

Recommendation Report for Planning Permission

REF NO: A/175/18/PL

LOCATION: Rear of Caffyns Audi Worthing
Roundstone By-Pass
Angmering
BN16 4BD

PROPOSAL: Temporary car park extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. There are a total of 193 parking spaces across the existing Audi site. The existing permission includes the provision of 51 vehicle spaces to the A259 road frontage comprising of 38 used car spaces and 13 customer spaces. The remaining vehicle workshop parking is located to the rear (north) of the site and provides a further 142 workshop spaces including 17 staff car parking spaces. The proposal seeks permission for the provision of a temporary car park in order to provide 67 car parking spaces. These additional proposed spaces will act as a substitute for the proposed parking area to the south (which provides 51 spaces) whilst works on the A259 take place.
SITE AREA	0.27 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site is enclosed by wire mesh fencing to approx. 3m height.
SITE CHARACTERISTICS	Overgrown site with some trees along edge of access road. The proposed temporary car parking area covers an area of scrubland to the west of the existing car dealership. The area historically accommodated greenhouses, and currently comprises grasses, shrubs and trees growing through a lined gravel substrate and degraded hardstanding and concrete paths (former foundations of horticultural buildings).
CHARACTER OF LOCALITY	Mix of residential and commercial. To north new residential development is underway. To the south is a detached dwelling and to the east is existing parking for the Audi garage.

RELEVANT SITE HISTORY

A/167/17/PL	Variation of condition 2-approved plans, 3-delete first sentence from condition, 10-updated landscape strategy plan, 11-updated landscape strategy plan, 13-updated	ApproveConditionally 30-11-17
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proposed site plan & 19-updated proposed site plan
imposed under A/162/15/PL
(APP/C3810/W/16/3151980).

A/162/15/PL

Car showroom & workshop with associated access, car
parking & landscaping.

Refused
31-03-16

Appeal: Allowed+Conditions
09-11-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

First Response - Objection. No time limit given.

Second Response - No Objection.

One No Objection

- Will this really be a temporary (3 year) car park?
- What will happen at the end of this period? Will the car park revert back to grassland?
- There is considerably more than one rabbit living in this area .
- Are Caffyns going to commit to 'making'good' the continuing bulldozing of the grass verge opposite the service road Roundstone Lane/ Mayflower Way? The transporters continually run across this piece of grass making very deep gullies and rendering the verge unsightly. With more cars entering the 'new car park' this will only worsen.
- The flood report does not take into account the fact that this junction is always flooded after rain due to the poor drainage on Roundstone Lane and the nearby drain holes.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is conditioned to be temporary and to be returned to a condition to be agreed in writing following completion of the dualling.

With regard to flooding the pre-commencement condition requested by the Council's Engineer has been imposed.

The comments made by the Ecologist are included as conditions and informatives.

Making good of the verge is a private matter.

CONSULTATIONS

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

WSCC Strategic Planning

Environmental Health

Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - Concern with the intensification in use of the Roundstone Lane access and its suitability for larger vehicles such as vehicle transporters.

The applicant was requested to provide the following:

- A plan of the entire site showing access movement routes through the site.
- Confirmation of whether vehicles can access the temporary car park from the A259 access.
- Clarification of the length of time the proposal will be operating for overall
- Will the access from the A259 be closed for this time?
- Tracking plots showing ingress/egress from the Roundstone Lane access and movement around the site of car transporter vehicles.

Second Response : No Objection subject to a commitment to internal and external signage.

Tracking plots have been provided for the Roundstone Lane access. Access to the temporary car park can be gained from either the A259 or the Roundstone Lane access points. However there is a gate/fence between the building and the rear service area of the site presumably to stop customers driving through to the rear service area. The gate will need to be removed and clear signing installed within the site to inform customers of the parking to the rear (if accessing from the A259).

A 3 year temporary period has been stated as it is not yet known when the WSCC dualling works will commence or complete. This is accepted.

Clear signage will be required on the A259 stating if the main access is open or closed to avoid confusion to drivers trying to access the site.

Drainage Engineer - No Objection. Standard conditions requested.

Ecology Officer - No Objection.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and during construction fencing should be used to ensure this area is undisturbed.

The lighting scheme will need to take into consideration the presence of bats and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Bat boxes should be installed onsite within the remaining trees.

A precautionary approach should be undertaken for reptiles and involves the sensitive removal of scrub, grassland or ruderal vegetation with a two phased cut.

Prior to start on site an updated badger survey should be undertaken. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October.

Environmental Health - No Objection

COMMENTS ON CONSULTATION RESPONSES:

The drainage engineer has no objection provided pre commencement drainage conditions requiring winter ground water testing are imposed. The dualling works to the bypass have now been delayed and on this basis the agent has agreed to the requested pre commencement conditions.

REPORT_804(ODB)

The conditions and informatives requested by the Ecologist have been imposed to enhance wildlife opportunities.

Making good of the verge is a private matter. County highways requested the submission of further details to demonstrate adequate space exists for manouvering of transporter vehicles and these have been provided. They now raise no objection.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity

[Angmering Neighbourhood Plan 2014 POLICY ER2](#) Local Employment

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

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.

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.

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).

The policies in the Angmering NP 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 materially adverse effect on either visual or residential amenity.

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

BACKGROUND

This proposal for a temporary car park extension follows the recent construction of the Caffyns Audi dealership which fronts the A259. The car park extension would be used in conjunction with the car dealership and is required in order to ensure that the site can continue to trade successfully whilst the A259 dualling works are being completed. The company implemented the development in the knowledge that soon after its official opening in November 2018, the A259 site frontage would be impacted by road widening/dualling works.

WSCC have confirmed that the enabling works for the widening between Junctions 10 and 11 began earlier this year (tree clearance has recently taken place). Details provided by WSCC have confirmed that Phase 2 of the works will result in restrictions to the existing main southern access from the Caffyns site onto the A259.

The dualling works result in the temporary loss of 51 spaces on the main road frontage. The proposal would allow for up to 67 parking spaces to be brought into use to support the use of the site while the A259 widening works are undertaken. An opening in the existing fencing is proposed to link the existing parking area to the temporary parking. The opening will be formed in a section beyond the length of the acoustic fencing.

PRINCIPLE

The principle of commercial development is considered acceptable given the site lies within the built up area boundary and does not hold any special ecological or environmental value. Policy SD SP2 of the Arun Local Plan permits development within the built up area boundary subject to consideration against other policies in the plan.

In addition the Angmering Neighbourhood Plan shows the site to be situated within an Employment Area.

Policy SD SP1a encourages the effective use of Previously Developed Land provided it is not of high environmental value. This is in accordance with the aims of the revised NPPF which seeks to enhance the local environment through the re-use of brownfield and previously developed land.

EMPLOYMENT

Policy EMP DM1 seeks to enhance existing employment sites and premises to maintain a supply of good quality commercial premises. The Angmering Neighbourhood Plan identifies the application site as being in an employment area where the land should be retained for employment use and used to support employment in the local area.

There is a general presumption in both local and national planning policy to support local employment opportunities. The temporary car park extension is important to support the new dealership during its initial period of establishment, when access to the site and use of vehicle parking and display spaces will be compromised by the A259 works.

The provision of car parking to support an existing employment use would accord with policy EMP DM1 of Arun Local Plan and policy ER2 of Angmering Neighbourhood Plan.

HIGHWAY CONSIDERATIONS

No new accesses will be created onto the highway. The existing vehicular access from Roundstone Lane was originally intended as a point of egress for goods vehicle movements, including car transporters.

If/when use of the southern access is compromised during the road widening works, the existing access from Roundstone Lane will be used with the temporary car park area easily accessible. The access into the temporary car park will be provided through the existing parking area. County Highways have no objection to the proposal as long as acceptable signage within and outside the site is provided and submission of details is included as a condition.

The proposal would assist in provision of the A259 Roundstone By-pass improvement which is a committed major road scheme referred to in policy TSP3.

The proposal is considered to comply with the requirement of policy D DM1, policy D SP1, TSP and policy T SP3 of the Arun Local Plan.

DRAINAGE

The site falls within Flood Zone 1. A drainage statement has been submitted, and reviewed by the Council's Engineer. However she has stated that shallow infiltration testing must be completed in the winter. The testing which is included in the additional documents was completed at far deeper depths. And therefore is not suitable to assess the adequacy of design.

The proposals are to form a permeable car park area. However, 6F2 material is being specified, this class of material can include fines and therefore is not suitable. The construction of the car park could form a large impermeable area and result in increased flood risk elsewhere. The requested pre-commencement condition is therefore necessary. The agent has advised that the dualling work has been postponed and therefore the requested drainage conditions are now acceptable.

The proposal is therefore considered to comply with policy W SP1 of the Arun Local Plan.

ECOLOGY

A Preliminary Ecology Appraisal has been submitted with the application. The site is not designated for its nature conservation value, nor does it lie adjacent to any designated sites. The majority of the vegetation on site was growing on a lined gravel substrate sectioned by degraded concrete paths. The

site was not found to provide a suitable habitat for badgers, dormice, bats, bird nesting or Great Crested Newts. The site has some potential to be used for foraging and commuting purposes for badgers. Whilst there was likely to be no impact on these species, some mitigation measures are suggested in the Report and these are to be conditioned. They include the removal of any shrubs/trees outside bird breeding season with clearance method by hand where necessary, the provision of bat and bird nest boxes to the peripheral areas with landscape enhancement including tree planting to site boundaries and submission of a lighting scheme. The proposal is therefore considered to comply with policy ENV DM5 of the Arun Local Plan .

TREES

The garage premises site is partially covered by a tree protection order under TPO/A/1/17 and TPO/A/3/17. None of the protected trees fall within the application site (all are located beyond the northern boundary) nor will they be affected by the proposed development. A tree survey was submitted with the application which identified a total of three trees and one tree group. All of the trees were recorded as having a low landscape value. Group G4 will be required to be removed. These were recorded as the lowest grade on the site. The proposal is therefore considered to comply with policy ENV DM4 of the Arun Local Plan. A landscaping condition has been imposed to ensure that the appearance of the site will be enhanced in the long term and that the category B trees on the site frontage to the access road are not removed without the prior consent of the Local Planning Authority.

LIGHTING

The existing rear car park at the site remains in darkness through the night with lights turned off from 11pm. The agents have advised that the temporary car park area will not be lit through the night to respect the nearest residential properties and the submission of details of lighting is conditioned. The proposal is therefore considered to comply with policy QE DM2 of the Arun Local Plan 2018.

RESIDENTIAL AMENITY

The impact on neighbouring residents has been considered. The nearest residential dwellings are Kelston House to the south and Quiet Waters to the north (which has permission for the erection of 30 houses). The proposals will not impact on the existing access arrangements or boundary treatments. A 4.8m high fence encloses the site and will be retained. The vehicles would access the site from Roundstone Lane. The adjoining dwelling Kelston is 10m from the access and the parking area is 20m from the dwelling. These distances would be adequate to ensure that any additional noise from vehicles entering and leaving the site would not cause material harm to residential amenity. The site to the north has been approved for redevelopment and any temporary use of the site would be in existence before any units are occupied and would only exist for a limited period. Parking has already been approved and is taking place adjacent to the boundary to the east of the application site. Therefore the temporary use would not result in a materially adverse impact on the residential amenities of these properties in the long term. In addition a 3m buffer strip is provided adjacent to the boundary.

It is therefore considered that the proposal is acceptable in residential amenity terms and so complies with policy QE SP1 of the Arun Local Plan 2018.

VISUAL AMENITY

The proposal would introduce a new useable surface within the existing partially gravelled/concreted area and existing fence line. The layout of the temporary car park has been configured to retain the existing grass buffer, with access via the existing rear car park. The proposals will not affect the existing accesses onto the highway. These changes would have no significant impact on the visual amenities of the locality. The fence line is set 9m back from the highway boundary and the site is already enclosed by 4.8m high perimeter fencing. This will be extended in the south west corner to move it slightly closer to the road frontage. The area would not therefore be overly visually prominent when viewed from Roundstone Lane.

CONCLUSION

The development is needed in order to support the continued successful operation of the business during the A259 widening works which are programmed during the establishment phase of this new dealership. The proposal would accord with policy and is therefore recommended for approval on a temporary basis to accord with the completion of the road widening works.

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 use of land hereby permitted shall be discontinued permanently and the land restored to a condition to be agreed in writing by the Local Planning Authority, within 3 months of the completion of the road widening works along the frontage of the car dealership with the A259.

Reasons:

To enable the Local Planning Authority to review the special circumstances under which this permission is granted.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 Location Plan 3480-040
 Proposed Site Plan 3068-060 A
 Swept Path 2015/2564/005 revB
 Site Plan 3480-sk01 A
 Site Plan Proposed 3480-060

Fence & Gate Detail 3480-070

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Prior to the use commencing internal and external signage shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy TSP1 of the Arun Local Plan.

- 4 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 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.

- 5 Prior to the use commencing bat boxes shall be installed onsite within the remaining trees in accordance with details to be submitted to and agreed with the Local Planning Authority. The boxes shall be retained throughout the course of the development.

Reason: To ensure that provision is made for nature conservation within the development in accordance with policy ENV DM3 of the Arun Local Plan.

- 6 The vehicles parked in this area shall not be moved outside the hours of 07:00 to 18:00 Mondays to Fridays, 07:00 to 17:00 on Saturdays, and 10:00 to 16:00 Sundays and Public Holidays and there shall be no external illumination on the premises except between the above-mentioned hours.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1 & Q DM2.

- 7 No external lighting shall be installed in the area unless details have been submitted to and approved by the Local Planning Authority. The lighting of the site shall only be in accordance with the approved scheme.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1 & Q DM2

- 8 No works outside of the fenced area of the development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including soft landscaping and details of existing trees and hedgerows along the southern boundary to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding

season, following the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 9 INFORMATIVE: Prior to start on site an updated badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.
- 10 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/drainage> checklist on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 11 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 12 INFORMATIVE: A precautionary approach should be undertaken for reptiles and involves the sensitive removal of scrub, grassland or ruderal vegetation with a two phased cut.
- 13 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.