

Recommendation Report for Planning Permission

REF NO: P/91/18/PL

LOCATION: St Thomas A Beckett Church
Church Lane
Pagham
PO21 4NU

PROPOSAL: Introduction of a used shipping container for storage in church car park.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Container to be sited in car park opposite church.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wall and greenery
SITE CHARACTERISTICS	Car park opposite church
CHARACTER OF LOCALITY	Countryside location on edge of village

RELEVANT SITE HISTORY

P/15/66/A	Pole Mounted Transformer	No Objection
P/81/97	Provision of pair of glass doors within the existing north entrance porch of the church	ApproveConditionally 17-10-97
P/93/95	Dormer window in roof of west elevation	Withdrawn 11-01-96
P/26/94	Extension to form a chapel and associated works	ApproveConditionally 26-09-94

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

No objection

3 letters of objection:

object to this application on the grounds that the Church already has storage facilities within the church grounds and cannot be seen from the road. These sheds could have the security beefed up and possibly CCTV installed. The proposal is to site the shipping container in an empty car park, which would draw attention to the possible thieves who would quickly realise that there is access to the rear of my property causing my great concern for the security of my property

No notice of application showing in area.

No consideration or empathy taken for residents of the area

No communication made since the August application

In an area of natural beauty & container will be exposed to passing general public

COMMENTS ON REPRESENTATIONS RECEIVED:

Notices were displayed on 26-11.

The single container is located in the car park - this is considered to be a better position than in the grounds of the listed church. It is not considered that the siting of the cabinet would result in a material rise in the security risks to surrounding properties.

The building will be visible and it is therefore necessary to ensure that the structure is painted a suitable colour.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Outside built up area

Gap between settlement

Within 400m of Pagham Harbour

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
HERDM1	HER DM1 Listed Buildings
SDSP3	SD SP3 Gaps Between Settlements

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
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

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 has an emerging Neighbourhood Plan - policy 1 of this plan is considered relevant to the application as it does allow some development outside the built up area boundary if it complies with the 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 conflict with relevant Development Plan policies in that it lies outside the built up area boundary where development is strictly controlled.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background - namely the structure is modestly sized within an existing car park.

CONCLUSIONS

The container is modestly sized and site in the far corner of the car park.

It is sited within 400m of Pagham Harbour where policy ENV DM2 applies. Development is only permitted in exceptional circumstances where the developer is able to demonstrate no detrimental effects on Pagham Harbour including non-native species and the water environment. and the tests in ENV D DM1. However due to the modest and temporary nature of the proposal it is not considered that there would be any adverse impact on the special interest of the harbour features.

The site is situated opposite two listed buildings and a third is located just to the east. Given the size, design and position of the container it is not considered that there will be an adverse impact on the setting of these listed buildings and therefore complies with HER DM1.

The site is situated in a gap between a settlement (SD SP3) where development is strictly controlled against five criteria including a) it would not undermine the physical and/or visual separation of settlements; and b) it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development. It is considered that the container would comply with both of these criteria.

Policy C SP1 restricts development in the countryside - non of the 6 exceptions apply in this case.

Whilst there are some conflicts with the above policies it is considered that the siting of the small container would not cause demonstrable harm to interests of acknowledged importance and therefore it has been recommended that the application be approved subject to the conditions overleaf.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:- C14.01 002, C14.01 003

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and HER DM1 of the Arun Local Plan.

- 3 **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.