

Recommendation Report for Planning Permission

REF NO: LU/42/21/PL

LOCATION: Riverside Industrial Estate
Bridge Road
Littlehampton
BN17 5DF

PROPOSAL: Erection of 1 No. industrial unit (Use Class B2/B8), associated parking & landscaping. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to build a portal framed industrial (workshop/storage) unit with a floor area of approx. 528 sqm of new industrial floorspace, contained within a single unit. 10% of the new floorspace will be within a mezzanine level. The majority of the floorspace would be for flexible industrial use (B2) / storage and distribution use (B8), with some ancillary office space. The unit will also accommodate an accessible W.C. The application also includes 25 parking spaces and cycle storage accessed via an existing point to the site. The appearance of the unit would replicate that which already exists on other neighbouring units in terms of height design and materials. The new development will comprise of dark grey cladding. The unit is single storey with a shallow pitch. The ridge height is 8.7m and eaves height is 7m. The building would be 27m long by 19m wide. The application is supported by a Transport Statement, Flood Risk Assessment (FRA) and Arboricultural Implications Report.
SITE AREA	0.23 hectares
TOPOGRAPHY	Predominantly flat.
TREES	Mature tree planting/ landscaping to boundary with B2187 to south and west.
BOUNDARY TREATMENT	The boundary to the site is open to the road frontage with trees and fencing to the rear of the parking area.
SITE CHARACTERISTICS	Most of the site is hard surfaced and used for car parking.
CHARACTER OF LOCALITY	The wider industrial estate comprises a mix of B1 workshop, B2 industrial and sui generis uses. The lower part of the

elevations of the buildings are brickwork and the upper section are generally clad.

REPRESENTATIONS

Littlehampton Town Council - Support

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Business Development Manager - Support

Keen to see additional good quality accommodation provided for business.

Environment Agency- No Objection

Drainage Engineer - No Objection

County Highways - No Objection

The proposal would not have 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal.

The proposed parking is considered acceptable. Not aware of that the previous use resulted in excess parking onto Bridge Road. It is considered unlikely that there would be an increase in on-street parking as a result of this proposal.

Parking provision requested to be secured by condition.

Ecology Officer - No Objection

Environmental Health - No Objection

Conditions requested relating to Land Contamination, Noise and CMP requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

It is not considered necessary to impose the requested noise and CMP conditions given that there are no residential dwellings in close proximity of the site.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within Economic Growth Area

Flood Zone 3

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Policies 1 & 2 of the Littlehampton Neighbourhood Plan apply and have been taken into account in the 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 there would be no adverse impact on visual or residential amenity, character of the area of flooding.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The site falls within an urban and established commercial area. The additional commercial units are acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking being acceptable. It is 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 wider industrial estate comprises a mix of B1 workshop, B2 industrial and sui generis uses and therefore the proposed use compliments the existing use of the site.

VISUAL AMENITY

Paragraph 127 of the National Planning Policy Framework requires planning decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscaping setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D SP1 of the Arun Local Plan requires development proposals to make efficient use of land but reflect the characteristics of the site and layout area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Riverside Industrial Estate is well-established, containing around 50 units in mixed B2, B8 and Class E business use. They are typical industrial units of between 2-3 storeys in height, with a mix of brick and cladding. The proposal would reflect the scale and design of the existing commercial units on the site. The amount, layout, scale and appearance of the proposed units is entirely appropriate for the site and within the locality as a whole and would accord with policies DSP1 and DDM1 of the Local Plan which seek to ensure that the scale and appearance of new development is in keeping with the character of the locality. Positive design cues have been taken from adjacent units in terms of layout, scale and materials with enhancements in the form of design features that emphasise the unit as being a modern addition to the estate.

The proposal includes retention of existing trees along the rear site boundary which partially screen the site from direct view from the road.

IMPACT ON TREES AND BIODIVERSITY

The site is already hard surfaced and there are trees on the northern and western site boundaries adjacent to the parking area which are indicated for retention and should not be affected by the proposed building works. In support of the application, a tree schedule and tree constraints plan has been submitted. In The Arboricultural Implications Report it is demonstrated that the proposed development works would not have a negative impact on existing trees of high landscape or biodiversity value, or on

their root systems. No trees adjacent to the site are to be removed, pruned or impacted. and consequently there would be no adverse impact on the arboricultural character and appearance of the local landscape.

An ecological appraisal of the site has been conducted and the site has been found to be of limited ecological interest, due to the current use as a car park with hard-standing. The existing vegetation on the northern and western boundaries of the site were however considered to have the potential for biodiversity value, and was thus appraised in greater detail.

In terms of landscaping, there is existing landscaping outside of the north western boundary of the site, comprised of trees as indicated on the submitted Tree Constraints Plan. These trees will not be affected by the proposed scheme, and their retention will help screen the new unit from Bridge Road.

A condition has been imposed to ensure the trees can be retained and are not adversely affected by the development. The proposal would therefore accord with policy ENV DM4 of Arun Local Plan.

RESIDENTIAL AMENITY

The new unit is to be built on an already established industrial estate with limited neighbouring residential properties. The application site is currently an informal parking area. To the North is the railway line and B2187. To the South and East are commercial industrial buildings.

It is considered that the additional unit within this established commercial site would not increase noise and activity generated from the site to such an extent that material harm would result to any residential properties. There are no residential properties abutting the site. The proposal is therefore compliant with policies DDM1 (1) and QE DM1 of Arun Local Plan.

HIGHWAY ISSUES

Access into the site by vehicles, pedestrians and cyclists is available from Bridge Road. The access and internal roads are suitable for the proposed use, being already in use by traffic for the existing industrial uses.

Policy T SP1 Transport and Development of the ALP sets out criteria to ensure safe access and the promotion of sustainable transport. The proposal is considered to comply with Policy T SP1. The site is sustainably located with bus stops which are located on Bridge Road, around 70m south of the access, as well Littlehampton train station which is 15 minutes' walk from the site.

In terms of parking for the proposed unit, parking spaces are proposed to serve the proposed new unit and existing units adjacent to the site. 5 parking spaces are allocated for use by the new unit, of which one will be a disabled-access parking space. A further 20 parking spaces will be unallocated, available for use by the adjacent industrial units. 1 of the parking spaces will be provided with the necessary infrastructure to allow future installation of an electric vehicle charging point. 4 free standing cycle stands are included to accommodate 8 cycles.

The submitted Transport Statement has assessed the traffic implications of the proposed industrial unit, on the basis that the unit will be either B2 or B8. The traffic generation of these uses is considered to be relatively low and in keeping with the existing traffic movements associated with the industrial estate. The proposal will therefore have no adverse transport impacts.

The site is currently utilised as 'casual' unallocated car parking of 46 spaces by workers or visitors to other units in the industrial estate. As discussed in the Transport Statement, the car parking is currently under-utilised with around half of the car parking spaces being filled at the most. Furthermore, the car parking spaces located on the frontage of adjacent units are also half empty. This indicates the current car parking on the site is not fully required by existing units, and the proposed provision of 20 unallocated

spaces will be sufficient to meet any needs when the existing parking spaces associated with other units are also taken into account.

Arun's recently adopted car parking standards require the following car parking 1 space per 30 sqm for B1 use, 1 space per 40sq m for General Industrial (B2) use and 1 space per 100sqm for Storage (B8) use and the highest requirement for cycle parking is 1 space per 150msq and 1 space per 500sq m for visitors. The Parking Standards SPD requires higher levels of car parking provision for B2 uses, at 1 space per 40sq/m. Applying those standards, the scheme needs to provide 13 car parking spaces which is complied with. The applicant considers that 5 car parking spaces will be sufficient to serve the number of new employees likely to be working in the unit. 8 cycle spaces represents an over-provision on the 4 spaces required by the Parking Standards.

The proposal therefore accords with Policy T SP1 and Policy T DM1, which requires easy access to public transport services, and provision of cycling and pedestrian facilities in accordance with SPD.

County highways have no objection to the proposal in terms of parking provision or layout.

FLOODING

The site is in Flood Zone 3A at high risk of flooding, but when the presence of flood defences are considered the risk of flooding is lowered. In any event, the proposed development is for an industrial use which is considered to be a 'less vulnerable' use and therefore appropriate for Flood Zone 3.

Planning Practice Guidance (PPG) includes a list of appropriate land uses in each flood zone dependent on vulnerability to flooding. In applying the Sequential Test, reference is made to Flood risk vulnerability and flood zone 'compatibility' which confirms based on its light industrial use, it is classed as 'Less Vulnerable'. This classification of development is appropriate for areas within Flood Zone 3 and therefore appropriate for the subject site.

The Sequential Test is required to assess flood risk and the PPG recommends that the test be applied at all stages of the planning process to direct new development to areas with the lowest probability of flooding (Flood Zone 1).

According to the NPPF, if there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources. The development proposal is for a 'Less Vulnerable' industrial use to be developed on the site which is adjacent to industrial uses and within the estate. and this development would be appropriate within Flood Zone 3. Therefore, the proposed development passes the Sequential Test and does not require the Exception Test to be satisfied.

The proposed development therefore accords with Policy W DM2 in terms of flood risk.

In terms of surface water drainage the application site is occupied by an existing car park, formed of impermeable hard-standing. The proposed development will reduce the overall impermeable area and therefore reduce the surface water flows generated by the development. The application includes a Surface Water Drainage Strategy. The Engineers have raised no objection and the proposal would be compliant with policy WDM3 of Arun Local Plan.

EMPLOYMENT

Policy EMP DM1 states that the Council will seek to enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. The proposal utilises an underused part of the industrial site and therefore fully accords with these principles. The proposed use would provide 528sq m internal floor

space and 11 additional full time jobs.

It would also comply with the requirements of the NPPF. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 81 states that planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The site is located within an area designated as an Economic Growth Area. The proposed development contributes strongly towards the economic objective of sustainable development and would accord with this policy. A new employment use will be provided within a well-established employment area of Littlehampton, contributing further towards the economic vitality of the region. The Economic Benefits Statement submitted with the application sets out the economic benefits associated with the scheme provision. This includes 8 jobs during the construction period and up to 11 jobs during the operational period. The scheme would also allow the generation of substantial additional gross value added to the regional economy during the construction and operational periods.

CONCLUSION

The application is 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 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:

Location Plan

Proposed Site Plan

Proposed Ground Floor Plan

Proposed First Floor Plan rev A

Proposed Elevations East and North rev A

Proposed Elevations South and West rev A

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.

- 3 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme, based on the submitted preliminary contaminated land risk assessment prepared by DTS Raeburn Limited dated June 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement

condition because these details have to be agreed and in place before any work commences.

- 4 The building hereby permitted shall not be occupied until provision for covered cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with policy T SP1 of the Arun Local Plan.

- 5 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.

In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 6 In accordance with the Protected Species Survey report dated Jan 2021 by Species Ecological Consultancy, the following precautions must be observed and incorporated in the development:

- Construction work to commence outside the bird breeding season (Feb - September) in order to prevent disturbance to breeding birds. Unless the site has been checked by a suitably qualified ecologist immediately prior to any works and a buffer
- The inclusion of an expanse of metal flat roof and an area of brown roof as compensatory and enhanced habitats;
- No new lighting that shines onto the northern boundary vegetation to prevent negative impacts on foraging and commuting bats;
- The provision of three woodcrete birds boxes and two Schwegler 2F bat boxes within double front panels to be installed on trees within the northern boundary of the site.

Reason:

In the interests of biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan.

- 8 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.

- 9 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/or ash from fires or noise from the cutting and/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 be contacted regarding Exemption Permits to burn on site.