

Recommendation Report for Planning Permission

REF NO: LU/350/21/PL

LOCATION: Units 33-36 on Land at Lineside Industrial Estate Northwest
Eldon Way
Littlehampton
BN17 7HE

PROPOSAL: Retention of solar PV panels on roof of employment units. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a roof mounted Solar PV Panels. 8 sections incorporating 50 smaller panels in total.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open plan to its front elevation.
SITE CHARACTERISTICS	Area of hardstanding used as car parking and a landscape area from the previous development of the estate. Bounded by the railway line to the North West, the A259 to the North East and industrial units 24-26 to the East and Elson Way to the South and South West.
CHARACTER OF LOCALITY	The site is part of an established industrial area.

RELEVANT SITE HISTORY

LU/265/19/PL	Variation of conditions imposed on planning application LU/331/17/PL relating to condition no. 2 - Plans - Amendment to internal layout, car parking layout, loading bay doors, external canopies & height of eaves at gable ends.	ApproveConditionally 21-11-19
LU/331/17/PL	Erection of 4 No. employment units for flexible use within use classes B1c/B2/B8 with associated areas for car parking, service yards & landscaping. This application is a Departure from the Development Plan.	ApproveConditionally 24-07-18

REPRESENTATIONS

Littlehampton Town Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

15m railway buffer

Area of Special Control

Economic Growth Area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP1	SD SP1 Sustainable Development
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE:

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.

The relevant policy of Littlehampton Neighbourhood Plan has been considered.

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 there would be no materially adverse effect on visual or residential amenity.

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 OF DEVELOPMENT

The proposed panels will provide energy for the recently constructed units. Solar energy is a renewable source, producing electricity which emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources offers very real benefits in savings in CO2 emissions and reducing the impact of greenhouse gases on climate change.

The application site is within the built-up area boundary of Littlehampton as defined in the Local Plan and Neighbourhood Plan where Policy SD SP2 of Arun Local Plan states that development should be focused and permitted subject to consideration against other policies of the Local Plan. Policy ECC DM1 supports proposals for appropriately located renewable energy development and their ancillary development. The location and principle of a PV installation array and associated infrastructure is therefore accepted. The panels would assist in the efficient running of the commercial uses within the industrial units and would assist in promoting the economic growth of Littlehampton town centre by enhancing facilities within the industrial estate.

Part 14 of the NPPF para 158 states that local authorities should when determining planning applications for renewable and low carbon development, local planning authorities "approve the application if its impacts are (or can be made) acceptable."

The made Littlehampton Neighbourhood Plan (2014) contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be

approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy.

RENEWABLE ENERGY POLICIES

Policy ECC DM1 of the Arun Local Plan states that planning permission will be granted for renewable energy developments subject to a number of criteria, including no significant adverse impacts on landscape, habitats, the historic environment and residential amenity including visual, noise and odour.

For the reasons set out below the proposal would be acceptable in terms of these criteria.

The proposal would also accord with Arun Design Guide, Part K which requires all new development to be designed to reduce energy demand and carbon emissions in line with national and local standards including the Arun Local Plan and encourages incorporation of low and zero carbon (LZC) technologies and clear commitments to comprehensive energy monitoring and transparency of performance.

VISUAL AMENITY/LANDSCAPE CONSIDERATIONS

The proposed solar installation will not be a prominent feature within the area generally given the limited projection of the panels from the roof. The development accords with Policy ECC DM1 of Arun Local Plan in that the location is the most appropriate for the proposed panels on the units within the estate which they directly serve and where they do not interfere with or impact on neighbouring uses. The panels are of a modest scale and not visually prominent when viewed against the backdrop of other structures and the units themselves and they will therefore appear subservient and ancillary to this existing development.

Thus the visual amenity of the area will not be compromised and the proposal would be an acceptable form of development within the built up area boundary in accordance with policy D DM1 and D SP 1 of Arun Local Plan.

RESIDENTIAL AMENITY CONSIDERATIONS

The installation is also not located adjacent or close to any existing homes and will therefore have no impact on residential amenity. There are no neighbouring uses near the proposed PV installation meaning that they will not therefore lead to noise, vibration or electromagnetic interference.

The environmental health officer has raised no objection. The proposal is therefore compliant with policies D DM1 and QE SP1 of Arun Local Plan. Potential contamination risks are being controlled by condition.

CONCLUSION

Climate change targets have strengthened recently placing even more emphasis upon the value of renewable energy resources. The application is therefore recommended for approval 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 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 plans:
19005-TP-008- Location Plan
19005-TP-005 Block Plan
Proposed Roof Plan Unit 1-4 PV Layout
19005-TP-006 - Existing Roof Plan Unit
19005-TP-009 - Elevations as Existing
19005-TP-010 - Elevations as Proposed

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 **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.