

Recommendation Report for Planning Permission

REF NO: LU/328/14/PL

LOCATION: Unit 10 Martello Enterprise Centre
Courtwick Lane
Wick Littlehampton

PROPOSAL: Construction of side extension to industrial unit

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed side extension measures at its maximum approximately 11.5m in length, approximately 5m in width and approximately 5.9m in height. Materials to match existing.
SITE AREA	Approximately 250 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building sits hard up against a car parking area to the front and is not enclosed in any way. There are spiked metal railings to side (west) at approximately 3m in height. Metal wire fencing extends at approximately 2m in height to the rear (north).
SITE CHARACTERISTICS	The site consists of a single storey workshop and storage building which is used for woodwork, light metal and plastic work. Car parking area to the front and a storage area and shed to side (west) which is currently enclosed by spiked metal railings.
CHARACTER OF LOCALITY	Commercial/industrial in character. There are single and two storey buildings within the same Martello Enterprise Centre.

RELEVANT SITE HISTORY

LU/194/07/	An additional industrial warehouse unit - Revisions to approval LU/280/01 - Reduction in size, alterations to door and window	ApproveConditionally 29-06-2007
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None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Three letters of objection, one from the Martello Enterprise Centre Management Company Ltd.

*Out of character with the other smaller units within the Enterprise Centre.

*The proposal would have a negative effect on the value of other commercial units.

*There has been recent history of damage caused to parked vehicles on the estate due to parked vehicles or large lorries attempting to manoeuvre round. Any expansion of Unit 10 will exacerbate problems and make it even more difficult for such large lorries to turn safely and without damage to property.

*Unit 10 forms part of the corner to be negotiated by large lorries and where the majority of incidents happen and so any additional activity in this area i.e. building/parking/working will exacerbate the situation and bring into question the health and safety of the estate.

*The additional parking space and red line includes not only the freehold property but also land belonging to the Martello Enterprise Centre Management Committee.

*Any regular or long-term use of this common land would seriously affect access to Unit 11 which is in constant use.

Letter received on behalf of the applicant in response to the letter of objection from the Martello Enterprise Centre Management Company.

*Aware of the ownership and control held by Martello Enterprise Centre.

*Issues over boundary/ownership issues addressed.

*Not out of character as the proposed first floor is set from the ridge line to the back of the property, therefore the front elevation remains in keeping with the rest of the single storey units (4-9). Materials to match adjoining units in colour and style.

*No extra vehicles will be coming into the Enterprise Centre as a direct result of this proposed extension.

*Need to expand business with an increase in internal floor space.

Comments on Representations received:

Comments noted. WSCC Highways department have been consulted as part of the application and have no objection on highways/parking grounds. The appropriate Certificate of ownership has been signed in the application and beyond this any ownership/boundary disputes are private issues and as such outside of planning control. Comments regarding the appearance of the proposed extension are discussed in further detail within the Conclusions section.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Environment Agency

Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

West Sussex County Council Highways

No objection.

The side extension created will be 59sqm with 1 additional car parking space. This meets WSCC maximum standards for 1 space for every 30sqm and will cater for the additional

employee. Cycle storage which is secure and covered should be provided. The construction of the unit should be controlled with a construction management plan to avoid any disruption to the local highway network. Conditions are recommended to secure a construction management plan and cycle parking.

Engineers
Comment.

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 the provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm 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.

Environmental Health
No comment.

Environment Agency
Comment.

The site is located within Flood Zone 1 which is defined by the National Planning Policy Framework as having a low probability of flooding. In this instance we have taken a risk based approach and will not be providing bespoke comments or reviewing the technical documents in relation to this proposal. All applications between 0-5 hectares within flood zone 1 shall be left to the Local Planning Authority to provide comments.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

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

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

There are no policies of any relevance in the Littlehampton Neighbourhood Plan.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would appear out of keeping with its surroundings.

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 Arun District Local Plan which in this case is mainly policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

SITE HISTORY

Planning application LU/194/07 granted planning permission for a single storey flat roof extension to the side (west) of the existing unit. It occupied a similar footprint to the proposed extension but principally differed in being solely single storey compared to the two storey element now being proposed. Whilst previous application LU/194/07 granted planning permission for a single storey side extension, this proposal introduces an additional storey and therefore is materially different from it despite a similar footprint. The granting of planning permission LU/194/07 only provides material planning weight in favour of the proposed extension at ground floor level.

DESIGN AND VISUAL AMENITY

This application seeks to construct a side extension on an existing industrial unit which is two storeys in height. The extension will provide additional space to expand the workshop and storage area with office space above.

Unit 10 is situated at the southern end of a row which are single storey in height and having a fairly uniform appearance. Despite the two storey element being set back from the front of the unit by approximately 6m, this part of the extension will sit harmfully prominent above the established and maintained roofline. The height of this extension will be at approximately 5.8m and would stand in stark and jarring contrast to the rest of the unit row. It would also unacceptably disrupt the uniformity seen with the other units. It is therefore considered to be harmfully out of keeping with its immediate surroundings.

Despite the relatively robust industrial/commercial setting of the Enterprise Centre estate where there are other 2 storeys, there must still be appropriate regard to the context and form of surrounding development which this proposal fails to do.

The proposal is therefore considered unacceptable in design terms and conflicts with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The unit is located within a commercial environment with an absence of neighbouring residential development and so the proposal would not cause any harm in these terms. It therefore complies with policy GEN7(iv) of the Arun District Local Plan.

WSSC HIGHWAYS/PARKING

As part of the proposal, an additional car parking space will be provided to the front of the unit. However, no objection has been raised to the scheme and so it is considered to be acceptable in

highway safety terms.

However, for the harm identified by the proposed extension on visual amenity, the proposal is recommended for refusal for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed side extension by reason of its two storey height and design would appear harmfully prominent above the established roofline of the adjoining units and stand in stark and jarring contrast to the rest of the unit row and appearing harmfully out of keeping with its immediate surroundings in conflict with policy GEN7(ii) of the Arun District Local Plan, policies D DM1 and D SP1 of the Emerging Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.