Recommendation Report for Planning Permission

REF NO: **A/10/14/**

LOCATION: Worthing Rugby Club
Roundstone Lane
Angmering

PROPOSAL: Install a temporary single storey Portakabin modular building to be used as nursery accommodation for a period of 3 years.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a portacabin for use as a nursery school for up to 24 pupils aged 0-12. The structure would be 12.2m x 10.2m in area with a height of 3.5m. The elevations would be grey in colour.
SITE AREA	117 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Adjacent to roadway 4m high leylandii trees and other trees of similar height around perimeter of grassed area.
SITE CHARACTERISTICS	Existing rugby club with several pitches, 2 storey club house, portakabins and 2 car parking areas.
CHARACTER OF LOCALITY	Predominantly rural. Residential opposite entrance and some intermittent single dwellings along the wesst side of Roundstone Lane.

RELEVANT SITE HISTORY

A/43/88	Extension to existing rugby club	ApproveConditionally 09-05-1988
A/51/04/	Extension of driveway & provision of new car parking area	ApproveConditionally 08-06-2004
A/52/04/	Extension to first floor balcony on east elevation of clubhouse building, construction of spectator stand, installation of portakabin building (temporary), provision of pitch irrigation with associated plant and site clearance of existing temporary shed/building & stand.	ApproveConditionally 17-06-2004

A/39/75	O/A for laying out of 5 Rugby football pitches and the erection of a clubhouse	ApproveConditionally 23-03-1977
A/131/77	New Rugby Club Headquarters on land to be used for rugby pitches & including entrance road & car parking	ApproveConditionally 14-09-1977
A/4/78	Revised design to new Rugby Club Headquarters building	ApproveConditionally 01-02-1978

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection

One objection - Site is outside the built up area boundary where there is a general presumption against new development. Refusing this application would make it clear that Arun District Council will not accept further development in green spaces and will protect the people who live in Angmering from further unnecessary development on the outskirts of their village.

Comments on Representations received:

Whilst the site is outside the built up area boundary it is not used for agriculture. The current use as a rugby club would be unaffected by the proposal and consent is sought on a temporary basis sdo that long term use of the site is not compromised.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

County Highways - Threre is an informal car park accommodating up to 150 cars. Roundtone Lane is a class Croad with a 30 mph speed limit. There are no recorded accidents in the last 3 years. The excisting access onto Roundstone Lane is wide with good visibility. The access is wide enough to allow 2 cars to pass. Consideration should be given to pedestrian access. Provision of a 1.5m wide footpath is suggested to accommodate parents and children away from the roadway. Bus stops are located outside the site which is sustainably located. It vis recommended a Travel Plan is undertaken in the first 6 months to encourage systainable travel top the nursery by parents and staff.

Environmental Health - No Objection in principle. The applicant must not reduce the number of sanitary appliances or hand washing facilities shown on the submitted plans. The use of the kitchen and layout will be subject to other legislation. The applicant is advised to contact an officer in the Food Safety Team to discuss the matter.

Comments on Consultation responses:

- comments noted. A condition relating to provision of a travel plan has been imposed.

POLICY CONTEXT

Designation applicable to site:
Class B road
Outside built up area boundary
Right of Way
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	SD SP2	Built -Up Area Boundary
	C SP1	Countryside

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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

statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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

The site lies outside the built up area boundary and is not in agricultural use. The current use as a rugby club includes provision of car parking and an access driveway which would be utilised by the applicant reducing the need for additional provision of these facilities.
The area where the portakabin is to be sited is already used to site other structures that are similar in appearance. The proposed unit would not therefore introduce an alien structure in this location and would not be readily visible in the locality since it would be screened by other structures and the evergreen trees which enclose the area.
The applicant is seeking a temporary permission to allow the nursery to evaluate the practicality of the floor area before investing in a permanent structure. A 3 year permission would also allow the Local Planning Authority to monitor the use of the site and assess any adverse impacts on adjoining residential properties and the existing use. The use as a nursery is not compatible with the requirements of policy GEN3 of Arun District Local Plan and the acceptablity of the scheme at this stage is based on the temporary nature of building proposed.
Given the limited size of the building and proposed opening hours it is not considered that the traffic levels, noise and activity would be significant when compared with the main use of the site as a rugby club. Demand for parking for this use is greatest in the evenings and at weekends when the nursery use would be limited or not taking place.
The site is sustainably located and the provision of a travel plan will assist in encouraging sustainable modes of transport in accordance with policy GEN7 of Arun Distrct Local Plan.
The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for 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 neutral 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).

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 use hereby permitted shall cease and the building shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30-04-2017.

Reasons:
(a) The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period.
and
(b) The appearance of the building, by virtue of its design and construction is likely to deteriorate and become detrimental to the visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the building in accordance with policy GEN7 of the Arun District Local Plan.

3 The development hereby approved shall be carried out in accordance with the following approved plans TSLP220104561rev3 and 4561.

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.

4 The building shall be used as nursery accommodation and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policy GEN7.

5 The premises shall not be open for trade or business except between the hours of 07.30 to 1800 hours Monday to Friday, 1100 to 1600 Saturday and 1000 to 1300 on Sundays and bank holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policy GEN7.

6 Within 6 months of the use being undertaken a Travel Plan which encourages sustainable travel to the nursery by staff and parents shall be submitted to and approved by the Local Planning Authority. Advice can be obtained from WSCC Sustainable Transport Group. The approved travel plan shall be permanently adhered to thereafter.

Reason: In the interests of reducing reliance on travel by car in accordance with policy GEN7 of Arun District Local Plan.

7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.