

Recommendation Report for Planning Permission

REF NO: LU/427/17/PL

LOCATION: Castleview Nursery
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Siting of lodge style building for site office & security (resubmission following LU/141/16/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

The proposed building would be 14m in length and 5m in width. It would be 2.5m in height with a flat roofed appearance. It is proposed that the building would be of timber frame construction with wood effect UPVc cladding. Accommodation would be a site office, staff room, security office, WC and Disabled WC. The building would be sited close to the east boundary of the site and the access way leading into the main site area.

In support of the proposal, the agent advises:

The application proposes the siting of a lodge style building in place of the previously approved Portakabin on the land. In seeking planning permission for the Portakabin under application LY/141/16, it was explained that it was essential to provide an office for a warden during the day and a handler with guard dog at night to achieve accreditation through CaSSOA (the Caravan Storage and Site Owners Association) not only to secure an appropriate level of insurance but to attract business and compete with similar sites which are accredited.

However, it has become clear in discussions with potential staff that the accommodation provided by the previously approved a Portakabin would not be sufficient to meet the dual role of site office and facilities for a night security guard and guard dog. In this respect, a security guard would expect separate rest and toilet facilities and somewhere to prepare food throughout their shift. The applicant considers that the accommodation proposed is the absolute minimum that would be feasible to maintain appropriately motivating staff to perform the job throughout the night. Of course, since planning permission was granted for the Portakabin, planning

permission has also been granted for around an additional 30 caravans to be stored resulting in an even greater value of property on site.

SITE AREA	The overall site area is approximately 0.17 hectares, although the area for the proposed building is smaller.
TOPOGRAPHY	The application site is generally flat, although the land falls away towards Old Mead Road. Land rises to west from side of Glenvilla by approximately 1 metre.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None of any significance are affected by the proposed development. The site is screened on the western and southern boundaries by leylandii (approx 3m to 4m and more high). The eastern boundary in the area where the building is proposed is also screened in a similar manner.
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/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
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/47/16/PL	Erection of 1 No. agricultural storage building & 1 No. propagation unit.	ApproveConditionally 26-05-16
LU/105/15/PL	Change of use of part existing horticultural nursery to the storage of caravans and/or motor homes	ApproveConditionally 10-06-15

The most relevant planning permissions are LU/105/15/PL and LU/141/16/PL which provided 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. Most recently 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. was permitted. This increased the storage of caravans and/or motor homes from up to 60 units to up to 91 units.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council raises no objection.

3 objections have been received raising the following issues:

- i. There is no plan or detail as to the proposed cess pit for sewerage and waste water and how this would be on what is a former landfill site. Previously a septic tank was proposed. This is a sensitive area and the Environment Agency should be consulted and also surface water requires careful consideration to ensure that it does not run off onto adjoining property.
- ii. The size of this building is much larger than some bungalows and it is wondered if room of 14'9" for just 1 security worker is really needed. The rest of the property is just as big. It is not clear where waste drainage is on the plans and it also mentions a soakaway but this is not clear. The flood risk assessment says it's not in a flood area which it is' that it's not within 20m of a watercourse which it is believed it is. This road was not designed for the amount of vehicles the council now encourage to use this road by granting planning permission for so large a storage area of caravans etc., that's another 90 plus cars.
- iii. The applicant still has not shown where his cesspit is going to be sited on his planning application and as his property is sited on a former landfill site what precautions are going to be taken to ensure there will be no leakage of possible toxins from this former tip. A cesspit has to be sited several feet from the building and built below ground thus the tipped ground will have to be disturbed.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the objections and concerns above, the agent has responded:

Even though the application documentation already and specifically addresses these points, still, I wish to reply to the two points raised -

- Sewerage / foul waste - the method for disposing of waste from the structure is not via a septic tank; the proposed method that has been applied for under this application is to dispose of waste via a cesspit and for a professional foul waste disposal company to periodically empty the cesspit. There will therefore be no risk of any contamination to the neighbours land or bore hole.

- Surface water drainage - a structure has already been previously approved on this site; this application is to slightly enlarge the structure and the method of surface water drainage continues to remain as per the method that was previously approved.

See also Consultations, since the objections are addressed in that section of this report also. The objections insofar as they relate to contamination and drainage can be addressed by conditions. A condition is recommended that the building is used for that applied for only and no other use.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

No response from consultees was received on this submission. However it is prudent to consider comments previously made by them.

The Councils Environmental Health has previously advised that the application is believed to be over the western edge of a landfill and requested a condition. Without this condition, the proposed development on this site would pose 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.

(The parking of caravans at the site does not pose any concerns, however the digging of foundations for the building and also the installation of drainage could expose waste and created a pathway for ground gases i.e methane).

The Councils Drainage Engineer has previously commented:

The application form states that soakaways are to be used to dispose of surface water. This would be inappropriate on historic landfill sites. Please ensure that surface water drainage does not interfere with the landfill.

Drainage was previously addressed by condition.

COMMENTS ON CONSULTATION RESPONSES:

Noted and similar conditions can be imposed.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Within Arundel and Littlehampton Strategic Gap

Area of Special Control for Advertisements

On Fringes of Flood Zones 2 & 3

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN3	Protection of the Countryside
AREA10	Strategic Gaps
AREA3	The Setting of Arundel

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
SD SP2	Built -Up Area Boundary
SD SP3	Gaps Between Settlements
LAN DM2	The Setting of Arundel
QE DM4	Contaminated Land

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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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 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is 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.

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. The examination was completed in September 2017.

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

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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.

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).

Policies 1 & 2 in the Littlehampton Neighbourhood Development Plan is of general relevance and is considered as part of this application.

The development proposed is generally consistent with the Development Plan, including the Littlehampton Neighbourhood Development Plan.

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

Council and National policies make provision for the diversification of the rural economy, including horticultural, activities providing that such proposals are in accord with other policies. Applications for this site have previously been supported by material which clearly indicates that the financial situation of the nursery is such that diversification would contribute to a more viable business and that the existing glasshouse is in use for shrub growing. It remains the case that this is not a situation where it is proposed to cease horticultural use. The proposal seeks permission for a building associated with the diversified use and which is required for a security accreditation. 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/47/16/PL agricultural storage building & propagation unit indicates that continued horticultural use is intended.

VISUAL IMPACT

Substantial screen planting has been established on the south and west site boundaries and this is between 3m to 4m in height. This screening also exists on the east boundary. The nature of the screen planting, leylandii, means that this screen planting can continue to be expected to increase in height and that screening and visual mitigation will only improve.

The building will be screened and not particularly visible. 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 now justified. The proposal is considered, given the established screening to be in accord with policy. There is no adverse affect on views of the town of Arundel, its castle, cathedral and its special setting (policies AREA3, AREA10, SD SP3 and LAN DM2).

LU/385/14/PL for the solar farm to the south includes boundary landscaping adjoining the south and west boundaries of the site in the form of native hedgerow planting which will further reduce any potential for visual impact.

HIGHWAY IMPACT

The building which is for security staff would not give rise to any appreciable rise in traffic movements. The maximum traffic movements associated with movement of all caravans/motorhomes on a single day would not be excessive in any event.

IMPACT ON RESIDENTIAL AMENITY

Given that the building is well screened and also gives rise to little appreciable increase in vehicle movements, it is not considered to give rise to harmful impact on amenity.

OTHER

Issues relating to drainage and contamination can be dealt with by means of planning conditions.

It is therefore 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

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 drawings:

Drawing Number 17162/01 - Proposed Floor & Roof Plans, Elevations, Block & Location Plans
- Dated 20.11.17

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 existing screen planting on the boundaries of the site shall be retained 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 and AREA10 of the Adopted Arun District Local Plan.

- 4 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with. Following the digging of the foundation(s) for the portakabin

the applicant shall arrange for inspection of these by the Councils Environmental Health Officer to ensure that there has been no breach of the landfill capping before further development proceeds.

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 31 of the Arun District Local Plan and QEDM4 of the Emerging Local Plan.

- 5 Before the development hereby permitted is first commenced, details of the means of foul and surface water drainage to serve the building shall be first submitted to and approved in writing by the Local Planning Authority. The means of foul and surface water drainage shall be provided and maintained in accordance with the details so approved.

Reason: To ensure that a suitable and satisfactory means of foul and surface water drainage is provided in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use of the building hereby permitted shall be restricted to a security office and a site office together with associated staff room and WCs.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun District Local Plan policy GEN7.

- 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.