Recommendation Report for Planning Permission

REF NO: FG/33/18/PL

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

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The development proposal is to request planning permission to demolish polytunnels, the use of land for Class B8 container self-storage and the siting of 42 single-stacked storage containers, an office/toilet portacabin, new CCTV, lighting, fencing, gates and alterations to the entrance driveway.

Standby Self Storage provide for rent shipping containers used for storage purposes. They offer a self-storage facility, typically to local resident homeowners (who require extra storage, such as during house moves) or to local businesses. Customers typically access the facility using "Transit" vans, small goods vehicles or by car.

The proposed layout sites 42 single stacked storage or shipping containers on the land, plus an associated office and toilet cabin measuring. There would be space for vehicular access, parking and turning.

The polytunnels currently provide 905m² of floor space for storage. The development would comprise standard shipping containers (6.058m wide x 2.438 long x 2.6m high). The reconfigured layout would provide a floor area of 582m² for storage, plus another 13m² of ancillary office/toilet accommodation (6.1m wide x 2.4m long x 2.8m high).

The proposed storage containers would be single stacked.

The application site red line does not extend beyond the footprint of the polytunnels. Outside of this there is an approved portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers.

	In terms of lighting the proposal is for 22 bulhead low-energy eye-lid fitting to be attached to the top of the containers to give a downward direction to the light. There is also proposed 5 lamp bollards 0.73m high mounted across the entrance to the containers compound.
SITE AREA	The site has an area of approximately 0.14 hectares.
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 of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber fencing, approximately 2m high, along the side and rear boundaries and palisade fencing and entrance gates along the front boundary. There is a screen of poplar trees immediately abutting the application site on the northern boundary. A further 50m from this point and bounding the timber yard to the north is a line of mature Poplar trees.
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

ENF/6/12/	Alleged unauthorised car sales	No Further Actn **Appeal: E.N. Upheld Var 07-02-14**

COMMENTS ON PLANNING HISTORY

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.

The area covered by this enforcement notice significantly exceeds that the subject of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

"Strongly objects to planning application FG/33/18/PL on the following grounds:
In the Arun Local Plan, it states that the Gap on the north side of the A259 is to be protected from such development. This site is knowingly for agricultural use and not for a storage or distribution facility. This application is contrary to the Arun Local Plan and the Ferring Neighbourhood Plan.

The site coverage of the 42 single stacked storage containers and porta cabin will fundamentally affect the landscape and impact on the surrounding area and alter the visual impact of the site.

The proposal would have an impact on the infrastructure of the A259 with additional traffic to and from the site having to exit onto the already congested A259.

It is clearly stated this area as countryside and agricultural land, a planning application from this site once again clearly falls foul to this. In addition this proposed site is on the border of South Downs National Park. This proposal is completely unacceptable and we urge Arun District Council to decline this application."

Kingston Parish Council - " fully supports the objection made by Ferring Parish Council".

East Preston Parish Council - Object in line with Ferring Parish Council.

13 letters of support and 1 letter of no objection stating:
. Removal of the polytunnels will improve view of the site.
. Better than housing.
. Good for jobs.
. Improve the landscape for users of the footpath.
. In keeping with the other business in the area.
. The units will not be seen from Highdown Hill or the road.
. Not near any residential properties so no one to disturb.

14 letters of objection stating:
. Contrary to the Arun Local Plan and aims of the Ferring Neighbourhood Plan to retain area for agricultural purposes only.
. Polytunnels have an appearance of agricultural use.
. Lighting levels will harm the area and the setting of the National Park.
. The need for this business is questionable. It should be sited in designated industrial estates.
. Will harm the setting of the National Park which needs to be protected.
. The track is unsuitable for this heavy traffic and the access will be put under further pressure.
. The gap should not be industrialised.
. Containers will be stacked up and of a material that is ugly.

Objection from Ferring Conservation Group on the grounds that:
. It is not in compliance with the Local Plan and the Ferring Neighbourhood Plan that seek to protect the countryside.
. It is not an agricultural use.
. Unacceptable on highway grounds.
. An appeal for a non agricultural use to the north of the site was dismissed.

. No need for this development as similar uses further down the Littlehampton Road.
. Cars within polytunnels more acceptable than ugly containers.
. The industrial uses in this area have grown established without planning permission.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be considered in the Conclusions section.

The Glamping appeal decision referred to by the Ferring Conservation Group was on land on open countryside unlike the case in this application.

CONSULTATIONS

Economic Regeneration

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objection subject to conditions.

County Highway Authority:

The proposed storage use would generate additional vehicular movements beyond those generated by the existing use. However, in the previous appeal decision on APP/C3810/C/12/21844306 the Inspector acknowledged that the former horticultural use of the site would involve a significant number of vehicular movements especially if a 'farm shop' element was included. The proposed storage use is likely to involve additional vehicle movements which are not considered to result in unacceptable harm to the amenity of neighbouring properties.

Planning policies allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians and car parking. Car parking requirements will vary according to accessibility of the site to public transport or services, or location within a town centre.

On-site parking is limited to 3 cars and 1 light goods vehicle representing a net increase of 2 spaces. However in view of the nature of the proposed use demand for on-site parking is likely to be limited.

Economic Development

No comments on this application other than to note that there are a considerable range of such facilities in the District and would question the need for more, particularly in such a location.

South Downs National Park Authority:

The proposed development would be located outside of the National Park. However, it would be located

within close proximity to (and within the setting of) the National Park and there is therefore a statutory duty of the Council to consider the purposes of the National Park.

The following response should be considered as comments which are neither supporting or objecting to the proposals in regard to the setting of the National Park given that the site is already in mixed use for which planning permission was granted at a recent appeal. The Enforcement notice appeal was allowed insofar it related to a material change of use of the land from horticulture to a mixed use comprising the storage of motor vehicles, the stationing of a portable office building used as an office, a scaffolders yard and a firewood yard, including the stationing of storage containers.

However, the various issues highlighted below should be considered in detail and suitably worded conditions included in the decision should planning permission be granted.

Consideration should be given to the setting of the National Park through various considerations. These don't just relate to the physical development and its design but also activity associated with it.
The site is located immediately adjacent to the National Park boundary and therefore any changes to the landscape character of the area as a result of the proposed development and the effects of lighting and traffic should be considered in detail.

It is noted that the application site is located within close proximity to a Conservation Area and a Registered Park and Garden, which are sited to the north-east of the site and there is also an ancient monument located further to the north. The development proposal should not cause harm to either the adjacent Conservation Area/Registered Park and Garden or the ancient monument and archaeological advice should also be sought.

Within the submitted Planning Statement it outlines that the proposed containers would be limited in height and green in colour and that a single stack is proposed. It is recommended that a condition is attached to any permission granted to ensure that the containers are stacked as single containers at all times and sample panels should also be secured through a condition for the colour of the containers to ensure that the chosen colour blends in with the landscape as much as possible.

In terms of the lighting proposed, in principle the design shouldn't impact on dark skies as the intended lighting is relatively low level given the surrounding ambient sky glow and street lighting.

It would be better to install lighting that projects all lighting downwards so that the upward light ratio is zero. This is however difficult to achieve with the current design.

The use of timers to control the use on the site so that all lighting is turned off when not needed is welcomed. Also, from a wildlife perspective, a colour temperature of around 3000K is more preferable than whiter lights.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary.

DEVELOPMENT PLAN POLICES

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
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:

SPD3	Parking Standards

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.

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.

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 relevant policies in the Ferring Neighbourhood Plan have been taken into account in the consideration of this application.

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. 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.

The policy aim it 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 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 it is not an extension nor an unacceptable intensification from what is already approved on the site. 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.

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. 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 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.

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 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 the proposed and what already has planning permission.

The existing permission on the proposal site allows for a mixed use comprising motor vehicle storage, scaffolders' yard and timber yard. The land the subject of this permission is far in excess of the site area covered by this proposal.

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.

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 & Visual Amenity

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. 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 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 sitting of the containers will be such that they will not harm important views into, 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.

It is therefore not considered that refusal on the grounds of visual impact on the open countryside and the setting of the National Park and Highdown Conservation Area is justified given the screening that exists.

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 'rural' in nature where the proposed storage containers would not be out of character in this context. The containers in place of the existing polytunnels approved for storage will not impact significantly on the character of the area.

Equally the proposal is to replace and 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.

Access & Highway Safety

The applicant proposes to deliver (and eventually remove) the containers using a 7.5 ton flat-bed rigid lorry. This small lorry has a 6m loadspace, sufficient to accommodate a standard 20' shipping container (6.06 x 2.11m). A small mobile crane would manoeuvre the container into the required position.

It is proposed to reconfigure the site entrance in order to improve access for a 7.5T flat-bed. The proposed site plan shows a 9m radius hammerhead entrance. The container delivery lorry would perform a reverse side turn into the site from the main access road and eventually exit the site in forward motion. County highways have commented on the additional plans submitted to say that there is sufficient room for a large vehicle to enter the site from the public highway (A259) and to re-enter the public highway in a forward gear.

The access into the site is from a private lane - this access is to be altered to ensure a large vehicle enter and leave the application site in a forward gear.

County Highways have commented on this proposal concluding that 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.

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. The current use is for the storage of cars and approval remains for a scaffolders' and timber yard.

Furthermore 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. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

County Highways advice that the proposed storage use is likely to involve additional vehicle movements but they are not considered to result in unacceptable harm to the amenity of neighbouring properties.

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

Lighting

Objections have been raised concerning the detrimental impact that lighting levels from the proposal will have on the visual amenity of the area.

As set out in the description to this proposal the site will be illuminated by way of 22 bulhead low energy eye-lid fitting to be attached to the top of the containers to give a downward direction to the light. There is also proposed 5 lamp bollards 0.73m high mounted across the entrance to the containers compound.

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, this level of 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.

The Councils Environmental Health department have not objected on illumination grounds and have recommended that a condition be imposed to ensure that light levels do not exceed national prescribed levels of illumination.

Summary

The use of the site for the stationing of 42 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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: 5285-1, 5285-2 c,5285-3 a, 5285-4 , 5285-6, 1630917.

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 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.

4 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.

5 No development shall take place until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall demonstrate precautions to be taken to minimise the potential disturbance to neighbouring businesses during the demolition/construction phase of the development, particularly in respect to noise throughout the construction period. The Plan shall provide for :

a. An indicative programme for carrying out the works.
b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barriers.
c. The parking of site operatives and visitors.
d. Loading and unloading of plant and materials
e. Storage of plant and materials used in construction and development.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun Local Plan policies T SP1, D DM1 and QEDM2. It is considered necessary for this to be

a pre commencement condition because the purpose of the condition is to mitigate the impact of construction.

6 External lighting in association with this development shall comply with the institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E1 - Natural

Reason: In the interests of the visual amenity of the area in accordance with policies D DM1 and QE DM2 of the Arun Local Plan.

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.

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 737500.