

REPORT UPDATE

Application No: FG/123/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

3 consultation responses have been received.

South Downs National Park - No Objection.

Measures should be incorporated to control light spill and any form of flood lighting should be avoided, with no external lighting other than motion sensor security lighting that complies with Dark Skies requirements.

West Sussex County Water & Access Manager - No Objection.

Currently the nearest Hydrant to these proposed properties is 280 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres. This should be conditioned.

County Highways - No Objection.

Having reviewed the Construction Management Plan there are no concerns to its contents and it should be secured by way of a standard condition, instead of a pre commencement one as our last response stated.

With regards to the parking condition, extra parking for the expansion of the site still needs to be secured by condition.

Officers Comment:

A lighting condition is included in the recommendation.

The conditions requested by fire and rescue has been added.

The parking condition has been amended to refer to the parking plan number.

Note: The changes to conditions are included in the updated conditions 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 Report for Planning Permission

REF NO: FG/123/20/PL

LOCATION: Land at former McIntyre Nursery
Littlehampton Road
Ferring
BN12 6PG

PROPOSAL: Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to demolish a polytunnel, storage building and scaffolders' shelters and racking, part regrading of the ground, new fencing, CCTV and lighting to enable the siting of 79 single-stacked storage containers.

The proposal relates to the western end of the original site, namely the 2 fenced compounds used for open storage as scaffolding and firewood yards.

Customers would typically access the facility using "Transit" vans, small goods vehicles or by car. The development site would be accessed from, the applicants adjoining site. Four of the containers from the adjacent site will be relocated from the existing site and so there would be a net increase of 75 containers. The proposed containers would match the existing containers on the adjoining site.

The existing timber close boarded fence on the western boundary would be replaced and increased in height to securely enclose the site and infill the 2 redundant entrance gates.

SITE AREA

1955 sq m

TOPOGRAPHY

The land rises gradually from Littlehampton Road and up to the application at which point it steeply rises towards the National Park boundary at Highdown Hill.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Timber close-boarded fence to the northern end of the western boundary. Conifers to the north.

SITE CHARACTERISTICS

The site was formerly used as a nursery featuring a polytunnel which was granted permission on appeal for a mixed use comprising motor vehicle storage, scaffolders' yard and timber yard.

CHARACTER OF LOCALITY

The wider surrounding area is predominantly rural in character but the site of the former nursery contains a variety of commercial uses to the north and south of the application site including offices, storage and distribution, a scaffolding depot and a timber yard.

RELEVANT SITE HISTORY

FG/135/19/PL

Demolition of a silo & erection of an office building (B1(a) Business), 6 No. parking spaces for office workers & erection of boundary fencing.	ApproveConditionally 27-05-20
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FG/33/18/PL	Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. This application is a Departure from the Development Plan.	ApproveConditionally 03-10-18
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ENF/6/12/	Alleged unauthorised car sales	No Further Actn Appeal: E.N. Upheld Var 07-02-14
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An enforcement notice reference ENF/6/12 was served at the site for the unauthorised use of the polytunnel for the storage of vehicles, scaffolders' yard and a timber yard. On appeal the Planning Inspector granted planning permission for 'the material change of use of the land from horticulture to a mixed use comprising the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers, together with facilitating operational development comprising the erection of concrete steps'. The Inspector imposed a condition that in the interest of visual amenity the height of materials and equipment, other than wheeled plant/vehicles and storage containers connected with the use shall not exceed a height of 3 metres.

FG/33/18/PL for 42 storage containers on part of the site was approved on 03/10/2018. This proposal seeks to expand the use across the whole of the enforcement case site area.

REPRESENTATIONS

Ferring Parish Council - Objection

- This is a departure from the development plan and contrary to the Ferring N.P. and Arun Local Plan.
- The previous application FG/33/18/PL for 42 storage containers was strongly contested due to the unwarranted change of use and loss of land designated for agricultural/rural purposes.
- Safety concerns over the volume of potentially large vehicles using the narrow track which is also a bridleway and popular walking route to access Highdown Hill and gardens.
- Adding 79 further containers creates over-intensification and the prospect of such an increase in large vehicle movements.
- This area is also subject to the Dark Skies requirements for the National Park and greater intensification will have a detrimental impact on those requirements.

9 Objections

- This is not an industrial park and should not become one.
- Visual intrusion. The proposed containers will be another blot on the landscape.
- Increased traffic along McIntyre's Lane would not ensure safety of users.
- Totally unsuitable proposal in a rural area on the edge of rolling countryside leading up to Highdown Hill.
- Proposal contravenes both the Arun Local Plan and the Ferring Neighbourhood Plan, and attempts to further degrade the properly declared Angmering-Worthing Gap with more intensive development.
- Another 79 containers on top of the existing 42, would give a grand total of 121.
- There is no further local need for storage facilities.
- The applicants say that the additional employment created would be a single job.

- The current use is tolerable because it takes place within polytunnels that at least give the impression of horticulture.

13 Support

- The adjacent business is kept clean with no rubbish and is run very efficiently. The area will be improve considerably should this application be approved.
- It will provide much needed storage facilities.
- There is good access for vehicles and the nature of the business means that the road is usually very quiet.
- With the current COVID-19 crisis it's essential to help businesses succeed.
- The Stand-by storage site was once an eye sore, with a large poly-tunnel upon the site. It is now very clean and smart looking, with green storage containers, a new gate and fence.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be considered in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Condition requested.

County Highways - No Objection. Conditions requested.

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 (paragraph 109), and that there are no transport grounds to resist the proposal.

Environmental Health - No Objection. Conditions requested.

Ecology Officer - No Objection.

The biodiversity enhancements recommended within the Preliminary Ecological Appraisal Report (Dec 2020) are suitable and should be conditioned.

South Downs National Parks Authority - No response received.

COMMENTS ON CONSULTATION RESPONSES:

With regard to the conditions requested by County Highways the agent provided a Construction Management Plan (CMP) with the application. This Plan would be an update of the CMP prepared in 2018 for Standby Self Storage's similar development of the adjoining site.

In terms of details of car parking spaces the hard surfacing on the adjoining site already exists. There is therefore no proposal to construct or formally set out additional car parking on the application site. The proposed plans of the amalgamated site illustrate that at least 6 car and van spaces can be spatially accommodated near the entrance gate. The dashed lines show the parking spaces 2.4 wide x 4.8 or 5.5m long. There is further space within the development site for additional informal parking, as acknowledged by County Highways.

Environmental Health have requested a Noise Assessment survey but given the position of the site the development would have no impact on the amenity of adjoining residents and imposition of such a

condition would not be reasonable. There are 2 residential properties that front Littlehampton Road (200m distant), but these are subject to considerable noise due to their close proximity to the busy dual-carriageway A259. In this respect and given the distances involved, the development has little or no potential for noise mitigation, assuming any change in ambient noise levels would be significant.

The existing or potential noise generating activities of the permitted scaffold and firewood yards are also material factors. Instead, the adjoining occupiers are all commercial users and noise generators. The Planning Inspector for the 2014 appeal was mindful of traffic movements (including heavy vehicles) along the access road from existing users of the site, the neighbouring businesses and historic uses of the land.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Settlement Gap

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
HERDM3	HER DM3 Conservation Areas
SDSP3	SD SP3 Gaps Between Settlements

Ferring Neighbourhood Plan 2014 Policy 7 Land north of Littlehampton Road, encouraging of existing rural businesses

Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 Neighbourhood Plan policies have been taken into account.

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 not considered to comply with relevant Development Plan policies in that it would be development outside of the defined built up area boundary and within a defined Gap between Settlements.

Section 70(2) of TCPA 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 neighborhood 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.

Legislation s11A(2) National Parks and Access to Countryside Act 1949 is relevant:

"In exercising or performing any functions in relation to, or so as to affect, land in any National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section 5 of this Act and if it appears there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park"

Section 5(1):

"The provisions of this Part of this Act shall have effect for the purpose -

- a. of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified .. and
- b. of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public"

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation Area or the National Park.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site the subject of this application is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances. None of the exceptions apply in this case.

The site is within the defined Angmering to Worthing Gap Between Settlements (Policy SD SP3). As such, development would only be permitted if it would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development or cannot be located elsewhere and if it maintains the character of the undeveloped coast.

The policy aims to designate certain land in the District so as to prevent coalescence between settlements and retain the generally open and undeveloped nature of the designated gaps.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. This includes that it is an appropriate sized extension of an existing employment site, it would not result in an unacceptable intensification of use of the public access and takes account of landscape context and neighbouring residential properties. It also refers to the site being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area.

In this case the proposal is not in conflict with this policy as it is not an extension nor an unacceptable intensification from what is already approved on the site. The use of the land for a mixed use comprising the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers was approved via the successful enforcement notice appeal.

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.

Ferring Neighbourhood Plan in policy 1A states that 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.' This is consistent with Arun Local plan Policy C SP1.

The Ferring Neighbourhood Plan in policy 7 'will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' For the reasons explained in the planning history below the land the subject of this application is not in any of the above uses.

The remainder of policy 7 requires that:

- Any development shall minimise visual impacts on the surrounding countryside.
- All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.

- Suitable measures are proposed to improve the setting and/or screening of the development within its wider setting of the National Park.

Whilst the proposal does not comply with Arun Local Plan policy C SP1 or policy 1A of the Ferring Neighbourhood Plan, demonstrable harm needs to be shown to the aims of the policies. It is also necessary to consider the planning history of the site and compare the difference between that proposed and what already has planning permission.

The existing permission from the enforcement notice appeal decision on the proposal site allows for a scaffolders' yard and timber yard. As such refusal of this application on the grounds of conflict with policy C SP1 and policy 1 would be very difficult to sustain for the reasons set out in the following sections.

Furthermore, the landscape and visual amenity section below also demonstrates that the impact on the landscape context, which includes the setting of the Highdown Conservation Area and National Park, and the Angmering to Worthing Gap will be acceptable.

LANDSCAPE AND VISUAL AMENITY

Given the proposals close proximity to the South Downs National Park (24m to the east and 280m to the north) policy LAN DM1 is relevant. This requires that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Substantial screen planting in terms of conifer trees is established to the north of the site. A further 50m north of this is an additional screen of high Poplar trees. This provides a strong buffer screen so as to ensure that the impact of the proposal on the abutting National Park is acceptable. This will mean that the containers at a height of 2.6 m will be out of sight at the boundary of the National Park as will be the case from the top of Highdown Hill where there is further screening from views towards the Littlehampton Road.

The storage area and containers will not be visible from the entrance to the site from the A259 which is sufficiently distant and views from the west will be limited and acceptable given the height of the existing fence.

Views from the east and towards this section of the National Park and the Highdown Conservation Area are prevented due to the dense tree/vegetation screening that is present along the whole side of the service road that is accessed off the A259. The siting of the containers will be such that they will not harm important views into or out of the Conservation Area and in doing so these structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials.

The site is located in an area of mixed commercial use with a large building in storage use. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings.. In character terms, therefore, the immediate site surroundings cannot be considered to be 'rural' in nature where the proposed storage containers would not be out of character in this context. The containers in place of the existing polytunnel and other buildings approved for storage will not impact significantly on the character of the area.

Equally the proposal is to replace an area that currently has consent for commercial use/storage and so will not lead to a coalescence of the Angmering to Worthing settlements and the overall integrity of this gap.

Given the low level (2.6m) and downward direction of lighting for the containers and the low number and

height of lamp bollards together with the degree of screening from the National Park, the proposed illumination will not have an unacceptable glaring effect when the site is seen from the National Park. This will be more so when the backdrop to the site will be the some times illuminated heavy traffic, along the A259.

It is therefore considered that in so far as LAN DM1 the proposal will not have an unacceptable impact on views into and out of the Park. The proposal also includes new boundary screening along the western boundary adjacent to the proposed container storage.

ACCESS AND HIGHWAY SAFETY

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.

In terms of the general increased use of the lane from this proposal the previous history of the site for horticultural purposes needs to be taken into account. This would have involved the movement of farm machinery, goods and employees to and from the site. Increased vehicle movements can have a discernible effect on the way in which a site is perceived and, in a peaceful isolated setting, detract from the character of the locality. Due to other businesses in close proximity, the likely intensification of movement is not likely to be to an perceptible level.

A development of 830sqm for B8 self-storage use would generate around 1.7 two-way vehicle trips in the AM peak hour and 2.1 in the PM peak hour, with a daily trip rate of around 25.33 two-way trips. This level of trips would not meet the thresholds for wider traffic assessments of the highway network to be undertaken. It is not considered that the proposal would give rise to a significant level of trips at the access point or on the highway network.

The access point from the A259 provides space for two vehicles to pass on point of entry to avoid any standing traffic on the highway, which would cause a safety concern. There are no indications from assessing accident data that this access is or has been operating unsafely.

In terms of parking the application doesn't meet the WSCC Guidance on Parking at New Developments (Sept 2020). B8 Storage use would be expected to provide 1 space per 100sqm of storage space. (8 spaces). The Design & Access Statement indicates that 6 spaces will be provided. 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. Based on the existing use generation, the nature of the proposal and the neighbouring approved 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 would therefore accord with policy T SP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Whilst an intensification of vehicle movements is forecast, the proposed use of the site will not significantly add to the existing approved commercial use of the area in terms of impact on neighbouring residential amenity by way of noise and disturbance. This is so given the current approval for the use of the site for the storage of cars and to operate a scaffolders' and timber yard.

The proposed use is unlikely to give rise to the kind of noise generation that could be expected from commercial or goods vehicles associated with the previous horticultural use of the site or that associated with the use approved by the enforcement notice appeal. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

No objection on grounds of noise nuisance has been raised by the Council's Environmental Health officers.

Objections have been raised concerning the detrimental impact that lighting levels from the proposal will have on the visual amenity of the area. Policy QE DM2 of the Local Plan requires applications which involve outdoor lighting to be accompanied by a lighting scheme.

The submitted light assessment refers to minimal light escape with lighting attached to containers and willow screening incorporated in the scheme to block out car headlights at the end of walkway to the North West and South West. Most lighting will be sensor controlled to come on only when storage containers are accessed. The rest would have a time facility dependant on the zone.

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

An Ecological Appraisal has been submitted in support of the application which assesses that the development site is of low ecological value. The survey did not identify the presence of any protected species and no further survey work was recommended.

Subsequent to the completion of the report, a revised lighting scheme and amended proposed site plan has been produced to address concerns about possible impact on surrounding land and its potential habitat for bats and the following ecological enhancements are proposed:

- Plant with grasses the new banking along the east fence line that borders the warehouse and yard of PHS All Clear and cut the grass only once a year.
- Retain existing vegetation to the earth bank along the southern boundary of the site and construct a deadwood habitat pile in this secluded location.
- Install 'bat friendly' lighting, as per the revised Lighting Assessment and amended drawing number 5230-2D.
- Install a total of 2 No. bird boxes and 2 No. bat boxes attached to fencing along the south and north boundaries.
- Incorporate 3 No. wildlife access holes in the new solid timber fencing proposed along the west boundary (remaining boundaries have existing or new open mesh palisade fencing).

These enhancements are conditioned and will ensure that the development provides a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan. The Council's Ecologist is satisfied that the biodiversity enhancements recommended within the Preliminary Ecological Appraisal Report (Dec 2020) are suitable.

HERITAGE IMPACT ASSESSMENT

The application site is approximately 130m south of the Highdown Conservation Area. As such policy HER DM3 applies in terms of the proposals impact on the setting of this Conservation Area. The aim of

the policy is to grant planning permission provided that:

- New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings.
- It does not harm important views into, out of or within the Conservation Area.

The site is more than 250m south west of the Listed Building known as Highdown within the Highdown Conservation Area. Policy HER DM1 requires development to protect and where possible enhance the setting of listed buildings.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a Listed Building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the conservation area or the Listed Building to its North West, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

The siting of the proposed containers, and associated proposed works is such that it will not harm important views into and out of the Conservation Area and Listed Building. Largely due to the design of the proposal, and the significant screening present around the site. In doing so, the proposal acknowledges the character of their special environment from its layout, form, scale, detailing and use of coloured elevations.

The proposed development is considered to be in accordance with HER DM1 and HER DM3 of the Arun Local Plan, and the relevant sections of the NPPF, in that it can be demonstrated that the proposal has no harm upon the setting of the Listed Building or the conservation area. Sections 66 and 72 are not therefore relevant.

CONCLUSION

The use of the site for the stationing of 79 storage containers conflicts with policy C SP1 of the Arun Local Plan and the Angmering - Worthing Gap policy SD SP3. However, on balance, and for the reasons outlined above the impact on the wider landscape which includes the National Park and Highdown Hill Conservation Area and the character of the general locality including nearby residential properties is considered to be acceptable and a recommendation for approval is made.

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:

Proposed Site and Block Plan 5320-2revD
General Drawing 20GP - 30002eG
Location Plan 5320-1
Site Plan 17330720
Block Plan 17330720
Container Floor Plan , Roof Plan, Elevations 5320 5A
Fence Elevations 5320-4
Sections 5320-3

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 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate

that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy (condition 3) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 5 Prior to use of the site details of the proposed banking shall be submitted to and approved by the Local Planning Authority and the approved banking and new screening/fencing indicated on site plan 5320-2revD shall be erected and provided in accordance with approved details. The screening/fencing/banking so provided shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surfacing have been submitted to and approved in writing by the Local Planning Authority. The design must demonstrate a fully permeable surface, including any proposed sub-base.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This needs to be a pre commencement condition to ensure that suitable drainage can be provided before any works commence.

- 7 The development shall proceed in accordance with the submitted Construction Management Plan dated 05-10-2020.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and TSP1 of the Arun Local Plan

- 8 The development shall proceed in accordance with the submitted Preliminary Ecological Appraisal Report by Darwin Ecology dated December 2020. The enhancements shall be provided prior to use of the site commencing and shall be retained in perpetuity and shall include installation of a hedgehog nesting box.

Reason: In the interests of the ecology of the area in accordance with policy ENV DM5 of the Arun Local Plan.

- 9 The development shall proceed in accordance with the submitted lighting assessment (Standby Self Storage / John Collins Associates) dated December 2020 and Drawing Number 5320-2 Rev D (December 23rd 2020). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from pollution in accordance with policy QE SP1 of Arun Local Plan.

- 10 The containers shall not be used until the car parking spaces detailed on drawing no: 5320-2 Rev C have been constructed . These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan.

- 11 The containers shall always be of a green finish to a specification to be agreed in writing with the Local Planning Authority and maintained thereafter in the colour agreed and a condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 12 Prior to the commencement of the development details showing the proposed location of a fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan.

- 13 Prior to the first use of the units the approved fire hydrant shall be provided and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments.

(BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant

condition is implemented

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan.

- 14 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.

- 15 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.

- 16 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.

- 17 INFORMATIVE: Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive.
The piles must undergo soft demolition.

- 18 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.