

Parish:
West Wittering

Ward:
West Wittering

WW/16/02212/FUL

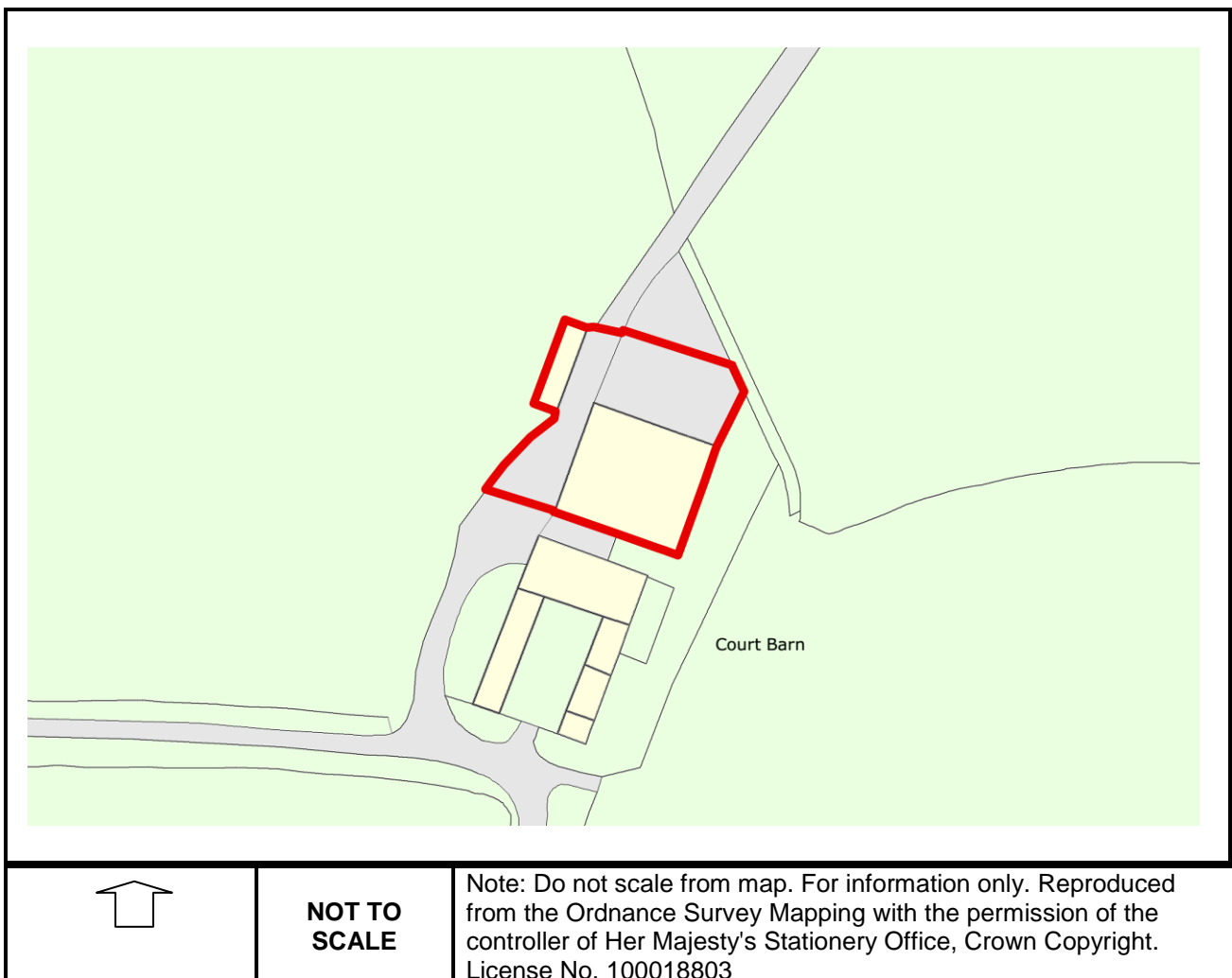
Proposal Change of use to allow storage of materials by weed control/salt spreading and artificial lawn installation business (B8) - (variation of condition 8 on permission granted on appeal relating to application WW/102/89).

Site Court Barn Rookwood Lane West Wittering Chichester West Sussex PO20 8QH

Map Ref (E) 478697 (N) 99777

Applicant Mr C Osborne

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located off Rookwood Lane, north of the junction with the B2179. Rookwood Lane is a single track road with passing places. The application site is located off a bend in the road where the road turns at a ninety degree angle to the west.

2.2 The application building comprises a single storey building which has an agricultural appearance. The building features an open air yard to the immediate north. To the east and west are fields in agricultural use. To the immediate south of the application building is a two storey residential building. Its rear elevation immediately abuts the application site. Access to the application site runs along the western boundary of the residential dwelling.

2.3 The application site is located within the Chichester Harbour Conservancy Area of Outstanding Natural Beauty designation.

3.0 The Proposal

3.1 The application proposes the variation of condition 8 of planning permission WW/102/89 to facilitate the change of use of the building to allow storage of materials by weed control/salt spreading and artificial lawn installation business (B8 use).

3.2 Condition 8 of planning permission WW/102/89 restricted the use of the application building to a carpentry/joinery workshop only.

3.3 The submitted plans detail a barn building, an outside open yard area and stable type building to the north. The plans detail an ancillary internal store and office building within the barn building. This application proposes the change of use of the building and land only. No operational development is detailed.

3.4 The planning unit comprises both the existing building on the site and the land to the north shown as 'the yard' on the submitted plans.

4.0 History

16/01338/PLD	APPRET	Change of existing use of barn from B1(c)(Light Industrial) to B8 (Storage).
16/02212/FUL	PDE	Change of use to allow storage of materials by weed control/salt spreading and artificial lawn installation business (B8) - (variation of condition 8 on permission granted on appeal relating to application WW/102/89).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council objects to this proposal. There is insufficient detail in the application regarding vehicle movements for delivery and removal. There is no information or detail as to whether the material to be stored is hazardous. There is a discrepancy in the detail of the application in that the boundary shown is not consistent with existing consent. Additionally this application may have a detrimental effect on the AONB.

6.2 Chichester Harbour Conservancy

Recommendation No objection, subject to all relevant conditions imposed on decision WW/102/89 (allowed under Appeal reference T/APP/L3815/A89/138601/P2, dated 14.6.1990), being re-imposed on what will in effect be a new planning permission for the site. I would suggest condition numbers 4-5, 7 to that Appeal decision should be re-imposed. I also think it prudent that a condition be imposed that the premises shall not be used outside the hours of operation sought and that no open storage of materials should take place in the open yard.

Following a site visit made 25.7.16 and having regard to the Policy framework* below the proposal could, in principle, make good use of what appears to be a redundant farm building, last used as a joinery workshop, and block of 4 stables. This would appear compliant with the councils Policy 46, the thrust of NPPF paragraph 28 and Conservancy Planning Guidance A2c. The agent states the buildings have been vacant for 18 months. The building needs some repair work and some window openings have been boarded up.

The premises are in a very exposed, rural location within the AONB. The access leading to the site also forms a farm track to a field gate. There is a 90 degree bend on Rookwood Lane approaching the site. This has the general effect of slowing traffic using the lane. A larger barn and a block of 4 horse stables sit alongside a relatively large open yard. The former is also in a very close proximity to a dwelling and part of its garden.

The use sought is within Class B8 (warehousing), so no industrial processes will be undertaken which might otherwise disturb neither the areas innate tranquillity, nor the amenities of those occupying the adjoining dwelling. Whereas a floor plan has been provided for the larger building, no floor plan has been given for the stable block, nor mention of whether it will be used to store materials.

The statement also says 5 will work from the site, confirming they will periodically come to collect supplies during the day and return at the end of the working day to collect belongings, etc. This level of activity seems low key although predicted movement levels are not given - and as we have nothing to compare it with it is hard to predict actual impact of the change sought, save to say it would probably be quieter than a joinery workshop. Paragraph 28 of the 14.6.90 Inspectors superseded limited business use to 300 sq.m. That proposed only is for 370 sq.m, albeit it is not clear if that includes the stable block too.

The hours sought (07.00-19.30 Mon-Fri and 07.00-12.00 Saturdays [nothing specified for Sundays or Bank Holidays]). I see there are objections on line. The Conservancy has some sympathy with these and would not be surprised if the council would be seeking some further information from the applicant in terms of (a) number of and typical vehicle used, (b) likely frequency of vehicle movements with some reference to the national TRICS database and (c) provision to be made for the safe storage of any chemicals and contingencies to be put in place should any spillages occur.

6.3 West Sussex County Council Highways

I have considered the application on the impact this change of use will have on traffic movements in relation to highway safety and capacity.

Highway Safety

Rookwood Lane is a private road and does not form part of the public highway network. One passing place is provided up to the bend where the application site access will be. There are no speed restrictions on this lane but as it is only single carriageway track speeds are not considered to be high. As this is a private road WSCC cannot comment on this road in safety or capacity terms.

The access into the site from the public highway is from the B2179 on a bend. Where the private lane meets the public highway there is an existing split junction providing two possible exit/entrances to the lane. Sheepwash Lane, a public highway of unknown status also feeds into the public highway at this point crossing the access to Rookwood Lane.

From the main access onto the B2179 there is good visibility in both directions, and cars travelling into the site also have a good forward visibility from the main road and up the Lane.

Capacity

It is not known what the previous use would have created, but the workshop has been vacant for over 18 months. The proposal will see an increase in up to 16 vehicle movements per working day. Broken down this would equate to 3 morning movements in and out, and 3 mid-afternoon movements. One delivery per week for supplies and 1 skip loader trip every two weeks. All of these movements will be undertaken in medium vans, pick-ups or on a skip loader. No articulated vehicles will be used. As such this would not cause any material highway capacity issues on the public highway network.

Third Party Objection

Four letters of objection have been received throughout the public consultation period. These relate to the following matters:

- The lane is only single track, and the barns are on a blind corner and as I am sure you are aware is in an area designated an AONB
- The proposal is for storage items including weed killer
- The application states that 5 full time employees will work long hours Monday to Friday and a half day on Saturday, but it does not state how many lorries or of what size would be using the lane. I imagine to warrant the 5 staff members it could be a considerable amount of traffic
- The lane is fragile and the residents pay for its upkeep
- The change of hours would have a very detrimental effect on the surrounding property and area
- The building in question is just 12 feet from a domestic dwelling and in an area of outstanding natural beauty, as such it is important to make sure that this application is looked at very carefully to avoid any negative impacts
- The plans provided seek to gain a change of use over a bigger floor area than the original application granted permission for, please look at the original plan
- If successful, this application will more than double the floor area that was previously granted for the joinery use. This is likely to double the impact on neighbouring properties and surrounding area
- The application is lacking information regarding the exact nature of use; traffic movements, where does the company currently operate, are they open to the public, where and how are the chemicals to be stored, the frequency of vehicle movements delivering to and from the site and the size of the vehicles delivering to and from the site
- The lack of detailed information on the above makes it impossible to correctly assess the impact of the proposed development and therefore this application should be refused
- I would like to raise the concern of the dwelling immediately in front as this is a family dwelling and as such chemicals so close would be a hazard there
- There is a cycle route at saltern way coming out oot the end of the lane

Applicant/Agent's Supporting Information

Since the original public consultation period the applicant's agent has provided an indicative Transport Statement which details the type, nature and frequency of vehicles.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision

- Policy 26: Existing Employment Sites
- Policy 39: Transport, Accessibility and Parking
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 45: Development in the Countryside
- Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles).

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

- The Chichester Harbour Conservancy Chichester Harbour Area of Outstanding Natural Beauty Management Plan (2014-2019)

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- Development in the Countryside; and
- Transport, Accessibility and Parking

Assessment

Development in the Countryside

8.2 Policy 46 of the Local Plan supports the change of use and/or re-use of existing buildings in the countryside subject to accordance with the following criteria.

The building is structurally sound and is capable of conversion for employment uses without the need for significant extension, alteration or rebuilding

8.3 The building is currently in a restricted employment use and the removal of condition 8 would allow the retention of an employment generating use. The nature of the use will lead to an increase in the extent of employment. Further, the building has been used for employment generating uses pre-1990. Therefore, the building does not require the need for significant extension, alteration or rebuilding.

It has been demonstrated that economic uses, including live/work units, have been considered before residential use are unviable

8.4 The removal of condition 8 opens up the nature of the economic use and does not result in the loss of an economic use. The application does not propose the introduction of any residential use.

The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses

8.5 The use of the building as a storage building for weed control/salt spreading and artificial lawn installation business would not prejudice any viable agricultural operations on a farm and other existing viable uses.

8.6 The current restricted B2 permitted on the site has remained redundant for in excess of 18 months, throughout which time the building has been marketed by the applicant. The introduction of a B8 storage use is complimentary to adjacent agricultural operations.

The form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm its landscape character and setting

8.7 The application proposes the change of use of the building and open yard area. No additional operational development is proposed. Therefore, the proposal does not harm its landscape character and setting.

8.8 The application site falls within the Chichester Harbour AONB and the Chichester Harbour Conservancy have provided a consultation response on the likely impact on the special qualities of the AONB.

8.9 They make clear that the premises are in a very exposed, rural location within the AONB. However, they go on to note that the use sought is within Class B8 (warehousing), so no industrial processes will be undertaken which might otherwise disturb the areas of innate tranquillity.

8.10 The use of a condition requiring there to be no outside storage of goods, plant or machinery in connection with the permitted use, would secure the tranquillity of the rural area within the AONB. This would accord with the contents of Policy 43 (Chichester Harbour Area of Outstanding Natural Beauty (AONB) of the Local Plan.

For residential, including holiday use, the proposal would involve the re-use of a traditional building of architectural or historic merit; and

8.11 The application does not propose the introduction of any residential uses. Therefore, criteria 5 of Policy 46 does not apply in this instance.

The proposal will not damage the fabric or character of any traditional building or the historic character and significance of the farmstead and in the case of a Heritage Asset, whether designated or not, the proposal will not damage the architectural, archaeological or historic interest of the asset or its setting

8.12 The development proposes the reuse of the existing building on the site. The building is not assessed as being of any particular traditional building or historic character or significance. Further, the lack of operational development within the change of use of the building ensures the character of the building is retained as existing.

8.13 In light of the above, the development accords with the contents of Policy 46 (Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside) of the Chichester District Council Local Plan Key Policies (2014-2029).

Transport, Accessibility and Parking

8.14 The development proposes the retention of 2 no. car parking spaces for cars and 4 no. parking spaces for light goods/public carrier vehicles. This level of parking provision is retained as existing. No details of the location of this parking have been provided. However, this can be secured by way of pre-commencement condition, requiring details of the parking layout to be provided, and implemented on site, prior to the occupation of the building under the hereby permitted use. The vehicles spaces could be retained as such at all times thereafter. This would ensure no unnecessary impacts on the visual tranquillity of the AONB result.

8.15 The applicant seeks to extend the operating hours under the new use between 0730-1930 hours Monday to Friday and 0700-1200 hours on Saturdays. In the assessment of the development, a finishing time of 1930 hours for the nature of the operations proposed is unnecessary and a restriction until 1830 hours is appropriate. Having regard to the nature of the operations proposed, the use of the building on Saturday from 0800-1300 hours would also be appropriate.

8.16 In assessing the appropriateness of the operating hours, material weight is given to nature of the use proposed. The existing development results in material planning impacts on residential amenity through the carpentry operations on the site; which were noted as being audible from adjacent residential properties. The impacts deriving from the operations undertaken within the site can be controlled by the hours of operation condition.

8.17 Conversely, the primary planning impacts, which are to be controlled by way of hours of operation condition, derive from the vehicle movements to and from the site. The noise impacts deriving from the storage use are likely to be significantly lesser than the current extant use. Impacts deriving from the use will originate from the access to the site and not the storage of items which is considered a silent activity.

8.18 Weight has been given to the nature of the vehicles accessing the site. The applicant has submitted a Transport Statement as part of the application proposals post-public consultation period. The assessment details there will be no access to the site for Heavy Goods Vehicles; with the only exception being for deliveries of goods to the site. This intermittent nature of deliveries is comparable to the extant consent; where the delivery of timber occurred.

8.19 Under normal operations the site will only be accessed by cars and public carrier vehicles/light goods required to collect goods in storage. This would not result in any additional impacts in comparison to the existing extant use, where workers access the carpentry use on the site.

8.20 A condition can be imposed on the consent imposing the building to be used within the stated hours of operation only; with no access to the building allowed in excess of these hours. Such a condition will allow a sufficient level of residential amenity to be safeguarded for the occupants of the dwelling to the south.

8.21 In light of the above, the development would provide for the access and transport demands they create and does not create or add to problems of safety. The proposal has safe and adequate means of access and internal circulation/turning arrangements for all modes of transport relevant to the proposal. The use of conditions would ensure the development would not result in cumulative impacts which are severe. Therefore, the development accords with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester District Council Local Plan Key Policies (2014-2029).

Other Matters

8.22 Concern was raised within the public consultation period regarding the nature items being stored on the site. However, such environmental risks and hazards are covered under separate Environmental Health legislation which any future occupant/user of the building is bound by. Therefore, duplicating this legislation by way of condition would fail to meet the test of necessity in paragraph 206 of the National Planning Policy Framework.

8.23 Given the storage use of the application site, and an area of the red line falling as an open air yard, a condition will be imposed restricting all storage to being confined within the building hereby permitted. This will ensure the visual tranquillity of the Chichester Harbour AONB is conserved.

8.24 The Chichester Harbour Conservancy consultation response has requested a landscaping condition be imposed to safeguard the special qualities of the AONB designation. Given the car parking to be permitted in the open yard area, such a condition is considered necessary. Therefore, a landscaping condition will be imposed requiring agreed landscaping to be submitted to the Local Planning Authority, and retained in perpetuity for the period of 5 years after its planting. This will safeguard the special qualities of the Chichester Harbour AONB.

Significant Conditions

8.25 Conditions will be imposed regarding the following matters:

- Restriction on use - storage use only
- Hours of operation;
- Parking layout and implementation;
- No storage externally;
- Landscaping scheme; and
- Landscaping implementation

Conclusion

8.26 Based on the above considerations it is considered the proposal complies with the development plan policies. Therefore, the application is recommended for approval.

Human Rights

8.27 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

8.28 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded there would be no breach if planning permission were to be granted.

RECOMMENDATION PERMIT

1	U05884	Time Limit
2	U05885	Plan Reference
3	U05886	Car Parking Provision
4	U05889	Landscaping Scheme
5	U05888	Landscaping Implementation
6	U05890	Hours of Operation
7	U05891	B8 Storage Only
8	U05893	No Outside Storage

INFORMATIVE

- 1 W44F – Application approved without amendment

For further information on this application please contact James Cross.