Recommendation Report for Planning Permission

REF NO: **BN/11/17/PL**

LOCATION: Eric Wall Ltd
Lake Lane
Barnham

PROPOSAL: Erection of 2 No. buildings for staff canteen & toilet block. This application also lies within the parish of Yapton.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The staff canteen building will be single storey with a pitched roof and have a footprint of 4.6m by 13.6m. It comprises of a kitchen area (cupboards/surfaces & sink), an open canteen area and M/F toilets each with 2 toilets and a sink. The toilet block is again a single storey building with pitched roof but smaller with a footprint of 3.87m by 8.5m. The male part has 5 toilets, the female part 3 toilets and then a separate disabled toilet. The buildings will be rendered with slate roofs. The buildings will be located in different parts of the site approximately 470m apart.
SITE AREA	The entire site is 17.45 hectares. The area of the new buildings is 0.5 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Various including hedging and rural type fencing.
SITE CHARACTERISTICS	The site comprises several glasshouses, office buildings, pack houses and reservoirs. The Canteen building will be sited in the western half of the site, on the eastern side of an existing pack house some 190m south of Lake Lane and 90m north of the railway line. The toilet block will be in the eastern half of the site between two large glasshouses. It will be around 70m south of Lake Lane and 80m north of the railway. The toilet block will be the closest of the two buildings to a residential boundary - around 30m from the Bowley Cottage boundary.
CHARACTER OF LOCALITY	Rural area of horticultural nurseries with

residential properties along Lake Lane.

RELEVANT SITE HISTORY

BN/20/97	Construction of new boilerhouse	ApproveConditionally 02-09-1997
BN/30/97	Construction of new boilerhouse (amendment to BN/20/97).	ApproveConditionally 12-12-1997
BN/9/98/	Extension to packhouse & new toilets together with refurbishment of existing building for office use	ApproveConditionally 23-06-1998
BN/10/98/	Demolition of glasshouse and re-building of glasshouse on site SZ. Construction of new glasshouses on sites L1, L2, L3 including provision of toilets, installation of boiler and provision of chimney. Construction of 2 reservoirs. (This application affects a Public Right of Way). Dual Parish with Y/30/98.	ApproveConditionally 13-01-1999
BN/14/03/	Construction of new glasshouses on sites L1 and L2 including provision of toilets, installation of boiler and provision of chimney. Construction of 2 reservoirs. (This application affects a Public Right of Way) - Main File (Dual Parish with Y/14/03).	App Cond with S106 13-10-2004
BN/18/05/	Construction of reservoir (amendment to applications BN/14/03 & Y/14/03) Main File - Dual Parish with Y/41/05.	Approve 05-08-2005
BN/5/08/	Construction of a new packing facility (Resubmission following BN/13/07)	ApproveConditionally 23-05-2008
BN/17/10/	Development of a a glasshouse, water storage reservoir and boiler room.	ApproveConditionally 14-10-2010

REPRESENTATIONS

Representations received:

Barnham Parish Council

Yapton Parish Council

BARNHAM PARISH COUNCIL - "No objection"

YAPTON PARISH COUNCIL - "No objection. Whilst Yapton PC have no objection to the proposal we are surprised at the distance of separation between the toilet facility in

relationship to the canteen and would ask for this to be reconsidered"

Comments on Representations received:

The two buildings are designed to fulfil different purposes and hence are located in different parts of the site. However, the canteen block does itself include some toilets.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Network Rail
Economic Regeneration

Consultations responses received:

SOUTHERN WATER - No objection: "We request that should this application receive planning approval, the following informative is attached to the consent: 'A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk'.

ADC DRAINAGE ENGINEERS - "Soakage to be investigated for new roof area. Please apply standard conditions ENGD2A"

ADC ECONOMIC DEVELOPMENT - "Eric Wall Ltd is a major employer in the district in a sector that is important in the larger economic picture. Economic Development would support this application to increase facilities for staff".

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Lidsey Treatment Catchment Area; and
Area of Advert Special Control.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV3	Horticulture
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D SP1 Design HOR DM1 Horticulture SO DM1 Soils W DM3 Sustainable Urban Drainage Systems
Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE1		Support for business

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 site is split between two different Parishes with the proposed canteen falling within the area of Barnham and the toilet bock within Yapton. Therefore, it is necessary to consider the relevant policies of both the Barnham & Eastergate and the Yapton Neighbourhood Development Plans.

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

PRINCIPLE:

The site lies outside the Built-Up Area Boundary where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy. Horticulture is a form of agriculture. Adopted Local Plan Policy GEN3 also states that development in the countryside is acceptable where it is accordance with a policy within sections 2 & 3 of the Local Plan.

Policy DEV3 "Horticulture" is within Section 3 of the Local Plan and refers to new glasshouse and polytunnel development. The equivalent policy in the emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications) is HOR DM1 and allows for new glasshouses, polytunnels and associated pack house development. Although neither of these two policies refer to ancillary facilities at horticultural sites, the principles would be the same and it is considered that both policies support the proposals in principle and that it is therefore necessary to assess the proposals in terms of amenity issues.

NEIGHBOURHOOD PLAN POLICIES:

It is considered that policies EE1 and ES1 of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) are relevant to this determination. Policy EE1 provides support for the upgrading of existing employment sites subject to an assessment of amenity impacts. Policy ES1 relates to the need to take account of drainage issues.

In respect of the Yapton Neighbourhood Development Plan (YNDP), policies BB1, E1 and E11 are considered to be relevant. Policy BB1 states that development outside of the built up area boundary will not be supported. The policy does not contain the same caveats as per Arun Local Plan policy GEN3 and it is therefore considered that regard should be had to the Local Plan in this instance.

In addition, an important material consideration is the National Planning Policy Framework (NPPF), which, at paragraph 28, states that planning should 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 that it should promote the development and diversification of agricultural businesses.

YNDP policy E1 relates to the protection of high value agricultural land. According to the mapping which forms part of the YNDP, at least half of the site is designated as Grade 2 and would therefore be subject to the protection afforded by this policy. However, it is not considered that the addition of these two buildings will result in any loss of agricultural land beyond that already lost through the horticultural development of the site.

Finally, YNDP policy ES1 relates to the need to take account of flooding and drainage issues.

VISUAL AMENITY AND SITING:

The proposed staff canteen will be located immediately to the east of the existing pack house. It will be clustered together with other structures in the vicinity and set within a back drop of built development. It will be a significant distance from the external site boundaries/public viewpoints (Lake Lane/the railway) but in any case, will be read visually as part of the existing built site.

The separate toilet block will be sited in between two glass houses in the eastern half of the site.

It will be a significant distance from the railway line and will be screened from this view by the adjacent glasshouses. It may be visible from Lake Lane but to see it would require a person to peer through the existing planted boundary.

It is not considered that either building will be harmful to the amenities of nearby residential properties. The toilet block will be quite close to a boundary with Bowley Cottage but will be part screened by the existing glass houses and by existing boundary treatments.

SUMMARY:

Both buildings are considered to be acceptable in principle having regard to the existing horticultural use of the site. It is not considered that they will result in harm to visual or residential amenities and there will be no affect on the character of the area. It is therefore recommended that permission be granted in accordance with the following conditions and informatives.

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:

"Planning Drawing (Block Plan and Location Plan) Dwg. 09-233-PD/01; and
"Planning Drawing (Canteen Block - Ground Floor & Elevations & Toilet Block Ground Floor & Elevations)" Dwg. 09-233-PD/02.

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

4 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.

5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

6 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of

the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.