

Recommendation Report for Planning Permission

REF NO: LU/132/14/PL

LOCATION: Unit 1
Lineside Way
Lineside Industrial Estate Littlehampton

PROPOSAL: Extension to existing steel framed purpose built industrial unit plus overlaid existing brick and corrugation building with finishes to match new extension. Resubmission following LU/29/14.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The extension measures approximately 24m in length, 21.9m in width and approximately 7.2m in height. The proposed materials are steel clad walls and a colour-coated steel roof to match existing. There are two rows of rooflights and high level glazing on both side elevations.

SITE AREA

Approximately 4000 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open to front. Extended height close boarded fencing runs along the rear eastern boundary at approximately 4m separating the unit from residential properties in Egan Way. The western boundary is marked by the neighbouring site and warehouse building of Unit 2.

SITE CHARACTERISTICS

An industrial premises with brick and metal clad elevations. Parking is situated to the front and there is a large storage area and yard to the rear.

CHARACTER OF LOCALITY

The unit in question is located on an industrial estate with other large warehouse and factories in the area. Residential properties are located to the east on higher ground.

RELEVANT SITE HISTORY

LU/201/96

Rear extension to factory

ApproveConditionally

report

		13-11-1996
LU/327/07/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of timber acoustic barrier between 2.3m & 3.5m in height.	ApproveConditionally 29-11-2007
LU/235/13/	Extension to existing steel framed purpose built industrial unit plus overclad existing brick and corrugated building with finishes to match new extension	Refused 11-11-2013

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Environmental Health

Environment Agency

Engineering Services Manager

Engineers (Coastal Protection)

Engineers (Fluvial Flooding)

Consultations responses received:

Environment Agency

No objection.

It is recommended that consideration be given to flood proofing measures to reduce the impact of flooding when it occurs. This includes barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with Building Control is recommended when determining if flood proofing measures are effective.

Southern Water

Comment.

The proposed development lies close to an existing public sewer. An investigation of the sewer is required to ascertain its condition, the number of properties served and potential means of access, before any decision can be made as to whether it would be acceptable for the proposed development to be constructed close the sewer. Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker - in this case Southern Water. The applicant is advised to discuss the matter further with Southern Water Services, Southern House, Otterbourne, Hants., SO21 2SW (Tel: 0330 3030119). Southern Water also requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

Environmental Health

No objection.

It is not considered that the operations currently proposed to be carried out within the extended factory are likely to give rise to significant impact by way of emissions to atmosphere and subject to no additional external plant being required, increased noise and raise no objection to the proposal. Substantial changes likely to give rise to a significant negative effect (by way of atmospheric emissions) will require a variation of its Environmental Permit conditions.

Engineers

No comments on surface water drainage.

Comments on Consultation responses:

Comments noted. Informatives are proposed to highlight to the applicant the flood proofing measures in the Environment Agency's comments and the proximity to the public foul and surface water sewer from Southern Water.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

Public Sewer on site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)

[GEN7](#)

[GEN11](#)

[GEN32](#)

Built-up Area Boundary

The Form of New Development

Inland Flooding

Noise Pollution

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

D SP1 Design

D DM1 Aspects of Form and Quality

QE DM1 Noise Pollution

W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise,

Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policies GEN2, GEN7, GEN11 and GEN32 which seeks to prevent development that would have an adverse impact upon visual and residential amenities or causes unacceptable flooding issues or noise pollution.

SITE HISTORY AND CONTEXT

This application follows from two previously refused planning applications for the same extension in terms of its size and design. This extension was found to be acceptable in all respects apart from the Environment Agency objections made in relation to an absence of a Flood Risk Assessment (FRA) in LU/235/13 and the unsatisfactory detail for the FRA considered under LU/29/14.

This application is identical to before in terms of the size, design and location of the extension which is to the rear of an existing industrial unit at the entrance of Lineside Industrial Estate. In the Design and Access Statement which has been submitted as part of the application, the extension is required to create additional floor space for B2 business/light industrial use to upgrade and expand operations for the company which manufactures metal casting components for industry.

INLAND FLOODING (POLICY GEN11, LOCAL PLAN)

Based on the submitted Flood Risk Assessment, the Environment Agency has no objection to the proposed extension. This means that the proposal is now considered to comply with policy GEN11 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY (POLICY GEN7, LOCAL PLAN)

The proposed extension will be situated on the rear elevation of the existing unit and as such will not be readily visible from the road of Lineside Way. In its dimensions and form, it is considered to be visually subservient to the main unit and has the same eaves and ridge height as well as fenestration and rooflight positions to ensure that it will acceptably blend in. The use of the extension is considered consistent with the character and appearance of the industrial estate and the existing operations on site. The extension is therefore considered acceptable in design and visual amenity terms and complies with relevant policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY (POLICY GEN7, LOCAL PLAN)

The proposed extension retains acceptable distances to the residential properties situated to the east. In the case of the nearest properties including No. 19 Egan Way there is also a 4m high wooden screen which will help mitigate its effect. This boundary treatment coupled with a significant ground difference where the application site is set considerably lower than these residential properties means that the extension is unlikely to cause any harmful overshadowing or overbearing effects or any unacceptable overlooking or loss of privacy. It is therefore considered acceptable in residential amenity terms and so complies with Local Plan policy GEN7(iv).

NOISE POLLUTION AND AIR POLLUTION (POLICIES GEN32 AND GEN34, LOCAL PLAN)

Environmental Health has no objection to the proposed extension and considers that there will not be a significant impact caused by the extension by way of emissions to the atmosphere and subject to no additional external plant being required, increased noise either. It is therefore considered that the extension complies with relevant policies GEN32 and GEN34 of the Arun District Local Plan.

It is therefore recommended that the application be approved, subject to 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 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, a neutral impact has 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 plans: drawing numbers 13-07-02 Rev A (Site and Location plans) dated July 2013 and 13-07-01 Rev A (Proposed elevations) dated July 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture to those of the existing industrial unit.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) with reference 5168/2.3F and dated November 2013.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site in accordance with the National Planning Policy Framework.

- 5 **INFORMATIVE:** In respect to Condition 4 and the submitted Flood Risk Assessment with the application, the applicant is made aware of the Environment Agency's comments in relation to flood proofing measures. Namely, it is recommended by the Environment Agency that consideration be given to flood proofing measures to reduce the impact of flooding when it occurs. This includes barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with Building Control is recommended when determining if flood proofing measures are effective.

- 6 **INFORMATIVE:** The applicant is made aware of the comments made by Southern Water in relation to the proximity to the public sewer. Namely, the proposed development lies close to an existing public sewer. An investigation of the sewer is required to ascertain its condition, the number of properties served and potential means of access, before any decision can be made as to whether it would be acceptable for the proposed development to be constructed close the sewer. Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker - in this case Southern Water. The applicant is advised to discuss the matter further with Southern Water Services, Southern House, Otterbourne, Hants., SO21 2SW (Tel: 0330 3030119). Southern Water also requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

- 7 **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.