

Recommendation Report for Planning Permission

REF NO: A/5/15/PL

LOCATION: The Vinery
Arundel Road
Poling

PROPOSAL: New industrial building (Unit 35b) for B1 -Business/B8 - Storage or Distribution purposes. Relocation of existing site managers offices.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seek planning permission for a proposed new building for use for Class B1, Business or Class B8 Storage and Distribution purposes. The new building would be located immediately to the north of the site for a new building permitted under A/131/13 which has yet to be erected. The new building would result in the loss of the existing site managers officer building and would be located on an area which for the most part is unmade hardstanding, although part of the building would encroach into an existing parking area.

The proposed building would measure 42m x 10.5m and have a ridge height 6.2m and an eaves height of approximately 4.7m. The proposed is of portal frame construction and natural light will be by means of roof lights on either side of the roof in the roof plane of each of the 7 sections of the building (total 28). The unit would have a large roller shutter door in the west elevation. Both end elevations would also have a pedestrian door. materials are to be profiled steel sheeting. The proposed building would be within 4.85m of the east boundary of the site.

A replacement management office/workshop is proposed to the east of an existing two storey building close to the site entrance and almost adjoining the east boundary of the site. This would have a footprint of 9m x 10m sand the workshop would have a sloping roof of between 4.1m and 5m. An office and meeting room element would have a flat roof and be 3m in height. This building would also be clad in profiled steel sheeting.

Both buildings would be served by the existing access road and circulation within the site. The site as a whole is served off the A27 Trunk Road. in the area of the site, this is dual carriageway in both directions. The site access is left turn in and left turn out, with no dual carriageway crossover.

The development proposed would also result in a revised parking layout being provided an increased provision in the area to the immediate north of where the new building is to be located. Parking would increase from 41 spaces to 58 spaces.

The application proposes no changes to the site access to the A27.

The proposed building would be occupied by a company providing vintage and antique fixtures and fittings to the trade. The use would be primarily storage (Class B8), although there would be a small element of renovation work undertaken within the building (Class B1).

SITE AREA

The approximate application site area is 0.40 hectares, although the applicants ownership extends to 6.06 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development. There is significant boundary screen planting to the north (A27), south and east boundaries including some specimen trees.

BOUNDARY TREATMENT

See above. The east boundary of the site 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 east boundary is deciduous hedgerow planting of a similar height to the fence.

SITE CHARACTERISTICS

The site is open and undeveloped, being comprised mainly of unmade hardstanding, although the site does include a management office (to be removed) and a small area of existing parking.

The site makes provision for almost

14,000sqm of employment space, much of it in smaller to medium sized units.

CHARACTER OF LOCALITY

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/123/97	Extend the existing production building and erect six holding rooms.	ApproveConditionally 11-03-1998
A/14/05/	Change of use of site from mushroom production facility to industrial B1and B8 uses. Retention of portable building & cladding on units 1 - 8.	ApproveConditionally 23-11-2005
A/11/05/	Change of use from mushroom production facility to in- vessell composting unit for green and kitchen waste to include new buildings, concrete maturation pad & perimeter fence.This application is accompanied by an Evironmental Statement. Dual Parish with PO/1/05. This application is a County Matter and will be determined by West Sussex County Council.	ApprvdCond-WSCC 23-01-2006
PO/1/05/	Change of use from mushroom production facility in-vessel composting unit for green & kitchen waste to include new buildings, concrete maturation pad & perimeter fence. This application is accompanied by an Environmental Statement .Dual Parish with A/11/05. This application is a County Matter and will be determined by West Sussex County Council	ApprvdCond-WSCC 23-01-2006
A/9/06/	Addition of profiled metal cladding to former growing tunnel buildings.	ApproveConditionally 09-03-2006

A/5/15/PL

A/28/06/	Retention of building for the storage of scaffolding	ApproveConditionally 09-08-2006
PO/1/06/	Use of land for the storage of bottled gas, erection of security fencing, locating portacabin on site - Dual Parish with A/141/06/	Withdrawn 20-10-2006
A/141/06/	Use of the land for the storage of bottled gas, erection of security fencing, locating the portacabin on site (Dual Parish with PO/1/06/)	Withdrawn 20-10-2006
PO/4/06/	Use of land for the storage of bottled gas, erection of security fencing, locating portcabin on site. (Revised application following PO/1/06/) Dual Parish with A/182/06/	ApproveConditionally 31-01-2007
A/182/06/	Use of land for the storage of bottled gas, erection of security fencing, locating portacabin on site (revised application following A/141/06/) Dual Parish with PO/4/06/	ApproveConditionally 31-01-2007
A/191/06/	Proposed buildings to house in-vessel composting unit for green and kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/11/05/. (Dual Parish with PO/5/06/) This is a County Matter to be determined by West Sussex County Council)	Refused by WSCC 17-07-2007
A/37/08/	Proposed buildings to house in-vessel composting unit for green kitchen waste including maturation area, bio-filters, administration/canteen building and perimeter fence. Revised application following A/191/06/ & PO/5/06/. This application also falls within the parish of Poling. This is a County Matter to be determined by West Sussex County Council	ApprvdCond-WSCC 28-05-2008
A/17/08/	Erection of 2 no. industrial buildings (Class B1)	ApproveConditionally 29-05-2008
A/120/08/	Relocation and renovation of existing industrial buildings -Use for B8 Storage and distribution	ApproveConditionally 23-12-2008
A/80/09/	Application for removal of condition 9 (highway improvements) from planning permission A/37/08 - This application is a County Matter and will be determined by the WSCC	No Objection 31-07-2009

PO/2/11/	Proposed new yard shed for general storage (this application falls within the parish of Angmering)	ApproveConditionally 21-07-2011
A/162/11/	Variation of Condition 9 imposed under A/14/05/ to allow for business use, classes B1 and B8, to all units and additional Sui Generis use for commercial ground care equipment to Unit 33.	ApproveConditionally 30-03-2012
A/5/13/	Extension to existing industrial building	ApproveConditionally 28-02-2013
A/74/13/	Proposed distribution warehouse and covered storage, trade counter and associated offices. Upgrading of access road for and improvement of existing junction with the A27. This application is a Departure from the Development Plan and affects a public Right of Way.	ApproveConditionally 24-01-2014
A/131/13/	New industrial building to rear of unit 35 for Clubhouse Interiors (Industrial B1/B8 use).	ApproveConditionally 30-01-2014
A/59/14/PL	Use of existing industrial buildings for B2 General Industrial use	ApproveConditionally 04-07-2014
A/79/14/PL	New industrial building to accommodate specialist classic bus restoration business (industrial B2)	ApproveConditionally 18-08-2014

The site as a whole has a history planning permission which as established a transition from horticulture (mushroom farm) to employment use for the site in general. There have been a number of planning permissions since 2005 which have contributed to the further establishment of the wider site as an employment area.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Angmering Parish Council raises no objection, but comments that it is concerned about increasing numbers of vehicle movements onto and off of the A27 following numerous planning permissions for development schemes and requests that the situation is monitored by the Local Planning Authority.

No representations have been received from nearby occupiers.

Comments on Representations received:

The comments of the Parish council in terms of vehicle movements are a consideration in determining this application. The Highways Agency (responsible for the A27) and WSCC Highways were consulted for this reason and have raised no objection. Any further development proposals would be the subject of further consideration of highway impact and junction capacity.

CONSULTATIONS

Economic Regeneration
Engineering Services Manager
Engineers (Fluvial Flooding)
Environmental Health
WSCC Strategic Planning
Highways Agency
Engineers (Fluvial Flooding)

Consultations responses received:

The Highways Agency raises no objections.

WSCC Highways comments that it is not considered that the proposed development will have a material impact on the operation of the local network and that the Highways Agency must be consulted as the A27 is part of the Strategic Road Network.

This Council's Drainage Engineer has commented that the proposed drainage strategy is acceptable, but as noted within it, further investigation is required for the detailed design. Also that recommended conditions relating to surface water disposal and drainage are to be imposed.

This Council's Environmental Health Officer advised that hours of operation should be restricted to between 07.00 and 18.00hours Monday to Friday inclusive; 07.00 and 13.00 on Saturdays and not at any time on Sundays or Bank or Public Holidays. A condition is recommended in respect of these hours of operation.

Economic Regeneration has not commented.

Comments on Consultation responses:

Following initial comments from this Council's Drainage Engineer supporting information and details was submitted in respect of Flood risk and drainage to demonstrate that the site could be satisfactorily drained. The comments of the Council's Drainage Engineer are based on this additional supporting information.

The hours of operation restriction recommended is one which has been applied across the site and the applicant has no objection to this.

Whilst Economic Regeneration has not commented, it could be reasonably expected that there would be no objection in principle. The development generates additional employment opportunities and accommodates a relocating business.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area
Adjoins/Access from A27 Trunk Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN3
GEN7
GEN9
GEN12

Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development

GEN32
GEN34
DEV8

Noise Pollution
Air Pollution
Circumstances in which Additional
Development may be Permitted
SD SP1 Sustainable Development
C SP1 Countryside
LAN DM1 Protection of Landscape
Character
EMP SP1 Employment land provision
EMP DM1 Employment land:
Development Management
D SP1 Design
D DM1 Aspects of Form and Design
Quality
ECC SP2 Energy and Climate Change
Mitigation
QE DM1 Noise Pollution
QE DM3 Air Pollution

Publication Version of the Local
Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered

alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Poling does not have a Made Neighbourhood Plan and as such there are no Neighbourhood Plan policy considerations.

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.

It is considered that overall the development proposed is consistent with policy, particularly given that it is development proposed within and existing developed employment area.

Previous applications for development within this overall site have not been advertised as a Departure from the Development Plan. The current application is not considered to be a Departure from the Development Plan given that it is generally in accord with policy.

VISUAL IMPACT

The proposed unit is of limited height and scale and is significantly screened by boundary planting and other buildings to the north south and west and the visual impact is therefore very limited. The building will be visible to the dwellings to the east, although there is some screening to mitigate visual impact. The proposed building 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 replacement unit has little if any visual impact. The proposed development is therefore considered to be consistent with policy.

IMPACT ON AMENITY

The main receptors in terms of amenity impact are the dwellings to the east. The proposed development and the use has been described earlier in the report. The use is carried out within the building and the roller shutter access door and therefore servicing is in the furthest away elevation. It is not considered that the activities associated with the building, including noise, would result in detriment to amenity therefore. 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

WSCC Parking Standards for Class B1, Business are 1 space per 30sqm. For Class B8, Storage and Distribution the standard is 1 space per 100sqm and lorries 1 space per 500sqm. The additional car spaces proposed meet the standards for cars and the site can accommodate the necessary 1 lorry space. The replacement building is not considered to give rise to an additional parking requirement.

CONCLUSION

The proposal would facilitate the delivery of additional employment floor space within an existing employment area. It is generally consistent with policies 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 for 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

In assessing this proposal the following impacts (negative, Neutral or positive) 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).

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 drawings:

Drawing Number 14001-A-PL02-Rev C - Proposed Site Layout - Dated 22.01.15
Drawing Number 14001-A-PL03-Rev A - Proposed Office/Workshop - Dated 22.01.15
Drawing Number KP176-002/B - Ground & Roof Plans - Dated 02.02.15
Drawing Number KP176-001 - Elevations - Dated 30.10.14
Statement on Flood risk & Drainage - Dated 23 March 2015

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in

the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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 times of 07.00 hours and 18.00 hours Monday to Friday inclusive; 07.00 hours and 13.00 hours on Saturdays and not at all at any time on Sundays or Bank Holidays or other Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 (GEN33 and GEN34).

- 5 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.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 INFORMATIVE: The Council's Drainage & Coastal Engineer has advised 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 enclosed for information.

If soakage is found to not be suitable, restricted discharge to the watercourse may be acceptable. The run off should be restricted to greenfield or pre-developed runoff rates.

- 8 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.