

Recommendation Report for Planning Permission

REF NO: FG/56/18/PL

LOCATION: Old Grain Silo
Former McIntyre Nursery
Littlehampton Road
Ferring

PROPOSAL: Change of use & conversion of existing grain silo (Sui Generis) to office space (B1(a) Business) with associated parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to convert the structure to provide 75m² of office floorspace over 2 floors creating employment for an estimated 5/6 people. This includes the provision for 4 no. parking spaces to serve the business. There are some fenestration changes including the addition of a small lobby, and windows to provide light to the office space. Internally, the creation of a kitchen and a toilet allows the office space to be functional for the prospective occupants. Other proposed works include the provision of a patio area, with associated screening and landscaping.
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.
SITE CHARACTERISTICS	The site is on a former nursery to the north of Littlehampton Road. The existing structure is cylindrical and clad with corrugated iron sheeting. It has a conical roof and a diameter of approx. 7m.
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.

RELEVANT SITE HISTORY

FG/149/14/PL	New storage facilities for existing scaffold yard and firewood yard (related to landscaping contractors). Replace structures to be demolished. Resubmission following FG/108/14/PL	ApproveConditionally 17-12-14
FG/108/14/PL	Proposed new storage facilities for existing permitted scaffold yard & firewood yard (related to landscaping contractors) to replace structures to be demolished	Refused 16-09-14
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.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council: Objection.

- This proposal is contrary to the Ferring Neighbourhood Plan and a departure from the local plan.
- As a departure from the local plan this should have been noted on the application.
- This is agricultural land and not appropriate for an office building.

1 letter has been received from a local resident in support of the application:

- The proposal represents a visual improvement at the site and is a positive step for the area.

Ferring Conservation Group: Objection.

- The site is within 'Countryside' as designated in the Arun Local Plan and the Neighbourhood Development Plan.
- The commercial development at the site has been brought forward by piecemeal development, and does not represent a planning intention of The Council.
- It is difficult to believe that the old grain silo will remain in situ for very long, as there will likely be further development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and all issues addressed in the Conclusions section of the report.

CONSULTATIONS

South Downs National Park
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

South Downs National Park Authority: No objection.

- The South Downs National Park have considered the impact of the proposal on the National Park and have no comments to raise.

County Highways.

- The Local Highways Authority would not be minded to view that this scale of development would generate a material vehicular intensification of use to the existing point of access.

- It would be anticipated that the demand for parking for a B1(a) Business Unit of this size would be 3 spaces.

- Parking details have not been provided. It would be advised that spaces are secured via planning condition. Any spaces would be a minimum of 2.4m x 4.8m.

- If the Local Planning Authority are minded to grant planning consent a condition securing vehicle parking is advised.

Engineers (Drainage): No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Details of the four proposed parking spaces are shown in the plans submitted as part of this application, these will be conditioned to be permanently retained as such.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
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
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
------	-------------------

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 'Angmering to Worthing' Gap between Settlements, as defined by policy SD SP3. As a result, development would only be permitted if it were 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.

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.

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 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.' 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, and therefore the majority of the works are reparative in nature, and those of which are not, are not considered to represent a significant visual alteration to the building as a whole.

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 South Downs National Park (SDNP), and the Angmering to Worthing Gap will be acceptable.

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.

DESIGN AND VISUAL AMENITY

The application proposes the conversion of an existing, redundant grain silo. It is sited approximately

240m from the A259, and whilst not a prominent feature at this point its prominence grows in the wider landscape the nearer you get to it.

Nonetheless, other than a single storey projecting lobby the footprint and height of the building would not change. The conversion works are internal and the proposed visual alterations are considered to be reasonably minor comprising the insertion of new windows at ground and first floor level and the addition of a small lobby on the Southern side. A large portion of the silo is screened from view from the SDNP by a line of poplar trees. As a result of what is physically proposed and the silos siting, the proposed development will have a limited impact on the setting of the South Downs National Park.

The grain silo is situated 122m to the South West of Highdown Conservation Area. Views from and towards 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 grain silo and associated proposed works is such that it will not harm important views into, out of the Conservation Area and in doing so the proposal acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials.

It is therefore considered that the proposal complies with policies LAN DM1 and HER DM3 of the Arun Local Plan.

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 changes and change of use of the silo to commercial use would not be out of character in this context. The proposal will not impact significantly on the character of the area is considered to be in accordance with D DM1 of the Arun Local Plan.

Given the modest scale of the alterations, the grain silo will not have any greater site coverage and so the proposal will not lead to a coalescence of the Angmering to Worthing settlements and compromise the overall integrity of this gap in compliance with policy SD SP3 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 conversion of the Silo 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. In fact, the intensity of the prospective vehicular movements is considered to be less than that which would have occurred when the silo was in its original farming use. Vehicle movements then would have included farm machinery and involved larger and heavier vehicles. The proposed change of use is therefore not considered to give rise to any significant harm on neighbouring residential amenity by way of noise and disturbance.

ACCESS, HIGHWAY SAFETY & PARKING

The Local Highway Authority are of the view that the vehicular intensification that this proposal would generate is not unacceptable and would not have a 'severe' impact on the operation of the highway network. The proposal is therefore not contrary to the National Planning Policy Framework (paragraph 32), and there are no transport grounds to resist the proposal.

The proposed development includes the provision for four car parking space to the South of the silo. This

is one above the number recommended by WSCC, and is considered to be sufficient provision to serve the silos proposed use as a B1 unit. This is notwithstanding that the proposed layout of the 4 spaces is problematic in that it requires, when full, cars to pull out in the event of cars wanting to depart.

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 to the silo and its proposed future commercial use conflict with policy C SP1 of the Arun Local Plan. 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

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 - 100035207 - 28/03/2018
- Proposed Plans & Elevations - EAD/0063/17/02 - SILO - 02/12/2017
- Square Meterage - EAD/0063/17/05 - SILO - 01/02/2018

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 car parking layout specified in approved plan ref: 'Proposed Plans & Elevations - EAD/0063/17/02 - SILO - 02/12/2017' 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.

- 4 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.
- 5 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.