

Recommendation Report for Planning Permission

REF NO: BE/17/22/PL

LOCATION: Bognor Garage
Shripney Road
Bognor Regis
PO22 9NJ

PROPOSAL: Redeveloped to provide a modern vehicle service facility for all types of vehicles up to class 7, which includes all motor cars and commercial vehicle up to 3,500KG i.e. small vans. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to redevelop the site to provide modern vehicle servicing facilities with the addition of 2 buildings. The existing building on site will be demolished following construction.
BOUNDARY TREATMENT	The site has fencing to the rear and side boundaries. The site is open to the front.
SITE CHARACTERISTICS	The site is in a commercial area, located just outside of a business park fronting Shripney Road.
CHARACTER OF LOCALITY	The area is predominately commercial in use, although a caravan park is located to the south of the site.
None of relevance.	

REPRESENTATIONS

Bersted Parish Council provided no objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:****ENVIRONMENTAL HEALTH**

Having reviewed the 'Phase One Environmental Assessment Report (preliminary risk assessment) | Report IN22719 CL 001' (dated March 2022) I find the report, methodology and findings to be reliable. I recommend the development proceeds in accordance with the Subadra report, and that the developer shall carry out a Phase 2 site intrusive investigation to identify contamination levels in the soil. The following matters should be considered relating to electric car charging points, submission of a

construction management plan, construction hours.

WSSC HIGHWAYS (LHA)

The development proposals are for redevelopment of the site to provide a modern vehicle servicing facility for all types of vehicles up to class 7. The project is to be split into three phases. The access will be retained with no changes proposed for future uses. The new facility will not change with respect to the scale of operation but will be upgraded to increased facilities such as facilities for the disabled. There is no change to the parking requirement or vehicular trips associated with the facility. With the removal of the car sales, it is anticipated that there will be a decrease in the level of vehicular trips accessing the facility. The (LHA) does not consider that this proposal would have an unacceptable impact on highway safety.

ADC DRAINAGE

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations. No surface water must be discharged to the foul sewer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Bersted Neighbourhood Plan 2014 Policy EE1](#) Business expansion

Bersted Neighbourhood Plan 2014 Policy ES1 Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding 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

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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1, D SP1, QE DM1 and QE DM4 of the Arun Local Plan and the Arun Design Guide.

Bersted has a made Neighbourhood Plan with policy ES1 and EE1 of relevance to the application.

DESIGN AND VISUAL AMENITY

The site is highly visible fronting Shripney Road, located just south of the roundabout which joins with Rowan Way. To the northern side and rear is a car park serving a business park.

The site is occupied by a single storey pitched roof structure to the southern boundary with detached flat roof office to the northern side. The site forms a garage and has a number of vehicles for sale to the forecourt.

The proposal seeks to redevelop the site to enable a modern vehicular serving facility which will result in the construction of 2 additional buildings. This will be delivered in 3 phases. Phase 1 will provide new MOT facilities in a purpose-built building with 2 nos. MOT bays with small office and reception facilities. This building is to the northern boundary. Phase 2 will consist of the construction of 4-bay vehicle

servicing facility. This will run along the western boundary. Phase 3 will consist of the demolition of the existing building, which will be used as a temporary servicing facility whilst Phases 1 and 2 are constructed.

The building to the north will be closer to the front boundary than existing buildings. This will be highly visible and a more prominent feature in the street scene however does retain 3.1m to the boundary.

The building along the western boundary will be next to the existing although run the full width of the site. The depth is although reduced from 18m to 12m. It will have a shallow pitch roof and is also slightly lower in height than the existing structure at 5m. The building to the north is slightly taller at 6m although of a scale in keeping with the remaining development on site.

Materials consist of brick and metal cladding. This will be grey in colour. The surrounding area consists of many business parks and the materials proposed will not be out of character for the area.

The Arun Design Guide states buildings must 'Responds to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases.' and 'Avoids insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area'. The proposal complies with the guidance in that the development responds to the scale of the existing site and surrounding development which has many large buildings mostly in a retail use.

Although the development would be larger than existing and add visual bulk to the site, it would not appear out of character within the area. The buildings appear appropriate in scale and massing and are not an overdevelopment on the site. Once the building is demolished this will further reduce the build form on site. The buildings would successfully integrate with the surrounding environment.

The development will not result in adverse harm on the character or appearance of the area and accord with D DM1 of the Arun Local Plan, the Arun Design Guide and ES1 of the Neighbourhood Plan.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

Although buildings are larger than the existing, due to its location, it would not result in any significant harm on amenity. To the western rear and north of the site is a car park serving the business park and these elevations would not be negatively impacted. To the east is Shripney Road.

To the south is a caravan park although due to the siting of the structures, the structures are unlikely to be visible from these properties. The existing building is visible from the caravan park and due to its siting would block the view of the proposal however following Phase 3 which will result in the removal of the existing building, views would be achievable. These are however not considered to increase from existing with the development located further from the boundary with a separation of 15m.

There will be 3 first floor windows to the building to the northern side. Views from these will be minimal with the floor level serving a storage area. 36m is retained from these windows to the boundary to the south and therefore would not give rise to adverse overlooking.

With additional facilities on site, it may give rise to increased noise levels however not significant in which a refusal is justified.

Environmental Health have not raised noise as a reason for refusal/requested conditions to control it.

Noise nuisance can be covered by Environmental Health legislation.

Policy EE1 of the NP states proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable. The proposal complies with this.

The development will not to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and would accord with D DM1 and QE SP1 of the Arun Local Plan and EE1 of the Neighbourhood Plan.

HIGHWAY

The facility will not change with respect to the scale of operation but will be upgraded to increased facilities such as facilities for the disabled. There is no change to the parking requirement or vehicular trips associated with the new facility. It is anticipated that with the removal of the car sales, there will be a decrease in the level of vehicular trips accessing the facility. The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety.

The proposal complies with TSP1 of the Arun Local Plan.

SUMMARY

The proposed development accords with relevant development plan policies and as such is 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

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:-

- Location and Site Plan - 1466/001
- Proposed Site Layout Plan - 1466/002 C
- Proposed Section - 1466/001 B
- Proposed Layout Plan - 1466/003
- Proposed South and East Elevations - 1466/04 C
- Proposed North and West Elevation - 1466/005 C
- Report IN22719 CL 001' (dated March 2022)
- Email received 26.4.22 confirming cladding colour grey RAL 7016.

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 Prior to commencement the developer shall carry out a Phase 2 site intrusive investigation to identify contamination levels in the soil. Where any contamination is identified a remediation strategy shall be submitted for approval to the local planning authority. Following implementation of the approved scheme, a validation report with photographic evidence, waste transfer certificates, and results of sampling of any imported soils in situ shall be submitted for approval to the local planning authority.

Reason: To prevent pollution of air/and water/and nearby land in accordance with policy QE DM4 of the Arun Local Plan.

- 4 No development shall take place, including any works of demolition, 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:

- a) An indicative programme for carrying out of the works;
- b) Measures to minimise the impact of noise (including vibration) generated by the construction process on nearby sensitive receptors - to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- c) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- d) The parking of vehicles of site operatives and visitors;
- e) Loading and unloading of plant and materials, including permitted times for deliveries;
- f) Storage of plant and materials used in constructing the development;
- g) The erection and maintenance of security hoarding, where appropriate;
- h) 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 Regulations Orders);
- i) Measures to control the emission of dust and dirt during construction;

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

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 6 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.