

Recommendation Report for Planning Permission

REF NO: LU/72/18/PL

LOCATION: Unit 14 Wickham Business Centre
Harwood Road
Littlehampton
BN17 7AU

PROPOSAL: Change of use from general industrial (B2 General industrial) to leisure (Gymnasium) (D2 Assembly and leisure)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development seeks to change the use of an existing industrial unit to a gymnasium.
SITE AREA	116m ²
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is an industrial unit.
SITE CHARACTERISTICS	The application property is located within an existing Business Centre, which is occupied primarily by single storey buildings and modern warehouses, with off-street parking, delivery areas and storage compounds.
CHARACTER OF LOCALITY	Industrial.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Parish Council - Objection

- The proposed change of use has limited employment opportunities and has no provision for parking.
- The application lacks sufficient information or evidence to enable a judgement as to whether this is the only viable economic use of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No comments.

Economic Regeneration - This is a modern, good quality unit of the size that is much sought after by small, local, industrial businesses that need to be based on an industrial estate, and is in short supply. We have no background information to say that this unit is not lettable for that purpose and additionally a gym does not necessarily need to be based in an industrial unit. On that basis Economic Development object to this application.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
SDSP2	SD SP2 Built-up Area Boundary

[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 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Littlehampton has a 'made' Neighbourhood Development Plan, which has been a consideration during the determination of this application. Policies 1 & 2 are considered to be relevant to 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 conflict with relevant Development Plan policies in that insufficient information has been provided demonstrating marketing, viability or sustainability of the site to accommodate the change in use from B2 to D2.

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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1, D SP1 and EMP DM1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan.

Policy EMP DM1 sets out criteria for the provision of employment land within the District. Part 2 of this policy relates to the protection of existing employment premises and sites. It states that the Council will protect existing employment premises and sites where there remains a reasonable prospect of employment use. Unless

2. Protection of existing employment premises and sites

Existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, change of use from Business Class (B1-B8) or similar sui generis(21) uses will not be permitted unless:

- a. It is demonstrated that the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes. This should include clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the proposed use - using a methodology to be agreed by the District Council at pre-application advice stage; or
- b. The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

VISUAL AND RESIDENTIAL AMENITIES

The application does not involve any alterations to the appearance of the unit. There are no nearby residential dwellings that would be affected by the gym use of the premises which would be any greater than the previous industrial use. Therefore, the application is considered to be in accordance with policy D DM1 (1 & 3) of the Arun Local Plan.

DESIGN

Policy D SP1 of the Arun Local Plan requires that all development proposals should reflect the characteristics of the site and local area in, amongst other factors, their character. Development proposals should have been derived from a thorough site analysis and context appraisal.

In this case the area comprises an industrial estate where the use of these premises for a leisure use is out of keeping and in conflict with policy D SP1.

EMPLOYMENT

Policy EMP DM1 of the Arun Local Plan seeks to protect and 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.

Changes of use from Business Class (B1-B8) will not be permitted unless the site has no future as an industrial use or is causing insurmountable environmental harm or amenity which cannot be satisfactorily resolved. The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored.

In this case no evidence has been submitted to demonstrate that the site has no future as an industrial use where the site is sited within an industrial estate well away from residential properties.

The change of use is therefore resulting in a harmful and unacceptable reduction of available industrial sites and in conflict with policy EMP DM1 of the Arun Local Plan and the National Planning Policy Framework (specifically, Paragraphs 80 and 81).

SUMMARY

The proposal is considered to conflict with relevant Development Plan policies for the reasons given above and refusal is recommended 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 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

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

REFUSE

- 1 The proposed change of use of this unit will have an adverse impact on the character of the industrial estate which results in the undesirable reduction of readily available industrial premises in the District in conflict with policies D SP1 and EMP DM1 of the Arun Local Plan and policy 1 of the Littlehampton Neighbourhood 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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.