

Recommendation Report for Planning Permission

**REF NO:** AL/90/25/PL

**LOCATION:** Unit 3 Newlands Road  
Bersted  
PO22 9FJ

**PROPOSAL:** Site alterations to include removal of pillar from canopy, installation of new smoking shelter and installation of new waste platform. This application is in CIL Zone 4 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	The application seeks planning permission for the removal of an existing canopy pillar from the northern elevation, the installation of a new smoking shelter which measures 11.5m in length and 4m in width, and the extension of the existing waste platform on the south eastern corner of the building.
<b>SITE AREA</b>	0.96 hectares.
<b>RESIDENTIAL DEVELOPMENT DENSITY (NET)</b>	N/A
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	None affected by the proposed development.
<b>BOUNDARY TREATMENT</b>	The site forms part of the wider Oldlands Farm commercial development with boundary treatments in this area consisting primarily of palisade fencing measuring approximately 2.5m in height.
<b>SITE CHARACTERISTICS</b>	The site consists of areas surrounding the existing building which is industrial in character with a simple form and low pitched roof. The building is constructed from light grey and dark composite cladding panels.
<b>CHARACTER OF LOCALITY</b>	The character of the locality is mixed - industrial and commercial. To the north of the application site is the A259 with farmland beyond. A number of warehouse units are present as well as a Lidl supermarket. To the east immediately bordering the site is the railway line which runs north to south beyond which is more farmland. To the west of the site is the village of Shripney and the A29.

<b>REPRESENTATIONS</b>
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Aldingbourne Parish Council - No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

### COMMENTS ON CONSULTATION RESPONSES:

Noted.

## POLICY CONTEXT

Designations applicable to the site:

- Within the Built-up Area Boundary.
- The site forms part of the Strategic Employment Land Allocation.
- Current Flood Zone 2.
- Predicted to be Flood Zone 3a by 2031.
- Potential for high groundwater levels.
- Tree Preservation Order TPO/BE/2/19.

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
DSP1	D SP1 Design
EMPSP3	EMP SP3 Strategic Employment Land Allocations
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
WDM2	W DM2 Flood Risk
ENVDM5	ENV DM5 Development and biodiversity

[Aldingbourne Neighbourhood Plan 2019-31 Policy EE1](#) Supporting existing employment and retail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH9 Conservation areas

Bersted Neighbourhood Plan 2014 Policy EE1 Business expansion

Bersted Neighbourhood Plan 2014 Policy ES1 Design of new development

Bersted Neighbourhood Plan 2014 Policy ES2 Surface water management

### PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework  
 NPPG National Planning Practice Guidance

## 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.

## 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 complies with relevant Development Plan policies in that it will appear well integrated with the existing building and will not result in any unacceptably adverse impacts on character or visual amenity nor on the amenity of any nearby occupiers. The proposals will not adversely impact on drainage or ecology and are exempt under Biodiversity Net Gain.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

## BIODIVERSITY NET GAIN

The application boundary excludes all areas of green space, and so no habitats are impacted by the proposed development. Therefore, the application does not generate a requirement for any net gain.

## CONCLUSIONS

### PRINCIPLE

The application site sits within the built-up area boundary, as defined by policy SD SP2, where the principle of development is acceptable subject to accordance with other relevant development plan policies. The application site falls primarily within the Parish of Aldingbourne with a portion of the access road falling within the Parish of Bersted. Therefore, the Aldingbourne Neighbourhood Development Plan 2 (ANDP2) and Bersted Neighbourhood Development Plan (BNDP) form part of the development plan in the determination of this application.

The application site is not allocated for employment in the ANDP2. The ANDP2 Policy EH1 (Built up Area

Boundary) does not include this site as within the BUAB and states that proposals outside the BUAB will not be supported unless each of the listed criteria are met. The relevant criteria relate to landscape character, dark night skies, built heritage, biodiversity (specifically bats), sustainable location, no unacceptable environmental, amenity or traffic implications including increased risk of groundwater flooding. These criteria are considered in the relevant sections below.

In accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 if there is conflict between policies within the development plan the conflict should be resolved in favour of the policy contained in the last document to become part of the development plan. The ANP was made in July 2021 and therefore post-dates the Arun Local Plan and the conflict must be resolved in favour of the ANP. However, the Arun Local Plan has the responsibility for setting strategic policies, which includes the strategic employment site allocations, and Neighbourhood Plans should not undermine those strategic policies. Therefore, significant weight is afforded to the strategic employment allocation in the Arun Local Plan.

The ANDP2 also includes employment policies applicable to this proposal and support it such as EE1 and EE3. In this case the proposed development is related to an existing commercial building and as such the proposals would not give rise to significant harm beyond that already established by the existing building.

#### DESIGN AND VISUAL AMENITY

The proposals consist of three elements. The removal of an existing canopy pillar from the northern boundary of the existing building would not result in any significant harm. The northern elevation faces towards the adjacent multi-storey car park and has only limited presence in the street scene as well as longer range views from the north. Therefore, the removal of the pillar would not result in any significant impacts upon the established character of the building.

The proposed smoking shelter will be detached and located to the east of the existing building. The proposed shelter will measure 11.5m in length and 4m in width with a height of 2.21m. The shelter by virtue of its siting will have a presence within the street scene as well as potential for glimpsed views from the A259 to the north. However, given its relatively small scale (in comparison) to the existing commercial building and associated parking and fencing it would not result in any unacceptable adverse impacts upon character of wider landscape character. The materials proposed are appropriate for this type of structure in this commercial setting.

The final element of the proposed is the extension of the existing waste platform. The proposed extension will retain the established character and appearance of the building and by virtue of its scale and siting would not result in any unacceptably adverse impacts upon the existing building and immediate locality. The extension will appear well integrated with the existing building and as such is deemed to accord with policy D DM4 of the ALP. As with the proposed smoking shelter views of the extension will be possible within the street scene and from the north but the proposal would not result in any harm which would warrant refusal of the proposed extension.

#### AMENITY

The proposed development would not give rise to any unacceptably adverse impacts on amenity for any of the existing nearby uses. Therefore, the proposals are acceptable in accordance with policy D DM1 of the ALP.

#### FLOOD RISK AND DRAINAGE

The site lies in an area of Flood Zone 2 and climate change predictions suggest it will be Zone 3a in the near future. However, there is no policy objection to the siting of a smoking shelter or to a small extension of an industrial building in such a location.

The proposed development will introduce new built form. However, it will not increase the level of impermeable areas beyond those previously permitted under reference AL/87/21/PL with all of the proposed development located on existing hardstanding. Therefore, in this case the proposed development will not require any amendment to the drainage provision, nor will it increase flood risk on site or elsewhere.

## HISTORIC ENVIRONMENT

Policy HER SP1 with respect to the historic environment states that ADC will grant planning consent for development that either conserves or enhances the historic environment, meaning that development does significantly adversely affect the historic environment will not be granted.

Shripney Conservation Area is to the north-east of the application site beyond the part of the application site that is north of the A259. Whilst, the ADC Conservation Officer has not been consulted on these proposals given the scale of development proposed it will not harm the significance of the Shripney Conservation Area given that through the determination of AL/87/21/PL the site did not form part of the setting of the Conservation Area due to the distance between the site and the Conservation Area and the lack of a visual link between the two.

The proposal would comply with Policy HER DM3 of the Arun Local Plan and would not affect the setting of the Conservation Area due to the scale of development proposed and the lack of visual connection and distance between the site and the Conservation Area. The proposal would also comply with Policy EH9 of the ANDP2 as it would not affect the Conservation Area and its setting.

## ECOLOGY AND BIODIVERSITY NET GAIN

As identified above the proposed development consists of alterations and additions to an existing building and will introduce built form on existing hardstanding only. The application boundary excludes all areas of green space, and no habitats are impacted by the proposed development. Therefore, despite the presence of ENV DM5 there are no ecological considerations beyond those already considered and permitted under reference AL/87/21/PL. The site also qualifies for the de minimis exemption under the Biodiversity Net Gain (BNG) regulations.

## SUMMARY

The proposed development will appear well integrated with the existing building and will not result in any unacceptably adverse impacts on character or visual amenity nor on the amenity of any nearby occupiers. The proposals will not adversely impact on drainage or ecology and are exempt under BNG. Therefore, the proposed development is acceptable subject to the proposed 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 development hereby approved shall be carried out in accordance with the following approved plans:

1. Location Plan - 25071-ASA-00-EX.SI-D-ARC-0001\_(SP-P05)
2. Proposed Site Plan - 25071-ASA-00-EX.SI-D-ARC-0006\_(S0-P02)
3. Proposed Building Elevations - 25071-ASA-00-EX.SI-D-ARC-0008\_(S0-P01)
4. Proposed Smoking Shelter - 25071-ASA-00-EX.SI-D-A-0009\_(S0\_P01)
5. Proposed Waste Platform Alterations - 25071-ASA-00-EX.SI-D-A-0010\_(S0-P01)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.