

Recommendation Report for Planning Permission

REF NO: A/44/18/PL

LOCATION: The Vinery
Arundel Road
Poling
BN18 9PY

PROPOSAL: Land raising & use of land for car parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to the creation of a car park for up to 21 cars to serve the existing employment site at the Vinery. The parking area would be raised using soil which has been stored at the Vinery as a result of previous building projects. It is located immediately adjacent to the proposed car park site in the south-western corner of the Vinery site. The land will be brought up to the level of the land at the north edge of the site increasing the height by a maximum of 400mm. The land survey information shows the land at the north edge off the site is at a height of about 12m above datum and the land to the south is about 11.6m above datum.

It is proposed that a wooden sleeper retaining wall will be constructed around the edge of the car park and the residual soil will be used to gently profile down across the site to the existing ground level. There will be a chain link fence around the boundary of the car park and a hedgerow planted in front of the fence alongside the footpath and on the south side of the car park. The car park surface will be finished with a plastic mesh and gravel.

SITE AREA

750 sq m

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

There is some leylandii planting either side of the southern boundary of the site. Some post and wire fencing to the east.

SITE CHARACTERISTICS

The site is on the south side of the existing main industrial unit complex. To the south-east of the application site is the site of a recently developed storage and distribution facility for Fargro Ltd. To the north of the application site are a number of new industrial units and a new building for the servicing and renovation of vintage passenger vehicles. There is a well used parking area at the entrance to the site.

Immediately to the west of the site is a poly tunnel and to the east is a public footpath which crosses the existing field.

CHARACTER OF LOCALITY

The site area is located within an employment use and is occupied by a range of units of a similar design and appearance, comprising approximately 50 units. Employment development extends to the south and west of the application site. To the east of the site are 4 terraces of two-storey dwellings, one of which directly faces the site.

To the north of the site is the A27 Trunk Road and to the south and west of the site there are open fields.

RELEVANT SITE HISTORY

A/154/17/PL	Erection of industrial building (Unit 35b) for B1 (Business)/B8 (Storage or Distribution) purposes, relocation of existing site managers office & workshop. This application is a Departure from the Development Plan.	ApproveConditionally 20-12-17
A/51/15/PL	Application for variation of condition 5 imposed under planning application A/74/13/ relating to times of construction	ApproveConditionally 27-04-16
A/5/15/PL	New industrial building (Unit 35b) for B1 -Business/B8 - Storage or Distribution purposes. Relocation of existing site managers offices.	ApproveConditionally 29-04-15
A/79/14/PL	New industrial building to accommodate specialist classic bus restoration business (industrial B2)	ApproveConditionally 18-08-14
A/59/14/PL	Use of existing industrial buildings for B2 General Industrial use	ApproveConditionally 04-07-14
A/131/13/	New industrial building to rear of unit 35 for Clubhouse Interiors (Industrial B1/B8 use).	ApproveConditionally 30-01-14

The site is on the south side of the existing main industrial unit complex which was formerly the mushroom factory and was approved under A/14/05.

To the east of the application site is the site of an extant approved green and kitchen waste in-vessel compost plant. (Ref. WSCC/080/10/PO) The car park site is within the defined site area of this extant approval.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Ecology Advisor

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection - Reptiles

Following submission of the updated Ecological Assessment (amended, 17.09.2018) we are satisfied that the mitigation for reptiles would be suitable and can be conditioned. The applicant should note that no works can commence until this mitigation was be completed.

County Highways - No Objection - as no materials will need to be imported the impact on the public highway will be minimal. However, conditions have been recommended to control plant movements on and off the site.

Environmental Health - No Objection. Condition suggested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Adjoins/Access from A27 Trunk Road

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution

QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
EMPDM1	EMP DM1 Employment Land: Development Management

[Angmering Neighbourhood Plan 2014 POLICY ER2](#) Local Employment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policy in the Angmering Neighbourhood Plan has been taken into account.

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 conflict with relevant Development Plan policies where development outside built up areas is strictly controlled and restricted for proposals that require a countryside location.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Namely that the site is largely industrial in use and emerging and national planning policy encourage economic growth and supporting uses such as that proposed.

CONCLUSIONS

BACKGROUND

The Vinery industrial estate has been transformed over the past 15 years from a rundown and unused

mushroom factory to a modern employment park providing over 15,000 m2 of employment floorspace, most of which is currently rented out. Since the original change of use approval for the whole site, further permissions have been granted to permit further expansion of industrial uses, and to allow for any mix of B1 and B8 uses within the site. The Vinery offers good quality employment space at reasonable rental rates and is an ideal location for starter companies.

It is noted that the use of land within an industrial curtilage for car parking would be permitted development under Class J of Part 7 of the General Permitted Development Order 2015. It is the land raising element of the proposal which requires planning permission.

The agent has advised that whilst there is parking available at the front of the site there is a problem at the south west corner where the occupiers of the units park their vehicles in the roadway. This causes congestion for the regular deliveries to these units so additional provision is required in this area to allow for the needs of the occupiers. The car park at the front of the site is too far away to be convenient.

PRINCIPLE

The site is outside the built up area boundary and policy SD SP2 states that development should be focused within the built up area boundaries and will be permitted, subject to consideration against other policies of the Local Plan. Policy CSP1 states that permission will not be permitted in the countryside unless it is in accordance with other policies in the Plan which seek to refer to a specific use or type of development. EMP DM1 refers to circumstances under which additional development may be permitted outside the built up area boundary and states that permission may be granted for development that is of an appropriate size, does not intensify uses which are detrimental to public access routes and highways, is capable of being served by public transport, is sympathetic to the surrounding area in terms of landscape and habitat and has no adverse impact on neighbouring properties. The objective is to strengthen Arun's economic base and provide local job opportunities by increasing, diversifying and improving the quality of employment within the District through the provision of appropriate employment sites, quality affordable accommodation and the development of business support and partnerships.

Policy EMP DM1 seeks to enhance employment sites and premises, including promoting positive measures to upgrade existing employment areas through supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises. Policy ER2 Local Employment of the Angmering Neighbourhood Plan seeks to retain existing employment site and the proposal would assist in facilitating and improving existing employment opportunities at the site in accordance with this policy.

Government policy in the form of the NPPF supports local economic development and states that one of the roles of planning is an economic one:

Contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

Para 20 The NPPF also states that: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Authorities should positively seek opportunities to meet the development needs of their area. Para 83 of the NPPF also suggests that 'Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Whilst the proposal conflicts with Arun's adopted countryside policy there are sufficient other material considerations that outweigh this in principle policy conflict. The site is within an existing approved

industrial complex and the proposal is necessary to provide for the needs of the facility and contribute to its successful operation. The development proposed is not specifically for a single firm, but the provision of additional car parking to serve existing employment development is generally consistent with the Local Plan and the NPPF. Given that the development is proposed within an existing employment site it is considered that the proposal ought to be considered to be acceptable since it is generally consistent with policy and the NPPF.

RESIDENTIAL AMENITY

The nearest residential properties are in Lillian Terrace, which are some 250 m to the east and would be entirely screened from the site. The site is surrounded on three sides by existing industrial buildings. To the south is an open field which contains an enhanced landscape screen put in place as part of the Fargo development. The nearest residential property to the south is over 500m away and with the proposed screen planting to the south of the site the proposed use will be hardly visible. There would be no adverse impact on the residential amenities of adjoining properties and the proposal is therefore compliant with policy DDM1 of the Local Plan.

VISUAL AMENITY AND CHARACTER

The proposal would not be readily visible in the landscape. The slight increase in land level would not be perceptible across the wider area. The site is surrounded on three sides by existing industrial buildings. To the south is an open field which contains an enhanced landscape screen put in place as part of the Fargo development. As a result the impact on the wider landscape will be acceptable and in compliance with policy D SP1 which requires development to make efficient use of land and reflect the characteristics of the site and local area in terms of layout and landscaping.

CONTAMINATION CONSIDERATIONS

The material for the land raising is contained in a large earth pile to the west of the application site and has accumulated over a number of years as a result of various developments within the Vinery site. Relocating the soil to another part of the site will allow the land around the pile to be profiled to its original form.

In order to ascertain whether the material in the pile is suitable for reuse, a detailed assessment was undertaken by ST Consult. The report is attached to the application. The results of the solid phase chemical analysis carried out on both topsoil and made ground recorded 'no significant concentrations of the contaminants of concern, relative to the proposed end-use. Environmental Health have no objection to the proposal in principle subject to the imposition of appropriate conditions. The proposal therefore accords with policies QE SP1 and QE DM4 of the Arun Local Plan.

ECOLOGY CONSIDERATIONS

This site comprises a small area of grassland within an approved development site. The application is supported by an updated Ecological Assessment. This identifies that the land contains grassland and ruderal vegetation, bounded by a line of large leylandii trees to the north and a newly planted hedgerow to the southeast. Two ponds lie 50m south, but no Great Crested Newts have been noted. The site provides potential habitat for nesting birds, reptiles, amphibians, badgers and hedgehogs. None of the above were observed and there was no evidence that they use the site. An ecological survey of the adjacent site in 2012-2013 as part of a previous application found no reptiles present and a great crested newt translocation was undertaken as part of the proposals but this found no newts on the site. It is assumed that amphibians are not present on the current application site. The report states that the majority of the grassland within the site will be removed due to the proposals. A section within the west of the site will remain and as mitigation for the loss of low-quality grassland, this area will be converted to species-rich grassland. Native bulbs will be planted around the site margins adjacent to hedgerows to provide additional botanical interest within the site. The Council's Ecology Officer has no objection. The proposal therefore accords with policy ENV DM5 which seeks to achieve a net gain in biodiversity and to protect existing habitats on site.

HIGHWAYS

From consultee response it is evident that access serving the site and traffic movements associated with the proposed development are acceptable and can be reasonably accommodated. There can therefore be no objection on highway grounds. The proposal would not increase the number of visitors or employees at the site. The proposal will assist in the efficient delivery of goods and supplies by reducing some parking on the estate which causes congestion and delays. It will also assist in creating a safe and secure layout for traffic in accordance with policy T SP1 of Arun Local Plan.

CONCLUSION

The proposal will provide a necessary facility for the existing industrial estate and will utilise existing soil from the site. The site is almost entirely enclosed by existing industrial land and it is considered there will be little or no loss of amenity or other detrimental impact. Whilst in conflict with policy CSP1 of the Local Plan it complies with all other policy and guidance and does not give rise to harm such that planning permission ought to be refused.

It is recommended that planning permission be granted with the following 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:
17029-A-PL21 revC , 17029 A-PL22 revC Proposed Site Layout and Sections.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 No movement of soil shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy TSP1 of Arun Local Plan.

- 4 No movement of soil shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.

- 5 The development shall proceed in accordance with the Ecological Assessment dated 17-09-2018.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM3 of Arun Local Plan.

- 6 Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 7 If 'unexpected' contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with the requirements set out by the LPA and where remediation is necessary, a remediation scheme must be prepared in accordance and with the written approval of the LPA. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local

Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors accordance with Arun Local Plan policy QE DM4 .

- 8 INFORMATIVE: Any materials brought in to the site to facilitate the raising of the land need to be free from any contamination.
- 9 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 73750
- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 11 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.