

Recommendation Report for Planning Permission

REF NO: A/96/21/PL

LOCATION: Worthing Rugby Club, Beech Tree Childcare
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Installation of Portakabin building to be used as additional teaching area. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	To erect a portakabin 14.84m in length by 4.18 metres in width with a height of 2.97m.
SITE CHARACTERISTICS	An existing childcare facility located in portakabins at Worthing Rugby Club.
CHARACTER OF LOCALITY	Worthing Rugby Club fields and parking area.

RELEVANT SITE HISTORY

A/33/17/PL	Retention of 1 No. Portakabin modular building & the installation of 1 No. Portakabin building to be linked to existing building.	ApproveConditionally 25-04-17
A/10/14/	Install a temporary single storey Portakabin modular building to be used as nursery accommodation for a period of 3 years.	ApproveConditionally 31-03-14

Various applications for childcare facilities in portacabins approved at the site.

REPRESENTATIONS

Angmering Parish Council - no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

WSCC Fire Safety - No objection subject to informatives.

ADC Drainage - No objection subject to an informative.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

NO PUBLIC SEWER

ADOPTED LOC PLN

CLASS B ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

RIGHT OF WAY

OHED ELECT LINE

PD RESTRICTION

TREE PRES ORDER

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP1	HSP1 Housing allocation the housing requirement
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY CLW2](#) Protection of Local Green Spaces

PLANNING POLICY GUIDANCE:

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 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.

Policy CLW2 of the Angmering Neighbourhood Plan is considered relevant to this application.

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 the portacabin matches in with existing development at the site.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The key issues in this application are visual amenity and traffic and highways.

The site currently lies outside the built up area boundary and is not in agricultural use within the Arun District Local Plan and the Angmering Neighbourhood Plan. It is however located within a strategic housing allocation under policy H SP1 of the Arun District Local Plan and apart from on the eastern boundary the site is now surrounded by residential development and can be viewed for policy purposes as being within the built up area boundary under policy SDSP2. As part of policy H SP1 provision is made for the relocation of the Worthing Rugby Club. Until this occurs the site needs to be considered as open space in accordance with policy CLW2 of the Angmering Neighbourhood Plan.

There would be no adverse impact on the use of the open space as a Rugby Club (i.e. no pitch nor training space would be lost) and in totality the proposal is considered not to be contrary to policy CLW2 of the Angmering Neighbourhood Plan.

As such the use of the a small part of the site as a nursery is considered acceptable in principle subject to other relevant policies including D DM1 of the Arun District Local Plan.

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 county highways authority have no objection to the additional traffic created as a result of the extension. The site is considered to be sustainably located and the proposal would therefore comply with policy TSP 1 of the Arun District Local Plan.

The area where the additional portakabin is to be sited is already used to site other structures that are similar in appearance. The proposed additional 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 some of the evergreen trees which enclose the area would be retained such that a significant impact on visual amenity would not occur. The proposal is considered to be in accordance with policy D DM1 with respect to visual amenity.

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. No problems or harm caused has resulted from the use of the site as a nursery have been identified in the past 3 years of its operation and therefore the proposal is considered to comply with policy D DM1 of the Arun District Local Plan.

The proposed portacabin is considered to accord with local planning policy and is recommended for approval subject to 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:

Location and Block Plans dwg.no. BTC420060362 UA dated 6th May 2021
Titan TN484 Specification Drawing dwg.no. GG0001 Rev U dated 18/05/94

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 **INFORMATIVE:**In the event of a fire there is a possibility the fire appliance may run out of water before the fire is extinguished. The Fire Appliance only carries a certain amount of water

supply hoses, that is why we require a water supply within this distance. As the nearest fire hydrant is 240 metres plus away, the Fire Crew would need the attendance of another fire appliance to have sufficient water supply hoses to reach the hydrant.

- 4 INFORMATIVE: The applicant should be aware that there is a French Drain leading to a soakaway running north from the existing Portakabins as shown on the drawing below. This drain may need to be diverted and extended to implement the proposed scheme. Full details available under Planning reference A/93/17/DOC.
- 5 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.