

Recommendation Report for Planning Permission

REF NO: BE/79/17/PL

LOCATION: Babsham Business Centre
Babsham Lane
Bersted
PO21 5EL

PROPOSAL: Change of use of land for skip storage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It will be necessary to clear the existing site including trimming existing on-site vegetation in order to enable skips and vehicles to move around the site.
SITE AREA	0.5 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are no trees within the site. A couple of small to medium trees within the south eastern boundary hedge.
BOUNDARY TREATMENT	Hedge running along the south eastern boundary. Low wall to part of the north western boundary. Otherwise open to surrounding land.
SITE CHARACTERISTICS	Vacant piece of land part overgrown/scrub land, part hardstanding. Existing barn structure open to its sides. At the time of the visit there was a blue shipping container, a couple of vehicle trailers, two cars, a van and two old motorhomes parked on the site. Evidence of building waste/rubbish on parts of the site.
CHARACTER OF LOCALITY	Rural area but with a business centre on land to the south west. Residential properties further to the south west at 20-25m from the site. The access to the site is along Babsham Lane which is fronted by these residential properties) and then down a single width access track running along the south eastern side of the business centre. Arable agricultural fields to the northwest, northeast and southeast.

RELEVANT SITE HISTORY

BE/110/09/	Subdivision of unit 1, proposed door & internal alterations.	ApproveConditionally 25-01-10
BE/100/09/	Change of use from B1 to mixed B1/Sui generis (showroom non retail).	ApproveConditionally 18-12-09

BE/113/03/	Amendments to approvals BE/94/01/ & BE/58/03/ to include - change of use of unit 4, alterations to Units 1 - 4 and change of operating hours for Unit 4 to reflect those granted for Units 1 - 3 (between the hours of 7.30 & 20.00 Mondays to Fridays & 8.00 to 16.00 Saturdays in conjunction with use of units for applicants physiotherapy business) .	ApproveConditionally 15-01-04
BE/58/03/	Amendment of condition 6 of BE/94/01 to allow use of units 1-3 between the hours of 7.30 & 20.00 Mondays to Fridays & 8.00 to 16.00 Saturdays in conjunction with use of units for applicants physiotherapy business	ApproveConditionally 15-08-03
BE/94/01/	Reuse of redundant farm buildings as B1 light industrial units.	ApproveConditionally 19-02-02

There is no planning application history for the site and those applications listed above relate instead to the adjacent business park. The site was formerly part of a farm and was used for the storage of agricultural items. There were a couple of agricultural barn structures, one of which was removed prior to 2010 whilst the other remains in situ. In recent times, the site has been used for the storage of vehicles to be recycled and also plant & materials connected to a landscaping business. These were removed following an enforcement investigation in 2015/16 and the site is currently vacant and unused.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"No objection"

13 letters of objection have been received and these raise the following issues:

- (1) Industrialisation of the green belt buffer zone between Bognor Regis & Chichester;
- (2) Too close to residential properties;
- (3) Noise from heavy vehicles, reversing alarms, placing of skips;
- (4) Odour & Dust pollution;
- (5) Impact of the use on existing Business Centre occupants (a paving company, landscaping & garden maintenance company, a building supplier, an underfloor heating company and also a health hub);
- (6) Increased traffic entering the site;
- (7) Road safety with junction of Babsham Lane & A259;
- (8) History of road accidents here contrary to WSCC advice;
- (9) Pedestrian & Cyclist Safety on Babsham Lane - need for speed humps;
- (10) Damage to road surface;
- (11) Impact of extra traffic on use of bus stops on A259;

- (12) Risk of damage to parked cars by lorries;
- (13) Mud on roads;
- (14) Impact on house prices;
- (15) Existing Elbridge Farm site has wider impacts than as stated;
- (16) The application contains few details of the proposed use/operation;
- (17) No detail of skip heights;
- (18) Impact on local wildlife such as bats, barn owls, dormice, hedgehogs, birds of prey;
- (19) Damage to the privately maintained culvert running along the eastern side of Babsham Lane; and
- (20) Contrary to Articles 1 and 8 of the Human Rights Act.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in respect of the other local resident objections:

- (1) This will be considered within the conclusions section of the report.
- (2) The site lies only 20-25m from the closest residential gardens albeit with business centre uses in between. Residential amenity will be considered within the conclusions section of the report.
- (3) Regard should be had to the comments of the Councils Environmental Health Officer. Noise issues will be considered within the conclusions section of the report.
- (4) Regard should be had to the comments of the Councils Environmental Health Officer. Air pollution issues will be considered within the conclusions section of the report.
- (5) This will be considered within the conclusions section of the report. However, it is noted that the objections are from residential occupiers and not from the businesses themselves.
- (6) Regard should be had to the comments of WSCC Highways. Highway impacts will be considered within the conclusions section of the report.
- (7) Regard should be had to the comments of WSCC Highways. Road safety issues will be considered within the conclusions section of the report.
- (8) Regard should be had to the comments of WSCC Highways. Road safety issues will be considered within the conclusions section of the report.
- (9) Regard should be had to the comments of WSCC Highways. Road safety issues will be considered within the conclusions section of the report. In respect of speed bumps, although these might improve road safety they would also increase the amount of noise from large vehicles going over them.
- (10) Babsham Lane is a public road maintained by West Sussex County Council and they have not objected to the proposal. Any damage to the road can be reported to WSCC so that repairs can be undertaken.
- (11) WSCC Highways do not raise any objection to the application. Highway impacts will be considered within the conclusions section of the report.
- (12) It is not considered that there would be an unacceptable level of risk. Babsham Lane is a slow road and drivers will take care in using it.
- (13) The applicant states that they regularly clean mud from the A259. If mud became a problem, then a complaint could be made to WSCC Highways who would then enforce the removal of the mud.
- (14) The impact of development on house prices is not capable of being a material planning consideration.
- (15) This is noted but it is only possible on this application to assess the impacts of the proposed site.
- (16) The applicant has provided further details and these are described elsewhere in this report.
- (17) The applicant has stated that skips will be stacked no higher than 3m. This will be enforced through a planning condition.
- (18) Ecological issues are considered within the conclusions section of the report having regard to the comments of the Council's ecologist.
- (19) There is no evidence that the addition of lorries using Babsham Lane will result in damage to this culvert.
- (20) This will be considered within the Human Rights section of this report.

It should also be noted that the applicant has stated in writing that the site will solely be used for the overflow storage of empty skips with access primarily required at the end of the day and that no waste will be stored at the site.

CONSULTATIONS

Environmental Health
 WSCC Strategic Planning
 Economic Regeneration
 Ecology Advisor
 Ecology Advisor
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Consider that there are no known issues with the use of the site access. Furthermore, that a review of the junction onto the A259 shows that there have been no recorded accidents. Note that the site has a permitted business use and this has to be taken into account in assessing the change of use. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two and therefore there are no grounds to resist this application on the basis of traffic generation.

ADC ENVIRONMENTAL HEALTH - Have no objections subject to the following conditions:

1. The use of the premises shall be restricted to the hours of 8am to 6pm Mondays to Fridays, and 8am to 1pm on Saturdays, and the premises shall not be used at any time on Sundays and Public Holidays;
2. All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.
3. No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.
4. External lighting in association with this development shall comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2.
5. No waste shall be stored at the site.

ADC ECONOMIC DEVELOPMENT - have no comments to make.

CHICHESTER DC ECOLOGIST - Have assessed both the Reptile Survey Report and the Preliminary Ecological Appraisal & Bat Building Assessment. Raise no objection and request that the mitigation measures within these two reports be conditioned. Also request conditions concerning tree protection, a precautionary approach in respect of Great Crested Newts, a badger survey and lighting scheme.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and conditions imposed. In respect of the hours of operation, it is noted that the applicant has stated that they could feasibly utilise access to the site only between the hours of 0830 and 1730 in order to minimise any potential impact on adjacent occupiers. On the other hand, Environmental Health (EH) officers consider 8am to 6pm to be sufficient. However, it is considered fair to amend the EH condition in respect of Saturday mornings with the operation on Saturdays to start slightly later at 8.30am.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Area of Special Control of Adverts;
Archaeological Notification Area;
No Public Sewer; and
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

AREA10	Strategic Gaps
AREA17	Sites of Archaeological Interest
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
EMP DM1	Employment land:Development Management
HER SP1	The Historic Environment
HER DM6	Sites of Archaeological Interest
ENV DM5	Development and Biodiversity
LAN DM1	Protection of Landscape Character
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

[Bersted Neighbourhood Plan 2014 Policy ES2](#)

Bersted Neighbourhood Plan 2014 Policy ES3

Bersted Neighbourhood Plan 2014 Policy ES6

Bersted Neighbourhood Plan 2014 Policy ES7

Surface water management

Protecting the Strategic Gap/Green Infrastructure Corridor

Protection of trees

Development outside of the Built Up Area Boundary

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 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.

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 relevant policies of the Bersted Neighbourhood Development Plan are considered within this report.

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 not considered to comply with policies ES3 and ES7 of the Bersted Neighbourhood Development Plan in that the proposed development is outside of the built up area boundary and within the defined Strategic Gap. However, the proposal is considered to comply with Policy GEN3 of the adopted Arun District Local Plan in that the proposal is in accordance with policy DEV8 which refers to development outside the built up area boundary by existing local firms.

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 as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and the emerging Arun District Local Plan.

CONCLUSIONS

PROPOSAL:

Further to the initial application submission, the applicant has now provided the following specific details of the proposed operation of the site:

- * The site will only be used for overflow - therefore with the exception of the initial set-up the applicant would only need to access the site occasionally and on some days, there may not be a need to access the site at all.
- * The maximum average number of visits to the site in one day would be probably be no more than 3-4 times but it could potentially be up to 10 visits on rare peak occasions.
- * Vehicles entering the site will be rigid 4w skip lorries, and occasionally an 8w hookloader.
- * Access is predominately going to be nearer to the end of the day - once the owner knows what bins are required for the following day - and only if it is necessary to replenish the day-to-day stock held at Elbridge Farm.
- * The operator could feasibly utilise access to Babsham only between the hours of 0830 and 1730 in order to minimise any potential impact on adjacent occupiers.
- * There are certain times of the year when skips are off-hired - i.e. winter - and at that time, they may need to move more skips on to the storage site than any other time in the year - likewise, most skips are out on site in the spring/summer months.
- * The actual sound emitted from the operation of loading and unloading skips is minimal - the ground surface is not concrete and this allows the actual placement of skips to be very unintrusive.
- * Vehicle safety limiters restrict the speed at which bins can be loaded and unloaded, and coupled with their own staff policies, bins must be picked up and put down with ultimate care to avoid potential damage to their containers, to the ground, and to the vehicle.
- * Noise from vehicles entering or leaving the site will be kept to a minimum by ensuring speed limits are adhered to (which they will enforce on their vehicles). There will be no other machinery on site, and no other potential noise sources. Times of access will be only be undertaken in line with the stipulated planning consent, and vehicles are fitted with white noise reversing warning alarms.
- * The number of skips will be variable - due to the different skips sizes which are held in stock.
- * If planning consent is granted then the applicant would be willing to upgrade and repair the road surfacing where necessary and will then enforce a 20mph speed limit for their vehicles in Babsham Lane

and will erect signage accordingly.

- * The applicant would also erect additional signs at the entrance point to reiterate the cycle path.

- * The applicant currently cleans the A259 adjacent to Elbridge Farm with their own roadsweeper on a regular basis, and would extend this to incorporate Babsham Lane if needed.

- * There would be a maximum overall stack height of 3m - which could be made up of the following approximate numbers: 3-4 x 10/12yd skips; 6-7 x 6/8yd skips; 9-10 x 2/4yd skips and single Hooklift bins (as these are not stackable).

- * A security gate would be erected at the entrance to the site.

PRINCIPLE:

The site lies outside of the defined built up area boundary. Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) states that development in the countryside will not be allowed. Additionally, the site lies within the defined Strategic Gap and policy ES3 of the BNDP states that development within the Strategic Gap will not be supported unless for essential infrastructure. The proposal is therefore contrary to the policies of the BNDP relating to principle.

There is also a Strategic Gaps policy within the Arun Local Plan (AREA10). This is not worded as strongly as policy ES3 of the BNDP as it allows for development where it would be in accordance with other policies of the Local Plan; would not compromise either individually or cumulatively, the objectives and integrity of the strategic gap; and that attention is given to the long term enhancement of the landscape, amenity and conservation value.

Having regard solely to the BNDP, the proposal would conflict with the strategic gap policy. However, the development plan also consists of the adopted Local Plan. It is considered that the proposal would be broadly acceptable in respect of Local Plan policy AREA10 in that other policies can be considered (such as DEV8). In addition, it is not considered that the proposal consists of physical development which would have a long lasting impact on the character of the countryside (and will not break the ground surface) particularly if landscaping will be added to the boundaries and allowed to mature.

The development plan also consists of the Arun District Local Plan. Policy GEN3 states that development in the countryside will not be acceptable other than necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste, the diversification of the rural economy or where such development is in accordance with a policy within sections 2 & 3 of the adopted Local Plan. It is therefore necessary to consider the proposal against Local Plan policy DEV8.

Furthermore, regard should be had to the emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications). Draft policy C SP1 similarly states that development in the countryside will be permitted if in accordance with other policies in the Plan which refer to a specific use or type of development. This would then require an assessment against part 6 of policy EMP DM1.

It is also considered that the National Planning Policy Framework (NPPF) supports economic development outside of the built up area. Paragraph 28 of the NPPF states that "local and neighbourhood plans should: (1) support the 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; and (2) promote the development and diversification of agricultural and other land-based rural businesses".

POLICIES DEV8 & EMP DM1:

Arun District Local Plan policy DEV8 states that subject to certain criteria, planning permission will be given to existing local firms who wish to develop on sites outside of the built-up area boundary. The site

is to be operated in connection with the existing Recycling Southern Ltd site at Elbridge Farm located to the north east just within the Arun District boundary.

Policy DEV8 requires that:

- (i) there is no acceptable alternative within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises; and
- (ii) the proposal:
 - (a) exhibits a high standard of design and layout;
 - (b) is sustainably located;
 - (c) provides sufficient parking;
 - (d) relates sympathetically to the surrounding environment;
 - (e) includes suitable landscaping;
 - (f) displays a satisfactory relationship with neighbouring uses to protect residential amenity; and
 - (g) incorporates, where appropriate, crime prevention measures.

Policy EMP DM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications" states that planning permission will be granted on sites outside the built-up area, provided that the proposal demonstrates:

- a. That it is a modest extension of an existing employment site, or no acceptable alternative can be identified within existing permitted or allocated sites, or within or through redevelopment of existing commercial premises, and which can be delivered in a reasonable timeframe;
- b. That it would not intensify uses at the site to the detriment of existing public access routes and highways;
- c. A high standard of design, and layout and landscaping appropriate to the context;
- d. That it is capable of being well served by public transport or otherwise is readily accessible by means other than by private car to a significant residential workforce if employment intensive uses are proposed;
- e. Access arrangements and parking facilities will be provided in accordance with the Council's adopted standards;
- f. A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts, the opportunities to deliver on-site habitats and protect key species;
- h. That it is not in a protected area including Gaps Between Settlements (SD SP3);
- i. A satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected; and
- j. Where appropriate, crime prevention measures are incorporated.

These criteria will now be assessed under the following headings.

ASSESSMENT OF LOCATION:

The applicant has stated that:

- * They have been searching for a significant period of time for suitable land that could be used for additional skip storage;
- * The Elbridge site is at full capacity and additional land is required to enable sustainable growth of the business;
- * They have been using both Henry Adams Commercial & Flude Commercial and have separately been keeping an eye out themselves for suitable sites;
- * The obvious solution would have been to extend the Elbridge site but this has not been acceptable to the owner of that site;

- * The agent of the Elbridge landlord then suggested the site at Babsham;
- * The two commercial agents also suggested a site in Selsey and in Havant. However, for logistics reasons, these had to be discounted;
- * The site has to be in close proximity to Elbridge in order to make the day to day operations efficient and entirely workable;
- * Open storage is required - not warehouse type storage and there needs to be suitable access; and
- * Therefore, the site at Babsham meets all of the requirements;

This is considered to satisfy criteria (i) of DEV8 and (a) of EMP DM1

It is also noted that the existing business at Elbridge Farm is located within approximately 500m from the Babsham Farm site and this therefore enables skips to be moved between sites with minimal presence on local roads. Furthermore, this is an existing previously developed site which has historically been in connection with agriculture but lies vacant. Its reuse for ground level (albeit with skips stacked 3m high) storage of skips would not therefore result in the development of a greenfield site and would not significantly alter the character of the site.

The site is located on the edge of the settlement of Bersted and outside of the wider settlement area of Bognor Regis. However, there are bus stops on the adjacent A259 which are served by buses to Chichester and Bognor Regis. Furthermore, the site is within walking & cycling distance (via paved & lit footpaths - and with a cycle path) to the Esso garage on Chichester Road thus allowing any employees to walk to buy lunch/snacks if necessary.

CHARACTER & LANDSCAPE:

Arun Local Plan policy DEV8 requires that development: (a) exhibits a high standard of design & layout; (d) relates sympathetically to the surrounding environment; and (e) includes suitable landscaping. Arun Local Plan policy GEN7(ii) is also relevant and requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policy EMP DM1 of the emerging Local Plan requires that development is of (c) a high standard of design, layout & landscaping appropriate to the context; and (f) a sympathetic relationship to the surrounding areas that shows consideration of the landscape.

The proposal does not consist of any built development other than a new security gate at the entrance to the site. There will be no formal layout to the site with skips placed in a functional manner to large vehicles to manoeuvre within the site to enable skips to be dropped off and picked up again.

The site is currently a mixed area of hardstanding and scrub vegetation and there is an existing open sided barn structure. To the southwest lies a Business Centre with an intervening area of land currently comprising of open storage yards and an old dilapidated pig sty structure. Therefore, although the character of the land to the northwest, northeast and southeast is agricultural the site and the adjoining land to the southeast has a light industrial character. With this in mind, although the site is current unused, it is not considered that its reuse for storage would be out of character with the site or the adjoining light industrial land.

The site is currently screened by a high hedge on the south eastern side but open to the other boundaries. The addition of landscaping to these other boundaries would not only screen the stored skips from view but also benefit the biodiversity of the immediate area.

It is therefore considered that the proposal is in accordance with the relevant parts of Arun Local Plan policies DEV8 & GEN7 and the relevant parts of emerging Local Plan policy EMP DM1.

HIGHWAY SAFETY & VEHICLE PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. Local Plan Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Policy DEV8 as set out above also requires there to be off-street parking.

Regard should also be had to paragraph 32 of the National Planning Policy Framework (NPPF) which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

It is not intended that there will be any staff present on the site although it is conceivable that there may be a future need for a security presence. This being the case, it is not considered necessary to require a parking layout and it is considered that there will be plenty of space within the site to allow vehicles to park in addition to skip storage should that need arise.

It is noted that several local residents are concerned that the proposed use will increase traffic entering Babsham Lane to the detriment of highway safety particularly in respect of pedestrians, cyclists and residents parked cars.

However, WSCC Highways have been consulted and they do not consider that the proposed use will give rise to any severe highway impacts. It is noted also that Babsham Lane is a quiet semi-rural predominantly residential road and the section between the junction with the A259 and the track to access the site is only about 115m. As such, this would deter drivers from travelling at or above the speed limit particularly given the need also to take care in respect of parked cars and pedestrians. It is not considered therefore that use of this road by skip transporters would be detrimental to highway safety.

In respect of the junction onto the A259, it is considered that vehicles travelling between Elbridge Farm and the site would need to simply turn left onto the A259 and then turn left off it a short while later. For those vehicles travelling the other way, right turns into the Elbridge Farm site would be as per an existing situation. Right turns from Babsham Lane onto the A259 would be new but if traffic was heavy then vehicles could simply turn left and then go around the roundabout a short distance to the south in order to avoid any risky manoeuvres onto the A259.

It is therefore considered that the proposal is in accordance with the relevant parts of Arun Local Plan policies DEV8 & GEN7 and the guidance within the NPPF.

RESIDENTIAL AMENITY:

As set out above, both Local Plan policy DEV8 and emerging Local Plan policy EMP DM1 require that schemes display a satisfactory relationship with neighbouring uses to protect residential amenity. Furthermore, Arun Local Plan policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Paragraph 17 of the NPPF also requires that a good standard of amenity is maintained for all existing occupants of land & buildings.

Arun Local Plan policies GEN32, GEN33 and GEN34 relate to noise, light and air pollution and these are set out below:

GEN32 - "Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce

noise pollution to acceptable levels. Details of such measures will be required as part of the planning application".

GEN33 - "Planning permission will be permitted for proposals which involve outdoor lighting schemes subject to:-

- (i) no adverse impact on neighbouring uses or the wider landscape;
- (ii) light levels being the minimum required for security and working purposes; and
- (iii) minimising the potential glare and spillage.

Where appropriate, the Local Planning Authority will seek to control the times of illumination".

GEN34 - "Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk".

Several local residents have raised concerns in respect of harm to their amenity particularly from noise and air pollution. Concerns are also raised (albeit by residents and not by business owners) about the impact on the existing business centre occupiers.

The applicant has stated that access to the site is predominantly going to be towards the end of the day and that it is unlikely that the site will be visited on a daily basis. Further, that most skips will be out on site during the Summer. It is also understood that the actual sound emitted from the operation of loading and unloading skips will be minimal particularly as the site's ground surface is not concrete and that there are controls on the speed of loading/unloading. Vehicle speeds will also be controlled and white noise reversing alarms will be used. No waste or skip contents will be stored at the site either so therefore no likely air pollution other than any dust from the road.

The Councils Environmental Health Officers are the technical experts on pollution control including noise, lighting and odours. They have assessed the application and have raised no objections subject to a set of planning conditions. On this basis, it must be considered that the proposal will be in accordance with the policies set out above.

CRIME PREVENTION:

As set out above, both Arun Local Plan policy DEV8 and emerging Local Plan policy EMP DM1 states that crime prevention measures should be incorporated if appropriate. The applicant proposes a security gate at the site entrance in order to prevent unauthorised vehicular access into the site and to prevent skips from being stolen. This is considered to be an appropriate security measure.

IMPACT ON WILDLIFE:

Emerging Local Plan policy EMP DM1 part f. requires that proposals seek opportunities to deliver on-site habitats and also protect key species. Local Plan policy DEV8 (d) requires that proposals relate sympathetically to the surrounding environment. Furthermore, policy GEN29 of the Local Plan requires that natural habitats be retained or incorporated into the scheme. Policy ES6 of the Bersted Neighbourhood Development Plan seeks to retain trees of good arboricultural and amenity value.

Although the application site is previously developed and contains large areas of hardstanding, around

the edges, it has been left to vegetate. Furthermore, it was noted that there were several piles of waste materials that could act as refugia for reptiles and that the existing open sided barn had the potential for bat roosting. Therefore, the applicant was requested to carry out surveys to determine if species were present on the site.

A preliminary ecological appraisal including bat building assessment and a reptile survey were both received and these were subject to assessment by the Councils ecologist. Their comments were that the impact on any species was acceptable provided that certain mitigation measures are undertaken, that surrounding trees are retained & protected, that any lighting include measures to protect bats and that the site is checked prior to any development for the presence of badger setts.

It is therefore considered that the proposal is in accordance with the policies set out above.

ARCHAEOLOGY:

It is noted that the site lies within an Archaeological Notification Area. Arun Local Plan policy AREA17 states that: "Permission will not be granted for development that would be harmful to the significant archaeological interest of a site."

The application is not supported by any archaeological information. However, as the proposal seeks to change the use of the land and not break the surface of the ground, it is not considered appropriate to require an archaeological survey as there would be no impact on any buried remains. The proposal is therefore considered to be in accordance with Local Plan policy AREA17.

CONCLUSIONS:

Although this site lies in the countryside and within a Strategic Gap and therefore in principle unacceptable, both the adopted and emerging Local Plans allow development in the countryside where in accordance with other policies.

It has been shown that the proposal is in accordance with these policies (DEV8 of the Local Plan and EMP DM1 of the emerging Local Plan). The proposal remains in conflict with policies ES3 & ES7 of the Bersted Neighbourhood Development Plan but it is considered that this conflict is outweighed by compliance with the Local Plan policies, with the support of the National Planning Policy Framework and on the basis that the site is previously developed land historically used as part of an agricultural farm for storage uses. It is further considered that the impacts of the proposal can be mitigated through conditions to such an extent as to resolve any potential amenity issues. It is therefore recommended that the application be approved 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.

A local resident considers that the proposed development breaches articles 1 and 8 of the Human Rights Act in that it will fail to respect an individual's private life and peaceful enjoyment of their property/home.

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:

Drawing 689/01 Rev A "Site Location & Block Plans"; and
Photograph of Gate (received 29/11/17).

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 development must be carried out in accordance with the recommendations and mitigation measures as set out within the Recommendations sections of the Preliminary Ecological Appraisal & Bat Building Assessment (17 Aug 2017) and the Reptile Survey Report (Oct 2017)

Any physical enhancements/mitigation measures shall be permanently retained and thereafter maintained as fit for purpose. The applicant should also note that no works can commence until the translocation of any reptiles has taken place.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 4 The development must be carried out in accordance with the precautionary approach to development in respect of Great Crested Newts as set out within section 6 of the Preliminary Ecological Appraisal & Bat Building Assessment (17 Aug 2017) and which requires that:

* Where vegetation is removed no ground cutting works are to be undertaken between November and March to avoid the amphibian hibernation period.

* Vegetation clearance works are to be undertaken using hand tools including brush cutters, chainsaws and all vegetation is to be taken out of the working area and disposed of off-site or

used in hibernacula creation on site.

* Work should start in the south-western part of the site, progressively moving towards the north eastern part of the site in order to encourage any amphibians that may be present to move away from the development area towards other areas of suitable habitat in the adjacent landscape comprising of agricultural land.

* Where any piles of debris, cut vegetation, logs, rubble, compost heaps etc. are encountered, these should be left in situ during the hibernation period November to March and if these need to be disassembled this should be undertaken by hand by a suitably qualified ecologist between March and October.

* Any reptiles or amphibians found will be recovered and moved to a safe area away from the development area by a suitably qualified ecologist.

* In the unlikely event that a great crested newt is found, then all work should cease immediately and the advice of a suitably qualified ecologist, Arbeco Ltd or Natural England should be sought.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 5 No development shall be commenced unless and until a badger survey has been undertaken in order to check that there are no badger setts present on the site. Should a sett be found then Natural England should be consulted and a mitigation strategy produced for approval in writing by the Local Planning Authority before any works take place.

Reason: In the interests of ensuring that protected species are not harmed and in accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. This is required to be a pre-commencement condition as it is necessary to ensure that badgers have not moved onto the site and are therefore protected from development.

- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition as landscaping goes to the heart of the planning permission.

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority.

The scheme should comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details with no alteration without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 8 All trees and hedgerows within the site shall be protected for the duration of development works with protection measures in accordance with section 6.2 of BS5837:2012 "Trees in relation to design, demolition and construction". The protection measures shall be in place for the duration of works.

Reason: In the interests of wildlife protection in accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 9 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 10 The use of the site shall be restricted to the hours of 8am to 6pm Mondays to Fridays, and 8.30am to 1pm on Saturdays, and the site shall not be used at any time on Sundays and Public Holidays.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies GEN7, GEN32 & GEN34 of the Arun District Local Plan and in line with the World Health Organisation definition of night time.

- 11 All vehicles, plant and machinery to be used on the site and those under the applicant's control moving to and from the site that are required to emit reversing warning noises, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies GEN7 & GEN32 of the Arun District Local Plan.

- 12 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site, unless approved in writing by the Local Planning Authority.

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

- 13 No skips shall be stacked at a height greater than 3 metres.

Reason: In the interest of visual amenity in accordance with policy GEN7 of the Arun District Local Plan 2003.

- 14 The site shall only be used for the storage of skips in accordance with Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 and for no other purpose (including any use 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 of the area and nearby residents in accordance with Arun District Local Plan policy GEN7.

- 15 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.
- 16 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.