

Recommendation Report for

REF NO: CM/5/18/PD

LOCATION: Church Farm
Church Lane
Climping
BN17 5RB

PROPOSAL: Prior approval under Class R for the proposed change of use of agricultural building to B8 Storage or Distribution.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of the existing agricultural barn to B8 Storage and Distribution under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
SITE AREA	The gross floor area of the building amounts to 60m2. The external space is broadly the same resulting in a total site area of around 153m2.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is no boundary treatment to the building .
SITE CHARACTERISTICS	Detached modern agricultural building accessed from Church Lane
CHARACTER OF LOCALITY	Rural. The site is surrounded on all sides by agricultural land . There are agricultural buildings a short distance to the west

RELEVANT SITE HISTORY

CM/5/15/AG	Prior notification under Part 6 for a portal framed grain store building	No Objection 16-02-15
CM/26/08/AG	Prior Notification of agricultural development - proposed new road	No Objection 14-10-08
PE/CM/2/02/AG	Prior notification for proposed agricultural building	No Objection 19-08-02

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment

County Highways -The site access is located approximately 350m north of the roundabout junction with A259. The site is accessed via a private drive through farmland. There are a number of other buildings within the site all of which it is assumed have or had agricultural uses. There is an additional access to the site from Church Lane which is located opposite Horsemere Green Lane - this access is very narrow and should not be used for the proposed use.

Traffic Generation

No traffic figures on the existing use and on the proposed use have been provided. Therefore, and in part due to the existing agricultural use and seasonal nature of the industry, it is assumed there will be an intensification in use of the access. In addition, there is a significant difference between the level of traffic generated by; commercial, self storage and parcel distribution centres - all of which fall within the B8 Storage and Distribution category, therefore a worst case scenario has to be considered.

Access

The existing access has clearly been designed for farm/large vehicle and is of sufficient width for a large vehicle to access from the south. However, given the angle of the access, larger vehicles may have difficulties accessing and exiting the site when approaching from the north. This issue may not have been problematic for low levels of traffic, for articulated farm vehicles or for vehicles approaching from the south, however it is a concern due to possible intensification in use in relation to the proposed change of use. A plan showing the swept path for a large HGV entering and exiting the site access is required.

Visibility to the south is good exceeding 120m however visibility to the north is somewhat restricted by overgrown hedging. It would appear that a visibility splay has been provided in the past, however a commitment from the applicant to maintain the splay is required. 2.4m x 120m is required in both

directions.

No parking spaces have been shown on the plans. In accordance with WSCC parking standards a total of 15 car parking and 2 lorry parking spaces are required for 500sqm of B8 Storage and Distribution use.

Please provide clarification of the above details and condition as follows:

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Church Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Means of Access

Means of vehicular access to the site shall be from the southern access point only.

Reason: In the interests of road safety.

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

Construction plant and materials and wheel washing

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Following the advice received from County Highways the applicant has submitted the following additional information:

TRAFFIC GENERATION

· The officer has assumed a 'worst case' scenario for traffic generation; this is different to the approach taken by the highways authority when considering an almost identical prior notification (CM/37/14/PD); in that case the officer raised NO OBJECTION and commented; 'The access is currently used for farm vehicles and the change of use is likely to see a reduction in vehicle movements.' Which in fact anecdotally has proven to be the case. This is therefore the same assumption used by the applicant in the present prior notification. No evidence is put forward that there will be an intensification of use, rather the assumption is that there will be a reduction in the number and size of vehicles

.ACCESS

· The site in fact has 3 possible entrances (the officer stated there are 2); the third being beside Ford Prison. The proposed entrance/exit is deemed the most appropriate and is currently used by all manner of vehicles from the largest HGV's to cars with caravans, tractors with large implements etc. All without any problems turning in or out in both southerly and northerly directions. It seems illogical to request a swept path analysis for the proposed use that will see a reduction in the size and number of vehicles, when the remaining buildings will continue to have deliveries and collections made by the very largest of HGV's and using the same access-way without any problems.

· When the entrance was designed and installed (CM/24/09) to cater for the largest of HGV's, the County Highways were consulted and raised NO OBJECTION; commenting; 'Given these accesses have been in existence for approximately ten years with no known implications; I would not envisage that this proposal would adversely affect highway safety.'

It's important to note that;

- The bell mouth entrance is 16 metres wide at its widest point.
 - The entrance gates are set back 22 metres from the highway allowing the largest HGV's to safely wait off the highway if they arrive and the gates are locked.
 - The entrance is 8 metres wide at its narrowest point, which has proven to be more than sufficient for 2 large HGV vehicles to pass each other, should the need arise.
- VISIBILITY**
- 2 photographs are attached showing the excellent visibility splays in both directions at the site entrance; both well in excess of 120 metres.
 - The applicant has an interest in maintaining the visibility splays given the high level of use the entrance receives now. Notwithstanding this voluntary undertaking to maintain the verge, the County Council has obligations themselves to cut back overgrowth that would otherwise overgrow and block the pavement.
 - The attached photographs demonstrate very well that the adjacent hedgerows are not causing any hinderance of visibility whatsoever.

PARKING

- The 2015 GDPO has a prior notification procedure where 4 matters are to be considered by the Local Authority; with one being 'transport and highways impacts of the development'. Whilst parking standards and vehicle turning would normally be material matters for a planning application, they are not necessarily matters for consideration here. Notwithstanding this, the Site Plan submitted shows sufficient areas for parking and turning of vehicles and the site has a history of delivering and distributing goods by the very largest of HGV's without any issues having arisen for parking or turning on site.

It is not considered that conditions relating to a Construction Management Plan or wheel washing are required. The building is existing. The wording of the suggested parking condition has been amended to relate to submission of details of parking.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary.

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 A1 (shops), Class A2 Financial and Professional Services), Class A3 (Restaurants), Class B1 (business), Class B8 (storage and distribution), Class C1 (hotels of Class D2 (assembly and leisure) 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;
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- (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;
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- (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;
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 - (ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.
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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;
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 - (ii) the nature of the use or uses; and

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(iii) a plan indicating the site and which buildings have changed use;

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(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;

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(ii) noise impacts of the development;

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(iii) contamination risks on the site; and

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(iv) flooding risks on the site,

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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. .

Some of the conditions requested by WSCC have been applied.

Contamination & Noise Risks:

ADC Environmental Health Officers have not raised any objections to the application.

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

1 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120

metres have been provided at the proposed site vehicular access onto Church Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 2 Means of vehicular access to the site shall be from the southern access point only.

Reason: In the interests of road safety.

- 3 No part of the development shall be first occupied until car parking spaces have been constructed in accordance with plans and details 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.

Reason: To provide car-parking space for the use.

- 4 INFORMATIVE:For the avoidance of doubt the approved details are the following plans:
Location and Access Plan; Site Plan and Highway Visibility