

Recommendation Report for Planning Permission

REF NO: P/76/16/PL

LOCATION: Sefter Farm
Pagham Road
Pagham

PROPOSAL: Construction of a building for the packaging, preparation & distribution of fresh foods with ancillary accommodation associated with the existing horticultural business, revisions to internal access road, car parking & hardstanding areas & landscaping & provision of a wetland. This application affects the setting of Listed Buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Detached building with ancillary accommodation, changes to the access road, layout and designation of parking area. The wetland would be to the north of the overall barfoots site.

SITE AREA

0.47 hectares for wetland site. 2.8 hectares for pack house site and access.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Various trees and hedging to south and north boundaries, open to west as this joins another operational area and approximately 3m high hedge to boundary facing Sefter Road.

SITE CHARACTERISTICS

The wetland site is currently agricultural land.

The package building is currently used for storage and parking of vehicles in use on the current farm and employees.

CHARACTER OF LOCALITY

Predominantly rural/agriculture. To the North is the boundary with Chichester. The site is adjacent to the junction of Sefter Road (from the east) and Pagham Road (from the south) to become Sefter Road. There are three residential properties at this junction. Two Listed Buildings, Sefter Farm House and Sefter Granary are situated to the north of the site and Rookery Farmhouse (also listed) and Farm Gate cottage approximately 300m to the south separated by agricultural fields.

RELEVANT SITE HISTORY

P/72/90	Erection of new Agricultural Building	ApproveConditionally 10-09-1990
P/79/95	Renovation of existing barn to form new farm office together with extension to provide reception, admin and toilet facilities.	ApproveConditionally 10-01-1996
P/55/97	Extension to an existing vegetable cool store	ApproveConditionally 08-10-1997
P/17/99/	Extension to existing agricultural cold store and packing building, parking and landscaping.	ApproveConditionally 30-04-1999
P/24/01/	Extension to existing agricultural cold store and packing building	ApproveConditionally 15-05-2001
P/121/03/	Cold store extension	ApproveConditionally 14-11-2003
P/70/04/	New recycling storage yard with ancillary apron & service roads	ApproveConditionally 16-07-2004
P/7/05/	Farm building extensions and replacement offices.	ApproveConditionally 13-04-2005
P/136/05/	Erection of agricultural maintenance shed	ApproveConditionally 03-02-2006
P/128/06/	Extension to agricultural building	ApproveConditionally 10-11-2006
P/144/06/	Agricultural building	ApproveConditionally 24-01-2007
P/119/07/	Extension to agricultural building	ApproveConditionally 13-12-2007
P/32/08/	Replacement and extension of existing agricultural buildings	ApproveConditionally 23-04-2008
P/92/08/	On farm agricultural anaerobic digestion plant using existing agricultural trimmings and by products (This is a County Matter application & will be determined by the West Sussex County Council)	ApprvdCond-WSCC 02-10-2008
P/134/08/	Extension to agricultural building	ApproveConditionally 14-01-2009

P/76/16/PL

P/133/08/DOC	Application to Discharge Conditions 2, 3 & 5 on permission P/144/06/	File Closed 26-03-2009
P/43/09/	Amendment to layout approved under Planning Permission P/92/08 - On farm agricultural trimmings and by products (This is a County Matter & will be determined by WSCC)	ApprvdCond-WSCC 02-07-2009
P/73/09/DOC	Application for discharge of condition 3 in relation to P/144/06/	File Closed 21-08-2009
P/97/09/	Application for a new planning permission to replace extant permission P/144/06/ for agricultural building	ApproveConditionally 16-04-2010
P/103/10/DOC	Application for approval of details reserved by conditions 2 & 3 of planning permission P/97/09	Part Apprv/Part Refu 28-10-2010
P/29/11/	Renewal of unimplemented planning permission P/32/08/ for replacement and extension of existing agricultural buildings	ApproveConditionally 24-05-2011
P/30/11/	Extension to agricultural building - amendment to previously approved P/119/07/	ApproveConditionally 01-06-2011
P/58/11/DOC	Application for approval of details reserved by condition 3 of previously approved application P/97/09	DOC Refused 26-08-2011
P/5/12/	Extension to agricultural building (approved under P/134/08).	ApproveConditionally 12-03-2012
P/19/12/	Raise roof on part of agricultural building.	ApproveConditionally 19-04-2012
P/29/12/	Extension to agricultural building	ApproveConditionally 10-08-2012
P/99/14/PL	Extension to agricultural building	ApproveConditionally 08-12-2014
P/4/15/DOC	Application for approval of matters reserved by condition imposed under P/99/14/PL relation to condition 4 for landscaping scheme.	DOC Approved 29-04-2015
P/68/15/PL	Glasshouse, balancing pond/irrigation storage, staff facilities, water tanks, security fence & access road. This application affects the setting of a Listed Building.	ApproveConditionally 21-10-2015

P/130/16/DOC	Application for approval of matters reserved by conditions imposed under P/68/15/PL relating to Conditions 3- schedule of materials, 4- construction management plan, 7- surface water drainage scheme, 9- surface water drainage designs, 10- details of reservoir & flood defence bund & barriers, 11- contamination risk assessments, 12- verification report demonstrating completion of works set out in remediation strategy, 13- Landscaping assessment, 16- Badger survey & 18- details of reptile fencing.	DOC Part Approved 02-02-2017
P/4/54	Conversion of farm house to two farm workers dwellings	ApproveConditionally 31-03-1954
P/4/54/A	Conversion of farm house into two dwellings	ApproveConditionally 16-04-1958
P/4/54/B	Revised elevations for conversion of farm house into two dwellings	ApproveConditionally 18-03-1959
P/192/78	Proposed single storey breakfast room extension and alterations to main building and existing garage	ApproveConditionally 17-01-1979

Various approvals for industrial barn units and stores on site, including a permission for the existing reservoirs of the larger site which give it its industrial agricultural appearance. Some of the further additions to the units which have been proposed are not yet constructed. Glasshouse and reservoir approved last year.

An application for an agricultural building of similar scale and area to that which is applied for under this consent, was approved, conditionally by P/144/06/.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection to the proposed development, however it would wish to understand better why Arun District Council has not applied BS4142:2014 to this proposal. It would also wish to see that the potential impact of additional traffic generated by the proposals is taken into account, particularly given the current traffic levels on Pagham Road and the potential for additional traffic generated by strategic and other housing developments likely to be seen in Pagham in the near future. There are existing and historic problems associated with Pagham Road, which is narrow and winding, flanked by deep ditches, in places with adverse camber, and subject to slippery deposits left by tractors and other farm machinery. Careful consideration must be given to additional commercial vehicle movements for this road.

72 letters of public representation. 71 objecting on the grounds of:-

- Highways safety- increase in HGV and other vehicle movements and creation of congestion
- Detrimental impact on residential amenity through noise, odour and light pollution from

increased use of silos and digester

-The site is not sustainable for this type of use

-Flood Risk

-Unsuitable design would create detrimental impact on rural area

1 letter of no objection stating that the traffic movements created by this proposal will not be significant and other applications for this road are more significant than an increase in HGV.

Comments on Representations received:

Comments noted.

The Council's Environmental Health team have applied the relevant standards to their assessment of the proposal.

WSCC Highways, following various data and plans resubmissions from the agent have now reached a comment of No objection subject to conditions and informatives. A S106 agreement with contribution of £20k towards highways improvements has been agreed.

Highways, amenity, sustainability and flood risk issues will be further considered in the CONCLUSIONS section of the report.

The odour complaints from the silos and bio-digester are being investigated separately by the Council's Environmental Health department. It is not considered that the application would lead to an increase in the use of the silos or digester which do not form part of the application site. As such, they can not be reasonably controlled by conditions should this be required.

CONSULTATIONS

Conservation Officer

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

Health & Safety Executive

WSCC Strategic Planning

Southern Water Planning

Listed Building Officer

Surface Water Drainage Team

Environment Agency

Archaeology Advisor

Chichester District Council

WSCC Strategic Planning

WSCC Strategic Planning

WSCC Strategic Planning

Solicitor - Legal Services

Highways England

Economic Regeneration

Ecology Advisor

Natural England

Consultations responses received:

HISTORIC BUILDINGS ADVISER

This proposal is situated south west of Sefter Farm which is a grade II listed building located within the larger farm site and north of Rookery Farm which is also grade II listed. The latter has long views of Sefter Farm over open fields.

Whilst Sefter Farm is much closer to the proposal, it is already set within extensive modern agricultural development in the form of large processing and storage sheds which are immediately adjacent to the listed building. So whilst the new building is likely to constitute some impact on setting in the broader sense, it could be considered limited in this context and incremental in form.

The potential impact on Rookery Farm is different, though potentially limited. The proposed building sits immediately adjacent to and south of the existing unit and is similar in appearance. It is unlikely therefore that given the distance of the view from the farm, that there will be a significant level of change in amenity. An accurate setting assessment would have helped to inform this. If there is any concern here following your site visit I would recommended that this is undertaken.

ENVIRONMENTAL HEALTH

Environmental Health has no objections to this application in principle. Please attach conditions. (Full conditions and EH comments to be found on Arun District Council website.)

DRAINAGE ENGINEERS

Infiltration to be investigated for new surface water drainage.

Please apply standard conditions ENGD2A, ENGD6A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

All ditches and watercourses on the site are to retain a three metre easement for access and maintenance.

ECOLOGY ADVISER

Pagham rife drains into Pagham Harbour which is a Special Protection Area. Therefore the provisions of the Habitats Regulations 2010 apply. In order for Arun DC to conclude "no likely

significant effect" under the regulations it is particularly important that pollutants and increased nutrient loading are prevented from reaching the Harbour. The intention is clearly there but the detail is lacking. The ecology report recommends "storage of pollutant material away from water courses" during construction phase. Some more specifics on this (as part of a construction management plan?) would help. This detail may be contained in other documents elsewhere that I have not found. The principle of the reed-bed as a cleaning mechanism is one we would support. I would echo the EA's comment that the detailed design of this aspect of the application is lacking. Some evidence that the reed bed is designed so that there will be no net increase in nutrients entering the Harbour via the rife would help with the Habitats regulations assessment. I would also recommend Natural England are consulted about the potential for impact on the SPA via discharges to the rife.

I do not think that the potential for impacts on the SPA is a major issue here but one where some additional detail and evidence would then allow us to advise you (subject to NE's position) that "no likely significant effect" can be concluded under the Habitats Regulations.

NATURAL ENGLAND

No objection - subject to appropriate mitigation being secured

The application site is upstream of Pagham Harbour Special Protection Area (SPA) and Ramsar site, and connected to it by Pagham Rife. Therefore there is a risk that, without mitigation, the application could have a water quality impact on the SPA/Ramsar site.

In order to mitigate these potential impacts, and make the development acceptable, the following should be secured:

- Measures to avoid pollutants entering any waterbodies during construction;
- Design of Sustainable Drainage Systems (SuDS) to treat surface water run-off and water generated by processes undertaken by the food preparation and packing plant.

We advise that an appropriate planning condition is attached to any planning permission to secure these measures.

In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

- The proposals are not necessary for the management of the European site;
- Subject to appropriate mitigation being secured to avoid water quality impacts (see below), the proposal is unlikely to have a significant effect on Pagham Harbour SPA/Ramsar, and can therefore be screened out from any requirement for further assessment.

Further advice on mitigation

There is a risk that accidental spills during construction could enter Pagham Rife, which feeds Pagham Harbour. Therefore, a Construction Management Plan should detail methods for avoiding pollutants entering any waterbodies, and set out areas for storage of fuels and any other potential pollutants.

In terms of impacts during operation, the Flood Risk Assessment (FRA) indicates that the surface run-off from loading bays and access road will go through petrol interceptors and then enter the storage reservoir and run-off from roofs will go straight into the storage reservoir. The FRA also says (para. 6.29) that the full extent of the drainage infrastructure will be confirmed at detailed design and may include SuDS. This level of treatment is acceptable in terms of mitigating potential impacts on Pagham Harbour from surface water run-off, though if the detailed design includes additional SuDS features, then that may provide further treatment and reduce the risk to the SPA further.

The application includes a constructed wetland to the north of the main application site. The applicant has confirmed, in their letter dated 3 October 2016, that this wetland is a 'closed' system for the purposes of recycling water used in the washing process of the food preparation building. It is not clear from the application documents how the constructed wetland is hydrologically connected to the food preparation building. Therefore, the detailed design of the wetland should set this out, and demonstrate how water quality impacts on the Rife will be avoided (perhaps through reference to the water quality chapter (tables 26.2 - 26.3) of the CIRIA SuDS manual 2015). The detailed design should also consider management of the wetland in the future, to maintain its effectiveness.

On the basis that the applicant has confirmed that no untreated water will enter Pagham Rife, and that the detailed design of the treatment measures is secured by condition, Natural England advises that there is unlikely to be a significant effect on the SPA/Ramsar site.

WSCC STRATEGIC PLANNING (final/6th comment)

Initial comments were to object but following additional information and transport reports submitted:

"To reiterate the Highway Authority's (CHA) previous concerns:

1. the increased use of the vehicular and pedestrian accesses to the site (and suitability thereof) and traffic impact;
2. the lack of consideration of sustainable access (walking, cycling and bus) to and from the site from the wider surrounding road network (i.e. footway and Public footpath (PRoW)) and access to local communities;
3. lack of suitable public transport access; and,
4. lack of suitable parking provision.

....

Conclusion.

No highway objection is raised in response to the proposal subject to an appropriate S106 Agreement toward accessibility improvements (amount quoted in previous paragraph) and the following conditions: (Full comments available on the Arun District Council website)

HIGHWAYS ENGLAND

No objection.

Whilst HE are not in complete agreement with the consultants assessment of traffic impacts as

a result of the proposed development, having undertaken our own analysis we are satisfied the development is unlikely to have a detrimental effect on the efficiency and safe operation of the SRN.

SOUTHERN WATER

We suggest the following informative:

'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk' in order to progress the required infrastructure.

ARCHAEOLOGY ADVISER

The archaeological evaluation that has taken place has demonstrated that there is no justification for further investigation or mitigation measures in that area. However, I understand that the area of the proposed wetland hasn't been evaluated - in which case any significant ground-works that there might be should be archaeologically monitored in in order that anything of interest might be properly recorded prior to destruction. This would be best secured by standard condition ARC1 (excluding the words 'within the area indicated').

ENVIRONMENT AGENCY

According to Environment Agency maps and records a very small section of the proposed agricultural building is shown to be within a Flood Zone 3 and 2. In accordance with the NPPF development classifications that the development falls under the 'less vulnerable' category we have no objection to the proposals on flood risk grounds.

Comments on Consultation responses:

Commented noted. Conditions and informatives will be included and issues raised above addressed within the CONCLUSIONS SECTION.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Class C Road
Outside Built up Area Boundary
Special Control of Adverts
Overhead Electricity Line
Listed Building Grade II
No Public Sewer
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA10	Strategic Gaps
	DEV3	Horticulture
	AREA17	Sites of Archaeological Interest
	DEV6	Agricultural Buildings

<u>GEN3</u>	Protection of the Countryside
<u>GEN7</u>	The Form of New Development
<u>GEN2</u>	Built-up Area Boundary
<u>GEN9</u>	Foul and Surface Water Drainage
<u>GEN11</u>	Inland Flooding
<u>GEN12</u>	Parking in New Development
<u>GEN23</u>	The Water Environment
<u>GEN29</u>	Nature and Conservation Across the District
<u>GEN33</u>	Light Pollution
Publication Version of the Local Plan (October 2014):	HER DM6 Sites of Archaeological Interest
	ENV DM2 Pagham Harbour
	HER DM1 Listed Buildings
	QE DM1 Noise Pollution
	SD SP2 Built-Up Area Boundary
	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D SP1 Design
	ECC SP2 Energy and climate change mitigation
	ENV DM4 Protection of Trees
	ENV DM5 Development and Biodiversity
	ENV SP1 Natural Environment
	HOR DM1 Horticulture
	QE DM2 Light Pollution
	T SP1 Transport and Development
	W DM1 Water Supply and Quality
	W DM2 Flood Risk
	W DM3 Sustainable Urban Drainage Systems
	W SP1 Water

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
-----	--

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

Pagham's NDP is at Reg. 14 stage but it not yet made.

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, biodiversity, pose a significant flood risk or create a highways danger.

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:

The site lies outside the Built-Up Area Boundary where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy. Horticulture is a form of agriculture and in this instance the application is to assist and enable the preparation, distribution and packaging of produce grown on site. The site is already used for large scale agricultural purposes including packaging and distribution. Local Plan policy GEN3 states development in the countryside is acceptable where it accords with a policy in sections 2 & 3 of the Plan.

The site is in a strategic gap as specified by policy AREA 10. Whilst development should be limited in this area the policy does allow forms of development which would be supported by other policies. DEV 6 (Agricultural Buildings) states:-

"Agricultural buildings will be permitted provided that:

- (i) their scale, siting, design and materials minimise the visual impact on the landscape; and
- (ii) new buildings are grouped with any existing buildings in order to minimise impact on the landscape. Isolated buildings will be permitted where their location is essential to the agricultural activity being undertaken and that they are not situated in a prominent location.

Reason

To ensure proposed developments do not have an adverse impact on the rural landscape."

A building for packaging, preparation & distribution of produce grown on the site forms an operational agricultural use so is supported by policies GEN3 and DEV6. It is considered acceptable for this type of development to be built within the strategic gap.

JUSTIFICATION OF NEED

The Planning Agent's statement states:-

"It is also useful to provide some explanation for the operational need for the additional accommodation, which is in short required to address existing and secure contracts with UK supermarkets, which in turn is a response to consumer needs and expectations.

"Specifically, since the financial crisis from 2008 consumer behaviour has changed. Consumers now increasingly demand products from which they generate little or no waste, take the minimum time to prepare or are fully prepared for them, and offer a range of cooking options that chime with their busy lifestyles, but enable them to feel they are still 'cooking from scratch' "

As such it is considered that there is a clear need for the development which will create approximately 30 jobs. With the onset of the UK leaving the EU, and potentially the EU Single Market and customs union; the requirement for UK grown fruit and vegetables may also increase.

Furthermore, there is also National Planning Policy Framework (NPPF) support for the proposal. Paragraph 28 states that local and neighbourhood plans should:

"* support the 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; and,
* promote the development and diversification of agricultural and other land-based rural businesses."

SUSTAINABLE DEVELOPMENT

Paragraph 7 of the National Planning Policy Framework states:-

"7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

It is considered that the proposal meets all three of these sustainability criteria.

The development would assist in the creation of:-

-a strong economy, by supporting the application the Council are enabling the creation of new jobs and economic activity on a site already used for industrial agriculture;

- would support a stronger rural economy by enabling further farm diversification and growth;
- following submission of ecology reports and the creation of a new reed bed; the development would also meet the 'environmental role' criteria

As such the principle of sustainable development is supported.

IMPACT ON VIEWS FROM SOUTH DOWNS NATIONAL PARK

The site is visible from the National Park at a distance of 7.7km. Between the site and the National Park are significant developed areas and other glasshouses. It is not considered to pose a significant detrimental impact to the view from or to the National Park.

IMPACT ON SETTING OF LISTED BUILDINGS

The proposal effects the setting of listed buildings to the north east of the site (Sefter Farm House and Sefter Granary) and Rookery Farmhouse to the south, more than 450m away.

Sefter Farm and Sefter Granary are closer to the proposal. They are set within a modern agricultural development in the form of a large storage shed with further additions approved and proposed. While the glasshouses might have some impact, it is considered limited in this context.

The consultation with the Historic Buildings Officer lead to him stating there would be limited impact on Sefter Farm and Granary and Rookery Farm. The case officer requested a further setting assessment for Rookery Farm and made an individual site visit Rookery Farm for additional assessment.

The proposal is considered to preserve the setting of the nearby listed buildings by having a limited impact on their setting which is not considered to represent a harm.

DESIGN AND VISUAL AMENITY

The building would be located close to other units on the site in line with policy DEV6 which requires new agricultural buildings to be grouped together to limit the impact on the visual amenity of the area.

RESIDENTIAL AMENITY

Although residential occupiers don't have a right for existing views to be maintained, it is necessary to have regard to the relationship of the development to the properties to the east and south east of the site. The closest property would be approximately 257m from the building and the highest part of the building being 11.8m, it is not considered to be overbearing or visually intrusive to neighbouring residential amenities.

It is not considered the noise generated from the use of the development would lead to an unaccepttable impact on neighbouring residential amenity. The processing and packing of the products will mainly, take place inside the site and lorry access is to set to the north of the site, away from residential development. Light pollution will be controlled via pre-occupation condition requested by Environmental Health.

The proposal is not considered to have a detrimental impact on neighbouring residential amenity to such an extent that refusal could be justified.

HIGHWAYS SAFETY AND PARKING

Following numerous submissions of additional details to meet the requirements of WSCC Highway requirements, the officer at WSCC has responded with no objection subject to conditions and a S106 agreement regarding the public right of way and access. All conditions recommended by WSCC have been included and the S106 has been engrossed. Details of the agreement will be discussed below.

It has been demonstrated that should the development be carried out and conditions discharged and complied with, that the proposal would not lead to a dangerous increase in road traffic through increase vehicles visits to and from the site. There is no objection on the grounds of highways safety and parking.

BIODIVERSITY

Following consultation responses from Ecology and Natural England, subject to a construction management plan condition to detail how the development will include:-

- Measures to avoid pollutants entering any water bodies during construction;
- Design of Sustainable Drainage Systems (SuDS) to treat surface water run-off and water generated by processes undertaken by the food preparation and packing plant.

These requirements will be included in a condition and this mitigation should ensure that "no likely significant effect" (HRA) on the SPA/Ramsar site would take place.

The proposal is considered to be acceptable in terms of impact on biodiversity subject to compliance with conditions.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

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.

SECTION 106 DETAILS

The S106 agreement allows the payment from the applicant to WSCC of £20k for highways improvements.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED SECTION 106 AGREEMENT

- 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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

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

P101 Rev 03
P102 Rev 12
P104 Rev 01
P106 Rev 04
P107 Rev 05
288-01-04

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.

- 4 The development shall not become operational or be occupied until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall thereafter not be altered without the

prior written approval of the Local Planning Authority. Any floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation. External lighting in association with this development shall comply with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light Environmental Zone E2.

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

- 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 policies GEN7 and GEN31 of the Arun District Local Plan

- 6 The development, hereby permitted, shall not be occupied until the vehicular and pedestrian accesses have been implemented as per Drawing Nos. 020.0259.004 and 020.0259.005 and in-compliance with the recommendations of the approved Safety Audit. When complete, both accesses shall thereafter be permanently maintained so as to provide the agreed visibility splays.

Reason - To ensure fit-for-purpose accesses to and from the site constructed to a suitable standard and in compliance with Road Safety recommendations in accordance with the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until the car and HGV parking has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason - To provide off street car-parking space for the use in accordance with the National Planning Policy Framework and GEN7 of the Arun District Local Plan.

- 8 No part of the development shall be first occupied until secure and covered motorcycle and cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason - To provide adequate parking for motorcycles for the use in accordance with the National Planning Policy Framework GEN7 & GEN12 of the Arun District Local Plan.

- 9 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason - To encourage and promote sustainable transport in accordance with the National Planning Policy Framework, GEN7 & GEN12 of the Arun District Local Plan.

- 10 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- Details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- Evidence of consultation with neighbours prior to works commencing.
- Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage;
- A Section 59 Agreement (only if HGV construction vehicle numbers exceed 20 per-day throughout course of development).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason - The ensure safe and neighbourly construction in the interests of amenity and road safety GEN7 & GEN12 of the Arun District Local Plan.

This condition needs to be pre-commencement as these travel details are required to be agreed before works commences as they are directly linked to works being carried out on site.

- 11 Prior to the development being first brought into use, full details of the proposed wetland and associated landscaping shall be submitted to and approved, in writing by the Local Planning Authority. The agreed details and construction of the wetland and associated planting and landscaping shall then be carried out within one calendar year of date the of their approval by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity in accordance with GEN29 of the Arun District Local Plan.

- 12 No development shall take place regarding the proposed wetland area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 13 Landscaping shall be carried out in accordance with the details shown on plan Ref "Landscape and Visual Impact Assessment". All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 14 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. 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.

- 15 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 GEN7 and GEN9 of the Arun District Council 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.

16 Development shall not commence until full details of:-

- (i) Measures to avoid pollutants entering any waterbodies during construction;
- (ii) Design of Sustainable Drainage Systems (SuDS) to treat surface water run-off and water generated by processes undertaken by the food preparation and packing plant;

have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be carried out (i) during construction and (ii) in perpetuity for the surface water and water generated by processes undertaken by the food preparation and packing plant.

Reason: To ensure that the proposed development does not allow pollutants into the Pagham Rife which flows into a designated RAMSAR/SPA site and SSSI in accordance with policies GEN23 and GEN29 and of the Arun District Council Local Plan. This is required to be a pre-commencement condition as it is necessary to implement the approved measures to prevent pollutants entering the water system prior to commencing any building works.

17 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

18 INFORMATIVE: The new development will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational.

19 INFORMATIVE: Licence to maintain - The applicant should contact West Sussex County Council Local Area Highways Manager to obtain necessary consent to maintain vegetation on highway land for visibility purposes (both vehicular and pedestrian access points).

20 INFORMATIVE: S59 Agreement - The applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980 as referred to in condition 5 above. This Agreement is required due to the extraordinary traffic that would be generated during the construction works and to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.

- 21 INFORMATIVE: Public Rights of Way (PRoW) - The applicant should contact West Sussex County Council Legal Services Team in order to establish the appropriate procedure for any diversion or Stopping Up of PRoW if so required. No works (including obstructions/closure etc.) should be commenced to/on the highway until appropriate permissions are received to do so.
- 22 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Highways contributions.
- 24 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.