REPORT UPDATE

Application No: CM/1/11/

Reason for the Update / Changes

Reason for Update/Changes:

Additional conditions restricting the use of the building are attached to this update.

ADDITIONS TO SECTIONS OF OFFICERS REPORT:

DEVELOPMENT PLAN BACKGROUND
PLANNING
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 in that the application is for a new industrial building in the countryside and a Strategic Gap.

OTHER MATERIAL CONSIDERATIONS
It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposed building is a replacement of existing buildings within the countryside, converted for a B2 commercial use. The consolidation of a B2 use within 1No building is considered to be appropriate in this location with the design and scale being comparable to the existing barn.

SOUTHERN WATER CONSULTATION:
Conditions suggested relating to the protection of the public sewer.

The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme

Officers Comment:

The applicant has made comment upon the above consultation response from Southern Water stating that they are aware of the public sewer on site and given that it is some 40m from the proposed building, the development would not impact upon it. It is however considered appropriate that the applicant consults Environmental Health prior to any development taking place to advise of protection measures for the public sewer and the use of a package treatment plant. A SUDS scheme is not proposed for this development.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

CM/1/11/

PLANNING APPLICATION REPORT

REF NO: **CM/1/11/**

LOCATION: Ryebank Farm
Gravetts Lane
Climping

PROPOSAL: Demolition of 5 no. existing B2 commercial buildings & erection of 1 no. new commercial building (this application is a departure from the development plan)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed building is to be a single storey commercial building measuring approximately 8m in width x 14.8m in depth x 5.6m in height. The building would replace 5No existing metal clad silos which have been converted for the current B2 use on site.
SITE AREA	0.66 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A

TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to 4m height along southern boundary of site.
SITE CHARACTERISTICS	One older style farm building 'curing barn' has flint elevations. Bags of cement stored on pallets inside, some in area of silos. Western end of site used for outside storage and storage within greenhouses. Tractors are used to move products within main farm building. Existing metal clad silos on site currently being used for B2 Use. Access road has some concrete products and obsolete mobile homes/train carriages stored adjacent red edge of the site. Concrete apron area is used for car parking. Storage area for products behind. Includes slabs, balustrading and large concrete sections. Existing buildings on site are being used for manufacture and storage.
CHARACTER OF LOCALITY	Predominantly rural. Fields to south and east.

RELEVANT SITE HISTORY

CM/19/89	Steel portal frame building 18m X 30m X 5.5m to eaves of asbestos roofing and wooden side cladding to 2.5m below eaves for winter housing of livestock.	Approve Cond 31-07-1989
CM/3/09/CLE	Application for a Lawful Development Certificate for an Existing use of the manufacture of concrete products	Approve 30-03-2009

REPRESENTATIONS

Representations received:

Climping Parish Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning
WSCC Local Development Divis.
Environmental Health

Consultations responses received:

County Highways:

No highway objection to current proposal. The building is to accommodate existing uses operating from the site, hence there would be no anticipation of there being any significant increase in vehicle movements as a consequence, on the basis of the current occupier remaining. It is suggested however that a personal condition is applied in order to restrict occupation to the current tenant as there is concern that with a larger building there is the potential for a more significant use to occupy the site that may give concerns through the more intensive use of the access onto the A259. If the occupier were to change the merits of the new tenant can then be suitably considered and the personal condition varied.

Environmental Health Officer:
No objection.

Comments on Consultation responses:

Comments noted. A personal condition as suggested by County Highways is not considered to be appropriate to this application given the existing B2 use of the site and that the authority has no control over the existing user.

POLICY CONTEXT

Designation Applicable to site:
Outside the built-up area boundary
Strategic Gap
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA10	Strategic Gaps

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPG13	Transport
PPS4	Planning for Sustainable Economic Growth

POLICY COMMENTARY

PLANNING
The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 in that the application is for a new industrial building in the countryside.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposed building is a replacement of existing buildings within the countryside, converted for a B2 commercial use. The consolidation of a B2 use within 1No building is considered to be appropriate in this location.

CONCLUSIONS

PRINCIPLE
The application seeks permission for a single commercial building to replace 5No grain silos which have been converted to accommodate a B2 use established on the site. The site is located outside of the of the built-up area boundary within a rural location. The principle of the development is considered to be acceptable as the building would be a replacement.

The B2 commercial use of the site has been established by way of a Certificate of Lawfulness, CM/3/09/CLE refers.

PROPOSED USE
The new building is required by this local firm to provide them with the necessary space to continue trading satisfactorily and to allow for storage of materials within a secure building. At present materials are stored outside which is not secure and results in the deterioration of stock. The company currently established within the buildings are Concrete Mouldings Ltd which is a local firm.

CHARACTER AND APPEARANCE
The proposed footprint of the building (450sqm) would be greater than that of the existing silos, however it would be some 3m lower in height. This reduction in the height together with the consolidation of the use within one building is considered to be acceptable and an enhancement to the existing appearance of this rural location.

The dense screening to the north of the site and open farmland to the south means that proposal is not readily visible from the public domain. The design and appearance of the building is considered to be in-keeping with that of a rural building with a brick elevation to the principle elevation. It is therefore considered that the design and siting of the building would result in a structure which does not have materially adverse impact on the existing rural character and appearance of the area.

SUMMARY
The proposed use is established on site and therefore the construction of the proposed building is acceptable. Whilst the building would have an increased footprint to that of the existing silos, with the reduction in height coupled with its design the impact of the building upon the rural area is minimal.

It is therefore recommended that the application be approved subject to the following conditions.

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 No.s 586/DPA02 Rev 2 and 586/DPA02A Rev 02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 No development shall be carried out until demolition of the 5No. silo buildings has taken place and the debris removed from the site.

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

4 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

5 The building shall be used for the manufacturing and storage of concrete products only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or 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 in accordance with Arun District Local Plan policies GEN7 and GEN32.

6 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas at any time approved by the Local Planning Authority.

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

7 The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason: In the interest of amenity and in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

8 The applicant must consult with the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The treatement plant so approved shall be maintained to ensure its long term effectiveness.

Reason: In the interest of amenity and in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

9 The building and use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 7am to 7pm Monday to Fridays and 7am to 5pm Saturday.

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

10 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, AREA10

NATIONAL POLICIES: PPS1, PPS4, PPS7, PPG13

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.