

Recommendation Report for Planning Permission

REF NO: WA/67/17/PL

LOCATION: Binsted Nursery
Lake Lane
Barnham
PO22 0AL

PROPOSAL: Extension to existing agricultural storage building

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	As above. The applicant has confirmed that the extension will be a 'proposed storage building' and 'will be used for plants grown on site as well as for storage of equipment and materials. It will not be used for storage of crops imported for redistribution.'
	The proposed extension will measure 3.5m to eaves height and 5m to ridge height. It will be 44m long and 15.8m wide. It will approximately double the area of the existing store.
SITE AREA	695sq.m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Tree lined frontage to Lake Lane.
SITE CHARACTERISTICS	Nursery. The area to be used for the extension is currently used as an outdoor plant growing area.
CHARACTER OF LOCALITY	Nurseries on all sides with B1 uses in the Sussex Business Village (SBV) 150m to the south west. Opposite and to the side of SBV is some sporadic residential uses.

RELEVANT SITE HISTORY		
WA/35/08/	Relocation of portacabins to main nursery site	ApproveConditionally 02-07-08
WA/95/01/	Additional greenhouses and nursery facilities.	ApproveConditionally 28-02-02

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Support

1 objection.
The proposal will result in additional growth of business and therefore lead to extra traffic generation on Lake Lane. This will increase existing traffic hazards and highway problems experienced by local villagers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Issue of traffic considered in Conclusions section.

CONSULTATIONS

WSCC Strategic Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways
No objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
DEV3	Horticulture
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN34	Air Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

D DM1 Aspects of Form and Design Quality

EMP DM1 Employment land:Development Management
 QE DM1 Noise Pollution
 QE DM3 Air Pollution
 SD SP2 Built -Up Area Boundary
 C SP1 Countryside
 D DM4 Extensions & Alterations to Existing Buildings
 HOR DM1 Horticulture
 T SP1 Transport and Development
 EMP SP1 Employment land provision

[Walberton Neighbourhood Plan Policy 2017 VE2](#) Horticultural Development
 Walberton Neighbourhood Plan Policy 2017 HP13 Design Guidance
 Walberton Neighbourhood Plan Policy 2017 VE8 'Unlit village' status

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).

The relevant policies in the Walberton NP have been taken into account.

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

The site lies outside the built up area boundary where development which meets the operational needs of agriculture/horticulture is considered acceptable in principle. The site is located within a large established nursery.

Furthermore, paragraph 28 of the NPPF states that local planning authorities should 'promote the development and diversification of agricultural and other land-based rural businesses.

BACKGROUND AND JUSTIFICATION FOR THE PROPOSAL

The applicants have stated that the extension is proposed extra storage space for plants grown on site as well as for storage of equipment and materials and it will not be used for storage of crops imported for redistribution. The application form also states that building will be for the storage of:

- *horticultural crops as part of the production cycle, these crops to be grown on site
- * harvested crops prior to distribution
- *raw materials and sundries used in production of horticultural crops.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The site lies well away from Lake Lane and within an established large nursery business complex. The

design of the extension is to mirror the existing building and will be in character with other built development within the nursery. The area of land to be used for the extension is currently being used for external growing of crops.

Consequently the proposed extension will be for a use in keeping with existing and neighbouring units and will not have an adverse impact on the surrounding environment and landscape in accordance with policy DEV3 & GEN7 (ii) of the Arun District Local Plan.

With regard to lighting impacts, the proposed extension will be solidly built and will not lead to any unacceptable impact by way of additional external lighting.

IMPACT ON HIGHWAY SAFETY

County Highways have no objection to the proposal in terms of highway safety as, on the information submitted, it is not anticipated that it will introduce additional HGV or employee trips onto Lake Lane. According to county highways it will mean that trips currently undertaken from October to January from the adjacent site will cease as the new facility will the bulb storage back on the site.

RESIDENTIAL AMENITY

The site is not located close to residential properties and noise generation would not therefore adversely impact on residential amenity.

CONCLUSION

It is therefore recommended that the application is approved subject to the following conditions

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.

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: Location Plan, Site Plan, Block Plan & Photograph showing exiting store.

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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the premises shall be used for the purpose applied for only as detailed in the applicants email dated 02 November 2017 accompanying the application and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in accordance with policy GEN7 of the Arun District Local Plan.
- 4 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.