

Recommendation Report for Planning Permission

REF NO: BE/151/21/PL

LOCATION: McDonalds
3 Oldlands Way
Bognor Regis
PO22 9SA

PROPOSAL: Installation of one rapid electric vehicle charging station. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the installation of one rapid electric vehicle charging station within the grounds of McDonald's.
SITE AREA	21.86 sqm
BOUNDARY TREATMENT	Front and side to highway ranch type fencing approximately 1.5m in height, rear has green steel fencing approximately 1.8m in height.
SITE CHARACTERISTICS	McDonalds with drive through facility. The building is a purpose built two storey flat roof building with glazing, seating area to front, cycle store to south of site, parking to front. Grass verge to side fronting Steyning Way and Oldlands Way.
CHARACTER OF LOCALITY	On a corner location at junction of Shripney Road with access from Oldlands Way which is part industrial, part retail. Additional retail outlets to the west.

RELEVANT SITE HISTORY

BE/3/17/PL	Alterations to the elevations & drive thru lane to include an extension with additional booth, minor reconfiguration of existing booth glazing & installation of new cladding	ApproveConditionally 23-03-17
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None.

REPRESENTATIONS

Bersted Parish Council: No objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Environmental Health: No objections to the proposals, however, the site is situated on an area of land which has been identified as being potentially contaminated and as excavations are required for foundations and cabling the suggested condition should be included on any permission granted.

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
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development

[Bersted Neighbourhood Plan 2014 Policy ES1](#) Design of new development

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 relevant policy of the Bersted Neighbourhood Development Plan has been taken into account in determining this application: Policy ES1: New development must contribute to local character by creating a sense of place appropriate to its location.

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 would have no materially adverse effect on the visual amenities of the locality, nor would it have an adverse impact upon the established character of the surrounding area.

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:

This proposal is for the installation of one rapid electric vehicle charging station via conversion of an existing car parking space to an EV charging space. No alterations are proposed to the parking layout.

CHARACTER OF THE AREA:

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 of the Arun Local Plan requires that the proposal makes the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.

Policies ES1 of the Bersted Neighbourhood Development Plan require new development to contribute to local character by creating a sense of place appropriate to its location.

The site is on Oldlands Way, a B-classified road subject to a speed restriction of 30 mph in this location. The area is predominately commercial within an established industrial estate comprising of several large industrial units. The existing fence line would be configured around the proposed charger and feeder pillar and existing lamp post on the site would be relocated as shown on submitted Planning Site Layout. The height of the feeder pillar would be 2.34m, it would be 1.724m wide and 1.1m deep. The Charging Unit would be 2m high, 0.75m wide and 0.55m deep. The Charging Unit, feeder pillar, relocated lamp post and fence line are to be located within private land and will not encroach into the maintained highway boundary.

The 120KW DC Charger would not detract from the local area character and would comply with policies D SP1 and D DM1 of the Arun Local Plan and policy ES1 of the Bersted Neighbourhood Development Plan.

HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which 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."

The proposed structures are not anticipated to obstruct vehicular visibility for those using the access on Oldlands Way and as mentioned above, no alterations are proposed to the existing parking layout.

WSCC does not consider that this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, ADC Parking Standard and with the guidance on highways within the NPPF.

SUMMARY

The proposed installation of one rapid electric vehicle charging station would not compromise the visual amenities or character of the area or highway safety. The proposal complies with development plan policies. The recommendation to approve is made subject to conditions/informative.

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:

Dwg No 10376 - 0229_02, Rev A, LOCATION PLAN;
Dwg No 10376 - 0229_01, Rev A, PLANNING SITE LAYOUT;
Dwg No 10376 - 0229_03, Rev A, BLOCK PLAN;
Dwg No 001_08-02, Rev G, EQUIPMENT ELEVATIONS AND PLAN, RMC 1600 - WITH ROOTS;
Dwg No 001_19, Rev B, EQUIPMENT ELEVATIONS AND PLAN, BYD 120kW CHARGER.

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 **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.