

Recommendation Report for Planning Permission

REF NO: LU/140/17/PL

LOCATION: Unit 9 Minster Court Business Park
Courtwick Lane
Littlehampton

PROPOSAL: Change of use from light industrial (B1 Business) to van sales (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application is for a retrospective change of use from a B1 business unit and associated parking spaces at unit 9 on Minster Court Business Park to a sui generis use as a van sales showroom including the valeting of vehicles on site. All mechanical works, MOT works etc. take place off site.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage open.
SITE CHARACTERISTICS	The application site is a single storey B1 industrial unit, 300sq.m. in floor area within a complex of 10 self contained B1 industrial units at the Minster Court Business Park and associated parking on a site with an overall size of approx. 1 hectare. There is in excess of 120 parking spaces.
CHARACTER OF LOCALITY	The area is mixed use with residential uses to the north of Courtwick Lane and commercial and retail uses to the south including other B1 industrial estates, office developments, a medical centre and Morrisons supermarket. The site is accessed from Courtwick Lane and has reasonable access to bus routes, pedestrian and cycle access.

RELEVANT SITE HISTORY

Condition 3 of the original planning permission for units 6-10 on the Minster Court Business Court states that the premises shall only be used for B1 business purposes. Planning permission is

therefore required to change the use as proposed.

A former planning application for a change of use of a B1 business unit to an MOT testing centre (LU/250/07/PL) was refused on the grounds of an adverse impact on nearby residential properties. In the case of the current use and proposed application does not include any element of mechanical works.

A change of use from B1 to B8 storage use at a neighbouring unit was approved under application LU/9/99.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - This appeared to be a retrospective application as the current parking allocation was already being exceeded.

Members were concerned that if approved without details of parking provision, this could lead to pressure on on-street parking in the surrounding area. The Committee therefore supported the Highways Authority in seeking further detailed plans on the parking arrangements from the applicant. It was suggested that this information be accompanied by a letter from the landlord confirming the agreed parking allocations and sought the inclusion of this as a condition should the application subsequently be approved.

Comments on Representations received:

The concerns of the Town Council have been addressed in that a parking plan and a letter from the landlord have been submitted confirming the agreed parking allocations and County Highways now have no objection to the proposal.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Economic Regeneration

WSCC Strategic Planning

Consultations responses received:

County Highways - 3rd response . The requested information previously requested information has now been received . A clearer plan showing parking provision that would be available to the applicant for the life of any COU - including that within the building and on its curtilage (including numbers of parking spaces and written confirmation from the landlord stating that the parking spaces applied for will be made available for specific use by the applicant all the time the site is used for van sales were requested together with a further explanation about the 'licence' arrangements for some of the parking.

What has been submitted is a newly marked parking plan and a copy of the lease for the applicant. This now shows 20 spaces being available to the north of the site (parking spaces 18-25 and 28-32 and 106-110). In addition to this (although not highlighted on the new plan) would be parking on the site frontage (approximately 9 spaces) and anything else within the building. This brings the amount of 'known' parking to 29 (or 27 if the parking edged in red is used as it currently is). As documented earlier by the CHA, parking guidance recommends 17 spaces + visitor and staff parking. Subject to all these spaces being made available for the life of any planning permission on the site, the number provided would appear to adequately accommodate the requirements of the business within the confines of the business park. It is recommended that a suitably worded condition is attached to any planning permission granted

referencing the approved drawing.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
GEN12
DEV26
DEV27

Built-up Area Boundary
The Form of New Development
Parking in New Development
Criteria for Retail Development
Retail Development Outside the Principal Shopping Areas

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

EMP SP1 Employment land provision
EMP DM1 Employment land:
Development Management
T SP1 Transport and Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
RET DM1 Retail Development
SD SP2 Built-Up Area Boundary

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
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.

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy 1 'The Presumption in Favour of Sustainable Development' of Littlehampton Neighbourhood Plan is considered relevant to determination of 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 it would have no materially adverse effect on 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

The site falls within an urban and established commercial area. It is defined as being part of the built up area boundary area and as such is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is also noted that the

National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area and that policy 1 of Littlehampton Neighbourhood Plan supports proposals that do not have any adverse impacts which would significantly and demonstrably outweigh its benefits when assessed against the NPPF.

The proposed use of the property for van sales is a sui generis retail use which is considered to be a 'similar sui generis use' under policy EMP DM1 of the emerging Arun District Local Plan. The use is similar to a B1 business use being a retail operation predominantly serving the needs of commerce. The change of use is therefore not considered to lead to a loss of employment space in policy terms.

The proposal is not a retail use however retail policies are considered relevant because the proposal has a retail element within it. At 300 sq.m it is not considered a major development and due to the type of retail sales it is not considered to be a suitable town centre use nor would its location harm the vitality and viability of the town centre. It is accessible by foot, cycle and public transport and is reasonably accessible to disabled drivers who may visit the site for the purposes of purchasing a further vehicle. As such the proposal is considered to comply with policies DEV 26 and DEV 27 of the Arun District Local Plan.

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. It is reasonably common to find retail/trade warehouses on B1 business estates and is not therefore deemed to adversely affect the character of the area.

The proposal is acceptable in terms of residential amenity in that the only noise and disturbance which may occur would be the valeting of vans which predominantly takes place within the industrial unit. The external storage of vehicles would not represent a detriment to neighbouring residential properties which are at a minimum distance of 20 metres away on the opposite side of Courtwick Lane to the north.

The proposed development is considered acceptable by reason of compliance with policy GEN 7 because it would not involve any physical development and the parking of commercial vans, albeit for sale, would not be out of character on a B1 business estate.

County highways have no objection to the proposal provided the car parking indicated on the submitted plans remains available.

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 approved shall be carried out in accordance with the following approved substitute plans - Location, Block, Car Parking Layout Plan and the originally submitted floor plan.

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.

- 2 The development shall proceed in accordance with the submitted substitute parking and block plan and these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide parking provision for the use in accordance with approved policy in accordance with policy GEN12 of Arun District Local Plan.

- 3 The premises shall not be open for trade or business except between the hours of 9am and 6pm Monday to Saturday.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policy GEN7.

- 4 Car valeting shall not take place anywhere on the site except within the existing building.

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

- 5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.