

Recommendation Report for Planning Permission

REF NO: EG/22/17/PL

LOCATION: Stoneyfield Nursery
Eastergate Lane
Eastergate

PROPOSAL: Gravel driveway

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed track would utilise an existing access and would be 4m wide. The track would provide access to the nursery to the rear.
SITE AREA	9.4 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Post and rail fencing separates this part of the field from the rest
SITE CHARACTERISTICS	Agricultural field split by fencing which runs from gated access to rear.
CHARACTER OF LOCALITY	Open rural farmland. Some residential properties and nurseries close to the site. Some buildings to west of proposed track.

RELEVANT SITE HISTORY

EG/30/67	New access	ApproveConditionally 12-07-1967
EG/50/71	Dutch Barn	Approve 08-12-1971

REPRESENTATIONS

Representations received:

None

One Support - As Operations Manager of Star Plants Ltd, the tenants at Stoneyfield Nursery, the proposed expansion is vital to our business plan. We operate in an extremely competitive market where cost savings are the only way to survive. We have no packing

facilities on site and this application will allow us to operate SAFELY with the requisite size vehicles. If successful we will be able to employ around 4 more staff.

Comments on Representations received:

The need for the access is noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environment Agency

Consultations responses received:

County Highways - No Objection. The driveway is to be constructed from gravel. This may result in material being dispersed onto the public highway affecting the surface of the road. The applicant should provide a gravel trap or area of block paving, or other bound material, at the point of access onto New Road on land within the applicant's control; not within the publicly maintained highway.

Drainage Engineers - Engineers comments in respect to surface water drainage:

It is noted that the surface finish will be gravel, however, the sub base also needs to be permeable. The construction details will therefore need to be agreed with ourselves. Please could a suitable condition be applied in this respect.

Please also apply standard condition ENGD4A, as it is unclear as to whether existing watercourses will be affected by the works

Southern Water - 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 throughout its lifetime. The proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the water supply source.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Environment Agency - I believe this falls outside the external consultation checklist which LPA's should be using to determine whether or not to consult us.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		SD SP2 Built-Up Area Boundary
Barnham & Eastergate Neighbourhood Plan 2014		Support for business
POLICY EE1		

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; 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

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Policy EE1 Support for Business of Barnham and Eastergate Neighbourhood Plan is considered relevant.

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

Whilst the principle of development is not acceptable outside the built up area boundary, this application is only for the laying of an access road. It will not impinge on the open character of the countryside so in this instance is considered acceptable.

DESIGN

The access road will have very little impact on the appearance of the area as it will not sit above ground level and would be located adjacent to the field boundary and buildings which run along part of the boundary. As such it would have little impact on the rural character of the area.

NEIGHBOUR AMENITY

The access would be 10m from the boundary with the nearest residential property which fronts onto Eastergate Lane and is located adjacent to a nursery entrance so it is considered that any additional noise and activity would not result in material harm to neighbouring residential amenity given the level of activity already surrounding the site and this distance. In addition the proposal would have a positive impact on the existing rural business in accordance with policy EE1 of Barnham and Eastergate Neighbourhood Plan. The traffic that would utilise the access already travels along Eastergate Lane.

HIGHWAYS

WSCC have raised no objections on highways safety grounds provided a gravel trap or hard surfaced area is provided at the entrance to the access road.

The application is recommended for conditional approval

HUMAN RIGHTS ACT

FOR APPROVAL

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:-

Site and Location Plan P17-001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN3 and GEN7 of the Arun District Local Plan.

- 3 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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 Prior to commencement of development precise details of the construction materials including a gravel trap or bound material shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the approved details.

Reason : To ensure that the base of the track is permeable and 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.

- 5 INFORMATIVE: Sothorn Water have advised the following: 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. 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.

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- 6 INFORMATIVE: The applicant is advised to provide a gravel trap or area of block paving, or other bound material, at the point of access onto Eastergate Lane on land within their control to prevent dispersal of material onto the public highway.
- 7 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.