas. There are no changes to access arrangements. The site is for all intents and purposes in an unsustainable location with only relatively few residential properties in walking distance and the nearest bus stops some 1.9km to the west and on the opposite side of the A27. It is predominantly accessed by vehicle either from the adjacent A27 or local roads to the north. However, it is an existing site, and the building was previously used as a shop. Road links are good quality and the use will not increase traffic or harm highway safety to the level that there is severe harm. WSCC Highways advise they have no objection to the proposal.

There are no standards in the Arun Parking Standards SPD for children's nurseries and it simply states that this should be calculated using a site-specific assessment based on a travel plan and needs. The applicant has provided a Transport Statement (TS) and a Travel Plan Statement (TPS).

The TS states the existing area of grasscrete adjacent to the visitor centre car park is to be used for staff & visitor parking plus drop-off/pick-up activities. This is in the application red edge. It is estimated this area has capacity for 10 to 14 vehicles although it is not marked out and not intended to be. There are disabled bays in the adjacent marked out visitor centre parking area that can be used. Although overall parking demand associated with 21 children is likely to be higher than the provision (particularly as 6 spaces are required for staff), it is stated that drop-off/pick-up will be staggered over a 90-minute period and so parking usage will not occur at the same time.

The visitor centre is currently open 10am to 4pm whereas the nursery is to open outside these times (although exact opening hours are not known) so it may then be possible to use visitor centre spaces when the centre is closed. The TS states 4 cycle storage spaces will be provided and electric vehicle charging points can be provided for staff spaces (the latter ensures compliance with ALP policy ECC SP2). The TPS states a staff member will be appointed as a Travel Plan Coordinator to oversee implementation of the TPS and this will provide customers/staff with relevant travel information, promote cycling, and investigate the potential for car sharing amongst staff and in liaison with the Country Centre.

Overall, parking provision is appropriate and accepting that this site is part of an existing site, there are no conflicts with the policies identified above.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide is a material consideration but does not contain any guidance specific to children's nurseries or to changes of use in general. In any case, no alterations are proposed to the building, which is itself in a long established large site and so the change of use will have no impact on the streetscene or rural character of the area. There are no conflicts with the relevant policies.

RESIDENTIAL AMENITY/NOISE:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 states new noise generating development should demonstrate there are no suitable alternative locations for the development and provide a noise report.

The application is not accompanied by a noise report. It is material that the nearest residential property (excepting residential accommodation in the Country Centre) is 345m to the west, that the nursery is on an existing business site that impacts on the surrounding noise environment and the A27 is only 175m

south which contributes to background noise levels. Environmental Health raises no objections and does not consider noise to be a concern.

Although the lack of a noise report does represent a policy conflict, there is no associated harm and the material considerations set out above serve to outweigh this.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines.

The application states there is no predicted impact on trees or ecology from the change of use. As the building is existing, there is no loss of habitat and so no justification for any form of nesting facilities attached to it. The use is likely to disturb wildlife species nesting nearby. A condition requiring a bird or bat box would not be appropriate.

There is no impact on bats associated with the SAC and no loss of wildlife habitat so no conflict with the relevant policies. In view of the presence of nearby trees and the countryside location, it would be appropriate to impose a condition to control future lighting of the building to ensure it is minimal and is bat friendly in design.

SUMMARY:

This proposal is in the countryside but is acceptable in principle due to being part of a long-established business and for further diversification of the rural economy. This report demonstrates there will be no harm to visual amenity, the amenities of residential properties, highway safety or biodiversity and no material impact on safeguarded minerals. As per the NPPF, para 11(c), development proposals that accord with an up-to-date development plan should be approved without delay. It is therefore recommended that permission is granted in accordance with 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 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 building shall be used for a day nursery catering for a maximum of 21 children under class E(f) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of highway safety and amenity particularly as National Highways have assessed the proposal on the basis of the stated number of children and therefore in accordance with Arun Local Plan policies QE SP1, T SP1 and the NPPF.

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

LOCATION PLAN ref V01-100.
BLOCK PLAN ref V01-110.
PROPOSED SITE PLAN ref V02-300 REV A.
PROPOSED GROUND FLOOR PLAN ref V03-300; and
SWEPT PATH ANALYSIS: FIRE TENDER ref 2204056-TK02.

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

- 4 Prior to first use/occupation of the building by children, a copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority. Should a remedial strategy be necessary then this must be approved in writing prior to the first use.

Reason: As the building is changing its use to accommodate children, the council needs to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. In accordance with policy QE DM4 of the Arun Local Plan.

- 5 Prior to first use of the building, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the proposed staff parking spaces shall be submitted to the local

planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 6 No new external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the site/site environs (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details

Reason: In the interests of the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 7 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.
- 8 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Please contact Southern Water should a sewer be found - Southern Water to discuss this - Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 9 INFORMATIVE: An Environmental Permit may be required for the septic tank under the Environmental Permitting Regulations 2016. The applicant is advised to contact the Environment Agency's National Customer Contact Centre (NCCC) on 03708 506 506.