

PLANNING APPLICATION REPORT

REF NO: LU/264/10/

LOCATION: 16 Thorgate Road
Littlehampton

PROPOSAL: A Portable building to be situated within the car park of Naiad Plastics Ltd for the use as a cafe/takeaway

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application relates to the positioning of portable building (sometimes known as a 'Portakabin') on the car park/forecourt of the Industrial Unit no.16 'Naiad Plastics Ltd' for use as a cafe/takeaway with an existing industrial park. The building will measure 10m in length x 3.3m in width x 3.2m in height to a flat roof design. New entrance steps and tarmac paving will be provided on the south elevation of the building for access.

The external materials will comprise painted cream outside walls, felt roof, perspex windows with wire mesh grilling, metal security door over internal wood door. Waste materials include cooking oil which will be collected on a weekly basis.

SITE AREA

0.086 hectares

RESIDENTIAL DEVELOPMENT DEN

N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected.

BOUNDARY TREATMENT

Open boundaries.

SITE CHARACTERISTICS

The site forms forecourt/parking area to existing industrial unit within an industrial park. To the south of the site is a public car park. To the north, east and west of the site are industrial units comprising a variety of B2 and B8 uses.

CHARACTER OF LOCALITY

Immediate area context is industrial comprising 2 Storey industrial units. Further surrounding areas include residential.

RELEVANT SITE HISTORY

LU/101/79

Change of use

Approve Cond

04-04-1979

REPRESENTATIONS

Representations received:

Littlehampton Town Council

- No objection

2 representation letters received from occupiers of neighbouring industrial units objecting to the proposals on the basis of:

- over supply of similar facilities within the area
- impact on objectors neighbouring business
- adverse impact on highway safety and traffic generation from HGV vehicles taking long 'tacho' breaks
- No toilet facilities
- No drainage for waste materials
- Inadequate waste collection services on Industrial Estate

Comments on Representations received:

From the site visit and context analysis, it was noted there was not an over-supply of such facilities within the locality.

Increased competition in this instance is not a significant material consideration to the determination of this application.

No objections raised by the County Highways Authority. Furthermore off street parking available in the adjoining public car park and on-street parking within the local highways infrastructure.

Toilet facilities are not required where there is a maximum of 8 covers.

Drainage and waste details are not provided however this can be resolved through the imposition of appropriate planning conditions.

CONSULTATIONS

WSCC Local Development Divis.

Environmental Health

Consultations responses received:

County Highways Authority - No objection

Environmental Health Food Safety Officer has made the following comments:-

- The use of a premises as a 'cafe', under A3 consent, where food and drink is consumed by the public 'on the premises' does require the provision of customer sanitary appliances in accordance with standards enforced by this authority, which is proportionate to the numbers of seating provided. An exemption from this requirement is for premises to ensure that no more than 8 seats are provided for this purpose. If this premises is to trade as a 'cafe' adequate numbers of customer sanitary appliances must be installed unless customer seating is restricted to a maximum of 8 customer seats. The alternative is for these premises operate as takeaway (A5) foods only.

- The applicant must provide a suitable method of achieving drainage facilities, adequate for the

purpose intended, all wc's to be connected to a foul drainage system.

- The applicant must provide adequate provision for the satisfactory storage and collection of non-edible by-products and other refuse.

- The proposals do not include the provision of a suitable fume extraction ventilation system, incorporating precise order and noise control measures, in accordance with current procedures involving A5 and A3 applications. The applicant must be advised that in the absence of specified measures, this authority may take formal action to resolve a noise and/or odour nuisance, if corroborated, under relevant legislation.

Comments on Consultation responses:

Highways comments noted.

In respect of EHO Food Safety comments, seating can be restricted to 8 covers. Drainage and waste can be dealt with by planning condition and/or informative as appropriate. Details of odour extraction will be required prior to the determination of the application in order to make a proper assessment of, not only its performance, but also its visual impact on the area.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN34	Air Pollution
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS23	Planning and Pollution Control
PPS4	Planning for Sustainable Economic Growth

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity, impact on drainage, highways and waste management.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 in that it would have a materially adverse effect on the visual amenities of the locality and would have an adverse impact upon the established character of the surrounding area. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority the proposed development would not give rise to odour pollution in close proximity to existing industrial units.

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 determining issues relate to visual amenity, highways matters, waste management, drainage and odour control:

Impact on visual Amenity and character/appearance of the area

The proposals involve the permanent stationing of 'portakbin' type building adjacent to the main entrance of the 'Lineside' Industrial Park. Whilst, the location is characterised by Industrial units of conventional design and brick construction, the proposal, by virtue of its siting, design, construction and 'temporary' appearance to be stored on a permanent basis within a prominent location, would not relate to the existing context, would detract from the visual amenity of the area and would not harmonise satisfactorily with the character and appearance of the surrounding built form contrary to local plan policy GEN7.

It is noted that vehicular mobile units are often situated within Industrial locations and operate as hot food takeaways, they are temporary and removed at the end of their operating hours. The proposals intend to operate the building as a 'cafe', which would require a degree of permanence, the overall harmful effects of which are considered unacceptable in this location.

Odour control

No fume extraction/odour abatement details have been submitted therefore it has not been demonstrated that the proposed development, situated in close proximity to an existing industrial unit, will not cause nuisance to the operators of this site by not incorporating a satisfactory means of odour suppression. Further the physical form of the flue required, may also result in unacceptable visual harm to the area.

Highways Matters

Whilst it noted there will be loss of off road parking capacity within the site due to the positioning of the building on the parking forecourt, no objections have been raised by the County Highways Officer. Furthermore, there is a public car park adjacent to the site and on-street parking capacity within the local highways infrastructure. Accordingly, it is considered the proposed development will not give rise to any significant highway safety or traffic issues.

Waste Management

No details have been submitted, therefore, in accordance with the EHO Food Safety Officers

comments the imposition of appropriate planning conditions to control this aspect would be required prior to the use commencing.

Foul and Storm Water Drainage

The application documentation indicates the applicants intend to connect to an existing system but no details have been provided, therefore, it has not been demonstrated whether the proposed development can provide satisfactory means of foul and storm water drainage.

For the above reasons, refusal is recommended for the following reasons:

RECOMMENDATION

REFUSE

- 1 The proposal would form an obtrusive and incongruous permanent feature in the locality that would be visually out of keeping with the surrounding built form to the detriment of the visual amenity, character and appearance of the area, and harmful to the streetscene. It is thereby contrary to policy GEN7 of the Arun District Local Plan and guidance contained within Planning Policy Statement 1: Delivering Sustainable Development.
- 2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development will incorporate a satisfactory means of odour suppression particularly having regard to the close proximity of the existing industrial units. As such it is considered to be an unneighbourly form of development and the flue would likely further detract from the visual amenities of the area. The proposal is thereby contrary to policy GEN34 of the Arun District Local Plan and guidance contained within Planning Policy Statement 23: Planning and Pollution Control.