

Recommendation Report for Planning Permission

REF NO: BE/25/19/PL

LOCATION: Arun Retail Park
Shripney Road
Bognor Regis
PO22 9NF

PROPOSAL: Refurbishment of car park, including minor alterations to car parking spaces, provision of new pedestrian links & other associated physical works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks refurbishment to the existing car park including minor alterations to car parking spaces, pedestrian links, dropped kerbs, change in surface material and the removal of 1No. tree.
TOPOGRAPHY	Predominantly flat.
TREES	There is one tree to centre of the car parking which is proposed for removal.
BOUNDARY TREATMENT	Shripney Road runs along the north east boundary with 1.8m fencing along the north west boundary with housing behind. Riverside complex is situated to the rear of the site.
SITE CHARACTERISTICS	The site is occupied by a large retail premises comprising of 5 units. Pizza Hut, Costa and Burger King are also located within the site however are situated in separate premises to the north of the site.
CHARACTER OF LOCALITY	The area surrounding the site on Shripney Road has a primarily commercial character comprising a number of retail parks and A1 superstores, as well as a number of individual estates. To the north-west and south-west of the site the adjoining uses comprise caravan and park home estates.

RELEVANT SITE HISTORY

BE/21/19/PL	External alterations to the front elevations of the retail terrace & minor alterations to the site layout	
BE/168/16/A	1No. internally illuminated replacement totem entrance sign, fixed to the existing steel frame.	ApproveConditionally 16-01-17
BE/70/16/DOC	Application for approval of matters reserved by condition	DOC Approved

REPORT_804(ODB)

imposed under BE/150/15/PL relating to condition No. 4 - 19-05-16
Construction Management Plan

BE/103/15/A	3 No. internally illuminated fascia signs on front & side elevations.	ApproveConditionally 10-09-15
BE/83/15/DOC	Application for approval of matters reserved by condition imposed under BE/107/14/PL relating to conditions 3, 5 & 6 for schedule of materials & samples, landscape scheme & surface water drainage.	DOC Approved 05-06-15
BE/36/15/A	2 no. internally illuminated fascia signs to front & rear elevations, 1 no. non-illuminated window sign to front elevation & 1 no. internally illuminated totem sign to front of site.	ApproveConditionally 27-04-15
BE/107/14/PL	Installation of new pod unit (A3 Restaurants & Cafes) & reconfiguration of the car park & other associated works.	ApproveConditionally 28-10-14
BE/102/14/PL	Installation of roof plant consisting of 3 No condensing units, 1 No condenser, 1 No MK2 hybrid pumped CO2 and 1 No backup generator.	ApproveConditionally 17-10-14
BE/103/14/A	2 No internally illuminated fascia signs at front and rear elevations, 1 No internally illuminated totem sign at front of site and 3 No vinyl trolley bay signs.	ApproveConditionally 13-10-14
BE/68/05/A	1No freestanding totem sign internally illuminated	ApproveConditionally 13-09-05

Relevant planning history noted. An application was also submitted at the same time for works to the front elevation of the retail building comprising 5 units.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council provided no objection.
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Economic Regeneration
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - Had no comment to make on the application.

WSCC - Having examined in detail the plans and documents supplied with the application the highway authority has no objection to the proposal.

Arboriculturalist - No objection in principle to the removal the northernmost London plane tree however I would expect a detailed and ambitious scheme of replacement planting as suitable compensation for the loss. There may be potential damage to the soil structure/ roots associated with the southernmost tree. A Root Protection Area (RPA) and Tree Retention and Removal plan and Tree Protection Plan should be submitted. In absence of these I register an objection to the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The works proposed are to existing development and hard surfacing and with no objection to the removal of the tree in question it is not considered necessary to request additional documentation. The tree to be felled is within the car parking complex and whilst the loss of the tree is regrettable it is not considered reasonable to require replanting.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary
Tree Preservation Order.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
ENVDM4	ENV DM4 Protection of trees
QEDM2	QE DM2 Light pollution

[Bersted Neighbourhood Plan 2014 Policy EE1](#)

Business expansion

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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 the proposal would not have a materially adverse impact upon the residential amenities of nearby occupiers nor would it have a significant adverse impact upon the established character of the surrounding area.

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**PRINCIPLE**

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. the key policies considered are DDM1 of the Arun Local Plan.

Bersted has a 'made' Neighbourhood Plan with policy EE1 of relevance to the application. The proposal is considered to comply with this policy in such that it seeks to upgrade the existing site.

DESIGN AND VISUAL AMENITY

The proposal seeks various alterations to the layout of the site. These alterations include;

- Installation of dropped kerbs to facilitate new pedestrian walkways and crossings
- Change of surface material to block paving

- New crossings with road marking and a hatched zone
- Removal of trolley bay and re-installation of parking
- New tarmac paths
- New drop kerbs
- Existing light relocated
- 1No. tree removed and landscaping

There will be a net gain of 2No. parking spaces providing 254 in total with the amount of spaces considered sufficient to serve the retail uses. The site will slightly alter in layout however the reconfiguration is considered to improve both pedestrian and car movements in and around the site and considered to enhance the appearance of the site and improve accessibility, creating a safer environment with WSCC raising no objection to the alterations. New soft landscaping will also provide a direct path for access between the 2 sections of retail park.

The proposal as a result of the minor works are not considered to impact upon the character of the area and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The relocation of lighting is considered a sufficient distance from boundaries as not to give rise to any adverse impacts. The changes proposed are predominately to the layout of the car park and are not deemed to give rise to any adverse harm upon neighbouring amenity and accord with DDM1 of the Arun Local Plan.

TREES

1 tree is proposed for removal however it is not protected and not located within a Conservation Area. The tree officer does not object to the removal of this specific tree in question.

SUMMARY

The proposed development is deemed to accord with relevant development 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

REPORT_804(ODB)

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
 - Site Location Plan - URB - AR-08-00-10 D00
 - Proposed Site Block Plan - URB-AR-08-90-02 D00
 - Proposed Works Plan - URB-AR-08-90-03 D00

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM4 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.