

Recommendation Report for Planning Permission

REF NO: R/247/14/PL

LOCATION: Express Supplies, Unit B
Dominion Way
Rustington

PROPOSAL: Recladding of existing walls & roof, alterations to entrance to divide existing building into 2 units

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2800 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open along all main boundaries with the only demarcation created by public footpaths and parking spaces.
SITE CHARACTERISTICS	The site comprises a two storey commercial warehouse containing packaging, cold stores and offices. Brown profiled metal cladding and red facing brickwork elevations.
CHARACTER OF LOCALITY	Predominantly commercial/industrial in character. The subject Unit is situated on a Trading Estate with other similar warehouse buildings in the vicinity.

RELEVANT SITE HISTORY

R/49/92	Change of use from light industrial (B1) to warehousing (B8) with ancillary offices and car parking	ApproveConditionally 11-08-1992
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REPRESENTATIONS

Representations received:

Rustington Parish Council
No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning
Highways Agency
Economic Regeneration
Environmental Health

Consultations responses received:

West Sussex County Council Highways
No objection.

The proposal is for the subdivision of the existing industrial unit with access onto Dominion Way. The floor space and parking spaces are not being altered as part of this proposal. The site is located within an established Industrial Estate and it is not anticipated that there would be a material increase in movements associated with this building from the proposal. There are no anticipated Highway concerns with this proposal.

Environmental Health
No comment

Economic Development
No comment

Highways Agency
No objection.

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](#)
[GEN12](#)
[GEN32](#)

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

Built-up Area Boundary
The Form of New Development
Parking in New Development
Noise Pollution
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
QE DM1 Noise Pollution
T SP1 Transport and Development

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.

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 it would have no materially adverse effect on the visual amenities of the locality or the amenities of adjoining Units, nor would it have an adverse impact upon the established character of the surrounding 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

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 policies GEN7 which seek to prevent development that would have an adverse impact upon visual amenities, GEN12 which requires acceptable parking and highway safety and GEN32 for satisfactory noise levels resulting from any new development.

DESIGN AND VISUAL AMENITY (GEN7, LOCAL PLAN 2003)

This application seeks planning permission to reclad the existing walls and roof of a warehouse building in grey and to carry out various alterations to the front elevation and subdivide the unit into two.

The existing elevations of the building are currently brown clad and the change to grey in colour will not be out of keeping with its surroundings given that the warehouse is located in an industrial estate with other warehouses in white/grey cladding around, most notably Unit F1 opposite.

The alterations to the front elevation include the removal of a covered porch, a new window at first floor level to match existing windows in terms of size and fenestration details and a glazed entrance door and sidelight with glazed canopy above. The existing windows in the warehouse area of the building on the south elevation are to be removed and the openings infilled. These proposed changes are considered to be sympathetic to the existing building and can be comfortably accommodated without causing any harm to visual amenities given the fairly robust setting of a trading estate.

The subdivision of the building into two will result in Unit B2 being approximately 36m in width and approximately 19.5m for Unit B1. The current use of the Unit is as a warehouse for packaging and cold stores with associated office space. The proposed subdivision is considered to be acceptable given the variety of sizes already observed on the Estate.

PARKING/HIGHWAYS (GEN12, LOCAL PLAN 2003)

There is no objection from West Sussex County Council Highways department regarding parking and highway safety on the site as a result of the proposed subdivision and alterations made to the Unit.

NOISE (GEN32, LOCAL PLAN 2003)

Environmental Health have been consulted regarding the proposal and have no adverse comment to make.

RESIDENTIAL AMENITY

The alterations to the building are primarily to the front and comparatively small in scale. It is considered that there will be no harmful effects on neighbouring trading units and being situated within a trading estate will not impact on any residential properties in the area.

It is therefore recommended that the application is approved, 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 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, 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

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: drawing numbers 101 Rev A (Block and location plan) dated September 2014, 102 (Existing floor plans) dated September 2014, 103 (Existing elevations) dated September 2014, 104 (Proposed floor plans) and 105 (Proposed elevations) dated September 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **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 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.