Recommendation Report for Planning Permission

REF NO: **A/142/14/PL**

LOCATION: Old Barn Nursery
Dappers Lane
Angmering

PROPOSAL: Redevelopment of site for use Class B1 (Business, Light industry) and B8 (Storage or Distribution) industrial units. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the replacement of the existing glasshouses with 8 small workshops, each measuring 6.7m by 12m in area with a ridge height of 4.7m.
SITE AREA	0.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat. Some of the surface is undulating
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high close boarded fencing to west and to part of north and around compound. Other types of more open fencing and some leylandii to other site boundaries.
SITE CHARACTERISTICS	Flat mainly open area. Compound in south east corner of site, glasshouses to east. Rubble is centrally sited in a large mound and other areas of rubble exist sporadically across the site. Containers, skips, cars, sand, palettes, building materials, a digger, a dump truck, a mobile home and a caravan are also stored within the red edged area.
CHARACTER OF LOCALITY	Predominantly rural. Some residential and commercial uses adjoin the site.

RELEVANT SITE HISTORY

A/15/91	Outline Application for erection of detached bungalow (for managers and staff use)	Refused 26-06-1991
A/69/92	Renewal of Temporary Planning Permission A/74/89 for change of use of 6 agricultural	ApproveConditionally

	units to light industrial use	02-12-1992
A/63/93	Variation of Condition No 2 of Planning Permission A/69/92 change in personal occupancy from M P Upholstery to Attic Upholstery (Mr Miles).	ApproveConditionally 01-11-1993
A/40/94/CLE	Application for a Certificate of Lawfulness for an existing use for single dwelling	Approve 01-06-1994
A/134/95	Renewal of temporary planning permission A/69/92 for change of use of 6 agricultural units to light industrial	ApproveConditionally 22-02-1996
A/137/95	Rebuilding of work store/shed on site of original structure	Refused 15-10-1996
A/84/96/CLE	Application for Certificate of Lawfulness of existing building (Building B)	Approve 15-11-1996
A/138/95	Retention of existing work shed, rebuilt on site of original structure & current use by Mary Alice Dolls	ApproveConditionally 27-11-1996
A/74/96/CLE	Application for Certificate of Lawfulness of Existing Use for use of premises for the retail /wholesale supply of compost	Approve 24-07-1997
A/87/97	Rebuilding of work store/shed on site of original structure	ApproveConditionally 19-12-1997
A/52/98/	Provision of a mobile home for nursery owners accommodation (horticultural occupation)	ApproveConditionally 26-11-1998
A/140/06/CLE	Application for a certificate of lawfulness for an existing use of single dwelling in breach of condition no.1 of planning permission A/42/48	Approve 26-10-2006
A/15/14/CLE	Application for a certificate of lawful development for existing use - siting & occupation of a residential mobile home	Approve 28-03-2014
A/109/14/PL	Rebuild commercial building destroyed by fire.	ApproveConditionally 02-10-2014

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection provided that proper consideration is given to how vehicle movements can be

facilitated within the confines of the access ways to the site. The restrictions on permitted hours of operation proposed by the EHO will require careful consideration so as not to be unduly onerous to occupying businesses.

One letter of objection - The application site is outside the built up area boundary where there is a general presumption against new industrial development. Before the site was illegally used it was a pristine field. The proposed development would damage the countryside. Dappers Lane is used extensively by walkers and horse-riders. It is close to meadows and bio-diverse deciduous woodland, important to wildlife habitats. It is 500m from the National Park boundary and would be visible from it. Access to the site will require hard standing not included in the planning proposal. In a series of statements by the District Council it has been made clear that the area east of Dappers Lane is to be preserved as countryside.

Comments on Representations received:

Comment on Parish Council comments - County Highways have no objection to the proposal in terms of vehicle movements. Needs of potential occupiers need to be weighed against residential amenity.

Comment on letter of objection - Site does lie in the countryside on the urban fringe. The proposal would accord with the requirements of the NPPF in that it would support economic growth in a sustainable location and would replace existing glasshouses on a former commercial horticultural site. The area has been resurfaced recently and no evidence of biodiversity has been provided. The site may be close to the National Park but the units would not be prominent or obtrusive given their height and the existing and proposed boundary planting.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Consultations responses received:

Environmental Health - The presence of residential properties makes this a sensitive area for noise generated by vehicular movement. Request a condition restricting operation of B8 usage to between 0800 hours and 1800 hours, Monday to Friday and 0900 hours to 1300 hours Saturdays, with no movement on Sundays , Public and Bank Holidays.

County Highways - The site currently accommodates an existing nursery business which is a material highway consideration. 30 parking spaces are proposed. This within the maximum parking standards. Vehicle access to the site is possible only from Dappers Lane. The site has an access road which is not part of the adopted highway and has an initial width of approx. 5.5m, narrowing down to 4.8m. From the red edge shown on the site plan it would appear that the applicant has control of a proportion of the land to the south of the site. It is advised that a large proportion of the existing hedgerow is cut back and maintained to achieve an adequate visibility splay. A comprehensive construction plan should also be submitted. The proposal would not appear to result in a significant increase in traffic over the existing permitted use. The existing carriageway width is sufficient to enable 2 cars to pass or allow a car to pass a larger vehicle. The access arrangements are considered satisfactory to serve the proposed development. There are no highway safety or capacity grounds to resist the proposal. Request conditions relating to car parking, construction management plan and visibility splays are imposed.

Comments on Consultation responses:

The conditions requested have been imposed. The nursery business is now redundant given

the run down nature of the site.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN7	The Form of New Development
	DEV3	Horticulture
Publication Version of the Local Plan (October 2014):		HOR DM1 Horticulture C SP1 Countryside SD SP2 Built-Up Area Boundary D SP1 Design QE DM1 Noise Pollution D DM1 Aspects of Form and Design Quality

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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

The site is located outside the built up area boundary on the urban fringe. The proposal involves demolition of a large redundant glasshouse in the north east corner of the site and its replacement with 8 industrial units. The site is currently an eyesore and not used for horticultural purposes. Outside storage of building materials and associated machinery are currently taking place.

The proposal falls to be considered in relation to policies DEV3 and GEN3 of Arun District Local Plan and the corresponding policies CSP1 and HORDM1 of the Emerging Local Plan and the National Planning Policy Framework(NPPF).

Paragraph 28 of the NPPF states that sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings will be supported and that the development and diversification of agricultural and other land-based rural businesses will be promoted.

This paragraph has now been tested for the first time in the High Court "Sienkiewicz v South Somerset DC (2013). In this case it was stated that the Framework would in principle support the grant of planning permission for even a large scale expansion of a business in a rural area.

The proposed buildings are not of any significant merit but the agent has indicated that they could

be clad in timber which would be more in keeping with the rural setting. In addition, new hedging is indicated to the northern and eastern boundaries which would assist in screening the development and assimilating it into its countryside location.

The NPPF introduces a presumption in favour of sustainable development. It states that the Government is committed to securing economic growth in order to create jobs and prosperity. Where a Development plan is out of date planning permission should be granted unless the scheme would result in significant and demonstrable adverse impacts. The site is sustainably located being within easy walking and cycling distance of Angmering village and close to bus routes.

In this instance the Local Plan is being updated and some of its policies need to be altered to reflect government guidance. However, the existing countryside protection policies are carried through in the Emerging Local Plan. The policy relating to Glasshouse development is amended to include a section (para3 of policy HOR DM1) which specifically relates to glasshouse redevelopment. In response to this criteria the agent has confirmed that the glasshouse is very small for a business and there is no land for outdoor crops. It has been redundant for some years and would require considerable investment were it to be used again. If it was viable the former nursery would not have closed, but would have adapted. The lack of any growing or horticultural related activity on site would endorse this.

On this basis it is considered that the proposal accords with policy. The policy concludes that proposals for redevelopment of horticultural sites for non-horticultural purposes will be considered on a case by case basis. The site is bounded by commercial use to the south. St Deny's Nursery has recently had similar commercial development approved and other cattery/commercial and residential uses exist to the south and west. It would therefore be in keeping with the changing character of the area. The Emerging Local Plan also allocates land to the east of the site for employment and enterprise (site 7). The proposal will make appropriate use of an existing redundant site that is located in a mixed residential and commercial area. The proposal will comply with the social, economic and environmental roles of sustainable development and the benefits of the scheme would not be significantly or demonstrably outweighed by any adverse impacts.

The development is sited close to residential properties fronting Dappers Lane and it is therefore considered reasonable to restrict the hours of operation of the B8 premises, as suggested by the Environmental Health Officer, to protect residential amenity.

County Highways have no objection to the proposal in terms of highway safety subject to the imposition of appropriate conditions.

The fencing along the western boundary is existing and is greater in height than 2m. It is therefore suggested that in order to consider this matter further precise details of the fencing including its height are the subject of a condition. The plans have been amended to delete reference to the height of the fence since this will be considered at the Discharge of Condition stage.

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 development hereby approved shall be carried out in accordance with the following approved plans 14/938/07, 14/938/08 and AP/A/3.

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 The elevations of the buildings shall be clad in timber and no development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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.

4 The approved B8 (storage and distribution) shall only operate on the site between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
9.00 a.m. and 1.00 p.m. on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

5 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the premises shall be used only for purposes within Use Classes B1 and B8 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.

7 No part of the development shall be occupied until the parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for the designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

8 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
· details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

9 Within six months of the date of this planning consent, maximum visibility splays shall be

provided at the site access onto Dappers Lane in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason - In the interests of road safety.

10 The development hereby permitted shall not be carried on until trees and shrubs of species, number and size to be approved by the Local Planning Authority have been planted along the north and east site boundaries. In the event that any such trees or shrubs die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species.

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

11 Within 3 months of the date of this permission details of the height, materials and elevations of the proposed fence along the western boundary shall be submitted to and approved by the Local Planning Authority.

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