REPORT UPDATE

Application No: LU/131/18/PL

Reason for the Update / Changes

Reason for Update/Changes:
Recommended conditions do not include the recommended condition on possible contamination of the site.

Officers Comment:
This condition is proposed to read:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/131/18/PL

LOCATION: Castleview Nursery
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Erection of 2 No. new buildings for caravan/motorhome storage & self-storage in place of existing glasshouse & building approved under application LU/47/16/PL. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Application for the erection of 2 no. new buildings for the storage of caravans/motorhomes or for self-storage.

The application proposes the erection of 2 no. new buildings to allow for the internal storage of caravans/motorhomes or self-

storage. The first building will be located in the same position as the existing glasshouse and will be of similar dimensions (22.5m x 32m). The second building will be to the north, on the land that has not been included in the caravan storage area as it was to accommodate the approved agricultural buildings. The building will measure 20m x 28m. There will be a gap of just over 6m between the buildings to allow access as the doors to each building will open onto this central area.

The buildings will be constructed with a steel frame and clad in metal profile sheeting. The only openings will be onto the central area and will comprise roller shutter vehicle access doors and pedestrian doors. Building A will measure 7.26m to the ridge and Building B will measure 7.17m.

The existing permissions allow for up to 90 caravans to be stored along the south/ west/ north boundary of the site. The proposed buildings will be capable of accommodating 32 additional caravans (123 total).

SITE AREA	0.28 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. The site is screened on the western and southern boundaries by leylandii (approx 3m to 4m high).
BOUNDARY TREATMENT	The site is screened on the western and southern boundaries by leylandii, which provide a screen of approximately 3m to 4m in height. There is a large double gate entrance of approximately 12m in width at the access point from the track leading up to the site from Glenvilla to the east. To the north, the site is partially screened by a large greenhouse.
SITE CHARACTERISTICS	The application site is situated at the western end of Old Mead Road. The nursery comprises a glasshouse approximately 20 metres by 30 metres in extent located close to the eastern boundary with open and unused land to the north and west. An area of land approved for caravan storage is located to the south of the glasshouse. The site is served by a private access drive from Old Mead Road with entrance gates into the south east corner of the holding.
CHARACTER OF LOCALITY	To the south and west of the application site the land is a solar farm which was approved in 2015 and has since been completed. To the east is Glenvilla Nursery separated from the application site by means of a pollarded row of fir trees. Further to the east is a residential property known as The Bungalow and beyond this to the north side of Old Mead Road, there is a residential caravan park and housing.

RELEVANT SITE HISTORY

LU/105/15/PL	Change of use of part existing horticultural nursery to the	ApproveConditionally

	storage of caravans and/or motor homes	10-06-15
LU/81/05/	Proposed glasshouse.	ApproveConditionally 26-04-05
LU/141/16/PL	Change of use of horticultural land (additional to that approved under application LU/105/15/PL) for the storage of caravans & siting of a portable cabin for site office/security. This application is a Departure from the Development Plan.	ApproveConditionally 08-08-16
LU/98/09/	Part use of existing horticultural nursery for the storage of domestic caravans.	Refused 09-06-09
LU/47/16/PL	Erection of 1 No. agricultural storage building & 1 No. propagation unit.	ApproveConditionally 26-05-16
LU/231/17/PL	Change of use of land to the storage of caravans/motor homes; creation of associated hardstanding by the importation of material; siting of 4 No. self storage containers & use of part of site for storage of scaffolding materials.	ApproveConditionally 18-10-17

Previous planning application LU/98/09/ was refused planning permission as the site was outside of the built up area boundary, within a Strategic Gap and adverse impact on views of Arundel.

An Appeal relating to the use the site for the storage of caravans and in respect of an Enforcement Notice (APP/C3810/C/10/2126425 & ENF/394/08) was dismissed on 28 September 2010. The Inspector considered the main issue to be the effect on the character and appearance of the area and concluded that the change of use had an adverse impact on character and appearance of the area. The Inspector considered that the flat nature of the site and the highly visible appearance of the caravans meant that the site was highly conspicuous from the railway line, the public footpath and the end of Old Mead Road, although some views of caravans would be set against the glasshouse adjoining. The Inspector considered that from most public viewpoints the use of the site for the storage of caravans would have an adverse impact on the landscape, detracting from views of Arundel Castle and Cathedral and would form an alien intrusion into the strategic gap between the settlements of Arundel and Littlehampton. Whilst landscaping was suggested, the Inspector considered this would take a considerable time to reach an effective height and by existence might create an alien appearance. The Inspector concluded that the use conflicted with policies GEN2, GEN3, Area 3 and Area 10 of the Local Plan.

Subsequently, LU/105/15/PL was granted planning permission and further permissions (below) have followed.

Part of this site (0.17 hectares at the southern end of the site) has planning permission for the storage of up to 30 caravans within the existing glasshouses under permission LU/105/15.

Planning permission LU/47/16 has not been implemented.

Planning permission LU/141/16/PL granted permission for the storage of up to 60 caravans on 0.8 hectares of the application site as well as a security office.

Planning permission LU/231/17/PL granted planning permission for a further 0.37 hectares of land to the north of the site for caravan/motor home storage so that approximately 90 could be stored on the site at any one time.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objected to the application. In view of the increased use of the site, LTC emphasised the need for a small sites development brief which would set out policies for the strategic management of flooding, drainage and transport issues relevant to the area (between the Black Ditch and the Railway Line).

1 letter of objection

- This application along with all previous applications made by the applicant are on land which is a former tip site see map attached from the West Sussex County Council. This area is supposed to be sealed in with impermeable clay banks tied into the under lying impermeable clay geology to ensure that nothing leaks out into surrounding land to contaminate surrounding land or the environment.
- Since developing this site with hard standing for touring vans and storage containers by disturbing the tip site with a digger it has exacerbated the water problem as there is no proper drainage directed towards Black Ditch which is the only means of drainage.

COMMENTS ON REPRESENTATIONS RECEIVED:

For the reasons set out in the Conclusions section which relate to the extensive planning history and site characteristics, it is not considered that a recommendation of refusal could be sustained. It is unclear what the specific objection to the proposals are from the Town Council.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection. There appears to be no apparent visibility issue at the point of access onto Lyminster Road. The applicant may wish to consider widening access routes to improve manoeuvrability on site. There is no highway safety or capacity grounds to resist the application.

ADC Engineers - Soakaways must be investigated for surface water disposal. Please apply standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health responded to LU/231/17 with suggested conditions on contaminated land and these are recommended in this report.

POLICY CONTEXT

Outside Built Up Area
Within Arundel and Littlehampton Gap
The Setting of Arundel

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
LANDM2	LAN DM2 The Setting of Arundel
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District 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.

LTC Neighbourhood Plan Policy 1: The Presumption in Favour of Sustainable Development Planning

applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the Neighbourhood Plan are out of date or silent unless:

- other relevant policies in the Development Plan for Arun indicate otherwise;
- or any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework (March 2012) taken as a whole;

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 the defined 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

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. The applicant states that the horticultural use was not sustainable due to its limited size and resultant poor financial return.

Further, the site is within the defined Arundel to Littlehampton Gap Between Settlements (Policy SD SP3). As such, development would only be permitted where it would not undermine the physical and/or visual separation of settlements, cannot be located elsewhere or would not compromise the integrity of the Gap. It should be noted that these defined Gaps are not landscape designations but are designations in order to prevent coalescence and retain settlement character.

The Littlehampton Neighbourhood Plan 2014, in policy 1, sets out the presumption in favour of sustainable development and states that development will be approved where the plan is silent unless the policies of the Arun Local Plan indicate otherwise, or the adverse impacts significantly and demonstrably outweigh its benefits when assessed against the NPPF.

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.

It is not considered that the proposals comply with the spatial policies in the development plan. However, in order 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 permissions allow for up to 90 caravans to be stored along the south/ west/ north boundary of the site. The proposed buildings will be capable of accommodating 32 additional caravans (123 total). Whilst this increase is not insignificant, the scale of the proposals relative to what already has the benefit of planning permission would make an objection on the grounds that the proposals were contrary to EMP DM1 very difficult to sustain.

Furthermore, because of the scale of the planning history and the conclusions reached below on landscape and visual amenity, there would be no significant harm to either the character of the countryside or the aims of policy SD SP3.

Landscape & Visual Amenity

Substantial screen planting has been established on the south and west site boundaries and this is between 3m to 4m in height. The nature of the screen planting, leylandii, means that this screen planting can be expected to rapidly increase in height and that screening and visual mitigation will improve - its future existence will be secured by a proposed condition. The extended storage area will be screened and not particularly visible given that the remaining parts of the boundary are planted with that proposed in the submitted landscape plan. Whilst the height of the buildings would have an impact on the visual amenity and character of the area, it is not considered that refusal on the grounds of visual impact on the open countryside, on the strategic gap or on the setting of Arundel (policy LAM DM2) is justified given this level of screening.

The site is located in an area of mixed character with large scale horticultural buildings, caravans, solar park and residential properties. In character terms, the site cannot be considered to be 'rural'. The new buildings would not be out of character in this context. The new buildings in place of the existing glasshouse and approved agricultural buildings will not impact significantly on the character of the area.

Access & Highway Safety

The applicant states that the existing site with permission for 90 caravans/containers would generate 728 trips per year and the new buildings an additional 256 trips per year. This amounts to 984 trips per year or 2.7 trips per day in total with the new buildings contributing 0.7 trips per day to the existing 2 trips per day. WSCC Highways have confirmed that his is a realistic assumption and concluded that there is no highway safety or capacity grounds to resist the application.

Residential Amenity

In addition, the nature of the vehicles (towing cars or vans and motorhomes) are such that they are 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.

The use of a small area for the storage of scaffolding equipment in the north west corner of the site well away from residential boundaries is unlikely to result in unacceptable noise nuisance. No objection on grounds of noise nuisance has been raised by the Council's Environmental Health on previous applications for this use. Screening and the height of the caravans and buildings is such the impact on outlook would be limited and acceptable.

For the reasons set out above, a recommendation of approval is made.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

17203/01aR5 Location & Block Plan
17203/01 Existing Floor Plans, Elevations & Roof Plans
17203/02R2 Proposed Floor Plans, Elevations & Roof Plans (South Building A)
17203/02A Proposed Floor Plans, Elevations & Roof Plans (North Building B)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 of the Arun Local Plan.

3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations,

the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

4 The existing and proposed screen planting on the boundaries of the site depicted in the submitted layout and landscaping plan shall be retained to a minimum height of 4m and shall not be damaged, uprooted, felled, topped or lopped at any time without the prior written consent of the Local Planning Authority.

Reason: To prevent removal of screen planting and to thereby detrimental visual impact in accordance with policies LAN DM2 and C SP1 of the Arun District Local Plan

5 The development hereby approved is for self-storage and the storage of caravans and motorhomes within buildings. There shall be no external storage within the application site.

Reason: To protect the visual amenity of the area in accordance with policy C SP1 of the Arun Local Plan.

6 The combined total number of caravans and motorhomes stored at the site within the buildings hereby approved shall not exceed 32 at any time without the permission of the Local Planning Authority to an application for planning permission on that behalf.

Reason: To prevent an uncontrolled intensification of the use in the interests of visual amenity and highway safety and to prevent detrimental impact upon the amenity of nearby residents as a consequence of noise in accordance with policy C SP1 Arun District Local Plan.

7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.

8 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.