

Recommendation Report for

REF NO: CM/29/19/PD

LOCATION: Building at Hobbs New Barn
Gravetts Lane
Climping
BN17 5RE

PROPOSAL: Notification for Prior Approval under Class R for the Change of Use of Agricultural Building to Storage and Distribution (B8).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application falls to be determined under the provisions of Class R of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of an agricultural building and any land within its curtilage to a use for Storage and Distribution.

The principle of the development is not in dispute. Class R itself states that the consideration of the notification concerns only transport & highway impacts, noise impacts, contamination risks and flooding risks. However, the Order also states that the provisions of Paragraph W shall apply in relation to any application and part (8) of paragraph W includes the following:

"(10) The local planning authority must, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (5) or (6) and any notice given under paragraph (8);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 4 issues stated above. Advice has been received from the Department for Communities and Local Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 10-07-19.

	Access to the site is existing and space is available in front of the building for parking/turning.
SITE AREA	The gross floor area of the building amounts to 464m2. The external space is larger resulting in a total site area of around 1500m2.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is no boundary treatment to the building, but there is hedging to the road.
SITE CHARACTERISTICS	Detached modern agricultural barn, portal framed. Clad in green and grey metal sheeting accessed from Gravetts Lane.
CHARACTER OF LOCALITY	Predominantly rural. Industrial buildings to south.

RELEVANT SITE HISTORY

CM/11/14/PD	Prior notification for Change of use under Class M (Flexible Uses) from agricultural to B1 (Business)	No Objection 19-06-14
CM/11/18/AG	Prior notification of agricultural development - proposed building.	No Objection 03-05-18
CM/15/13/AG	Prior notification for agricultural straw store	No Objection 12-11-13
CM/21/08/AG	Prior notification for portal framed building	No Objection 04-08-08

REPRESENTATIONS

Middleton-on-Sea Parish Council - Objection

- The proposal is contrary to policy SD SP3 of Arun Local Plan Gaps between Settlements which states the generally open and undeveloped nature of the gaps between settlements as identified on the policies maps will be protected to prevent coalescence and retain their separate identity.
- There is also a planning application for a crematorium adjacent to the above site and approval of these planning applications could be interpreted as the beginnings of a commercial strip between these strategic gaps.

9 Objections:

- Another business park is not needed in the area.

- Concerns over the volume of traffic and the lack of infrastructure.
- Need to keep our green space.
- Not enough time has been spent consulting local residents.
- The application is too broad and leaves room for it to become a progressive application.
- No environmental study has been taken place.
- Concerns over the noise and dust pollution on the local area.
- The application does not comply with the Local Plan.
- The application does not fit in the change of use as it falls outside of the definition use for (B8).
- Insufficient details are being given as to the exact nature of any development.

COMMENTS ON REPRESENTATIONS RECEIVED:

This application is not for planning permission and therefore the need for the development and compliance with Local Plan policies cannot be considered.

County highways have no objection in terms of highway safety.

The site does not currently comprise green space.

The application has been advertised in accordance with the legislative requirements.

The description of the application has been amended to more closely define the definition within the Order.

There is no requirement for an environmental study to be undertaken.

Noise and dust have been considered by environmental health who have no objection.

The noise and traffic generation needs to be considered against the existing use and the cumulative impact of the others uses within the adjacent business park.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment

County Highways - No Objection This proposal is for prior approval for change of use from agriculture store to a flexible use, Class R under the current General Permitted Development Order (GDPO). The Local Highway Authority (LHA) is mindful that the GDPO allows change of use from agricultural building to a number of use classes; however the plans indicate that the proposed change of use will be from B1 Business to B8 Storage and Distribution and thus the application has been assessed on this basis.

The site is located on Gravetts Lane, an A-class arterial road linking Bognor Regis and Littlehampton. The LHA were previously consulted regarding highways matters for this site for application CM/11/14/PD, which raised no highways concerns in principle.

The existing access onto Gravetts Lane will be utilised. From an inspection of local and WSCC mapping the access appears to be provided with sufficient visibility onto the A259, in line with the minimum visibility splay requirements set out in Design Manual for Roads and Bridges (DMRB) for 60mph roads of 215 metres. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents resulting from road layout within the vicinity of the site. Therefore there is no evidence to suggest the access is operating unsafely.

The access also serves an industrial estate and the access is sufficient width for two HGVs to pass. Whilst the flexible change of use could allow the unit to be changed to a number of uses, the LHA considers that the access geometry and width is acceptable for a wide range of uses. Furthermore,

no concern is raised in capacity terms considering the level of traffic which utilises the A259; additional trips are not considered to have a 'severe' impact in capacity terms.

Car parking will be at the north of the site. No details regarding number of parking spaces available were provided. Storage and distribution uses generally require fewer parking spaces than business offices. WSCC parking standards indicate that 5 parking spaces may be provided for the site as use class B8, plus adequate lorry parking.

Whilst there appears to be sufficient room within the site curtilage for on-site parking the LHA note that Google Earth image provided under the previous application appeared to include a larger red edge curtilage area. Furthermore, it is unknown what the proposed B8 use will comprise and whether lorry parking will be required. Considering the flexibility that the proposed prior approval seeks, a number of other uses could be implemented and thus the LHA would advise that car parking is clearly marked out and formalised, including lorry parking. The Local Planning Authority (LPA) may wish to ask the applicant for this further information, or request via a suitably worded condition.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Settlement Gap

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

This application falls to be determined under the provisions of Class R of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of:

a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class B8 (storage and distribution) of the Schedule to the Use Classes Order.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of:

A change of use of a building from use as an agricultural building to a use falling within Class B8 (Storage and Distribution) of the Schedule to the Use Classes Order;

The principle of the development is not in dispute. Class R allows for the change of use except where (as

set out in R1):

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit:
 - (i) on 3rd July 2012, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) the cumulative floor space of the existing building or buildings changing use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) the site is or forms part of a military explosives storage area;
- (d) the site is or forms part of a safety hazard area; or
- (e) the building is a listed building or a scheduled ancient monument:

In addition, the following conditions apply

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
- (c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications:
 - (i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part;
 - (ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

R.3A-(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must:

(a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority:

- (i) the date the site will begin to be used for any of the flexible uses;
- (ii) the nature of the use or uses; and
- (iii) a plan indicating the site and which buildings have changed use;

(b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R

The Order also states that the provisions of Paragraph W shall apply in relation to any application. Part (10) of paragraph W includes the following: "The local planning authority must, when determining an application-

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); and,

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application;" Therefore, the local planning authority can have regard to any of the representations received and also to the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) but only in respect of the 4 issues set out above. Advice has been received from the DCLG which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 25/04/2018.

The application meets the parameters of Class R and the building has been solely used for agriculture since 3rd July 2012 and has always been used for this purpose.

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

Transport & Highway Impacts:

The Highway Authority do not consider that the change to B8 would have an adverse impact on the safety of the local highway network.

The condition requested by WSCC relating to the marking out of spaces has been applied.

Contamination & Noise Risks:

ADC Environmental Health Officers have not raised any objections to the application. The site is located adjacent to Baird's business park and is a large barn which has been used for agricultural purposes. The existing and adjacent uses already generate significant noise and activity levels and the proposed use would not increase to such an extent that material harm would result.

Flood Risk:

The site lies in Flood Zone 1 and is at low risk of flooding. No comment has been made in relation to the proposed development by the Environment Agency.

Summary:

It is therefore considered that this use is acceptable with regard to the provisions of Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in that there are no highway, noise, contamination or flood risk issues.

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

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| 1 | No part of the development shall be first occupied for the uses hereby approved until car parking spaces have been clearly marked out and formalised, including lorry parking with plans to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use. |
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Reason: To provide clearly defined car-parking space for the use.

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| 2 | INFORMATIVE: For the avoidance of doubt the approved details are the following plans: |
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Location Plan.