

Recommendation Report for Planning Permission

REF NO: BE/125/25/PL

LOCATION: McDonalds Bognor Regis
3 Oldlands Way
Bognor Regis
PO22 9SA

PROPOSAL: Installation of 2 No. additional rapid EV chargers, upgrade of the existing charging unit and the upgrade and relocation of the existing feeder pillar within car park. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site is a McDonalds restaurant and drive through facility, with a car park to the west of the main building.
CHARACTER OF LOCALITY	The site is located on the edge of an industrial estate, and surrounding land is mainly in industrial or retail uses.

RELEVANT SITE HISTORY

BE/151/21/PL	Installation of one rapid electric vehicle charging station. This application is in CIL Zone 4 (zero rated) as other development.	ApproveConditionally 08-12-21
BE/138/19/A	Installation of 4 x digital freestanding signs and 1 x 15 inch digital booth screen.	ApproveConditionally 26-02-20
BE/39/17/PL	Retrospective application for the Installation of 2No. Free standing pole with 1no. CCTV camera fixture on each and 2No. Automatic number plate recognition cameras on 1No. pole	ApproveConditionally 16-06-17

Planning history noted.

REPRESENTATIONS

Bersted 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.

WSCC HIGHWAYS - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 does not harm the character or visual amenity of the area.

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 application proposes the replacement of the EV charging point and feeder pillar on the site and the addition of a further two EV charging points. The site is within an existing car park, and no changes to the parking layout are proposed. The application is acceptable in principle subject to compliance with relevant development plan policies.

DESIGN AND VISUAL AMENITY

The three proposed chargers have a maximum height of 2.2m, and are 0.85m wide. The relocated feeder pillar will be of similar dimensions to the existing, and would be positioned slightly further to the north. The site is in an area of industrial and retail uses, where there are various fences, advertisements, and electricity sub stations. The proposed EV charging points and feeder pillar partially replace existing EV charging infrastructure in the area, and would not appear out of keeping with their surroundings.

The feeder pillar will be green to match the existing, which matches a similar unit on the opposite side of site access. The charging pillars will be grey (RAL 7040), which is acceptable. It is noted that a similar proposal for the installation of the EV charging points could be undertaken as permitted development. The proposals do not result in harm to the character or visual amenity of the area, in accordance with Arun Local Plan (ALP) policy D DM1.

NOISE AND LIGHT POLLUTION

The EV chargers feature central information panels with LED screens. Given that the site is open 24 hours, and the main building would be illuminated, both from within and by illuminated signage, the proposed LED screens would not result in an unacceptable increase in light pollution. The proposed units emit noise at a level of less than 65dB. The site is located away from residential uses and Environmental Health raised no objection to the application. The proposal do not result in harm to the quality of the surrounding environment, in accordance with ALP policies QE DM1 and QE DM2.

HIGHWAYS SAFETY

The structures would not obstruct vehicular visibility for those using the access on Oldlands Way and no alterations are proposed to the existing parking layout. WSCC does not consider that this proposal has an unacceptable impact on highway safety or results in 'severe' cumulative impacts on the operation of the highway network, and is in accordance with para 111 of the NPPF.

The proposal is in accordance with ALP policy T SP1 and the NPPF.

SUMMARY

The proposals are in accordance with relevant development plan policies and are 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 and Block Plans 10376-1001_02 REVA
- Existing and Proposed Planning Site Layouts 10376-1001_01-PL REVA
- BYD 160kW Single Arm Charger 001_58 REVA
- BYD 1600kW Charger 001_29 REVC
- Feeder Pillar RMC2100 with Spacer 001_27 REVB

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 **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.