

Recommendation Report for Planning Permission

REF NO: R/253/19/PL

LOCATION: Block G, Unit G1
 Dominion Way
 Rustington
 BN16 3HQ

PROPOSAL: Change of use of MOT test centre (B1 Business) to flexible use (B2 General Industry/B8 Storage or Distribution) with ancillary trade counter.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The existing use of the building is as an MOT test centre which is a B2 general industrial use. The application is therefore considered to be for a change of use to B2/B8 storage and distribution with an ancillary trade counter.
SITE AREA	0.09 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None are affected by the proposed development.
BOUNDARY TREATMENT	Open frontage with a 2 metre high mesh wire fence to the rear
SITE CHARACTERISTICS	The site is occupied by a semi-detached two-storey industrial unit that is currently vacant. There is ancillary office use contained within a two-storey flat roof section to the front. There are full height shutter doors installed to the front of the main building.
CHARACTER OF LOCALITY	The site is located on an industrial estate on a circular estate road that serves industrial buildings and a number of storage and distribution uses with ancillary trade counters.
None relevant to this application.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

1 Objection on the grounds that deliveries on the estate are too loud and hours of operation are not adhered to.

COMMENTS ON REPRESENTATIONS RECEIVED:

The allegation that opening hours are not being adhered to on the industrial estate has been passed on to the Compliance section to investigate.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary

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

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.

There are no policies in the Rustington Neighbourhood Plan considered 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 comply with relevant Development Plan policies in that the proposal would be a business use on an industrial estate which would be in character with the surrounding area and comply with policy D DM1 and policy EMP DM1 of the Arun Local Plan.

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 the Arun Local Plan which in this case are considered to be policies DDM1 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and policy EMP DM1 which seeks to protect existing employment sites and premises.

BACKGROUND

The proposed unit is located on an industrial estate where a number of the units have been converted to use as storage and distribution uses with ancillary trade counters.

EMPLOYMENT USE

The proposed B8 use is considered to be compatible with the building and its surroundings where there are a number of industrial units employed in similar uses.

It is important that the retail services provided at the proposed trade counter are restricted in order that they remain ancillary to the primary use. Any unfettered retail use in a building of this size would be inappropriate for the area and would undermine the use of the site for employment uses. It is therefore considered prudent to attach a condition restricting the proportion of the overall floor space that could be occupied by the trade counter.

The proposed scheme would therefore be considered to comply with policy EMP DM1 of the Arun Local Plan subject to a condition.

ANCILLARY TRADECOUNTER

The application is to include an ancillary trade counter which is currently unspecified in the plans as the application does not have a particular end user in mind. For this reason, in agreement with the agent for the application, if approved, the trade counter would be limited to 20% of the overall floorspace by condition.

HIGHWAYS AND PARKING

The proposed use will be supported by off-street car parking provided to the side of the site, this will ensure that the proposed change of use will not result in parking that will obstruct access to the site and neighbouring industrial buildings.

RESIDENTIAL AMENITY

There are residential dwellings on Brookenbee Close and Cowdray Drive which back onto the site. The proposed use would not result in any significant material increase in noise or activity that would be

harmful towards the amenities of the occupants of these properties given that the existing use would necessitate vehicles entering and existing the site throughout the day.

There are no changes proposed to the building and therefore the development would be in keeping with the prevalent character and appearance of the surrounding area in accordance with policy D DM1 of the Arun Local Plan.

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 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:

Existing & Proposed Site Plan dwg.no. 8206 102 dated Oct 2019.

Existing & Proposed Floor Plans dwg.no. 8206 104 dated October 2019.

Existing & Proposed Elevations dwg.no. 8206 103 dated October 2019.

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 The proposed trade counter and associated space shall not exceed 20% of the total floor area of the unit.

Reason: To ensure that a satisfactory provision of business premises are maintained and protected within the District in accordance with Arun Local Plan policy EMP DM1.

- 4 **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.