

Recommendation Report for Planning Permission

REF NO: F/14/14/PL

LOCATION: Ford Storage Depot
Ford Road
Ford

PROPOSAL: Installation of pre-fabricated portable cabin unit.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is for a flat roof structure measuring 9.8 metres in width by 3 metres in depth and 2.4 metres to the top of the flat roof. The building will be positioned alongside the northern site boundary.

SITE AREA

Approximately 4267 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The boundaries are marked by approximately 1.5 metre high earth banks. Palisade fencing, also approximately 1.5 metres in height, is mounted on top. There are also trees and hedging along site boundaries in most places.

SITE CHARACTERISTICS

The site is occupied by a hard surfaced yard which is accessed via a driveway taken from Ford Road. The yard is generally used for the storage of materials and vehicles. There is a portacabin style building positioned towards the eastern end of the site and a nissen hut is positioned fairly close to this building to the south.

CHARACTER OF LOCALITY

The site is located outside of the built-up area and is accessed via a driveway taken from Ford Road which is a Class C Highway. A mainline railway passes along the northern boundary of the site and further to the north is a static homes site. The River Arun runs directly to the east of the site and the proximity of the site to the river results in it falling within a Flood Zone 3 area. To the south and west are open fields and countryside. A public footpath, following the banks of the Arun, runs along the eastern boundary of the site.

RELEVANT SITE HISTORY

TR/1/77	Renewal of temp permission TR/15/74 for reconstruction of hut for storage of materials & tools for maintenance work	ApproveConditionally 22-02-1977
TR/41/78	Renewal of temporary permission TR/1/77 for construction of hut for storage materials & tool used in river maintenance	ApproveConditionally 10-01-1979
TR/29/75	Temp permission for reconstruction for hut on concrete base for storage materials & tools used in river maintenance	ApproveConditionally 10-10-1979
TR/1/81	Renewal - construction of hut for storage of materials & tools	ApproveConditionally 11-01-1981
TR/22/81	Renewal of temporary planning permission TR/29/79 for construction of hut for storage of tools	ApproveConditionally 28-10-1981
TR/15/82	Renewal of temporary planning permission of hut for storage of materials and tools for river maintenance	ApproveConditionally 05-01-1983
TR/2/84	Ren TR/15/82 - nissen hut on concrete base for storage of materials & small tools used in river maintenance	ApproveConditionally 21-03-1984
TR/17/84	Renewal of temporary planning permission TR/22/81 for construction of nissen hut for storage of materials & tools	ApproveConditionally 28-11-1984

REPRESENTATIONS**Representations received:**

None.

Comments on Representations received:

None.

CONSULTATIONS

Environment Agency

Consultations responses received:

We have reviewed the submitted flood risk assessment and can confirm that we have no objections to the proposals as submitted.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Outside Built-Up Area
Class C Road
Flood Zone 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)
[GEN11](#)

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

Protection of the Countryside
The Form of New Development
Inland Flooding

C SP1 Countryside
D DM1 Aspects of Form and Quality
D SP1 Design
W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site is located within a rural location. It is considered that, given the modest size of the proposed building, and the screening provided on site boundaries, it will not be seen as visually obtrusive and significantly visible feature when viewed from the surrounding countryside, roads and passing footpaths. There is also visual context for the positioning of the proposed building within an existing yard area where small buildings have been present for a sustained period of time. An existing structure of a similar size will be removed, so as to reduce clutter on the site. Overall, it is not considered that the proposal will appear as an incongruous or alien feature within the surrounding countryside and, subsequently, will not have an unacceptable adverse impact upon the character and appearance of the surrounding area. It is considered prudent to attach a condition to enable to Local Planning Authority to dictate the colour of the building so as to reduce its visual impact by helping it blend in with its rural surroundings.

Due to its modest size, it is not considered that the proposed building would generate a level of activity that would be disturbing towards the occupants of dwellings at "The Willows" which is to the north, on the other side of the railway line. Given the moderate height of the structure and the screening afforded by site boundary treatment it is not considered that any intrusive views towards this residential area will be offered.

The site is located within Flood Zone 3a and Government Advice, issued in Technical Guidance for the NPPF states that only uses falling within the 'less vulnerable' or 'water compatible' sections of Table 2 of the advice are suitable for such a location. It is considered that this site is required for the development, as opposed to a site in a lower flood risk area, due to the fact that it is to support, but not intensify, the existing use of the yard in which it is located for Environment Agency purposes. The use of the building to provide services for staff using the site is considered to be a 'less vulnerable' use and, as such, compatible with the proposed location.

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 for 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 it has been determined that its approval would result in a neutral impact upon 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).

As such, no mitigation measures are required to be implemented.

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:-

Location Plan @ 1:2500;

Block Plan 1:500;
Site Plan;
Floor Plans;
Elevations;

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

- 3 In the event of the building ceasing to be used permanently, it shall be demolished and removed from the site and the land restored to its former condition within 3 months of the cessation of such use or within such extended time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Arun District Local Plan policies GEN3 and GEN7.

- 4 The external walls and roof of the proposed building shall be finished in a through colour, details of which shall be submitted to and approved by the Local Planning Authority before development is commenced and the colour so approved shall be used in the finishing of the building.

Reason: In the interests of amenity to achieve a reasonable visual quality in the building in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 5 The building hereby permitted shall be used for purposes ancillary to the use of the depot as a storage facility only.

Reason: To control the intensity of the use of the building and thereby preserve the overall character and appearance of the surrounding area.

- 6 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.