

REPORT UPDATE

Application No: LU/231/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

Receipt of new layout and landscaping plan

Addition of location plan to condition 2

Correction to report

Officers Comment: The layout and landscaping plan confirms the number of existing and proposed caravans to north and south of the site. It also details the type of planting proposed for the north and east boundaries as well as the established planting on all other boundaries.

Page 37 - End of first bullet point - change 91n units to 90 units

Page 43 - 11th line of Conclusion - change 91 caravans to 90 caravans

Page 44 - 4th line of Highway Impact - change 31 caravans to 30 caravans.

Page 46 - O.S. extract - west boundary of plan not as per submitted site 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.

LU/231/17/PL

Recommendation Report for Planning Permission

REF NO: LU/231/17/PL

LOCATION: Castleview Nursery
Old Mead Road
Littlehampton

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks the regularisation of the following matters:

- The extension of the caravan/motor home storage area northwards from the boundary of that approved under the previous application LU/141/16 to allow for the storage of around an additional 30 caravans/motor homes. This

report

will increase the storage of caravans and/or motor homes from up to 60 units to up to 91 units.

- The formation of the hardstanding which has been formed to level the site and provide a suitable surface for the storage use.

- The use of a small area of land in the north-west corner of the site for the storage of scaffolding equipment.

- The siting of four no. containers for individual self-storage. One is sited on the extended area the subject of this application whilst the remaining three are on the part of the site where planning permission exists for caravan/motor home storage.

SITE AREA

The application site area is approximately 0.37 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development. The proposal includes a landscaping plan to screen all boundaries with leylandii to complement and mirror remainder of boundary screening on the site

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. The northern boundary has been fenced with trellis style fencing and new planting has taken place on the outside.

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 previously approved (LU/105/15/PL & LU/141/16/PL) for caravan storage is located by and 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. 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. Old Mead road has been recently re-surfaced to a reasonable standard, having previously been in need of some attention.

RELEVANT SITE HISTORY

LU/81/05/	Proposed glasshouse.	ApproveConditionally 26-04-2005
LU/98/09/	Part use of existing horticultural nursery for the storage of domestic caravans.	Refused 09-06-2009
LU/105/15/PL	Change of use of part existing horticultural nursery to the storage of caravans and/or motor homes	ApproveConditionally 10-06-2015
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 08-08-2016

The most relevant planning permissions are LU/105/15/PL and LU/141/16/PL which now provide for the storage of up to 60 caravans and/or motor homes in the southern and northern part of the nursery to the south and alongside of the existing glasshouse. Planning permission was granted under LU/47/16/PL to erect a profile steel building for storage purposes with part of the building providing rest facilities and toilet. This is to the rear (north) of the existing glasshouse.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection.

The number of caravans has already been significantly increased. The application was therefore considered retrospective which rendered it virtually impossible to impose / enforce any of the conditions suggested by Environmental Health. Had serious concerns about the impact of the intensification of the use of the site on the highways network in the area. The application also lacked information on how water run off from the increased hard standing would be handled.

Old Mead Road; as an unadopted highway, it was considered that the developer should be asked to contribute to the long-term maintenance and upkeep of the Road. In addition,

Members also wished to ensure that effective screening was maintained around the site and considered that proposals to deal with the issues highlighted should be submitted with the application before it is determined.

1 letter of objection

The applicant applied last year for planning for 60 touring caravans, a packing shed and toilet, rest room facilities for nursery staff, also the installation of a septic tank to facilitate the toilets. Instead he raised the level of the land to an unacceptable height and has now created a hard standing area over the whole of the site to other than where the glasshouse stands.

This area now accommodates around 90 touring vans/storage containers. There is no mention of surface water drainage in his new application other than into Black Ditch which is the only accessible ditch from his property. With the watershed from these caravans and the raising of the level of the land there is no guarantee that the surface water will end up in the Black ditch to the northern boundary of the property, but will disperse itself onto our property to the east unless adequate drains are put in on the site to direct the water to Black Ditch. Therefore I object to this application on these grounds and also the raising of the level land which was a former tip site of which the levels had already been increased previously.

The applicant has responded to the objection from the Town Council as follows:

Having read the comments from Mr Herbert at the Littlehampton Town Council I wanted to respond as follows:

(1) "...with no upper limit in terms of the number of vehicles and/or caravans that could be accommodated at the site".

This is factually incorrect; the application clearly states that the number of storage spaces being applied for is an increase from 60 to 91. It is clear from this site layout that it will not be possible to increase the number of spaces any more than what I have applied for, i.e. from 60 to 91, therefore this is the limit of any impact both now, as part of this application, and for the future.

(2) "...committee also had serious concerns about the impact of the intensification of the use of the site on the highways network in the area."

The impact assessment of the increase to 91 spaces already effected has been considered by the Highways Agency and they have confirmed their position as being "no objection". I've checked my cctv for comings in to site and goings out from site and the volume of traffic is virtually static to what it was before the increase of space for which I'm applying retrospectively. This is logical due to the nature of the use, which is for long term storage and the entirely seasonal nature of this usage for caravans/motorhomes (for circa 8 or 9 months of the year owners just leave them on our site untouched and they do not take their caravans / motorhome out. If anything, this usage has significantly cut the volume of traffic down from what it was.

(3) "The application also lacked information on how water run off from the increased hard standing would be handled."

This is already confirmed as not being a problem. All surface water simply drains through the permeable surface and into the ground. None of the water runs off to other properties.

(4) "The Committee reiterated its previous comments regarding the status of Old Mead Road. As an unadopted highway, it was considered that the developer should be asked to contribute to the long-term maintenance and upkeep of the Road."

This was not a condition of previous approvals and should not be so here on this application either.

(5) "In addition, Members also wished to ensure that effective screening was maintained around the site and considered that proposals to deal with the issues highlighted should be submitted with the application before it is determined."

The entire site is already screened very effectively and therefore this point is moot.

Comments on Representations received:

The previous operation of the site as a horticultural nursery would have experienced deliveries by vans and tractors on a regular basis. The road is privately owned and its maintenance is therefore a private matter.

There is a recommendation to limit, by condition, the number of caravans to 91.

There is no evidence of the site having had its level raised. The low nature of caravans and scaffolding together with tree hedging along all boundaries will ensure that there is an acceptable impact on neighbouring residential amenity.

CONSULTATIONS

WSSC Strategic Planning
Environmental Health
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

WSSC Highways - No objection

Since the development has already taken place (see Planning Statement), and the likely road traffic to and from the development is within the capacity of the junction of Old Mead Road and Lyminster Road, the Highway Authority has no objection to the application. However, we consider that any further development of the site is likely to trigger the requirement for a transport statement including details of the traffic and safety impacts on the junction.

Environmental Health advise;

Please apply the same condition as on the previous application for the land to south (LU/141/16/PL). This is because the site is believed to be over the western edge of a landfill. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: 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 policies GEN7 and GEN31 of the Arun District Local Plan

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area

Within Arundel and Littlehampton Strategic Gap
Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: AREA10
GEN3
AREA3
GEN7
GEN32

Strategic Gaps
Protection of the Countryside
The Setting of Arundel
The Form of New Development
Noise Pollution

Publication Version of the Local
Plan (October 2014):

C SP1 Countryside
D SP1 Design
LAN DM1 Protection of Landscape
Character
LAN DM2 The Setting of Arundel
QE DM4 Contaminated Land
SD SP2 Built-Up Area Boundary
SD SP3 Gaps Between Settlements

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable
Development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and it may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy 1 in the Littlehampton Neighbourhood Development Plan is of general relevance and is considered as part 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 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

PRINCIPLE

Local and National policies make provision for the diversification of the rural economy, including horticultural, activities providing that such proposals accord with other policies. The application is supported by material which clearly indicates that the financial situation of the nursery is such that diversification would contribute to a more viable business. There can therefore be no objection to

the proposal in principle as it would be consistent with Adopted Local Plan policy GEN3, and Publication Local Plan 2011- 2030 policy C SP1 both of which relate to the open countryside and both of which make provision for diversification in the rural economy. It would also be consistent with the National Planning Policy Framework which seeks to support a prosperous rural economy and seeks to promote the development and diversification of agricultural and other land-based rural businesses. The recent planning permission LU/141/16/PL provides a compelling case for permission in this case to increase storage capacity from 60 to 91 caravans. This is in addition to the proposed extended hard surfacing of the area and provision of containers and an area for scaffolding storage. Planning permission LU/141/16/PL was granted, by the Council's Development Control Committee and therefore not considered to be in conflict with Littlehampton Neighbourhood Plan policy 1.

VISUAL IMPACT

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 proposed condition number 4. 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. 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 is justified given this level of screening. The proposal is considered, given the established and proposed screening to accord with policy. Given the significant distance to the north and the low height of that being proposed there is no unacceptable adverse affect on views of the town of Arundel, its castle, cathedral and its special setting and the Strategic Gap designation of the area (policies AREA3, AREA10, SD SP3 and LAN DM2).

IMPACT ON 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 team.

Screening and the height of the caravans, containers and scaffolding equipment is such the impact on outlook would be limited and acceptable.

HIGHWAY IMPACT

The impact on highways has been considered in highway safety terms. The additional vehicle movements are not considered to constitute a highway objection. This view is backed up by the comments of County Highways.

The additional traffic generated would be limited to that associated with the extra use of 31 caravans and a small area for scaffolding storage. Other than the storage of scaffolding equipment, traffic movement would not be daily for all vehicles and it can be reasonably expected that on many days, traffic movements would be extremely low. The vehicle movements

associated with the site are comparatively limited.

CONCLUSIONS

The proposal is not considered to give rise to harm such that planning permission could be reasonably withheld. It is recommended that planning permission is granted 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 neutral 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).

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: Site Plan, Layout and Landscaping Plan, container detail.

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 The combined total number of caravans and motorhomes stored at the site shall not exceed 91 at any time without the permission of the Local planning Authority on 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 policies GEN2, GEN3, GEN7, GEN32 and AREA10 of the Arun District Local Plan.

- 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 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 GEN2, GEN3, GEN7 and AREA10 of the Arun District Local Plan.

- 5 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 GEN7 of the Arun District Local Plan and QE DM4 of the emerging plan.

- 6 Materials and equipment associated with the scaffolding use shall not be deposited on the site to a height exceeding 3 metres.

Reason: To prevent detrimental visual impact in accordance with policies GEN2, GEN3, GEN7 and AREA10 of the Adopted Arun District 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.