

Recommendation Report for Planning Permission

REF NO: AL/93/17/PL

LOCATION: Allotments rear of Ivy Lane
Aldingbourne

PROPOSAL: Change of use of land to a community garden, siting of metal shipping container
& erection of perimeter fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The land will be an extension of the existing garden allotment land to the east of the site. The container will be located on the south west corner of the site.

SITE AREA

0.01 hectares.

TOPOGRAPHY

Predominantly flat, set up from footpath to north.

TREES

Trees to the north. Non invasive fence posts are proposed and it is not considered that the trees will be harmed.

BOUNDARY TREATMENT

Trees to north, garage walls to south, 2m metal wired fence to east and temporary wire fence to western boundary.

SITE CHARACTERISTICS

Unmade open land.

CHARACTER OF LOCALITY

Garage block with residential parking use, school and fields and allotments. Low level buildings.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Parish Council have not commented as it their applications.

Comments on Representations received:

N/A.

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)
Engineering Services Manager

Consultations responses received:

SOUTHERN WATER

Please attached standard informatives.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Lidsey Catchment Area

Built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN9
GEN2
GEN7

Foul and Surface Water Drainage
 Built-up Area Boundary
 The Form of New Development

Publication Version of the Local
 Plan (October 2014):

D DM1 Aspects of Form and Design
 Quality
 D SP1 Design
 OSR SP1 Allotments
 QE SP1 Quality of the Environment
 SD SP2 Built-Up Area Boundary

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH2

Support adjacent to biodiversity corridors only
 if demonstrate no harm.

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH5

Green infrastructure and Ecosystem services
 Development in Flood risk areas will not be
 supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH6

Surface Water Management
 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY
 LC4

Provision of allotments

PLANNING POLICY GUIDANCE

NPPF
 NPPG

National Planning Policy Framework
 National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January

2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The development is considered to comply with Aldingbourne NDP policies EH2, EH5, EH6 and LC4.

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

PRINCIPLE AND USE

The site is within the built up area boundary and joins to an existing allotment garden. As such the principle of the change of use is considered to be acceptable.

The use of the land as allotment is supported by Aldingbourne NDP policy LC4 and emerging policy OSR SP1. The site meets requirements of OSR SP1 as it is within the BUAB, the land is suitable in terms of flooding and gradient and is easily accessible, water supplies can be provided on site, there is parking space on the land (which is access from the existing allotments), there will be secure boundaries and the site has natural surveillance from the footpath top the north.

DESIGN AND VISUAL AMENITY

Although the site can be seen from the footpath to the north, the shipping container to be included will not be overly visible and is flat roofed, in character with the surrounding garages. The use of the land will not vary significantly visually from existing, except for a few sheds and support structures which may be erected for the allotments. The fencing is open design which can be seen through and matches the existing on the allotment site. The development is considered to be acceptable in terms of impact on visual amenity and design in compliance with saved policy GEN7.

RESIDENTIAL AMENITY

The use is not located close to any neighbouring properties and it's use as an allotment is not considered to increase potential noise generation to an unacceptable level in compliance with saved policy GEN7.

SURFACE WATER DRAINAGE

The storage container will create a hard surface which will increase surface water run off. However, the run off will be to the new allotments so it is not considered the development will considerably increase surface water run off that could cause flooding.

WILDLIFE/BIODIVERSITY CORRIDOR

The site is located adjacent to a biodiversity corridor. It is considered that the use will encourage and preserve wildlife on the site and adjacent to it in compliance with Aldingbourne NDP policy EH2.

The application is considered to comply with the Development Plan and is recommended for

conditional approval.

HUMAN RIGHTS ACT

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 Plan
Legend
Dimensions
Profiled Mesh

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 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.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.