

Report following a request for further information, negotiations or consultation

REF NO: FG/135/19/PL

LOCATION: Silo at Former McIntyre Nursery
Littlehampton Road
Ferring

PROPOSAL: Demolition of a silo & erection of an office building (B1(a) Business), 6 No. parking spaces for office workers & erection of boundary fencing.

INTRODUCTION

The application was deferred from the March Development Control Committee, because Members felt that the external materials were not in keeping with the character of the area. Officers were asked to discuss possible alternatives with the applicant, but the Committee were unable to agree on what was to be sought.

The Committee did not consider that the design of the proposals or the use of the building were unacceptable, and it was only the visual appearance of the building that was the subject of further negotiation by officers.

CONSIDERATION

Discussions have taken place with the agent with a view to amend the materials used for the building so as to arrive at an appearance that responds positively to the existing character and appearance of the locality.

Previously, the proposal utilised corrugated sheet metal and grey render for its walls. These materials were considered to be inappropriate and alternative options have been put forward using natural timber cladding and white render which are considered to be more sympathetic materials in this semi-rural setting. The proposed designs involve the loss of the weathervane which was also considered by some members to be an alien feature.

Officers have assessed a number of submitted schemes and consider the use of cladding between the windows and cladding of the elevations of the octagonal second floor as the most appropriate.

This design is in keeping with the locality where there are other industrial uses. However, the timber cladding bears references to the historic agricultural use of the application site as a grain silo.

Furthermore, the use of timber cladding makes the building appear less prominent in the landscape and street scene.

CONCLUSION

In order to ensure that the proposed materials create a visually acceptable development, full details of the proposed materials will be ensured via amending the plans condition number 2 as per the attached report.

BACKGROUND PAPERS - Development Control Committee agenda of 04 March 2020 for the previous officer report.

Recommendation Report for Planning Permission

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BN12 6PG

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing grain silo, and erect a new office building, with 6No. parking spaces and boundary fencing. This is a departure from the Local Plan. The ground floor will comprise an office area, a lobby, a W.C. and a kitchen. The first and second floors comprises an office area and a WC. The proposed structure is on the site of the existing silo and increases the existing footprint from approximately 44 sq. m to 58 sq. m.
TOPOGRAPHY	The land rises gradually from Littlehampton Road (A259) and up to the application site at which point it steeply rises towards the National Park boundary at Highdown Hill approx. 400m to the north.
BOUNDARY TREATMENT	The existing silo building directly abuts the access boundary. There is no screening to the Southern or Eastern elevations of the building. With regard to the wider locality, as a result of mature foliage, the wider locality provides fewer views of the development than would be expected for such a prominent building. This is referenced later in the report also.
CHARACTER OF LOCALITY	The surrounding area to the north and east is predominantly rural in character and lies adjacent to the National Park. The site of the former nursery includes a variety of commercial uses including storage, distribution and offices. There are various other business uses in the locality including a fencing contractors yard to the north of the site and a storage depot to the south. Highdown Conservation Area and Highdown House, a Listed Building, are located to the North-East and area within the Worthing Borough Council boundary.

RELEVANT SITE HISTORY

FG/56/18/PL	Change of use & conversion of existing grain silo (Sui Generis) to office space (B1(a) Business) with associated parking.	ApproveConditionally 15-11-18
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Permission FG/56/18/PL is noted in that it approved the conversion to the existing silo to office space.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- The previous permission is now invalid, and the permission should be rescinded.
- The current proposal reflects the design of the silo.
- The current proposal has a greater footprint than the original silo, and would stand out as a dominant feature within the area.
- The rural, agricultural landscape of this area should be protected.

4 letters of objection (including Ferring Conservation Group):

- The proposal would appear out of place in this location.
- The proposal is not in keeping with the area.
- The application site is near to the National Park, and has become an ever busier commercial area.
- The proposal is larger in scale than previously approved.
- The bulk and design are gross intrusions into the local landscape.
- The additional traffic will create more conflict with pedestrians and horse riders.

10 letters of support:

- This application will be a big improvement to the lane.
- The replacement of the poly tunnel has started to rejuvenate this area, with this addition of office space being a positive move.
- The existing structure is dilapidated and needs to be replaced.
- There is a shortage of office space in the area, and this would support small businesses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section.

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

South Downs National Park

Environmental Health

CONSULTATION RESPONSES RECEIVED:

The Council's Drainage Engineers - No objection. No conditions to request as any changes to surface water drainage will be designed and constructed in accordance with building regulations.

South Downs National Parks Authority - No objection.

West Sussex Highways - No objection.

Environmental Health - No objection. Not all conditions are considered to apply as they are not necessary or relevant to the proposal in hand.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the built up area boundary
Angmering to Worthing Gap

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
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:

SPD3	Parking Standards
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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 policies in the Ferring Neighbourhood Development Plan 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 Strategic Gap.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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. Criteria (f) of this policy states that development in such locations will be acceptable where it is in accordance with other policies in the Plan that refer to specific types of development. One such policy is EMP DM1.

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 considers of landscape context and neighbouring residential properties. It also refers to 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 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.' The building has been in agricultural use as a grain silo but is currently vacant. There is currently no established agricultural use. 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 policy C SP1 or policy 1A for it to be concluded that the proposals are contrary to the development plan as a whole, there has to be demonstrable harm 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 currently exists.

The existing site is populated by a vacant grain silo, deteriorating in its appearance due to its age and long standing abandoned condition. The works involve demolition of this depilating silo and the construction of a new contemporary building of a not significant greater footprint, to be used as a business unit.

As such refusal of this application on the grounds of conflict with policy C SP1 and policy 7 would be very difficult to sustain for the reasons set out in the following sections.

The site is within the 'Angmering to Worthing' Gap between Settlements, as defined by policy SD SP3. As a result, development would only be permitted if it satisfies the relevant criteria for this location; would not to undermine the physical and/or visual separation of settlements, would not compromise the integrity of the gap, whether individually or cumulatively with other existing or proposed development or cannot be located elsewhere. The aim of this policy is to designate certain land in the District that prevents the amalgamation of settlements, promotes individual identities and retains the general open and undeveloped nature of these gaps. It also seeks to protect the character of the undeveloped coast.

Given the proposals close proximity to the South Downs National Park (15m to the east and 280m to the north) policy LAN DM1 is relevant. 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.

Further, it is noted that the application site is approximately 122m 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 and it does not harm important views into, out of or within the Conservation Area.

Paragraph 83 of the NPPF states that sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings will be supported and that the development and diversification of agricultural and other land-based rural businesses will be promoted.

Paragraphs 124- 132 of the NPPF relate to the creation of well-designed places, stating that the creation of high quality buildings and places is fundamental to what planning should achieve.

Paragraphs 189-192 of the NPPF seek to ensure that proposals should consider their impacts upon the heritage impacts within the locality of the proposal, identify the significance of these assets and then sets out the criteria Local Planning Authorities should take into account in these instances.

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.

DESIGN AND VISUAL AMENITY

The proposed development seeks to demolish the existing grain silo, which is in a poor state of repair, and erect an office building. The existing silo is sited approximately 240m from the A249, on a road which slopes up towards the South Downs. Whilst it is not considered that the silo is a prominent feature of the area when viewed from the A259, its visual presence grows as you progress further North along

the footpath/lane.

The walls, and the roof of the existing silo are constructed of corrugated metal. The existing silo is dilapidated in its appearance with the walls and, to a larger extent, the roof having oxidised.

The proposed structure takes design cues from the design of the existing silo, in order to create a proposal that is sensitively designed to take into account its landscape setting. The proposed office building is predominantly grey, with darker features towards the top of the proposal, taking this feature from the existing structure.

The Arun Design Guide gives guidance on the design of rural development schemes. This proposal is considered to be in accordance with the relevant details proposed in this guidance document. These predominantly relate to ensuring that new development respects and enhances the rural character of the area. A large proportion of the proposed building will be screened from the South Downs National Park by a line of Poplar trees to the North of the application site.

The grain silo is situated 122m South of Highdown Conservation Area. Views from and towards the Highdown Conservation Area are largely mitigated due to the dense tree/vegetation screening that is present along the whole side of the footpath/lane that is accessed off the A259. Furthermore, the proposal is not considered to have an unacceptable harmful impact upon the character of the coastline, due to the application site being a significant distance from it.

It is therefore considered that the proposal complies with policies LAN DM1 of the Arun Local Plan.

The proposed development is significantly different in its design to other buildings present in the area. However, the area is not considered to have a uniform character, or design.

The site is located in an area of mixed commercial use with a large building in storage use by the horticultural pack house company PHS All Clear immediately south of the application site. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings known as The Chalet (a former horticultural nursery with a large expanse of greenhouses), Millwood House and Whiteways Cottage. In character terms, therefore, the immediate site surroundings cannot be considered to be entirely rural in nature where the proposed construction of the office building would not be out of character.

The existing silo populates a site coverage of approximately 44 square meters, with the proposed development increasing that site area by approximately 14 sq.m to a site coverage of 58 square meters. Furthermore, due to this increase, the proposed building is sited 0.6m closer to the edge of the footpath/lane. This is not considered to harmfully affect the street scene, in that there are a number of existing commercial units which affront the footpath/lane. The proposal will not impact significantly on the character of the area and is in accordance with policy D DM1 of the Arun Local Plan.

The proposed development, despite an increase in site coverage, is not considered to result in a coalescence of the Angmering to Worthing settlements, or compromise the integrity of this designated gap as required by policy SD SP3 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

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 office building, 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 materials. The weathervane is an addition which gives the building an agricultural reference.##

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 significant harm upon the Listed Building, or the conservation area.

SETTLEMENT GAP

The proposed development is considered to be in accordance with SD SP3 of the Arun Local Plan, in that it meets with the criteria within this policy. The proposal is not considered to undermine the separation of Worthing and Angmering, nor compromise the integrity of this gap. These are predominantly due to visual reasons, involving the siting of the proposed development, and its design. There is significantly weighted justification for accordance with SD SP3(c) of this policy, in that the development seeks to replace and enlarge the existing silo, with a similarly designed proposal. The proposed development is considered to maintain the character of the undeveloped coastline, given its significant separation distance from this. Part (e) of this Policy is not relevant to the proposal.

The proposed development is in accordance with SD SP3(a), (b), (c) and (d) of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development is over 120m from the nearest residential property so there is no material harm from any possible overlooking from the proposed new window openings. Whilst there is going to be a slight increase in vehicular movements as a result of the construction of an office building which is currently not in use, it is not considered to significantly add to that which already exists for the area from all the other uses in the area. Further, the change of use to B1 has already been granted under FG/56/18/PL.

ACCESS, HIGHWAY SAFETY & PARKING

The Local Highway Authority area of the view that when compared to the previous proposed (to convert the existing silo), this change is not considered to give rise to an intensification of the use of the existing access to Littlehampton Road.

The proposed development includes the provision for four car parking spaces within the application site. This meets the demand as set out in Arun District Council's Parking Standards, as a B1 unit. Whilst it is noted that the plans show two other spaces, these are outside of the application site boundary, and therefore have not been included.

LIGHTING

It is noted that no details regarding the lighting of the development are included with this application. If lighting was to be introduced at a later date were this application to be approved, consent would be required.

SUMMARY

The proposed works conflict with policy C SP1 of the Arun Local Plan. However, for the reasons outlined above the proposals are considered to be acceptable and approval is recommended subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

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:

- Block Plan - Silo, HIGHDOWN NURSERY, LITTLEHAMPTON ROAD, FERRING, BN12 6PG

- Proposed Plans & Elevations - WLD/0063/19/02 - SILO - 14/05/2019 - Rev. C

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan

- 4 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report 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.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include 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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with QE DM4 of the Arun Local Plan.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 6 The car parking layout specified in approved plan ref: 'Proposed Plans & Elevations - WLD/0063/19/02 - SILO - 14/05/19 - Rev. C' must be constructed prior to occupation of the Unit. The car parking area must remain in this layout and retained for its designated parking use in perpetuity.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan, and the Arun District Council Parking Standards SPD (January 2020).

- 7 INFORMATIVE: It is noted that the application makes no proposals for the lighting of the building. You are reminded that if lighting was to be applied then consent would be required given the building close proximity to the National Park and its dark skies.
- 8 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 737555.
- 9 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.