

Recommendation Report for Planning Permission**REF NO:** BE/75/12/**LOCATION:** Bognor Regis Retail Park
Shripney Road
Bognor Regis**PROPOSAL:** Renewal of unimplemented planning permission BE/19/07/ - Demolition of the existing buildings and redevelopment to provide a new building for retail use (Class A1 retail) with altered access and providing a new service yard, along with re-configured car parking and landscaping**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The application proposes a new retail unit with a ground floor area of 848sqm as well as a mezzanine of 786sqm (1,634sqm in total). It is intended that the occupier will sell a range of bulky comparison goods in a retail warehouse format.

The proposed unit is to be located alongside Shripney Road, facing north towards the restaurant and car parking. It will have a new service area to the south based upon an altered vehicular access from Shripney Road, which will continue to be shared with the secondary access to the caravan park. The customer car parking serving the retail park as a whole will be revised to relate to the existing units as well as to the proposed store. This will accommodate 346 spaces, a small increase compared to the existing provision. There will be a belt of landscaping along the eastern side of the new unit, between it and Shripney Road.

The building has been designed to be of a quality with a contemporary commercial appeal, and will significantly enhance the appearance of the site compared to the existing retail buildings. The entrance to the store will be through wide doors, accessible to all, with both stairs and a customer lift to the mezzanine floor.

SITE AREA

840 sq.m.

RESIDENTIAL DEVELOPMENT DEN

N/A

TOPOGRAPHY

Predominantly flat

TREES

None.

BOUNDARY TREATMENT

To main A29 road none, but to existing retail car park 1.8m high close boarded fencing.

SITE CHARACTERISTICS	Single storey motor trade buildings and sales areas. Buildings appear to be in a state of poor repair and unsightly.
CHARACTER OF LOCALITY	Generally commercial in nature. Retail park to the north and west. Holiday caravan site to the south.

RELEVANT SITE HISTORY

BE/5/03/	Extension to existing facility to provide sales office and w.c.	Approve Conditionally 14-03-2003
BE/115/08/	Extension to existing facility to provide sales office & WC.	Approve Conditionally 20-01-2009
BE/19/07/	Demolition of the existing buildings and redevelopment to provide a new building for retail use (Class A1) with altered access and providing a new service yard, along with re-configured car parking and landscaping.	Approved Cond + S106 22-05-2009

REPRESENTATIONS

Representations received:

Bersted Parish Council

- No objection but members made the following comment; Has the sewage problem in this area been sorted or looked at?

Comments on Representations received:

Southern Water have made no comment on the sewerage situation.

CONSULTATIONS

WSCC Local Development Divis.

Chichester District Council

Environment Agency

Local Plans

Southern Water Planning

Consultations responses received:

West Sussex County Council Strategic Planning Consultation: The highway authority has considered the application in light of current policies and wishes to raise no objection should the existing conditions be retained.

Southern Water: No objection to the renewal

Environment Agency: Providing conditions continue to be imposed where appropriate, the EA have no objections to the proposal as submitted.

Head of Planning Policy and Conservation: Appendix 3 does not list retail requirements and

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appendix 4 does not seem at all relevant to Bognor Regis so I have not seen any evidence for this renewal. The applicants information is out of date regarding developments in Bognor Regis.

Having said this- I do not see that there is any policy change at present to not accept a renewal on the same conditions as previous.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Class A Road

Class C Road

Out of Town Centre

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN12	Parking in New Development
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN4	Location and Travel Demand
	GEN7	The Form of New Development
	DEV26	Criteria for Retail Development
	DEV27	Retail Development Outside the Principal Shopping Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to give the development control criteria against which applications of this nature will be judged that is whether the proposal would have an adverse impact on the viability or vitality of Bognor Regis Town Centre, highway safety and the visual amenities of the area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 will be no adverse impact on the viability or vitality of Bognor Regis town centre. Highway Safety will also not be compromised.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is acceptable subject to normal development control criteria being met.

The proposal concerns the renewal of consent for permission granted by BE/19/07/. The proposal site is occupied by an existing car sales and forecourt area, and this proposal involves its demolition and its replacement with a retail warehouse with a gross internal area of 790 square metres at ground floor level with 729 square metres mezzanine for a combined total of 1,519 square metres.

The design of the building is better than the existing main units. Brickwork has been introduced at ground floor level with two contrasting colours of metal cladding at 1st floor level with brick piers and windows breaking up the elevations.

DEVELOPMENT PLAN BACKGROUND

For the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004), consideration must first be given to the Arun District Local Plan (2003). The saved Local Plan policies of most relevance to the proposal are Local Plan Policy DEV26 and DEV27.

In terms of national planning guidance the key paragraphs of relevance in the National Planning Policy Framework are Paragraphs 24, 26 and 27.

RETAIL IMPACT

In terms of retail planning the Local Plan Policies (specifically DEV 26 Retail Development and DEV 27 Retail Development Outside the Principal Shopping Area) do not materially add to the considerations which would in any event be required by NPPF, and that the Development Plan does not provide any more onerous tests than those found in NPPF. As such the retail impacts of the application will be judged against the criteria set out in the NPPF.

NPPF PARAGRAPH 24- SEQUENTIAL ASSESSMENT

The application for a main town centre use that is not in an existing centre and not in accordance with an up to date Local Plan. The Local Plan and National Planning Policy Framework require a sequential assessment. Only if suitable sites in town centres, the in edge of centre locations, are not available should out of centre sites be considered. Applicants and local planning authorities are required to demonstrate flexibility on issues such as format and scale.

The applicants have provided a sequential assessment with their application. The applicants have submitted a review of the sites assessed at the time of the original application and of currently available sites in the area. This includes an up to date sequential assessment of the Bognor Regis area. In reviewing potential sites it has been adequately demonstrated that there are no suitable, available, or viable sites within local centres that would be sequentially preferable for the application proposal.

Furthermore, the proposal is to renew permission for new retail space on the same site. There will be no additional retail floorspace over and above what is permitted in Bognor Regis.

NPPF PARAGRAPH 26- IMPACT ASSESSMENT

The proposal is for retail use outside of a town centre, which is not in accordance with an up to date local plan. In these circumstance the NPPF sets out that the application should be refused where there is evidence that the proposal would be likely to have a significant adverse impact on one or more of the factors set out in paragraph 26 of the Framework.

The relevant impacts to be considered are on "existing committed and planned public and private investment in a centre or centres in the catchment area of the proposal" and on "town centre vitality and viability, including consumer choice and trade in the town centre and wider area".

Impact on Planned Public and Private Investment

The application is for renewal of planning permission for this scheme. The original permission was approved in 2007 and granted following the completion of a S106 agreement in 2009. The development is a known commitment. Any planned investment would be aware of the scheme for some time, and therefore it is unlikely that the scheme would affect planned investment. Therefore there would be no significant adverse impact arising from the renewal of this planning application.

Town Centre Vitality and Viability, Consumer Choice, and Trade.

The applicants have provided an assessment of the impact of the proposed store on the above factors. The assessment identifies that there would be no material impact in planning terms on the vitality and viability of Bognor Regis town centre from the proposal.

The proposal is restricted to the sale of bulky goods. A retailer such as this located in an out of town centre location is likely to compete with other out of centre locations. Following this principle, the applicants have demonstrated that the most likely impact of the store is on other out of town centre locations.

The applicants evidence shows that the level of trade diversion from the town centre would not be material in planning terms.

The proposal will have a neutral effect on consumer choice and trade in the town centre, and will have a positive effect on consumer trade in the wider catchment area as it is likely to be occupied by a new entrant to the area.

NPPF PARAGRAPH 27- ADVERSE IMPACTS

Overall it can be seen that the proposal does not fail to satisfy the sequential test, and it is not likely to have significant adverse impact on the vitality of the town centre, local consumer choice or town centre trade. Therefore there are no retail grounds on which to refuse the application.

CONCLUSION

There has been no change of circumstances such that permission should be refused. There are no sequentially preferable sites available and there are no anticipated impacts on the vitality and

viability of Bognor Regis Town Centre. It is therefore recommended that the application be approved subject to the conditions set out overleaf.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme. 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 GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such 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 GEN7 of the Arun District Local Plan.

- 4 The gross internal area of the retail warehouse hereby permitted shall not exceed 1,634 square metres including any mezzanine floor, and there shall at no time be any additional floorspace created, whether by extension or internal alterations including installation of mezzanine floorspace, unless approved in writing by the local planning authority.

Reason: To ensure no adverse impact on Bognor Regis town centre in accordance with policy DEV27 of the Arun District Local Plan.

- 5 The retail warehouse hereby permitted shall not be subdivided into more than two independent retail units, and the gross internal area including any mezzanine floor of any such retail unit created shall not be less than 800 square metres, unless approved in writing by the local planning authority.

Reason: To prevent unacceptable sub-division, and ensure that several small stores small enough to be accommodated in the existing town centre or the proposed new town centre developments are not created in accordance with policy DEV27 of the Arun

District Local Plan.

- 6 The retail warehouse hereby permitted shall not be used otherwise than for the sale of furniture and floorcoverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; pets and pet supplies; stationary and office supplies and equipment; hardware, DIY goods and decorators' supplies, and garden products; and goods and services for the repair and maintenance of motor vehicles; and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the vitality and viability of the town centre and the prospect of town centre developments in accordance with the NPPF and policy DEV27 of the Arun District Local Plan.

- 7 No development approved by this planning permission shall be commenced until:

(a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assesment to be undertaken relating to the potential impact of land contamination, and;
- refinement of the Conceptual Model, and;
- the development of a Method Statement detailing the remediation requirements.

(c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To protect the environment and prevent harm to human health in accordance with policy GEN7 of the Arun District Local Plan and PPS23.

- 8 Development of the site will be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance

with policy policy GEN7 of the Arun District Local Plan and the NPPF.

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN7 of the Arun District Local Plan and the NPPF.

- 10 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. If appropriate, future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with policy GEN7 of the Arun District Local Plan and the NPPF.

- 11 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing (following the demolition of any existing buildings and) before the commencement of any building works.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policy AREA 17 of the Arun District Local Plan.

- 12 The development shall not proceed until details of the proposed surface water means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 13 The building shall not be occupied until the parking spaces, turning facilities and cycle facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles and cycles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 14 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning

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Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 15 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 16 This permission relates to the plans as submitted and amended by substitute site plans dated 11th February 2008.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk

- 18 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

- 19 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on the visual amenity on the surrounding area and its character, have an adverse effect on the vitality or viability of Bognor Regis town centre, or have an adverse effect on highway safety, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, GEN9, GEN12, DEV27, AREA17

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 20 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 21 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to highway signed 11th March 2013.