

PLANNING APPLICATION REPORT

REF NO: AL/70/11/

LOCATION: Woodgate Centre
Oak Tree Lane
Woodgate

PROPOSAL: Outline application for demolition of all existing buildings and replacement with 940 square metres of B1 commercial development together with associated service area parking for 40 vehicles and landscaped amenity space. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Outline planning permission is sought for the redevelopment of the site and the creation of 940sqm of B1 commercial development.

The site, as existing, is accessed via a single vehicle width unmade track from Oak Tree Lane. The site comprises low level development with approved uses such as storage and repair of motor vehicles, offices in connection with the equestrian use, B1 uses, residential and holiday accommodation. These uses are accommodated in a collection of elderly buildings previously used for agriculture and equestrian uses. The condition of these buildings is such that they could not be occupied for modern B1 uses without significant upgrading.

The application suggests removal of all existing buildings from the site and their replacement with a single building with 40 car parking spaces and lorry parking. Some buildings outside of the application site are proposed to be demolish as part of planning application AL/69/11, which was refused planning permission in September 2011.

The applicant claims that there is 1,703 sqm of floorspace existing within the application site. However, that figure includes buildings which are outside of the red line planning application site area. From the survey drawing, the existing footprints measure approximately 1,300 sqm.

SITE AREA

0.72 hectares

RESIDENTIAL DEVELOPMENT DEN

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT	To the south are low post and rail fencing to paddock areas. The northern boundary comprises, in part, a breeze block wall and the eastern boundary comprises a hedge.
SITE CHARACTERISTICS	See above
CHARACTER OF LOCALITY	The site is in a rural location adjacent to residential development to the west. The area is characterised by paddock/equestrian uses with mobile homes and small scale residential development.

RELEVANT SITE HISTORY

AL/34/91	Conversion of stable block and store into office for Farm/ Horticultural and equestrian use. Canteen, Saddlery and store all ancillary to existing equestrian and farm use.	Approve Cond 12-08-1991
AL/34/94	Conversion of office, canteen and saddlery to student accommodation.	Refused 30-08-1994
AL/100/93/CLE	Application for certificate of lawfulness for an existing use - siting of 3 No. mobile homes	Approve 21-09-1994
AL/58/95	Change of use of building to B1 industrial use and storage	Refused 15-11-1995
AL/86/97	Use of redundant farm building for B1 (Business) uses	Approve Cond 11-02-1998
AL/43/96/CLE	Application for Certificate of Lawfulness for an Existing Use of lock-up premises No's 1-7 for storage, craft works and various repair works.	Withdrawn 06-03-1998
AL/58/98/	Conversion of existing holiday and staff accommodation building into 2 no. self contained dwellings (This application is a Departure from the Development Plan)	Refused 30-12-1998
AL/73/00/	Change of use of former stable buildings to B1 (Business) use.	Approve Cond 02-05-2001
AL/58/02/	Storage & maintenance of vehicles in connection with outside catering business	Approve Cond 30-10-2002
		Appeal: Allowed 13 10 2003

AL/24/03/	New access road to serve Woodgate Centre.	Approve Cond 02-05-2003
AL/78/07/CLE	Application for certificate of lawfulness for existing use of the land for the stationing of a residential mobile home	Approve 22-02-2008
AL/53/09/CLE	Application for a Certificate of Lawfulness for an Existing use as a dwelling.	Approve 28-08-2009
AL/88/83	Use of farm for commercial livery purposes (in addition to agricultural use) + 6 public equestrian events p.a.	Refused 23-11-1983

Two existing buildings on the site have planning permission for B1 use. These permissions were granted in 1997 and 2000. These amount to approximately 500 sqm within the application site.

Other approved uses on the site include residential and equestrian.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council - Object

- Does not support any development which has possibility of increasing vehicle movements onto A29
- Oak Tree Lane is an unsuitable means of access for commercial vehicles, especially HGV's
- Not accepted that development proposals will not result in increased traffic flows
- Commercial activity on the site should be assessed for noise, odour and dust pollution
- Application is a departure from the development plan

67 letters of objection.

35 of these are duplicate letters objecting to the proposals on the grounds of;

- To allow the development would be a departure from the development plan
- Access to the site is along a stretch of unmade road and Oak Tree Lane which is a private road maintained by residents
- Access onto the A29 is already problematic. Vehicles existing Oak Tree Lane are subject to delays
- Current owner of The Woodgate Centre has a right of access along Oak Tree Lane there are serious concerns that this 'right' does not extend to other users
- Will result in 100% greater usage of the road. Oak Tree Lane is not suitable for a large number of vehicles
- Lives of elderly and children will be put at risk by increased traffic and vehicle pollution
- There is parking on the street and there is no access for large delivery vehicles when there is on-street car parking
- B1 use would be an over development of the site

32 letters (5 of which are from the same property) of objection on the following grounds

- Oak Tree Lane is a private un-adopted road. Existing use by larger vehicles causes difficulties. Lane will not be able to accommodate HGV's traffic

- Oak Tree Lane is an unsuitable access
- Many extra vehicles using the A29 junction will increase time spent waiting
- Development outside of the built up area
- Gross over-development
- Adverse impact in terms of health, over crowding of local school, employment, insufficient parking and sewage
- Would greatly reduce enjoyment of living in the countryside
- Car parking on Oak Tree Lane result in it being little more than a single lane
- A29 is a narrow road to and from Bognor Regis. Cycling is dangerous and footpath stops 200m south of Woodgate Road
- Pollution from idling vehicles
- Foul water sewage may be inadequate for additional development
- Provision of cycle and pedestrian route through Oak Tree Lane would be a major health and safety issue
- Sussex Biodiversity Records have not been included within the submitted reports
- It does not seem essential to build more industrial units
- Industrial processes are not capable of being carried out in a residential area
- No evidence of any statement of community involvement

Comments on Representations received:

The application proposals are not a departure from the development plan merely because they are outside of the built up area boundaries. The aims of Policies GEN2 and GEN3 are to protect the countryside and, as a previously developed site, the application proposals will ensure that there are no negative impacts on the countryside.

For the reasons set out in the 'conclusions' section of this report, the proposals are considered to be similar in scale to the existing approved level of activity on the site (with a restriction on the approved use) and not result in a material increase in intensity.

CONSULTATIONS

WSCC Local Development Divis.
Southern Water Planning
Environment Agency
Network Rail
Sussex Police-Community Safety
Parks and Landscapes
Environmental Health
Engineering Services Manager
Economic Regeneration

Consultations responses received:

WSCC Highways

- Whilst there could potentially be an increase in total vehicle movements as a result of the proposals, given that new facilities would be more attractive to business; any increase would not be anticipated to have a negative impact on highway safety

Drainage Engineers

- Full details of foul drainage scheme have to be submitted
- No building to be occupied until foul water drainage works have been implemented
- Approval of Southern Water required before connections can be made to public sewers
- Full details of surface water drainage to be submitted
- Should consider Sustainable Drainage Systems. Details of maintenance and management to

be set out

- SUD's design must be based on adequate groundwater monitoring data
- Run off rates should not increase as a result of the development
- Formal consent required for discharge into a watercourse

Economic & Cultural Development - support application for improved employment space

Southern Water

- Suggest Informative concerning connection to public sewage system
- Request condition in respect of details of foul and surface water

WSSC Ecology

- No ecological objections
- Require full details of reptile mitigation and conservation

Sussex Police

- Development enables security gates to be erected which, when linked to a perimeter fence provides a very secure area

Environmental Health

- No objection. Detailed proposals should include assessment of noise from proposed development and traffic generated, and dust from unmade access road
- A condition imposing a restriction upon hours of operation may be considered to mitigate impact of noise

Independent Highways Consultant Instructed by the Council

- There are differing and inaccurate figures provided by the applicant in respect of existing floor space on the application site
- The existing use of the buildings on the site is not specified in the application but it is concluded that they are B1(c) (light industry)
- The proposed use is only identified as B1. There are potentially significant differences in traffic levels associated with offices and light industry
- Planning permission exists for B1 uses on the site but no alterations to the buildings are permitted without further planning permissions being required
- Existing buildings on the site are not suitable for B1 use
- Vehicle generation based on the approved existing use could result in 23 two-way trips over a 24 hour period. The proposed floorspace in B1(c) could result in 28 two-way trips but a B1(a) use could result in 89 - 96 two-way trips
- The increase in B1(c) use would not result in a material increase
- Proposals for B1(a) use would increase vehicles in Oak Tree Lane by around 60%, which represents a significant intensification of the use of Oak Tree Lane and the access road and it should be considered whether this would impact on amenity of adjoining residential premises
- Potential increase associated with B1(a) use will increase congestion at the A29 junction with Oak Tree Lane and could interfere with free-flow of traffic and road safety of the highway network
- Oak Tree Lane is not sufficiently wide enough to accommodate two-way vehicle traffic for articulated vehicle
- Increase in use of the access track is likely to create safety issue for pedestrians and cyclists accessing the site

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Outside of built up area

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC1 SEPCC6 SEPSCT1	Sustainable Development Sustainable Communities and Character of the Environment Core Strategy
Arun District Local Plan:	GEN2 GEN3 GEN6 GEN7 GEN9	Built-up Area Boundary Protection of the Countryside Amount of New Commercial Development The Form of New Development Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable development in rural areas

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, have no 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

Principle:

As existing, the site comprises old agricultural and equestrian buildings that have been converted for use as B1 units, loose boxes and mobile homes. They are generally single storey and in poor condition requiring significant investment to bring them to a standard suitable for modern commercial use.

Immediately adjoining the application site to the west are some residential properties. Access to the application site is from a single width un-made access road which is from the end of Oak Tree Lane - a residential cul-de-sac of 32 dwellings.

Existing commercial uses on the site were granted planning permission in 1997 and 2000 and the level of approved activity on the site is where we must start from when considering alternative proposals. From an inspection of the uses currently being carried out on site, it is considered that they fall within use class B1(c) (light industry).

The proposed development would remove all existing buildings within the application site and replace them with a single building.

Policies GEN2 and GEN3 seek to protect areas outside of the defined built up areas. However, the site is an existing developed site and the proposals, whilst slightly larger in scale than the existing commercial activity, have comparable footprints to existing structures. Therefore, the aims of these policies are not compromised and the proposals can contribute towards the supply of new commercial development in accordance with policy GEN6 of the Local Plan.

Policy EC6 in PPS4 encourages economic development in rural areas and, whilst the application site is not in a sustainable location, the existing uses are to be replaced with more modern commercial space.

It should be noted that this application was submitted alongside planning application AL/69/11 for residential development on the site immediately to the south. This application has been refused planning permission and there is no planning controls that could ensure that buildings outside of the red line site plan can be removed.

Bearing in mind the existing uses on the site and the levels of activity proposed, it is considered that the principle of the proposed development is acceptable in principle.

Highways:

Much of the representations received relates to the unsuitable access from Oak Tree Lane and increased use of the junction with the A29. At this point it should be noted that the applicant did not make it clear in the submission which use class the application was seeking planning permission for.

If a B1(a) (offices) use was being applied for, there would be an objections on highway safety grounds as it would represent a significant intensification based on existing levels of development. However, a B1(c) (light industry) use would generate significantly lower levels of intensity and be comparable to existing development on the site.

The County Council raised no objection to the proposed development but noted that there could be an increase in vehicle movements. They concluded that such an increase would not have a negative impact on highway safety.

Your Officers sought further independent advice on highways matters. This has concluded that, if the application was restricted to B1(c) uses, there would be no highways related objections based on the current use levels.

Confirmation has been sought from the applicant that a restriction to this specific use would be acceptable. At the time of writing, no reply had been received and condition is recommended restricting the permission to such a use. If a B1(a) use was applied for, a recommendation of refusal would be made.

The submitted Transportation Assessment considers the proposed development against a proposed B1(a) use. Unfortunately, this document is very inaccurate (as is the planning application submission) concerning the accuracy of the existing floorspace within the red line area as it concludes that the proposals are a like for like replacement. Whilst the conclusions of this assessment are not agreed, it is considered that a restricted B1(c) use would be acceptable as the level of use would be comparable to existing approved uses on the site.

Other Issues:

Because of the level of existing use of the site, no objections are raised by the EA and Southern Water on drainage, flood risk or pollution. Conditions are recommended that would require submission of foul and surface water proposals.

Again, because of the level of existing use, it is not considered appropriate to impose conditions requiring additional noise surveys to be submitted.

No ecological objections are raised, subject to conditions requiring some additional survey work.

A recommendation of approval is therefore made.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development shall not commence until details of the proposed foul water drainage

system have been submitted to and approved by the Local Planning Authority. The design should consider the use of SUDS and include details for management and maintenance. No building shall be occupied until the foul drainage works have been carried out in accordance with the agreed details.

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

- 4 The development shall not proceed until details of the proposed surface water drainage system have been submitted to and approved by the Local Planning Authority. Surface water drainage should not increase existing rates and shall be carried out in accordance with such details and in conjunction with the associated building works. No building shall be occupied until the surface water drainage works have been carried out in accordance with the agreed details.

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

- 5 No development shall take place until full details of measures for reptile mitigation and conservation have been submitted to and approved in writing by the local planning authority. Mitigation shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect reptiles from any harm that might arise from the development.

- 6 No development shall take place until a Bat Dusk and Dawn Emergence Surveys has been carried out and submitted to, and approved in writing by, the Local Planning Authority. This shall include full details of measures for mitigation and conservation. Mitigation shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect bats from any harm that might arise from the development.

- 7 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times (Mon - Fri 08.00 - 18.00, Sat 09.00 - 14.00) nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 (GEN33 and GEN34).

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the premises shall be used for Class B1(c) (light industry) only and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with

measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 10 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 11 The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

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

- 12 The development hereby approved shall be carried out in accordance with the following approved plans;

04.2011/01 Location Plan
04.2011/02 Existing Site Plan
04.2011/03 Indicative Site Layout
04.2011/04 Illustrative Section
04.2011/08 Indicative Masterplan

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.

- 13 The details referred to in Condition 1 shall include details of the materials and external finishes to surfaces of roads and footpaths, means of enclosure and parking of vehicles. Development shall not commence until such details have been submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the local planning authority to control the development in details in the interests of visual amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 14 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: GEN2, GEN3, GEN6, GEN7

NATIONAL POLICIES: PPS1, PPS4

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