

Recommendation Report for Planning Permission

REF NO: LU/50/20/PL

LOCATION: Riverside Industrial Estate, Block T
Bridge Road
Littlehampton
BN17 5DF

PROPOSAL: 4 No. Industrial Buildings (B1, B2 & B8 uses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to build a row of 4 portal framed industrial (workshop/storage) units with a floor area of approx. 11m by 6m each with a first floor office and a WC and tea room on the ground floors. The application also includes 12 parking spaces and cycle storage accessed via an existing point to the site. The appearance of the units would replicate that which already exists on other neighbouring units in terms of height design and materials. The new development will comprise of corrugated steel panels with cladding and brick facing walls. The units are single storey with a highest roof point of 7.7m and an eaves of 5.3m which provide sufficient height for access by vehicles and for the storage of goods. The application is supported by a Noise Survey and Flood Risk Assessment (FRA)..
SITE AREA	480 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There are 5 conifers in the corner of the site which are indicated for retention.
BOUNDARY TREATMENT	2m fencing encloses site
SITE CHARACTERISTICS	The site comprises a concrete yard with 3 shipping containers and a small fuel tank near to the NE corner. Storage of civil engineering materials currently takes place on much of the site.
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.

RELEVANT SITE HISTORY

LU/75/96	Change of use from unused industrial land to goods vehicle operating centre and provision of 2 metre high security fencing and portable building.	ApproveConditionally 30-05-96
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Arboriculturist
Engineering Services Manager
Engineers (Drainage)
Environment Agency
WSCC Strategic Planning
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Conditions requested.

Business Development Manager - Support
Arun District is under some pressure due to the lack of good quality commercial accommodation for existing and new businesses. This picture is reflected by our neighbouring districts. This development would go some way to helping that situation.

Environment Agency - No Objection subject to the implementation of the flood mitigation measures and flood management plan within the Flood Risk Assessment (ref 10201) completed by gta Civils and Transport.

Drainage Engineer - No Objection. The proposed development lies within Flood Zone 3a. On the basis of the existing defence and the use class of the site, we are not objecting to the proposal, despite advice against locating SUDS in a flood zone. The FRA acknowledges the need for further site investigation to inform the drainage design. For a site of this size we would expect to see a full winter's groundwater monitoring (in order to capture the peak), alongside infiltration testing to the proposed depth and in the location of the infiltration blanket. Pre-commencement conditions requested.

County Highways - No Objection. The proposal would not create any material highway safety or capacity issues.

The site is currently used for storage for a civil engineering company, and the site access is already being used. Given the small scale of this proposal the net increase in trips to and from the site is likely to be immaterial in planning terms. Car parking proposed is 12 spaces, including 2 disabled, which is in line with Manual for streets guidance of at least 5%. WSCC parking guidance 2019 requires 1 space for every 40sqm (12 spaces). The only parking not allocated is staff parking.

WSCC recommend the applicant should try to accommodate all its parking needs within the site, as the additional requirement is just two more spaces. Tandem spaces for staff could work in this scenario. If this cannot be provided then it is acceptable for two spaces to be located within the industrial estate roads.

The site is in a sustainable location, close to rail and bus transport.

Cycle storage should be covered and secure.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Not all conditions requested by environmental health have been imposed given the distance of the site from residential properties..

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

[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:

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 or the character of the area.

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 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.

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.

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

IMPACT ON TREES

The site is already hard surfaced and there are 5 macrocarpa trees on the southern site boundary 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 very limited Tree Statement has been submitted. Based on the lack of a full assessment, 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 4 new units are to be built on an already established industrial estate with limited neighbouring residential properties. The application site is currently a storage yard for highways and civil engineering plant which belongs to the applicant. To the South is the River Arun and an area of land where aggregates and sand are stored by the riverside. The closest commercial units are located to the North East and are used for car parts, electrical and lighting suppliers (ADR). To the West are commercial industrial buildings and to the immediate East separated by a metallic security fence is a tarmac site with heavy goods vehicles and mobile plant.

The application is supported by a Noise Report by Acoustic Associates Sussex Ltd dated 05-03-2020. This identified significant background noise from adjacent uses. The static homes located to the South West (175m) of the site were visited to observe the soundscape, which was noted to consist predominantly of road traffic noise from the A259 as it crosses the River Arun. The Report confirms that the proposed hours of operation will be 08:00 to 18:00 Monday through to Saturday without any Sunday working or operations. All works will be carried out internally.

It is considered that 4 additional units 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 nearby residential properties. Environmental Health officers have no objection in terms of noise or pollution and have requested the imposition of conditions. The proposal is therefore compliant with policies DDM1 (1) and QE DM1 of Arun Local Plan.

HIGHWAY ISSUES

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. Given that the particular use of the units is not identified and could be any of those applied for, taking the highest demand scenario (B1) use, 16 spaces would be required. 12 are provided. However

any overspill would take place on the estate roads or could be accommodated on the site and would not compromise highway safety.

Cycle parking is proposed, but it is not indicated to be covered, but with 8 spaces it meets the maximum requirements for B1 use. A condition requiring submission of further details has been imposed.

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

Policy T DM1 states that new development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community. The site is located close to bus stops and Littlehampton train station and is readily accessible on foot and bicycle. Cycle parking provision is conditioned. In accordance with Policy T SP1 the development has safe access to the highway network.

FLOODING

The site is in Flood Zone 3A. According to the submitted FRA the ground floor level of all units will be set at 2.8m AOD with the (external) ground levels around the units adjusted to 2.6m AOD. The building's construction will be resilient (eg concrete floor and concrete/ steel frame with minimum of finishes) up to the critical flood level plus 0.3 freeboard, ie 3.83m AOD. A non-return valve will be fitted to the foul drainage network, to reduce the risk of foul sewage flooding the ground floor. There is no safe route to dry land. The first floor office will provide only a refuge of last resort. Although there is a WC and area for making hot drinks and snacks, there is no guarantee that all the occupants in each unit would have comfortable seating.

A Flood Risk Management Plan referred to in the FRA will raise the awareness of the flood risk profile and the predicted flood depth of up to 1.2m. The first draft of such a Plan is contained within the Annexe to the FRA. Each unit's Manager will be responsible for implementing and reviewing this. With the proposed flood mitigation measures and SuDS features outlined in the FRA report in place, this development complies fully with the 2019 NPPF and current PPG and policy WDM2 of Arun Local Plan. Compliance with the FRA is conditioned.

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 375sq m internal floor space and 6 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.

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
 Land Survey Plan

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 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and TSP1 of the Arun Local Plan.

- 4 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 preliminary risk assessment which has identified:
 all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. 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.
4. 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.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 13-02-2020, reference 10201, by GTA Civils and Transport and the mitigation measures and flood management plan detailed within the FRA.

Reason: To reduce the impact of flooding on the proposed development and future occupants and 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.

- 8 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.

- 9 The trees identified on the site plan and tree statement shall be protected by a construction exclusion zone, details of which shall be submitted to and approved by the Local Planning Authority prior to any construction works being undertaken within the area of tree roots. Within this construction exclusion area the following restrictions shall apply:
 - No vehicular access shall be permitted.

- Regular pedestrian access shall be restricted unless on suitable ground protection measures agreed with the project arboriculturist.
- No storage of construction materials shall occur.
- No storage of building spoil or construction debris (including short-term temporary storage) shall occur.
- No harmful chemicals shall be stored or handled.
- No fires shall be permitted.
- No mechanical excavation including regrading of levels shall occur.
- There shall be no change in ground level unless undertaken under the supervision of a project arboriculturist.

Reason: To comply with BS5837 and policy ENV DM4 of Arun Local Plan and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 10 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.
- 11 INFORMATIVE: 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 BRE365, 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 provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 12 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 737555.