

Recommendation Report for Planning Permission

REF NO: CM/25/22/PL

LOCATION: Former disused car park
Rudford Industrial Estate
Ford Road
Clymping
BN18 0BF

PROPOSAL: Change of use of former disused car park area for the stationing of 40 No. storage containers available for rent.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the siting of 40 shipping containers and 2 parking spaces. The site would be accessed from Church Lane via a private road which provides access to Rudford Industrial Estate. The application is supported by a Transport Statement.
SITE AREA	2800sq m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by bunding and hedging to approx. 2m height.
SITE CHARACTERISTICS	The application site is a disused car park laid as hardstanding located within the northeast sector of Rudford Industrial Estate. The site contains pockets of scrub vegetation enclosed with earth mounds along the boundaries upon which is hedgerow.
CHARACTER OF LOCALITY	The site lies at the entrance to Rudford Industrial Estate which is a large industrial and commercial site comprising a range of business/industrial units. Beyond the site to the south lies agricultural land with a residential estate to the south.

RELEVANT SITE HISTORY

CM/24/16/PL	Change of use of grassland to storage area - This is a Departure from the Development Plan	ApproveConditionally 17-01-17
CM/6/14/PL	Change of use of unused land for use as open storage for caravans (Class B8) together with associated works.	ApproveConditionally 09-06-14

CM/16/10/	Construction of electric kart track and provision of parking for 12 cars. (Re-submission following CM/28/09/)	ApproveConditionally 10-11-10
	This application is a departure from the development plan.	

The proposal is similar to an application for container storage in the countryside in Ferring FG/123/20/PL which was refused by Members on the grounds of adverse impact on character and appearance of the area. It was allowed on appeal. The Inspector commented "the introduction of storage containers would increase the number of physical structures on the site. However, the visual impact would be limited because the containers would replace existing structures including a storage building, a polytunnel and scaffolding racks. They would also be surrounded by other commercial uses and buildings including the adjacent container storage use, a car repair yard and a fencing and landscaping supplies yard. The only side on which the containers would be seen from outside the cluster of commercial uses would be along the western boundary, but this would be screened to a large degree from external view by existing trees and hedgerows on adjoining land. The boundary would also be fenced to further screen the site from view."

The application site is comparable, although the site is not within an area designated as countryside. It is adjacent to the entrance to a commercial estate and has previously been used as a car parking area. Although devoid of structures the appeal site was more elevated than this application site and did not have the benefit of existing bunding to site boundaries.

REPRESENTATIONS

Climping Parish Council - None.

One Objection:

- The application represents a significant change of use from parking to commercial use.
- Precursor to further development of the parcel to the South, this would conflict with the Clymping Neighbourhood Plan with visual intrusion into the Village Green and Church area.
- A residential building lies approximately 80 metres to the northeast and is not readily apparent on the site photographs.
- The site lies outside the Rudford Industrial Estate boundaries and would require security lighting and other measures and be an invitation to enhanced criminality.

COMMENTS ON REPRESENTATIONS RECEIVED:

The residential properties to the northeast are shown on the Location Plan.

All applications are dealt with on their own merits and approval of this application would not create a precedent for further development on the site.

Lighting is to be controlled by a condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Conditions should be imposed relating to Electric Vehicle Charging Points, noise, hours of operation and lighting.

County Highways - No Objection.

The access is suitable to accommodate large vehicles with a turning head provided to facilitate turning of the vehicles within the site and exiting in forward gear.

In accordance with WSCC Parking Standards a total of 6 nos. car parking spaces are required for an area of 595sqm, at 1 space per 100sqm. However, the proposal has 2 - parking spaces within the site. It is acknowledged that the characteristics of self-storage use, are that visits to the site are anticipated to be short or infrequent. Therefore, given the small scale of the proposals, the proposed provision of on-site vehicle parking is satisfactory.

The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021.

Request that car parking is conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

HELAA site

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution

[Clymping Neighbourhood Plan 2015 Policy CPN12](#) Reducing the risk of flooding

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

The relevant policies of Climping Neighbourhood Plan have been considered.

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 there would be no materially adverse impact on residential or visual amenity or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The site the subject of this application is located within the built-up area where development is acceptable in principle subject to accordance with other policies within the Development Plan.

Policy SD SP2 of the Arun Local Plan (ALP) seeks to focus new development within the Built-Up Area Boundary of settlements, subject to consideration against other policies in the Plan. On this basis the principle of commercial development on this site is acceptable.

The proposal would also utilise land that is no longer associated with any former parking use and would accord with policy SD SP1a(g) of the Local Plan which encourages the effective use of previously developed land provided that is not of high environmental value and it also accords with Part 11 of the

NPPF in that it makes effective use of an otherwise vacant undeveloped site.

Policy EMP SP1 (Strategic Economic Growth) provides for sustainable growth of differing economic sectors whilst also securing for the integration of other uses and forms of development where it fosters growth and provides for appropriately scaled development.

Whilst the site would not employ any staff the proposal would generate an income from what is currently an empty unused site. Furthermore for the reasons set out below the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring uses is also found to be acceptable.

LANDSCAPE AND VISUAL AMENITY

Policies D DM1 and D SP1 of Arun Local Plan (ALP) state that planning permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area. The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural character. In addition, paragraph 130 of the NPPF requires developments to be visually attractive and sympathetic to local character. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Policy CPN 11 of Climping Neighbourhood Plan refers to quality of design and the need to protect and enhance local character as assessed by the Climping Character Assessment.

The site is in a semi-rural area. It was previously used as a parking area, but is surrounded by a rough grassed area. Residential dwellings are located approximately 80m to the north east and the site adjoins the access to Rudford Industrial Estate to the south. The proximity of the site to Rudford Industrial Estate demonstrates the mixed character and appearance and land uses of the area. The site is not located within rural countryside. The character of the area is semi-rural by nature. In addition, the site is well screened by existing planting and bunding and would not therefore be readily visible in the wider landscape. The development will be relatively simple and low key both in terms of appearance and activity. It will not be viewed as an isolated feature in the countryside as it is relatively close to other buildings and would be seen from most public vantage points against the backdrop of the industrial estate. The development of the site would not require operational development such as the erection of new buildings and can provide an appropriate level of security on site without the applicant residing at the site.

The proposal would not result in any significant change to the character of the surrounding area where the use would be of a low level in terms of activity. The submitted layout indicated within the block plan, demonstrates that the proposal would result in 2 lines of containers along the site boundaries with a turning space for vehicles within the site entrance area.

The size and position of the site reduces its ability to be used for many purposes given its relative prominence and its isolated and detached position and limited width. The proposed development would utilise an existing car parking area which due to the established boundaries would ensure that the site is limited and does not encroach into the surrounding more open grassed area beyond. The scale of the development would make efficient use of the land which is too small to be of any commercial value in a position that has good access to the highway and minimal visual impacts.

In addition, the level of traffic generated by the use would not be inappropriate in this location given the activity that is generated by the industrial estate to the west and the infrequent nature of traffic levels (as set out below in the highway section) associated with the use proposed. To ensure that the use of the site cannot become a general B8 storage which would have greater traffic levels, a condition is

recommended to restrict the use to the caravan storage proposed only.

It is not unusual to use sites like this on the urban fringe for storage. The site has a close visual and physical relationship to a more built-up character of the surrounding area. The scale of the proposed development accords with this location in terms of visual amenity by being unobtrusively located and not readily visible and does not result in material harm in accordance with the NPPF, ALP policies D SP1 and D DM1 and policy CPN 11 of Climping Neighbourhood Plan.

ACCESS AND HIGHWAY SAFETY

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy CPN 14 of the Climping Neighbourhood Plan states that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

County Highways have no objection to the proposal and access into the site is from a private lane. The site access is of sufficient width with good visibility and the proposal is unlikely to generate a level of traffic for it to make county highways raise an objection. It considered that the containers could be safely delivered and removed.

It is estimated that a total of 28 nos. vehicles access the site per day and among them 2- trips are undertaken during the morning peak hour and 2- trips are undertaken during the evening peak hour. This level of trip generation is not expected to give rise to capacity issues on the local highway network. In terms of the general increased use of the access road from this proposal due to other businesses within the industrial estate in close proximity, and the approved previous use of the site for car parking the likely intensification of movement will not be to a perceptible level.

In terms of parking Arun's parking standards require parking in commercial developments to be based on the developments land use, trip rates associated with the development and the user group of staff/visitors. The application doesn't meet the WSCC Guidance on Parking at New Developments (Sept 2020). A development of 595sqm for self-storage use would generate a need for 6 parking spaces, but the 2 proposed are considered an appropriate level by County Highways. Based on the existing use generation, the nature of the proposal and the neighbouring use the parking level proposed would be acceptable.

There is space on site to park so the development would not interfere with the safety or operation of the highway network. Whilst there is conflict with regard to the need to provide compliant parking on site the use is not considered to harm highway safety. The proposal is not considered to have an adverse impact on highway safety or the living conditions of residents and would therefore comply with policy CPN 14 of Climping Neighbourhood Plan and policy T SP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of

nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

Policy QE DM2 (Light Pollution) of ALP requires that any outdoor lighting shall minimise the impact upon the landscape, be the minimum required for security and working purposes, minimises potential glare and spillage with consideration to be given to powering such lighting by on-site renewable sources.

The nature of the development for storage purposes would not give rise to adverse levels of harm in terms of loss of privacy or sunlight or daylight. No objection on grounds of noise nuisance has been raised by the Council's Environmental Health officers. The nearest residential properties sit to the northeast (80m away) and southeast and are detached from the development. The development could be visible in longer views from these residential properties. However, the impact would be minimal given the intervening planting and distance. Furthermore, the use would be low level and being for storage only (to be controlled by condition), would not generate notable levels of noise or disturbance. The use is therefore appropriate for positioning in relation to residential properties, particularly with imposition of the suggested condition restricting the hours of movement of vehicles. The application is in accordance with D DM1(3) and QE SP1 of the Arun Local Plan.

To ensure there is no detrimental impact from lighting on the visual amenity of the area a condition is proposed. Given the above it is not considered that the proposal would have a materially adverse impact on residential amenity by reason of noise, disturbance or lighting and the proposal therefore accords with policies D SP1, D DM1, QE DM1 and QE SP1 of Arun Local Plan.

ECOLOGY CONSIDERATIONS

The site is not located within any area designated for its ecological interest and does not contain any trees subject of a Tree Preservation Order. It has vegetated boundaries that are not impacted by the proposal and would continue to provide for biodiversity within the shrub and hedging surrounding the site which would provide nesting for birds and contribute to retention of green highways.

It is acknowledged that this site has been considered for development through the HELAA therefore it is accepted that there would be a change to the vegetated coverage on the site in due course. Lighting is conditioned to ensure that the impact on wildlife is acceptable.

In order to fully comply with policy ENV DM5 of Arun Local Plan which seeks not only to retain and protect existing habitats, but also to achieve a net gain in biodiversity the provision of ecology enhancements are conditioned.

DRAINAGE

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including the need for the sequential test, an FRA, mitigation measures, flood warning and evacuation plans and site drainage plans. Policy W DM3 of Arun Local Plan seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS). Policy CPN 11 of Climping Neighbourhood Plan refers to adoption of the principles of sustainable urban drainage and Policy CPN 12 sets out that new development must be designed and constructed to reduce the level of flood risk.

The site is in Flood Zone 1 (lowest risk of flooding), as such a Sequential Test, Flood Risk Assessment and flood mitigation measures are not required. The proposals would have an acceptable impact on flood

risk and do not alter the amount of surface water retained on the site given that the site is hard surfaced already in accordance with the NPPF, policy W DM3 of the Local Plan and policy CPN11 of the Neighbourhood Plan.

CONCLUSION

The introduction of a storage area would not adversely impact on this location. There are already significant levels of activity in the area including a high background noise level from the industrial estate.

The proposal would not generate a need for additional buildings on the site and the storage would not be readily visible from outside the site. The application 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 Plan 22/266-01
Existing Bock Plan 22/266-02

Proposed Floor Plan and Elevations(single unit) 22/266-05
Proposed Storage Container Facility - Site Plan 21/266-04
Proposed Block Plan 22/266-03

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 The containers shall not be stacked, stored or deposited on the site to a height exceeding 2.6 metres.

Reason: To safeguard the visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of Arun Local Plan.

- 5 Prior to first use of the development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved development shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 6 Noise impacts from site related activities shall not exceed 50dBA when measured from the boundary of the nearest sensitive receptor.

Reason: To protect the amenities of residents in accordance with policy QE SP1 of Arun Local Plan.

- 7 No goods or items shall be loaded, unloaded or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenities of residents in accordance with policy QE SP1 of Arun Local Plan.

- 8 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the environment, wildlife and local residents from light pollution in accordance with policies ENV DM5 and QE DM2 of the Arun Local Plan.

- 9 The site shall be used for container storage only and for no other purpose (including any other purpose in Class B8 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 policies QE DM1 and D DM1 of Arun Local Plan.

- 10 Prior to use of the site commencing biodiversity enhancements shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The enhancements shall be retained in perpetuity maintained in perpetuity.

Reason: To ensure biodiversity is adequately enhanced in accordance with policy ENV DM5 of Arun Local Plan.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.