

Recommendation Report for Planning Permission

REF NO: LU/290/21/PL

LOCATION: Metcraft Ltd
Harwood Road
Littlehampton
BN17 7BB

PROPOSAL: Construction of a new industrial unit with the replacement of an existing industrial unit with proposed maximum heights of 14 metres. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal consists of construction of a new Industrial Unit with the replacement of an existing Industrial Unit. The footprint area of the proposed Industrial Unit is approximately 495m ² sits on the western part of the site. It will be 14m to the highest point of the roof and 12m to eaves (approx 7m taller than the existing). It will be designed in a similar style as the existing building. The site would be enclosed in 2.5m high galvanised steel perimeter security fencing. The site plan does not include any existing or proposed car parking.
SITE AREA	0.35ha
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Posts, fencing and gates mark the front and side boundaries. The site has galvanised steel fencing (approx. 2.5 metres high) with trees to the south (rear) boundary.
SITE CHARACTERISTICS	The site is occupied by a large commercial unit with access via Harwood Road. The site consists of industrial units and a plastics factory with an office building in brick. The factory and industrial buildings are grey sheet clad with shallow pitched roofs.
CHARACTER OF LOCALITY	The area is populated by predominantly commercial/industrial units. Surrounding buildings are factories or warehouses finished with grey sheet cladding. Residential to the west.

RELEVANT SITE HISTORY

LU/313/19/PL	Re-clad the building with a pre-finished steel cladding system, add 4 No. new roller shutter doors & 4 No. new personnel doors to the front face of the building.	ApproveConditionally 13-12-19
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LU/248/65	Erection Of Factory Building For Storage Parking And Loading	ApproveConditionally 18-11-65
LU/58/76	Erection Of Building To Re-Allocate Working Space	Approve 02-04-76

REPRESENTATIONS

Littlehampton Town Council - Support

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Development - Support

The proposal is for local business expansion and investment in new premises and existing jobs will be secured and new created. We are aware of this long established company.

Health and Safety Executive - No Objection.

West Sussex County Council Lead Local Flood Authority - No Objection.

Environmental Health - No Objection.

Conditions requested relating to construction hours, construction management, contamination, plant noise ,external lighting.

West Sussex Minerals and Waste - No Objection.

It is noted that no part of the application site is within or would share a boundary with the safeguarded mineral infrastructure and it would utilise a different access route to the Wharf (Bridge Road). Therefore, the Minerals Waste Planning Authority (MWPA) would broadly agree with the conclusion of the submitted Minerals Infrastructure Statement assessment.

The application site is within an area identified for the safeguarding of existing waste operations that make a significant contribution to waste management within the County. The applicant has not included a Waste Infrastructure Assessment within their submitted documents. While it is appreciated that the developments to the site would be contained within the application site boundary, there is potential for a cumulative highways impact that may impose upon the waste facilities around the site. However, given the scale of the proposal, the MWPA have no objection to the proposal at this stage subject to the determining authority being satisfied that the continued operation of waste facilities in the area particularly the council depot to the north) can be maintained going forward as per Policy W2 of the WLP.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

The request for a construction management plan is not considered necessary as long as hours of construction are restricted. The site is located within an industrial area and does not immediately adjoin residential uses. An external lighting condition would also be inappropriate given the distance to residential properties.

There is no reason why the proposed extension of the premises would adversely affect the operation of the waste site opposite.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Flood Zone 3

Minerals Infrastructure Consultation Zone

Economic Growth Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

West Sussex Waste Local Plan 2014:

West Sussex Waste W2 Safeguarding Waste Management Sites

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policy 2 of the Littlehampton Neighbourhood Development Plan is relevant and is considered in this report.

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 residential or visual amenity, biodiversity, climate change objectives or highway safety.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, the South Inshore & South Offshore Marine Plan and the Littlehampton Neighbourhood Development Plan ("LNDP").

The site lies in the built up area boundary where development is acceptable in principle in accordance with ALP policy SD SP2 provided it accords with other policies of the development plan covering such issues as character/design, highway safety/parking, biodiversity, climate change and residential amenity.

Paragraph 123 of the NPPF states local planning authorities should take a positive approach to applications for alternative uses of land which are currently developed but not allocated for a specific purpose in plans. The site is not in the town centre or the wider Littlehampton economic growth area and is not subject to any policy designations.

ALP policy EMP DM1 (4) directs office development to the town centres but does not prevent such

development elsewhere. This is an existing commercial/industrial location and so is suitable for new economic development. LNDP policy 2 states future economic development will be concentrated in the built up area boundary. Policy EMP SP2 looks to enhance local employment opportunities within the Economic Growth Area. New jobs will be created to staff an improved and expanded facility. The owner will employ staff from the local area. The existing business secures the employment of 72 full time staff with an expected additional 20 full time posts over the next 3 years required to sustain the proposed development. The proposal therefore accords with policy requirement in principle.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

There are no alterations to the access arrangements. There are three vehicular access points to the application site and wider site which allow access to the service yard and car park. These points are well sign posted and illuminated, they have good sight lines to Harwood Road and will remain as there is no requirement to alter them. All deliveries and refuse collections will remain to the North side of the site. The site is in easy reach of nearby population areas and employees can access the site by foot, cycle or bus. The replacement proposed buildings would not significantly expand traffic to the highway locally.

The total increase in parking requirement for the 436sqm net increase in floor space based on the standards in use at the respective time is 1 space per 40 sqm general industrial and 1 space per 100 sqm and therefore a maximum shortfall of 10 spaces, this could be met by the space along the road frontage (subject to agreement). There would be peaks in parking for the building during the working week (day-time) whilst the peaks for the residential uses close by would take place during the evening, night-time and weekend. Both uses can therefore coexist without resulting in any parking shortfall or conflicts.

The SPD sets out standards for cycle parking and requires at least 2 additional cycle spaces. It is proposed to secure this through condition. The proposal accords with ALP policies T SP1 & T DM1 and the NPPF.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide states that new buildings must be informed by the characteristics of the site and surrounding buildings.

The proposed buildings will be sympathetically designed to safeguard the appearance of the surroundings whilst reducing energy loss through the fabric of the buildings. The proposed design and materials respect the appearance of the business place. The height of the building is higher than the existing but it is located 25m from the access road and will be viewed in its industrial context among other buildings of various heights and designs.

The proposed materials are roof sheeting and wall sheeting to be plastisol coated steel and the design and access statement refers to the colour finished in 'Goose wing Grey'. Gutters, flashings and trims are to match. The proposed rooflights are to be Polycarbonate and configured in a regular pattern. Flashings and trims are to match. The proposed buildings, whilst appearing prominent, are set back and therefore

agree with the general appearance of the surrounding environment. Although the extended building does not represent high quality design, it is similar in appearance to the existing building it replaces and other units in the locality and would therefore be appropriate. It is material that this is a commercial/industrial location and is relatively hidden from nearby public viewpoints. It is proposed to use materials to match the existing but a condition will be imposed to require the approval of the exact materials to ensure the colour is appropriate.

The proposal complies with the relevant development plan policies and the Arun Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Although the Arun Design Guide sets out guidance on interface distances between habitable rooms, these are intended for residential to residential situations (not office to residential).

The extended building does not directly adjoin any residential properties and results in no materially adverse overlooking or overbearing impacts.

Due to the presence of the nearby noisy industrial units, any increase in noise and activity generated by the extension would not represent a significant increase and the proposal is therefore in accordance with ALP policies D DM1 & QE SP1.

BIODIVERSITY:

ALP policy ENV DM5 requires development schemes achieve a net gain in biodiversity. The application is silent on this issue so a condition will be imposed to secure new bird nesting boxes on the building. There is only limited space for new landscaping so no landscaping condition is proposed. The new bird boxes will ensure that there is no conflict with the relevant policy.

FLOODING:

Policy WDM 2 of Arun Local Plan requires development within areas at risk of flooding to comply with certain criteria including provision of an acceptable FRA, sequential test and inclusion of mitigation and appropriate warning plans. The site is located in close proximity to the River Arun with the risk of fluvial flooding and is located in Flood Zone 3 (high probability flooding). The proposed development is categorised as 'less vulnerable'. The proposed development is therefore considered appropriate at this location. As the proposal consists of the erection of a replacement industrial unit in order to support the existing Industrial Business, the Sequential Test will not be required. The submitted Flood Risk Assessment (FRA) demonstrates that the proposal will remain safe for its lifetime and will not increase flood risk elsewhere. Flood resilient measures will be incorporated where practicable and the occupants will be advised to utilise the Environment Agency's Flood Warnings Direct (FWD). This service gives an advance notice of when flooding is likely to happen and time to prepare for a flood event. The development is compliant with the NPPF paras 154 and 167 and the NPPG and policy WDM2 of Arun Local Plan. Compliance with the FRA is conditioned.

CLIMATE CHANGE:

The proposal aims to improve the efficiency and capacity of the facility. ALP policy ECC SP2 requires all new residential and commercial development including conversions and changes of use be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. New

insulated roofs are incorporated in the design to reduce heat loss and condensation through the existing replaced and new buildings. The application is compliant in part with this policy. However, a condition will be imposed to secure details of energy efficiency measures and this will ensure full compliance with the policy. A condition will also be imposed to require the provision of an electric charge point at the site.

SUMMARY:

This proposal is appropriate for the built up location and will not cause demonstrable harm to highway safety, character, residential amenity, biodiversity or climate change objectives. Therefore, it is recommended that permission be granted in accordance 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:

Proposed Roof PLANS 03-PR-002 REV01
Proposed North and West Elevations Sheet 1 of 2 05-PR-000 REV01
Existing Ground Floor Plan 03-EX-00 REV01

Existing Location Plan and Site Plans 02-EX-000 REV01
 Proposed South and East Elevations 05-PR-001 REV01
 Existing South and East Elevations 05-EX-001 REV01
 Existing North and West Elevations 05-EX-000 REV01
 Proposed Ground Floor Plan 03-PR-000 REV01
 Existing Roof Plans 03-EX-002 REV01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies EMP DM1, T SP1 and D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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 D DM1 of the Arun Local Plan.

- 4 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until full details of the placement of two bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 No part of the building shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car for employees in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

- 7 Prior to the occupation of any part of the approved building, a scheme for the provision of facilities to enable the charging of an electric vehicle to serve the parking spaces associated with the use shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the

National Planning Policy Framework.

- 8 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan

- 9 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.
If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 10 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment ref QFRA 2055 Version 1.0 .

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 12 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.

- 13 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

- 14 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737755