

PLANNING APPLICATION REPORT

REF NO: F/11/19/PL

LOCATION: Wicks Farm  
Ford Lane  
Ford  
BN18 0DF

PROPOSAL: Construction of agricultural barn with flexible storage use (B8 Use Class) with ancillary office space

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	Mixed use building for shared agricultural purposes and light industrial use including ancillary offices and storage. The new building would be 60m in length by 12m in depth with an eaves height of 4.2m and a ridge height of 6.1m.
	The building would have two roller shutter doors in the west elevation to allow for the storage of large vehicles in a secure building. The building would have the appearance of an agricultural barn.
SITE AREA	0.63 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	A row of trees would be removed to allow improved access to the site.
BOUNDARY TREATMENT	The site has a bund to the north and west with a soft landscaped border to the east. It opens to the main industrial and farm yard to the south.
SITE CHARACTERISTICS	An open storage area just to the north of a group of agricultural buildings in use for a variety of commercial and agricultural uses.
CHARACTER OF LOCALITY	The area is outside the built up area boundary in a countryside location. However the character is of mixed uses including a variety of commercial uses in existing farmyards and farm buildings alongside industrial estates on Ford Lane.

<b>RELEVANT SITE HISTORY</b>
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F/30/18/PL	2 multispan tunnels, 2 ancillary outbuildings, drainage pond, associated drainage works, external hardstanding for vehicle parking, access and turning.	ApproveConditionally 27-09-19
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F/24/18/AG	Prior notification for agriculture-steel portal framed agricultural building to be used for the storage of fresh produce.	No Objection 11-12-18
F/4/18/PL	Salt storage building, office building, parking & turning area & open storage areas for highways maintenance depot - This is a Departure from the Development Plan	ApproveConditionally 26-06-18
F/20/16/PL	Conversion of outhouse (B1 Business / B8 Storage & distribution) to form Cafe, Office, toilets & include small extension (B1 Business / A3 Restaurant & Cafe)	ApproveConditionally 07-04-17
F/4/16/PL	Change of use from office/storage to mixed business use (B1 Business).	ApproveConditionally 09-06-16

A variety of uses have been permitted at Wicks Farm including Edgcumbes Coffee Roasters, Cafe and retail shop, mixed industrial uses and the original agricultural uses.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ford Parish Council

Objection due to non compliance with the Ford Parish Council Neighbourhood Development Plan.  
Contrary to:

- 1) Core Objective of ensuring new commercial activity does not increase heavy vehicle movements.
- 2) Policy BUA1 as outside built up area boundary.
- 3) Policy EH2 removing agricultural land use.
- 4) Policy EH5 loss of high grade agricultural land.
- 5) Policy EH7 as it would be development in the Local Gap
- 6) Policy EE4 support for new commercial uses within the built up area boundary (BUAB) and on allocated sites but not B2 general industrial or B8 storage and distribution uses

### COMMENTS ON REPRESENTATIONS RECEIVED:

The development would be on an existing site with a variety of employment uses and has been described as an upgrading of facilities rather than providing additional capacity. No new vehicle movements would be caused as the proposal is not an extension or a new commercial activity. It is not considered that agricultural land would be lost as the land is currently used for open storage. The site is not within the local gap as set out in the Ford Neighbourhood Parish Plan Proposals map.

## CONSULTATIONS

Environmental Health

Economic Regeneration  
Southern Water Planning  
Engineering Services Manager  
Engineers (Drainage)  
Environment Agency  
WSCC Strategic Planning  
Arboriculturist  
Ecology Advisor

**CONSULTATION RESPONSES RECEIVED:**

Southern Water - No objection subject to informatives relating to the provision of a connection to the public sewer.

Environment Agency - No objection.

ADC Drainage - No objection subject to pre-commencement conditions.

ADC Environmental Health - No objection subject to a condition restricting hours of loading/unloading and vehicle movements.

ADC Economic Regeneration - Support due to shortage of this type of business premises.

WSCC Highways - No objection.

CDC Ecology - No objection subject to conditions relating to ecological enhancements on site.

ADC Arboriculture - No objection subject to a pre-commencement condition relating to trees on site.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted.

**POLICY CONTEXT**

Designation applicable to site:  
ADOPTED LOC PLN  
CLASS C ROAD  
OUTS BUILT AREA

**DEVELOPMENT PLAN POLICIES**

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

TSP1 T SP1 Transport and Development

QEDM2 QE DM2 Light pollution

[Ford Neighbourhood Plan 2019 Policy EE1](#)

Support for business

Ford Neighbourhood Plan 2019 Policy EE10

Quality of Design of commercial buildings

Ford Neighbourhood Plan 2019 Policy BUA1

Built Up Area (BUA) boundary

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**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.

Policies EE1 and EE10 of the Ford Neighbourhood Plan are considered relevant to this application.

**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 the development is of an existing commercial premises on an existing commercial site which would accord with policy EMP DM1 (1) & (6) Employment Land: Development Management which state that the Council will seek to protect and foster economic growth in existing employment sites and as a result would not be contrary to policy C SP1 countryside of the Arun Local Plan.

**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 key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Commercial development is resisted outside of built up area boundaries (BUAB) under policy C SP1 countryside of the Arun Local Plan and policy BUA 1 of the Ford Neighbourhood Plan unless the proposal accords with other policies within the plans which refer to specific types of use or development.

The development accords with parts 1 & 6 of policy EMP DM1 in that it would protect and enhance this employment site by providing a good quality extension (part 1) and part 6:

- Be an appropriate sized and designed extension (a. & c).
- Does not intensify employment levels at the site so as to have no impact on existing access, local highway and parking levels or need to be serviced by acceptable levels of public transport (b., d. & e.).
- Have a sympathetic relationship and secures improvements local habitat (f.).
- Have a sympathetic relationship to surrounding areas and protect the amenity of nearby residents (g.).
- Encloses outside equipment and thereby provides crime prevention measures (h.).

Ford Neighbourhood Plan Policies EE1 seeks to support the extension of existing employment buildings unless they would cause an unacceptable harm to the amenities of surrounding properties, landscape, wildlife and cultural heritage. The development is already in use as an open storage site and is not considered to cause an unacceptable harm to amenities.

The National Planning Policy Framework at para. 83 supports the development of rural business and agricultural business stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposed development meets this principle.

## DESIGN

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character - Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design states 'all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things, its character and design.

Policy EE 10 of the Ford Neighbourhood Plan seeks extensions to achieve a high quality, energy efficient design in harmony with the surrounding landscape setting.

It is also necessary to consider the guidance within the National Planning Policy Framework (NPPF).

Section 12 paragraph 127 states that 'Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'. Paragraph 130 goes on to say 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...'

The additional building is intended to improve the quality of buildings on the site, providing secure storage for plant vehicles, agricultural vehicles and some office space, rather than expanding the level of

employment or level of uses of the site. The same vehicles and staff members that use the site now, are intended to use the new building. The intention is to modernise the facilities on site where converted agricultural buildings and open storage are currently in use for B1/B8 commercial purposes.

The scale of the new building as a whole would be comparable in size with existing buildings on the frontage of and within the Wicks Farm site on Ford Lane at 6.1m in height. The building would be located behind existing buildings and an industrial estate, Ford Lane Business Park, is located immediately to the east abutting the site where many of the industrial units are two stories in height.

The site is well screened from the east by a thick tree belt which would be retained as part of the development. The strong landscaped border and bunding to the rear would ensure a relatively limited impact of the proposed new building on the wider landscape when compared with the existing development on and neighbouring the site. The profiled green steel cladding would further blend the proposed building into the landscape set against a landscaping strip to the east as proposed.

The proposal is an acceptable design in accordance with policy D DM1 and D SP1 of the Arun Local Plan, Policy EE10 of the Ford Neighbourhood Plan and the NPPF.

#### **AMENITY**

The site is located in excess of 120m from the nearest residential property and would have a strong landscaped boundary such that it would not impact upon the surrounding landscape. No additional land other than open storage land would be developed as a result of the scheme and the current industrial use would not be intensified so as to cause additional loss of residential or other amenity. In this respect the proposal would accord with policies QE DM2 & D DM1 of the Arun Local Plan and policy EE1 of the Ford Neighbourhood Plan.

#### **HIGHWAYS AND TRANSPORT**

The proposed development would not result in additional journeys on and off site. No objections have been received from West Sussex County Council Highways and the access, turning and parking areas on site are considered acceptable. The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

#### **ECOLOGY**

The Council's Ecologist has not raised any objections to the development subject to conditions relating to external lighting and buffer strips around hedgerows and a ditch on the border of the site therefore the proposal is considered to comply with policy ENV DM5 of the Arun Local Plan.

#### **ARBORICULTURE**

The trees on site are not considered to be worthy of a tree preservation order but are of local landscape value. The Council's arboricultural officer has accepted a pre-commencement condition to satisfactorily address the tree issues on site. The development complies with policy ENV DM4 of the Arun Local Plan.

No other significant issues are considered to be relevant to the consideration of this application

#### **CONCLUSION**

The development complies with the Development Plan and is recommended for approval subject to the following conditions:

<b>HUMAN RIGHTS ACT</b>
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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:

Site Plans Dwg.no. 16935/05 Rev B

Plans and elevation proposed dwg.no. 16935/03 Rev A

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

- 3 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended 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 W SP1, W DM1, W DM2 and W DM3 of the Arun 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.

- 4 Development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And 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. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 5 Prior to the commencement of development the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that an Arboricultural Method Statement (AMS) is submitted and also most importantly a Tree Protection Plan - to describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: To ensure that the proposed development does not harm the trees contributing to local amenity are to be retained on site in accordance with policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the trees concerned are to be protected from the outset of development.

- 6 Prior to first occupation of the building ecological enhancements shall be made to the scheme in accordance with details to be submitted to and approved by the Local Planning Authority, which shall include the following :

- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles and great crested newts.
- Log piles onsite.
- Gaps must be included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes included on the site.

Reason: To protect and enhance native flora and fauna in accordance with policy ENV DM5 of Arun Local Plan.

- 7 In accordance with the recommendations of the submitted Ecological Appraisal a minimum 3m buffer strip shall be retained from the ditch bank on the eastern border of the site.



Reason: To protect and enhance native flora and fauna in accordance with policy ENV DM5 of Arun Local Plan.

- 8 Prior to first occupation of the building details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority.

Reason: To protect and enhance native flora and fauna in accordance with policy ENV DM5 of Arun Local Plan.

- 9 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.

- 10 INFORMATIVE: 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 BRE365, 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 40% 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 regarding surface water drainage are located here: <https://www.arun.gov.uk/surfacewater> on Arun District Councils website.

A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 11 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging

Arrangements documents which has now been published and is available to read on our website via the following link:

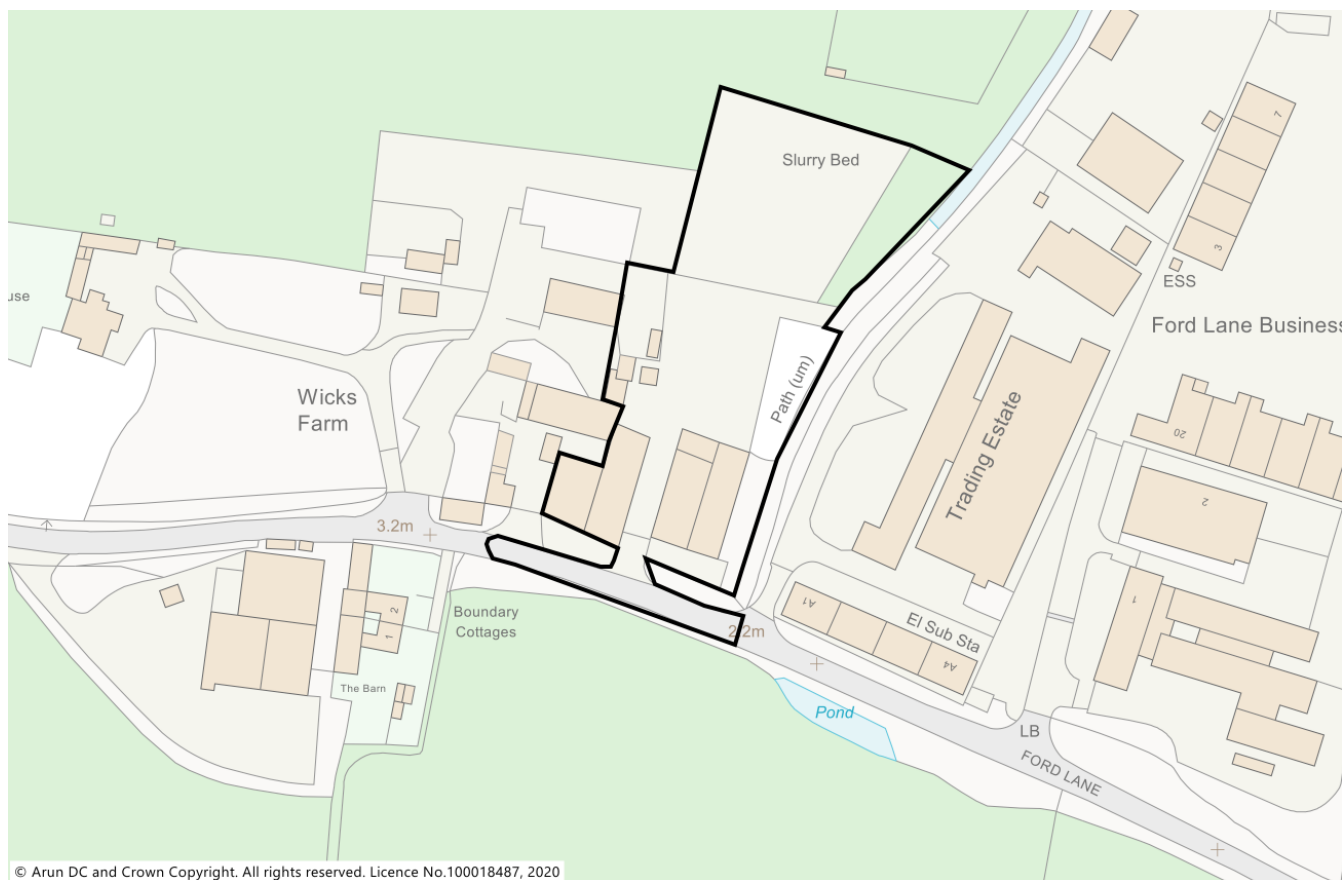
<https://beta.southernwater.co.uk/infrastructure-charges>.

- 13      **INFORMATIVE:** Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.  
For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
- 14      **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 15      **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**F/11/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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