

PLANNING APPLICATION REPORT

REF NO:	LU/300/23/PL
LOCATION:	Land at 1 Fort Road Littlehampton BN17 7QU
PROPOSAL:	Construction of extension to industrial unit. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application for 1 new industrial unit measuring 50m by 18m with an overall height of 7.6m to ridge. A covered loading bay will be positioned to the southern part of the site adjacent to a set of roller shutter doors. Office accommodation (including a mezzanine level) will be positioned to the eastern section of the site.
SITE AREA	4,160 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open fronted with 2m high metal fencing to sides and rear.
SITE CHARACTERISTICS	Situated amongst other industrial units the site is currently open grassland. Storage containers can be found to the western edge of site.
CHARACTER OF LOCALITY	Industrial estate adjacent to the railway line.

REPRESENTATIONS

Littlehampton Town Council - Support.

1 letter of support however concern is raised over the proposed access point to car park via a shared driveway due to safety concerns.

COMMENTS ON REPRESENTATIONS RECEIVED:

WSCC Lead Local Flood Authority (LLFA) - Object

- Flood Risk Assessment has underestimated volume required to prevent surface water flooding of the surrounding area.
- The site itself does not pose a surface water risk however the surrounding land does.
- Drainage design for the development should ensure flooding of the site or surrounding area does not occur up to the 1 in 100 critical storm event and any flooding in the 1 in 100 plus climate change critical storm does not leave the site uncontrolled.
- Suggested amendments were provided and a request was made to re-consult once the required

information was obtained.

WSCC Highways - Advice, conditions suggested.

- The current vehicular access that serves the existing industrial unit will no longer be used as part of the proposed access arrangement. Therefore, the LHA would request that this access be formally closed, and kerb line be reinstated. These works would be subject to a licence obtained through the local Highway Area.

- No recorded injury accidents within the vicinity of the site access over the last 5-years.

- The proposed use would require 97 car parking spaces, a shortfall of 68. Whilst this could be considered a significant shortfall, I do note that the existing industrial unit would require 71 car parking spaces under Arun Parking Standards and is therefore also operating with a shortfall of parking provision, of 57 spaces. The site is currently operating with no known safety or capacity concerns, and the proposed parking provision can be seen as an improvement over what currently exists. As such no concerns are raised in this regard.

- Secure cycle parking provision be incorporated into the site, to promote the use of sustainable transport methods. Under Arun Parking Standards, seven cycle parking spaces should be provided for a B2 unit of this size.

Environmental Health - No comments to make.

Environment Agency - No objection, conditions suggested.

- The previous use of the proposed development site as an industrial area presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer.

National Highways - No objection.

Economic Regeneration - Support.

- Pleased to see the grow of business in area.

Network Rail - No objection.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Agent was approached to provide an amended Flood Risk Assessment, a request has been made to WSCC LLFA to reconsider these details. Awaiting further comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

2km Buffer SSSI

Flood Risk Zone 2

Prone to Ground Water Flooding

Economic Growth Area
Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
EMPSP2	EMP SP2 Economic Growth Areas
DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

West Sussex Waste Local Plan 2014:

West Sussex Waste W2 Safeguarding Waste Management Sites

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 it has not been demonstrated that it won't increase surface water flood risk elsewhere.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site falls within the Built-up Area Boundary and an established commercial area. The extension of the commercial unit is acceptable in principle subject to normal development control criteria such as visual amenity, highway safety, flooding and parking being acceptable. Policy 1 of Littlehampton Neighbourhood Plan (LNP) 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 industrial and commercial uses and therefore the proposed use compliments the existing use of the site.

The proposal accords with Policy SD SP2 of the ALP and Policy 1 of the LNP.

VISUAL AMENITY

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 industrial estate is well-established, containing around 20 units in mixed B2, B8 and Class E business use and situated immediately to the south of Lineside Industrial Estate. They are typical industrial units of between 2-3 storeys in height, predominantly consisting of sheet clad elevations. 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 extension is entirely appropriate for the site and within the locality as a whole and would accord with policies D SP1 and D DM1 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 accords with the Development Plan in this respect.

FLOODING

The site is in Flood Zone (FZ) 2 and 3 and at high risk of flooding, but with the presence of flood defences the risk of flooding is lowered. In any event, the proposed development is for an industrial use which is a 'less vulnerable' use and therefore appropriate within Flood Zone 3, as a level of disruption is acceptable. The Environment Agency have not objected to the proposal.

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 FZ3 and therefore appropriate for the subject site. As this is an extension to an existing industrial unit, it is not possible to locate this development elsewhere.

Furthermore, the Flood Risk Assessment (FRA) has identified that the site is currently defended against the risk of flooding for current day levels and when Climate Change allowance is included. In any event, even without the presence of flood defences Environment Agency data, supported by the local Strategic Flood Risk Assessment (SFRA), shows that the site is protected from any breaches.

The proposed development passes the sequential test as, although development cannot be located within FZ1, it does not increase the risk of flooding from tidal sources elsewhere, therefore accords with Policy W DM2 in terms of flood risk.

An objection has been received from West Sussex Lead Local Flood Authority (LLFA). They have stated that although the site itself is not prone to surface water flooding, the surrounding roads (especially to the south) have a high potential to flood. In this respect the objection from the LLFA arises as it is believed that the FRA has undercompensated the volume of surface water which will need to be retained on site. This objection was put to the Agent, with a request to amend the FRA to suit however no response was received from this request, as such it has not been possible to re-consult with the LLFA.

In terms of surface water drainage, the application site is predominately open grass land. The proposed development will significantly reduce the overall permeable area and therefore surface water design needs to be carefully considered. The FRA has identified that the road surrounding the site are prone to high levels of surface water flooding, although the site is not. As it currently stands, it has not been demonstrated that the surface water design has not underestimated the storage required on site, which may increase flood risk to the surrounding roads.

The proposal does not evidence that surface water flood risk will be sufficiently controlled on site, risking the surrounding area, and does not accord with Policy W DM3(j) 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 storage area and amenity grassland adjacent to the host unit. The site is surrounded from the north and south by other industrial units, to the east is the railway line and to the west some allotments.

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. The proposal is therefore compliant with policies D DM1 (1) and QE DM1 of Arun Local Plan.

HIGHWAYS AND PARKING

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 within easy reach of bus stops in Clun Road, as well Littlehampton train station which is 15 minutes' walk from the site.

An existing access shared with the neighbouring business will allow a new access onto site to be created from Fort Road, from this an extended carpark (shared with the host unit) will be accessible. The existing access is shown closed. Including reconfiguring the existing carpark to the front of the host unit, plans demonstrate that 29 car parking spaces will be provided in total up from approx. 16 spaces. Although the application form indicates the existing number of spaces to be 14, with a gain of only 4 spaces. The Arun

Parking Standards requires buildings within B2 use to have 1 space per 40 sqm of floor space created, the proposal provides (including the mezzanine level) 1,062 sqm, thus 26.5 spaces would be required. Using the higher estimate of 16 existing spaces rather than the declared 14, there would be a shortfall of 13 spaces. This shortfall is considered to be acceptable due to the existing business also operating with a shortfall without significant issue. On street parking is also uncontrolled.

Cycle spaces have not been shown on plan; however, it is noted that there is ample space on site to accommodate secure and covered cycle parking. Should this application be approved, a condition could be included securing 7 cycle parking spaces (1 space per 200sqm of floor area plus 1 space per 500sqm for visitors). Similarly electric vehicle charging points can be secured by condition.

West Sussex County Council consider that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The traffic generation of these uses is relatively low and in keeping with the existing traffic movements associated with the industrial estate. The proposal will therefore have no adverse transport impacts. There are no concerns in relation to visibility and the use of the proposed shared access from Fort Road.

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 Arun Parking Standards.

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 1,062sq m internal floor space, there are no plans at present to increase the number of employees however the Design and Access Statement indicates the business is rapidly growing.

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 policy. An extension to an existing business will allow growth of the business and potentially in the future allow for the refurbishment/reinvestment of the host unit.

The proposal accords with Policy EMP DM1.

BIODIVERSITY

Policy ENV DM5 seeks to achieve a biodiversity 'net gain' and protect existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape. The application was submitted prior to the requirements of the Environment Act 2020, to provide a measurable 10% net gain in biodiversity.

The land is laid to modified grassland and will have limited ecological value; however, this will be lost as a result of the development and a net gain will be required. A net gain is expected to be achievable; this could take the form of appropriate (native/pollinator) planting or by providing habitat on site i.e. bird/bat boxes, this could be secured by condition.

Subject to condition, the proposal would accord with policy ENV DM5 of Arun Local Plan.

CONCLUSION

Although the application makes an efficient use of the vacant piece of land within an established commercial area, its design is appropriate and it would not harm the amenity of any nearby residential

dwellings, the application is recommended for refusal as a result of its potential to increase flood risk off site. The proposal conflicts with Policy W DM3 of the ALP and para 165 of the NPPF, which states that the development should be made safe for its lifetime without increasing flood risk elsewhere.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposed surface water drainage design underestimates the volume of on-site surface water storage required to ensure the site or the surrounding area is not impacted by flooding, thereby increasing the likely incidence of flood conditions in the locality. The proposal conflicts with policy W DM3 of the Arun Local Plan and the relevant paragraphs of the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

LU/300/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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