

Recommendation Report for Planning Permission

REF NO: A/154/17/PL

LOCATION: The Vinery
Arundel Road
Angmering
BN18 9PY

PROPOSAL: Erection of industrial building (Unit 35b) for B1 (Business)/B8 (Storage or Distribution) purposes, relocation of existing site managers office & workshop. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed industrial building is to be located immediately to the north of the existing unit 35a and will be clad in the same materials as most of the buildings on the site building - profiled steel cladding. The building will have a mono pitch roof and be set on a concrete base. The building will comprise 8 individual units of 140m², each with a roller door vehicular access on the north elevation, and a fire exit and service door on the southern side. The building will be located within an area currently used for car parking by users of the wider Vinery site and it is proposed that this parking, together with additional provision for the proposed building, is relocated to the north on an open area of the site to the south of the main A27. Some vehicle parking (12 spaces) will be retained adjacent to the building. It is proposed that the parking area to the north of the new building is redesigned to accommodate a total of 58 parking spaces. This is an increase of 17 spaces on the current made up parking area in the north-east corner of the Vinery site.
SITE AREA	The approximate application site area is 0.80 hectares, although the applicants ownership extends to 6.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There is significant boundary screen planting to the north (A27), south and east boundaries including some specimen trees. The east boundary of the side adjoining the road onto which dwellings to the east face is a 2m chain link fence with 3 strand barbed wire element above. To the rear of the on the

SITE CHARACTERISTICS	east boundary is deciduous hedgerow planting of a similar height to the fence. The site is a marked hardstanding area which is used for vehicle parking.
CHARACTER OF LOCALITY	The site makes provision for almost 14,000sqm of employment space, much of it in smaller to medium sized units. The overall site area which the application site is located within is in employment use and is occupied by a range of units of a similar design and appearance. Employment development extends to the south and west of the application site. To the east of the site are 4 terraces of two-storey dwellings, one of which directly faces the site. To the north of the site is the A27 Trunk Road and to the south and west of the site there are open fields.

RELEVANT SITE HISTORY

A/5/15/PL	New industrial building (Unit 35b) for B1 -Business/B8 - Storage or Distribution purposes. Relocation of existing site managers offices.	ApproveConditionally 29-04-15
A/59/14/PL	Use of existing industrial buildings for B2 General Industrial use	ApproveConditionally 04-07-14
A/131/13/	New industrial building to rear of unit 35 for Clubhouse Interiors (Industrial B1/B8 use).	ApproveConditionally 30-01-14
A/5/13/	Extension to existing industrial building	ApproveConditionally 28-02-13

Permission reference A/5/15/PL granted permission for a smaller building.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council
Angmering Parish Council - No objection

1 letter of objection - Information requested as to where the building will be as we currently we look out

onto a car park from the front of our house.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst the view from the will change from an area of open car park the building will be sufficiently separated from residential dwellings for there not to be an an unneighbourly impact.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Highways England

Environmental Health

Economic Regeneration

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objection subject to conditions requiring a Construction Management Plan and hours of operation.

Highways England

No objection

Based on information supplied trips generated will be of a level and distribution that will not materially affect the safety and/or operation of the SRN. A standard condition requiring a Construction Management Plan is recommended.

ADC Engineers

No objection subject to standard conditions

County Highways

Access to the site is taken from the A27, part of the Highways England 'Strategic Road Network'. It is recommended that Highways England are consulted on the proposed development for comments on the suitability of access.

It is not considered that the proposed development will have a material impact on the operation of the local network.

West Sussex County Council Flood Risk Management

Comment. We do not have any records of historic flooding within the confines of the proposed site. Informative proposed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and condition including a construction management plan on the basis that Highways England recommend it. Condition to prevent development until a scheme to mitigate noise upon neighbouring residential dwellings not considered to be reasonable as the use is for a B1/B8 use which is a use that is capable of being carried out in a residential area without causing undue detriment.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Adjoins/Access from A27 Trunk Road

DEVELOPMENT PLAN POLICES

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

DEV8	Cirumstances in which Additional Development may be Permit'd
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D SP1 Design
ECC SP2 Energy and climate change mitigation
EMP DM1 Employment land:Development Management
EMP SP1 Employment land provision
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM3 Air Pollution
T SP1 Transport and Development
W DM2 Flood Risk

[Angmering Neighbourhood Plan 2014 POLICY HD5](#) Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

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 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 Angmering Neighbourhood Plan 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 not considered to comply with relevant Development Plan policies where development outside built up areas is strictly controlled and restricted for proposals that require a countryside location.

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 that the site is largely industrial in use and emerging and national planning policy encourage economic growth such as that proposed.

CONCLUSIONS

PRINCIPLE

The site is outside the built up area boundary and policy GEN2 states that development or redevelopment is not permitted unless it is consistent with other local plan policies. Policy GEN3 states that permission may be given for the extension of isolated groups of buildings providing it is in accordance with a policy referring to a specific type of development. DEV8 refers to circumstances under which additional development may be permitted outside the built up area boundary and states that permission may be granted to local firms, currently located within the District, proposing development on sites outside the built-up area. In this case it has not been indicated that the occupier is a local firm relocating and therefore the proposed development is not strictly consistent with DEV8, albeit that the application proposes to develop a site within what is effectively a developed area.

However, emerging policy in the Arun Local Plan has the following objective:

Strengthen Arun's economic base and provide local job opportunities by increasing, diversifying and improving the quality of employment within the District through the provision of appropriate employment sites, quality affordable accommodation and the development of business support and partnerships

Policy EMP SP1 in the Plan supports the promotion of sustainable growth of the economy and the provision of a flexible supply of land to meet the varying needs of different economic sectors, including:

- b. The provision of land to accommodate both employment and employer generated needs;
- e. Protecting and enhancing existing employment sites and premises to meet the needs of business;
- h. Supporting sustainable employment opportunities in Arun's inland settlements and rural areas;
- k. Employment land , either in existing use or allocated by this Local Plan, will be protected for the plan period, subject to regular review and monitoring, to include updates of the housing and economic needs and land availability assessments.

The Plan also includes policy EMP DM1 which seeks to enhance employment sites and premises, including promoting positive measures to upgrade existing employment areas through supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises.

Government policy in the form of the NPPF supports local economic development and states that one of the roles of planning is an economic one:

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;

The NPPF also states that:

Local Planning Authorities should positively seek opportunities to meet the development needs of their area;

For decision-taking this means:

- 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 permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Whilst the development proposed is not specifically for a local firm, the provision of employment development is generally consistent with both the emerging Local Plan and the NPPF. Given that the development is proposed within an existing employment site, it is considered that the proposals ought to be considered to be acceptable since they are generally consistent with emerging policy and the NPPF.

They also do not give rise to adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (Para. 14). The proposal is considered to be generally in accord with policy relating to employment in both Local Plans, except insofar as it does not appear to be for a local firm. The proposal is in accord with the NPPF.

Whilst the proposal conflicts with Arun's adopted countryside policy there are sufficient other material considerations that outweigh this on principle policy conflict.

VISUAL IMPACT

The proposed unit is of a height and scale consistent with other units on the site and is significantly screened by boundary planting and other buildings to the north south and west. The visual impact is from these points therefore very limited.

The building will be visible to the dwellings to the east but will be read against the backdrop of the existing development at the site and is not considered to result in a visually intrusive or unduly dominant built form. The proposed development is therefore considered to be consistent with policy.

IMPACT ON RESIDENTIAL AMENITY

The main receptors in terms of amenity impact are the dwellings to the east although the distance involved, a minimum of 25 m is an acceptable separating distance for there not to be an unacceptable and unneighbourly impact. This distance should also insure that there will be no statutory nuisance by way of pollution. The agreed times of operation condition will ensure that impact, if any, remains at acceptable levels.

HIGHWAYS

It is evident from consultee responses that access serving the site and traffic movements associated with the proposed development are acceptable and can be reasonably accommodated. There can therefore be no objection on highway grounds. Further proposals in the future, if made, will have to be considered on their own particular merits in the context of junction capacity and highway safety.

PARKING

It is demonstrated from the proposal and submitted drawings that there will be a replacement of the lost car parking spaces. County Highways have not objected on a shortfall of parking provision.

CONCLUSION

The proposal would facilitate the delivery of additional employment floor space within an existing employment area. Whilst in conflict with policy GEN3 it complies with all other policy and guidance and does not give rise to harm such that planning permission ought to be refused.

It is recommended that planning permission be granted with the following conditions.

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: 17029-A-PL01 rev A, 17029-A-PL02 rev B, 17029-A-PL02 S rev A, 17029-A-PL03 rev A, 17029-A-PL04 rev A.

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 Construction Management Plan.
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :
 - a. An indicative programme for carrying out the works
 - b. The arrangements for public consultation and liaison during the construction works.
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
 - d. Detail of any flood lighting, including location, height, type and direction.
 - e. The parking of site operatives and visitors
 - f. Loading and unloading of plant and materials
 - g. Storage of plant and materials used in construction and development
 - h. Wheel washing facilities
 - i. Measures to control the emission of dust and dirt during construction

Reason: In order to safeguard the amenity in accordance with policy GE7 of the Arun District Local Plan.

- 4 No machinery shall be operated, no process shall be carried out and no deliveries taken at or

despatched from the site outside the following times: 07.00hours to 18:00 hours Monday to Friday inclusive; 08:00hours to 13:00hours on any Saturday; No working on any Sunday or Public or Bank Holiday.

Reason: In order to safeguard the amenity in accordance with policies GE7 and GEN32 of the Arun District Local Plan.

- 5 External lighting to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of obtrusive Light, Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 - Rural.

Reason: In order to safeguard the amenity in accordance with policies GE7 and GEN33 of the Arun District Local Plan.

- 6 The building hereby permitted shall not be occupied until provision for car parking has been made within the site in accordance with the plans submitted and approved by the Local Planning Authority listed in condition 2 and such provision shall thereafter be used only for the parking of cars.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy GEN7 of the Arun District Local Plan.

- 7 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.

- 8 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.

- 9 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.

- 10 INFORMATIVE: No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.