

Recommendation Report for Planning Permission

REF NO: A/268/21/PL

LOCATION: Land East of Roundstone Lane
Angmering

PROPOSAL: Proposed car showroom and workshop with forecourt. This application is in CIL Zone (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for construction of a Volvo car dealership which will relocate from Worthing to Arun. The development comprises a 2-storey car showroom and workshop, to include an MOT and servicing bay and associated staff areas, with space internally for 5no. sales cars.

There are a total of 69 no. parking spaces comprising a mix of workshop, display and customer parking spaces including an accessible customer space. The proposal would utilise the existing shared vehicular access onto Roundstone Lane and includes hard and soft landscaping.

The new building would be 39.5m in length, 26.5m in width, and would have a flat roof with a height of 6.8m. The building would consist of a car showroom with sales desks, offices and meeting rooms, kitchen, toilets, a mezzanine with kitchen/eating area, toilets, and a car repair workshop. The site access would utilise an existing access from Roundstone Lane. The proposals include a forecourt with 36 display car bays, customer and staff parking bays, some landscaping and lighting.

SITE AREA

0.55 ha.

TOPOGRAPHY

Predominantly flat.

TREES

There are a number of semi-mature trees on the site and the area is covered by a Tree Preservation Order. Tree Retention Plan indicates 5 trees are to be removed. These comprise 2x category B trees, 2x category C trees and 1x category U tree.

BOUNDARY TREATMENT

The site is mainly open with some fencing to side boundaries.

SITE CHARACTERISTICS

The site comprises vacant land consisting of scrub, trees, lined gravel substrate and degraded hardstanding and concrete paths. It formerly accommodated greenhouses which have been demolished and removed. It also includes some of the workshop and staff parking area for the neighbouring Audi garage. There is an existing access road off Roundstone Lane. The site is designated as being in an Employment Area

in the Angmering Neighbourhood Plan.

CHARACTER OF LOCALITY

The site is within the Built-Up Area Boundary of Angmering. The area has a suburban character and there are a mix of uses including commercial and residential. This includes to the south-east and east the 2 storey Caffyns Audi dealership showroom, workshop and forecourt. To the west of Roundstone Lane is another commercial car sales forecourt. To the north is a new residential housing development of 30 houses 'Quiet Waters' which is under construction. To the south of the site and access road is a residential property Kelston House which is set on a substantial plot and with vegetated boundaries.

RELEVANT SITE HISTORY

A/175/18/PL	Temporary car park extension.	ApproveConditionally 24-05-19
A/162/15/PL	Car showroom & workshop	Refused 31-03-2016 Appeal Allowed 09-11-2016
A/132/17/OUT	Outline for 30 dwellings	Approved Conditionally S106 19-01-2018
A/81/18/RES	Reserved matters for appearance, layout, landscaping and scale for 30 dwellings	Approved Conditionally 13-11-2018

REPRESENTATIONS

Angmering Parish Council - Support.

- Support employment use, but concern to protect the generally residential character of Roundstone Lane and neighbouring amenities.

- The following amendments / conditions are considered necessary:

- ~ Enhanced provision of planting along the frontage of the site and existing vegetation to the north and south.

- ~ External lighting and internal lighting in glazed areas should be designed to minimise light pollution.

- ~ Hours of use conditions should be applied to the workshop element to avoid nuisance to neighbours.

Ferring Conservation Group - Objection:

- Further intensification of commercial development along Littlehampton Road. More and more car dealerships and garages along this road turn it into 'Urban Fringe', inviting further development which detracts from the semi-rural character of this road.

- Additional volume of traffic, and presence of large car-delivery vehicles threaten to bring the road to gridlock.

- The design of the buildings are out of character with the area.

4 Objections:

- The site has been operating without planning permission since 1998 and is breaking the planning conditions. The site produces air pollution by way of exhaust fumes, CO2 and noise pollution from revving vehicles. A 40-foot shipping container blocking out the light has been placed next to residential property. Request a Planning and Environmental Health Officer visit the site.
- Incorrect property borders shown on site plan.
- Trees are not indicated correctly.
- Concern regarding noise from condensing unit.
- Additional parking bays will be used much more regularly. Given the close proximity to the border with Plot 7 and Plot 11, there will be a significant rise in noise.
 - Object to the building height which will overlook all of the neighbouring property gardens and result in a loss of light.
- The tree buffer will screen the building, but the trees will take years to block the view of the new showroom and block a significant amount of light.
- The developer and council have made no attempt to contact or consult any of the neighbouring properties.
- The applicants preferred option is to access the foul drainage system of Quiet Waters. This current system has experienced blockages.
- Concern regarding loss of wildlife.
- Concern regarding light pollution.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal has not been implemented and the complaints regarding pollution and revving engines do not result from this proposal.

The application has been advertised in accordance with adopted procedures.

The other comments are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Request imposition of conditions in respect of land contamination, air pollution, construction management, noise, delivery times and external lighting.

Greenspace Officer - No Objection.

Request condition in respect of soft landscaping.

Ecology Officer - No Objection.

Enhancements should be conditioned.

Drainage Engineer - No Objection.

Request imposition of pre-commencement conditions.

County Drainage Engineers- No Objection.

National Highways - No Objection.

County Highways - No Objection.

Further updated plans regarding the proposed access arrangement, including details of the extent of the footway on the eastern side of Roundstone Lane, informal crossing point south of the existing bus stop,

and double yellow lines either side of the access road and bell mouth junction have been provided. The site access will need a s278 agreement as changes to the surfacing and off site highway works including the extension of the eastern footway across the frontage of the site, and informal dropped crossing will be required. A TRO will also need to be progressed around the bellmouth of the access, where the highway meets the private road.

Details of footway construction will also be required, and should be submitted to the implementation team for approval, along with details of the dropped crossing on Roundstone Lane.

Request imposition of CMP condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Within Built Up Area Boundary.
- Tree Preservation Order on site boundary.
- Employment Area in Angmering Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

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

ENVDM4	ENV DM4 Protection of trees
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
QESP1	QE SP1 Quality of the Environment
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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.

The relevant policies of Angmering Neighbourhood Plan have been considered.

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 unacceptable adverse effect on visual or residential amenity.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

Policy SD SP2 of the Arun Local Plan (ALP) seeks to focus new development within the Built-Up Area Boundary of settlements, subject to consideration against other policies in the Plan. In addition, the Angmering Neighbourhood Plan (ANP) shows the site to be situated within an Employment Area. Policy HD1 of the ANP states that 'development of Angmering village shall be focused within the Built-up Area Boundary and will generally be permitted subject to meeting other policies in the Plan'. On this basis the principle of commercial development on this site is acceptable.

The proposal would also utilise land that is no longer associated with any former horticultural use and would accord with policy SD SP1a(g) of the Local Plan which encourages the effective use of previously developed land provided that is not of high environmental value and it also accords with Para 11 of the NPPF in that it makes effective use of an otherwise vacant undeveloped site.

EMPLOYMENT

ALP policy EMP DM1 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.' It also states that 'The Council will positively encourage the relocation of existing firms wishing to expand within Arun District'. This applies to this proposal which relates to relocation of the Volvo dealership which is part of the same company as the Audi garage adjacent to the site. ANP identifies the 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. ANP policy ER2 relates to the loss of employment and the objective to retain and positively support employment land provision.

The proposed re-location of this Volvo dealership from Worthing to within Arun District and the commercial/employment use of this site which would make a more effective use of under-used employment land is supported by the ALP and ANP as above. 10 full time jobs would be provided as a result of the proposal, but these are likely to be partially filled by current employees who would be relocating. However, it is acknowledged that the proposed commercial use would assist in supporting a strong and vibrant community by creating some jobs and contributing to the prosperity of the area generally.

Para 81 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal would meet these objectives.

IMPACT ON VISUAL AMENITY AND CHARACTER

Para 130 of the National Planning Policy Framework (NPPF, 2021) requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 of the NPPF states 'Development that is not well designed should be refused'.

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, layout, scale, density, adaptiveness, innovation, impact on neighbouring amenity, impact on trees, crime prevention and solar gain.

The appearance and character of Roundstone Lane is now more urban than rural as the area is being redeveloped from former nurseries to largely residential development including some commercial uses. The building would be in keeping with the mixed evolving character of the area. The scale, form and design of the built form is commensurate to its nature as a commercial building and commensurate with its location with other surrounding commercial buildings of a similar built form (i.e., Caffyns Audi dealership to south/east and other dealership to west of Roundstone Lane). The scale of the building is acceptable being 6.8m in height and of a similar or lower height than neighbouring commercial buildings and residential dwellings.

The proposal would alter the open appearance of the area, but the building is suitably positioned, set back from the site boundaries and is of similar height to the neighbouring residential properties to the north. The proposal would also be landscaped which would assist in the assimilation of the building in the street scene. The visually unattractive car parking across a large proportion of the site, is screened in part by the landscape buffer and set back from the site frontage reducing its prominence. Further, the provision of large swathes of parked vehicles is not an alien feature along Roundstone Lane with several existing car sales areas opposite the application site.

The building would have a contemporary appearance utilising glass, cladding and a composite panel roof

as the main materials and anodised windows. This would not appear at odds with the general appearance and textures of the materials on the existing Audi building adjoining the site which has similar styling, built form and materials. The location of the site is appropriate for commercial growth in terms of its impact on the visual amenities and character of the area and is acceptable in compliance with policy D DM1 and D SP1 of the Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires that development contributes positively to the quality of the environment and ensures development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development has a minimal impact to users and occupiers of nearby property/land e.g., by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

ANP supporting text for policy ER2 states 'Any new businesses proposed must demonstrate that its existence and operations will not adversely affect the community in either practical or amenity terms.'

NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users.

In general terms, the proposed commercial use would relate well to adjoining uses which are also in light industrial type of use, acceptable in a residential neighbourhood. However, the new building would be located close to the northern boundary of the site which borders onto the new residential housing development of 30 dwellings known as 'Quiet Waters'. To the south of the site's access road there is also a detached private residential dwelling 'Kelston House' (although this would be affected to a lesser extent due to the distances involved, existing service access road separating the sites and the boundary vegetation).

The plot shape and layout of the development is such that the car parking would be located close to the boundary of the neighbouring properties to the north. The customer parking and used car sales area for Audi is located close to the neighbouring dwelling Kelston House and the relationship between the commercial use and residential amenity was considered acceptable by the Inspector.

Following the pre-app response from the District Council, the building has been relocated further to the south and further tree planting and structural landscaping enhancements are now proposed along the boundary with the residential development to the north. A gap of 4.5m is provided to the site boundary with Plot 5 and a gap of 11m is provided between the building elevations. The area of hardstanding has also been reduced in area adjacent to this boundary.

The height of the building (from parapet to finished floor level) is comparable to the height of the residential houses to the north. However, the relative levels mean that the building is located approximately 2 metres below that of the adjacent Quiet Waters development due to a drop in land levels. Given the distance now provided to the boundary and that there is sufficient space to provide tree planting to screen the development in this area and the relative height of the building no harmful overbearing, overshadowing and loss of outlook and natural light to these neighbouring properties and their garden areas would result.

In terms of overlooking and privacy, it is noted that the north elevation of the new building would contain one ground floor access door and no windows at first floor level (other than the main glazed section of the building to the west). On the southern elevation facing towards Kelston House there are no first-floor windows, and in any case the building would be at sufficient separation distance from Kelston House not to result in any significant overlooking or loss of privacy.

The design of the proposed showroom building would have extensive glazing at the western end of the building. This would have the potential of providing a light "bloom" over the side fence into the garden of Plot 5. Similarly, depending on the nature of any lighting within the car parking areas, an ill-considered lighting scheme could introduce lighting close to the rear of other plots in the development which would be harmful to the living conditions of the occupiers. However, if both the physical nature of the lighting and the hours when it was to be lit, both within and outside the building, are controlled by condition the proposal would be acceptable.

Policy QE DM1 (2) of the ALP states that 'Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. The proposal includes a noise report which provides information about the existing noise environment, and the likely impact by way of noise of the proposed development upon the neighbouring environment.

The new building includes a vehicle workshop. Given the neighbouring residential properties there is the potential for noise pollution impacts from the proposed use.

It was noted, under the allowed appeal for the adjacent Audi site, that 'Noise and disturbance which may adversely affect the living conditions of local occupiers... could come from a number of sources.' These were identified as activities within the building, activities outside the building, valeting and manoeuvring of vehicles, the shutting of car doors and noise associated with deliveries. The Inspector concluded that, given the findings of the Noise Impact Assessment, subject to the installation of acoustic fencing and planning conditions restricting hours of operation and deliveries, it would have acceptable impact on neighbouring residences.

Following the Council's Environmental Health's comments planning conditions are recommended relating to hours of operation and use of machinery etc. and on this basis the impact on residential amenity by way of noise would be acceptable.

In respect of air quality (including odours), ALP policy QE DM3 states that 'Industrial development which is regulated by environmental permits (that creates or results in dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution) must be located in such a position which ensures that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk.' Under the Audi appeal, one issue raised was potential smells from car spraying booths in the workshop and impact on neighbouring occupants. The appellant confirmed that it was not their intention to include car spraying booths. The Inspector concluded that, since the future layout could change once approved, a planning condition would need to be imposed prohibiting the installation of car spray booth/s. The same is considered to apply in this case to ensure acceptable impacts on air quality and accord with policy QE DM3.

IMPACT ON TREES

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO)...or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity" unless certain exception tests are met. The ANP places importance on the protection of trees.

The 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, and all are/were located beyond the northern boundary. There are a number of semi-mature trees on the site. An Arboricultural Impact Assessment (inclusive of Tree Survey) and Method Statement have been provided. These indicate adequate mitigation for any young tree loss within the site. A total of eight trees were surveyed within the site. Trees T1, T2, T3, T4 and T5 will require removal to facilitate the proposed development. Trees T1, T2, T4 and T5 are in areas where new parking is proposed. Tree T4 has surfacing proposed across more than forty percent of its

root protection area, and even if retained it would need to be heavily pruned to provide access, and repeated further pruning would need to be undertaken as the tree matures to maintain access. The loss of these trees will be mitigated by replanting during the soft landscaping phase of development.

The proposed site layout involves construction of a retaining wall within the root protection area of tree T8. Due to the condition and vigour of the tree, it has been concluded in the Arboricultural Impact Assessment that the works are unlikely to adversely affect the tree.

A condition is imposed to ensure that the works are carried out in accordance with the Method Statement and a landscaping condition to ensure adequate amelioration takes place for the tree loss. The proposal would therefore accord with policy ENV DM4 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Parking SPD (2020) sets out parking standards for development in the District.

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Travel Plan has been provided to demonstrate the impacts on the local and strategic network and measures to promote sustainable travel. The site benefits from good accessibility by public transport, including bus services within walking distance of the site. The location provides convenient access to frequent public transport services which would provide staff and some visitors with numerous opportunities to travel by sustainable modes.

The existing vehicular access/service road off Roundstone Lane (which is an existing point of egress for goods vehicles from Caffyns Audi and serves as a service road to Haskins Garden Centre beyond) will be used to access the site.

Discussions between the agent and the Local Highways Authority (WSCC) took place prior to submission of the application and their comments on the suitability and safety of this site access raised no objection, but clarity regarding a footpath along the site frontage of the proposed development is subject to further dialogue with County Highways. The issue is one that emerged through the applicant's Road Safety Audit. The initial designer's response was to interpret the requirement by including a crossing facility to allow pedestrians wishing to access the site to use the footway on the west side of Roundstone Lane and use the crossing point. This was queried in the WSCC response on 4th February, which gave rise to the alternative arrangement now suggested. The architects have revisited the layout and are able to accommodate a footway without needing to relocate the showroom building. The only amendment necessary would be a slightly reduced hardstanding in the forecourt area. This would allow for the delivery of a footpath and verge on highway land within the existing redline area. This is a matter for WSCC. The works in question would be for highway purposes on highway land and therefore, are not required to be authorised under this permission.

In accordance with policy T DM1 cycle parking is proposed to be provided to meet likely demand on the site, although the amount varies between the Planning Statement and Travel Assessment. There are no specific details included within the application, so the number of spaces, location and design are

conditioned.

The type of use car showroom and forecourt is 'sui generis' use and the vehicle workshop use would fall under a 'B2' use (general industrial). The ADC Parking SPD does not provide car or cycle parking standards for a 'sui generis' use, but does for B2 use. However, retail (A1 use), office (B1 use) and workshop (B2 use) provide a rough guide and the ADC parking standards accordingly for those types of uses as follows:

A1 = 1 car parking space per 14sqm and 1 cycle space per 100sqm for staff and 1 cycle space per 100sqm for customers

B1 = 1 car parking space per 30sqm and 1 cycle space per 150sqm for staff

B2 = 1 car parking space per 40sqm and 1 cycle space per 200sqm for staff

The proposed level of parking has taken account of similar sites operated by the applicant. Use Class E for Commercial, Business and Services would generate a requirement of approximately 42 spaces for the proposed car showroom (1,262sqm GIA). The proposal includes 36 display parking spaces, 8 customer spaces, 20 service spaces and 5 demonstrator spaces totalling 69 spaces. ADC Parking SPD also states that for certain uses parking provision will be determined on a case-by-case basis on local Travel Plan and needs.

The car parking arrangements include changes to the existing Audi parking compound. An adjustment of spaces means that in total 4 new spaces will be created in this area, with 20 allocated to Volvo. The demand on this compound changes periodically and Caffyns are confident that they can accommodate both brands in parallel. There is a storage compound in close proximity which will add further support. The provision of the parking is conditioned.

2 EVPs for charging electric and plug-in hybrid vehicles have been included in the scheme and their provision is conditioned.

On the basis of the findings within the Transport Statement and taking account of County Highway comments there are no residual or severe cumulative impacts in terms of highway safety, or the operational capacity of the surrounding transport network and the proposal complies with local policy and the guidelines within para. 111 of the NPPF.

BIODIVERSITY AND ECOLOGY

In respect of biodiversity, the Environment Bill, the NPPF, and policy ENV DM5 of the ALP are of relevance. Biodiversity Net Gain is an important aspect of the Environment Bill and the NPPF.

The Update Preliminary Ecological Appraisal submitted with the application confirmed the site had potential to support foraging and commuting bats and nesting birds within scattered trees and scrub scattered trees and scrub. Further, the site did not contain habitats and/or connectivity considered suitable for supporting reptiles, Grey Crested Newts, barn owls, dormice, water voles or otters.

The site is found to be of low ecological value. It was concluded that the proposed development involves construction largely on an area of previously developed land, with other affected habitats of limited ecological value.

The report recommends enhancements, aimed at improving the ecological value of the site post development by the replacement of existing trees with native species and the installation of bat and bird boxes on site. These are conditioned and will ensure that the proposals will not have a detrimental ecological impact and that the proposal accords with the provisions of section 15 of the NPPF and policy ENV DM5 of Arun Local Plan.

DRAINAGE

As set out in the NPPF, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. ALP policy W DM2 seeks to ensure flood risk to development is reduced and managed. Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy EH3 of the ANP requires that all new development mitigate against the risk of flooding on site, increasing the flood risk to surrounding properties and areas, and should incorporate SUDs.

The site is located in Flood Zone 1 but is shown as being prone to groundwater flooding on the Council's mapping system. As such, being in FZ1, there is no requirement under the NPPF for a Sequential Test to be undertaken. Although the site is in FZ1 and less than 1 hectare in size, there is no requirement for an FRA.

The Council's drainage engineers were consulted on the details initially submitted and have raised no objection subject to imposition of conditions. On this basis the proposal is compliant with policy W DM3 of the Local Plan and policy EH3 of ANP.

CONCLUSION

The proposal is compliant with policy and is recommended for approval 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:

Site Location Plan 3661-SRA-XX-XX-D-A-01-001-P02
Existing Site Plan 3661-SRA-XX-XX-D-A-01-010-P02
Proposed Site Plan 3661-SRA-XX-XX-D-A-09-001-P04
Ground Floor GA Plan 3661-SRA-XX-L0-D-A-04-001-P01
First Floor GA Plan 3661-SRA-XX-L1-D-A-04-101-P01
Roof GA Plan 3661-SRA-XX-L2-D-A-04-201-P02
Proposed East and North GA Elevations 3661-SRA-XX-XX-D-A-05-001-P01
Proposed South and West GA Elevations 3661-SRA-XX-XX-D-A-05-002-P02
Proposed Site Context Elevation 3661-SRA-XX-XX-D-A-05-005-P03
Proposed GA Sections 3661-SRA-XX-XX-D-A-06-001-P01
Proposed Site Context Section 3661-SRA-XX-XX-D-A-06-005-P03

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 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 groundwater monitoring to establish highest annual ground water levels and 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.

- 4 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction

commences.

- 5 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

- 6 Prior to occupation of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of Arun Local Plan.

- 7 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or

associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows 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 occupation of the buildings or 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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of Arun Local Plan.

- 10 The development shall proceed in accordance with the Arboricultural Method Statement and Tree Protection Plan submitted with the application PJC/5966/21-02 dated 08/11/21. The protection shall be retained until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the Local Planning Authority.

Reason: To ensure protection of trees in accordance with policy ENV DM4 of Arun Local Plan.

- 11 The development shall proceed in accordance with the Update Preliminary Ecological Appraisal (Nov 2021) by the ecology partnership and the enhancements shall be provided prior to use of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The enhancements so provided shall be retained in perpetuity.

Reason: In the interests of biodiversity In accordance with policy ENV DM5 of Arun Local Plan.

- 12 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind, installed within the site including prediction of noise from vehicle trips which has the

potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before commencement of the use. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan

- 13 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no service vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 14 The car showroom hereby approved shall not open outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:30 to 17:00 on Saturdays, and 10:00 to 16:00 Sundays and Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 15 The development, hereby approved, shall not be occupied until such time as the electric vehicle charging points indicated on site plan (reference 3661-SRA-XX-XX-D-A-09-001-P04) have been installed. The charging points shall be retained in perpetuity.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), T SP1 and ECC SP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 16 The development, hereby approved, shall not be occupied until such time as the internal access roads, car park and turning areas have been constructed and laid out in accordance with the approved site plan (reference 3661-SRA-XX-XX-D-A-09-001-P04). The land thereafter shall be retained for the purpose of providing access, parking, and turning for the proposed development.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy T SP1 of the Arun Local Plan.

- 17 The development, hereby approved, shall not be occupied until such time as cycle parking has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. The cycle parking shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of Arun Local Plan.

- 18 Prior to installation of any external lighting, details of the lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011)

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan.

- 19 The MOT, servicing and valet areas of the development hereby permitted shall not be operational outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:30 to 12:30 on Saturdays with no operations on Sundays or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 20 No car spraying booth shall be installed within the site.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 21 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.

- 22 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 23 INFORMATIVE: The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed enforceable parking restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

- 24 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.