

Recommendation Report for Planning Permission

REF NO: A/40/26/PL

LOCATION: Highdown Nursery
 Littlehampton Road
 Ferring
 BN12 6PG

PROPOSAL: Hand car wash facility including awning and portable cabin. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a hand car wash facility including awning and portable cabin within the existing car park of Highdown Nursery.
SITE CHARACTERISTICS	The site is the an area of car park associated with the garden centre at Highdown Nursery.
CHARACTER OF LOCALITY	The site is adjacent to the A259, which has some commercial uses to either side, with mainly agricultural land and uses to the north of the road in this location.

RELEVANT SITE HISTORY

A/132/23/PL	Erection of extension to garden centre coffee shop and kitchen. This application is in CIL Zone 3 (zero rated) as other development.	ApproveConditionally 06-07-23
A/20/15/CLP	Lawful development certificate for a proposed Hand Car Wash	Approve 30-04-15
A/100/14/PL	Change of use of land to Handcar wash in car parking area (Sui Generis)	Refused 15-10-14

Planning history noted.

REPRESENTATIONS

Angmering Parish Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENTAL HEALTH - No objection subject to conditions.

- Noise produced from carwash jet washers can be intrusive.
- Conditions recommended requiring details of machinery and equipment and an acoustic assessment of this equipment.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection.

- The proposed use will not give rise to a material intensification of vehicle movements to or from the site or detrimentally impact existing vehicle parking arrangements.

SOUTHERN WATER - Insufficient information provided.

- Condition requested requiring details of proposed foul and surface water drainage.
- Disposal of surface water should follow the hierarchy set out in part H3 of the Building Regulations.
- No soakaways should be connected to the surface water sewer.
- The use would require Trade Effluent Consent. A condition is requested requiring this, and further advice given on the process for obtaining this consent.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions and informatives as required by EH have been attached. Conditions requested by Southern Water regarding surface water and foul drainage have not been attached, as this will be addressed under separate consent regimes as outlined in the conclusions.

POLICY CONTEXT

Designation applicable to site:

Area of Special Control (Adverts)

Outside Built Up Area Boundary

CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
ENVDM5	ENV DM5 Development and biodiversity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

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 comply with relevant Development Plan policies in that it will not harm the character or visual amenity of the area, or have adverse impacts on neighbouring occupiers.

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 is outside of the built up area boundary and is in the countryside for the purposes of planning policy. Policy C SP1 of the Arun Local Plan (ALP) states that development will not be permitted outside of the built up area boundary except where the development is required to meet the operational needs of agriculture, for informal recreation, green infrastructure, diversification of the economy, cycle or road schemes or where the proposal is supported by another policy within the plan that refers to a specific use type or development.

The proposal is for a car wash facility which would be within the car park of a business in this location. ALP policy EMP DM1 states that planning permission will be granted for employment sites outside the built up area where the proposal is for an appropriate sized extension of an existing employment site,

subject to further conditions regarding the accessibility and design of the proposals. The development is within the existing car park associated with the garden centre, and does not encroach into the surrounding countryside. The portacabin and canopy are modest in size, and it is not anticipated that the car wash would lead to a significant intensification of the use of the site. The design of the proposals and the impact on the character of the surrounding area are considered below.

The development is supported by ALP policy EMP DM1, which specifically relates to extensions to employment sites outside of the built up area. The principle of the proposal is acceptable in accordance with ALP policy C SP1.

Angmering has a made Neighbourhood Plan, however there are no policies relevant to this proposal.

CHARACTER AND VISUAL AMENITY

The site is within the curtilage of a commercial unit, and there are further commercial uses along the north side of the A259. The use of the land as a car wash would not be out of keeping with the character of this location.

The portable cabin and canopy would be in the south west corner of the car park and would be easily visible from the road. The portable cabin would measure 2.6m by 5m and would be 2.5m high. The cabin would be finished with blue metal. The canopy would be taller, with a maximum height of 4.2m, and would be supported by a metal structure on one side of the proposed canopy. The canopy would be prominent when viewed from the road. However, the height and size of the structure are not excessive, and there are a range of commercial buildings along the roadside, including car sales garages and the petrol station and canopy immediately opposite the site. The structure would not harm the character of the area, or its visual amenity and the proposals are in accordance with ALP policies D SP1 and D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The site has one residential neighbour to the west, which would be approx. 35m from the car washing area. The physical structures associated with the car wash are on the other side of the access road to the property and would not impact the neighbouring occupiers.

Environmental Health have been consulted, and raised concerns about noise impacts of the car wash use on neighbouring residents. A condition has been attached requiring details and acoustic assessments relating to all machinery and equipment associated with the car wash, to be submitted prior to installation. The noise impacts of the development can be controlled at this stage, ensuring that the development does not result in unacceptable noise impacts in accordance with ALP policies QE SP1 and QE DM1.

FLOOD RISK AND DRAINAGE

The site is in Flood Zone 1, with an area of medium surface water flood risk at the end of the access road where it meets the A259. The development categorised as less vulnerable, and the location is acceptable in terms of flood risk.

The response from Southern Water requests a condition requiring further details of surface water/foul drainage. The area of proposed buildings and canopy is 58sqm, which falls below the threshold for consultation with ADC Drainage Engineers. It is generally considered that the surface water drainage of developments which fall below this threshold can be adequately addressed via the Building Regulations process. The development would require building regulations, and the surface water drainage from the structures would be addressed under this process. The use of the site as a car wash would require trade effluent consent, which would address foul drainage from the car wash itself. As both the surface water and foul drainage from the site would be addressed under separate consent regimes, a condition has not been attached to the permission.

The development complies with ALP policy W DM2 and the NPPF in respect of flood risk and drainage.

TRANSPORT, HIGHWAYS AND PARKING

West Sussex County Council Highways raise no objections. The development is not anticipated to lead to a significant increase in vehicular movements to and from the site.

The development will be within the car park, and will result in the loss of 6 parking spaces. 170 spaces would remain. Exact breakdowns of the use of the main garden centre site have not been provided as part of this application, and so it is not possible to calculate an exact figure for the parking needs of the site. However, given that the change to the parking provision would be minimal, the loss of parking spaces is considered acceptable in this instance. WSCC Highways raised no objection to the development in terms of the impact on parking.

The development has appropriate safe access to the highway and would not result in harmful impacts on highways safety or parking provision in accordance with ALP policy T SP1.

BIODIVERSITY AND ECOLOGY

The proposal affects land which is an existing car park, and a small area of grass verge in the corner of the site. A biodiversity enhancement statement has been provided which outlines biodiversity enhancement measures, which would involve planting shrubs on the existing verge. Given the low ecological value of the existing site, these measures are acceptable and the proposal is in accordance with ALP policy ENV DM5.

SUMMARY

Whilst the development is outside of the built up area, the development would be within the car park associated with an employment site. The size of the portable cabin and canopy is modest, and the development would not lead to a significant intensification of the commercial use of the site. The development is supported by ALP policy EMP DM1 and would not harm the character or visual amenity of the area.

The development complies with the relevant development plan policies and is therefore recommended for approval, subject to the following conditions and informatives.

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

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 not CIL liable.

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:

- Location Plan MSC2116-30C
- Proposed Site Plan MSC2116-32E
- Proposed Structures A and B Floor Plans, Elevation, Roof Plan MSC2116-34B
- Biodiversity Enhancement Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

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

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a

biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: The applicant should ensure that the Trade Effluent Consent has been obtained, before the connection to the public sewerage network can be approved. Further information can be found at: <https://www.southernwater.co.uk/retailers/trade-effluent-retailers/>.
- 6 INFORMATIVE: The proposed activity may require a permit under Environmental Permitting (England and Wales) Regulations 2016. For further information, please contact the Environmental Health Team:

pollution@arun.gov.uk

01903 737555

<https://www.arun.gov.uk/industrial-air-pollution/>

- 7 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 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 NPPF.