

REPORT UPDATE

Application No: BE/32/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

9 additional letters of support have been received. These are from:

- * A resident of Shripney Lane;
- * Two residents of Pembroke Way;
- * County & Parish Councillor Mrs Joan Phillips;
- * The Trees Estate Residents Association;
- * Edward Bryant School;
- * Chief Inspector Pip Taylor, Arun DC Police Commander
- * London & Cambridge Properties (on behalf of LCP Investments Ltd - the freehold owner of the unit); and
- * Bersted Parish Council.

The three residents talk about there being other units empty and new business premises proposed to the North. They refer to a recent application to turn part of the Durban Road estate into housing and state that the need for this use is greater than the impact on the industrial estate. One of the residents mentions that she has a grandchild who has to go to Corby for a good indoor skate park. Cllr Mrs Phillips mentions that she used to take her grandson to an outdoor skate park in Southsea. She believes that the Oldlands Way location is ideal for the skate park, that there is plenty of parking spaces there, that the A29 has crossings and footpaths each side and that the skate park will generate sufficient revenue.

Both the Edward Bryant School and the Trees Estate letter echoes comments made by others but the Trees Estate letter also talks about the benefits to the economy of people travelling to this location from miles around. They refer to the success of an Indoor Trampoline Centre in Surrey. The Residents Association also highlights the fact that many young children on the estate are skaters or use scooters. The Arun Police Chief Inspector comments that it would make sense to use this unit wisely than to allow it to stand empty.

The letter from London & Cambridge Properties makes reference to the NPPF and to the Councils Employment Report stating that Arun has an oversupply of employment land and that Arun is not a major distribution centre. They also make reference to the 2012 change of use of the adjacent unit to a MacDonalds. They further comment that the unit has not been occupied since mid-2013, has been comprehensively refurbished but still remains empty.

Bersted Parish Council previously wrote to state 'No objection. The Council fully supports this application'. They have now written to expand on this and state that the social need outweighs the business need in this instance. Furthermore, that regard should be had to the precedent set by changes of use at the Durban Road Industrial Estate and also that regard should be had to recent approval of commercial & business units at Oldlands Farm.

Officers Comment:

None of the additional letters of support are considered to raise any new points and as such there are no changes made to either the contents of the report or the refusal reason.

Notes: Changes to recommendations, conditions and / or reasons for refusal will

report

always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BE/32/14/PL

Recommendation Report for Planning Permission

REF NO: BE/32/14/PL

LOCATION: Unit 4
Oldlands Way
Bognor Regis

PROPOSAL: Change of use from publishers warehouse to indoor skate park

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The indoor skate park will consist of several different ramps. It is anticipated that the existing internal office facilities can be converted to provide a reception with locker areas, a cafe and shop. No external alterations are proposed. Hours of opening are not stated within the application. The application suggests that two full time and four part time jobs will be created.

SITE AREA

Including the front parking area: 00.15 hectares. The building itself is 975.86m².

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Open to the front onto Oldlands Way. There are also no boundaries at the front to the adjacent units. The rear grassed area is not part of the site but is separated from the A29 by a 1m high post and rail fence.

SITE CHARACTERISTICS

This is a 2 storey mid terrace warehouse building in brick and metal sheet cladding. The front elevation includes a large roller shutter loading door, double pedestrian door and both first & ground floor windows. There are two fire escape doors on the rear elevation. Internally the building provides an

CHARACTER OF LOCALITY

open former warehouse area and ground & first floor offices. To the front there is a car park consisting of 20 car parking spaces.

Part of the Southern Cross Industrial Estate. The rear of the building backs onto the A29 and to the west of this is a caravan park.

The A29 is a busy main road which connects Bognor Regis with the A27 to the north. There is a traffic light controlled pedestrian crossing to the south adjacent to the Sainsbury's store. There are no other controlled crossings on this part of the A29 but there are places to cross using the central grassed island as a refuge. There is a shared footpath and cycleway on the eastern side of the A29 and a bus stop close to the application site which is served by services 66, 66a and 67.

RELEVANT SITE HISTORY

BE/75/04/	Erection of a chain link fence 1.8m high along the boundary of the above property, along the length of the current wooden fence. The new fence will replace the wooden fence providing security to the buildings.	Refused 16-09-2004
BE/46/14/PL	Change of use from use Class B8 (Storage & Distribution) to mixed use class B8 (Storage & Distribution) & B2 (General Industry) to include tyre sale and MOT Testing Facility	ApproveConditionally 15-07-2014

It should be noted that an application is currently being determined for the adjacent unit no. 3 for change of use to a car repair/MOT garage.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council

Bersted Parish Council - "No objection. The Council fully supports this application."

50 letters of support for the application have been received. One of these is from a County Councillor, Mr G Jones (Felpham ward). Briefly, the supporters consider that the skate park will provide a fun safe place for young people to play & exercise away from street corners and car parks etc.. Also that there are no other indoor skate parks nearby. In addition comments have been made as to why McDonalds were allowed onto the estate when the skate park is being resisted. In terms of accessing the site, supporters comment that being out of town, the site will cope better with the increase in trips to the site & that there is lots of free parking in the area.

A petition in support of the application comprising more than 900 signatures has been received.

In addition, a letter of support has been received from Chief Inspector Justin Burtenshaw, Chichester District Commander, Sussex Police. He comments that it is vital that support is shown to such new initiatives that offer long term diversions to young people what with the current climate of reduced services (particularly in terms of youth services).

Comments on Representations received:

There is clearly support from the local community for this proposal. It would appear from an internet search that the nearest existing indoor skate parks are at Eastbourne and also in Greater London.

CONSULTATIONS

WSCC Strategic Planning

Highways Agency

Economic Regeneration

Consultations responses received:

Highways Agency - no objection.

Arun DC Economic Regeneration - Object. Comments in full as follows:

"The Economic Development Team would not be able to support this proposal. Our primary concern is loss of commercial space. Arun's Priorities for 2013-2017 include 'Your Future: Strengthening our economy through regeneration and better Infrastructure'

In order to strengthen the economy a supply of suitable business premises is critical. The Economic Development Team is working with planning colleagues to ensure a good supply of units is available for all types of business at all stages of their life.

This is a modern, purpose built unit that has undergone recent refurbishment. Whilst we acknowledge that it has been vacant for some 2 years, part of that time was spent undertaking the refurbishment (May 2013) and it has only more recently been advertised in its current condition. Over the past few months enquiries for commercial premises are increasing which means it is even more critical that there is a supply of good quality commercial premises available.

Whilst we understand the benefit to the community of a facility such as this we feel that we cannot support this application due to the loss of commercial space."

West Sussex County Council Highways - "From inspection of the plans and information provided the site offers 20 off-street parking spaces allocated for future customers attending the site. Going by the overall floor space of 975sqm and comparing this with the foreseeable demand of parking for such a D2 use (1 space per 22sqm) the site falls under the recommended amount by 22 spaces.

However, basing this application on its own merits, consideration has gone in to the fact that the D2 use is a skate park and within a sustainable area. Therefore it is not unreasonable to presume that some customers will either be able to access the site by a more sustainable means of transport, i.e. through public transport or bicycle or will be making arrangements to get dropped off and picked up. In conjunction with this, on-street parking does appear to be available within the area which would accommodate a small demand of parking. Therefore,

overall no concerns would be raised to this application from a highway safety perspective."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built up Area Boundary;
PD Restriction;
No Public Sewer; and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN32	Noise Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 not considered to comply with relevant Development Plan policies in that this is an inappropriate location for such a recreational facility, being located away from areas of residential demand, located adjacent to a busy road with limited crossing opportunities, that the site is part of an attractive purpose built industrial estate and that the proposal has the potential to result in conflicts with existing and future commercial & industrial occupiers of the estate.

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 PROPOSAL

It is proposed to change the use of the warehouse premises from B8 storage & distribution to D2 Recreation and leisure. The skate park will consist of internal ramps and there will be ancillary shop/cafe/reception facilities.

SITE SUITABILITY & SUSTAINABILITY

This site forms part of a modern purpose built industrial estate (the Southern Cross Estate). It is a mid-terrace warehouse which has recently been refurbished (May 2013). The property is flanked by two other existing industrial units. The first of these (unit 5) is also currently vacant

whilst the second (unit 3), is currently occupied by F&G Transport but is also the subject of a current planning application for change of use to a class B2 motor repair, MOT & tyre sale use. The unit fronts onto Oldlands Way which provides access from the A29 to several industrial and commercial businesses including a McDonalds, a Travis Perkins wholesalers, F&G Transport's premises, several existing repair garages and the large John Wiley & Sons Ltd European Distribution Centre. It should be noted that there is no access (other than emergency egress) from the Shripney Road side of the building and that therefore users must access the building from the Oldlands Way side.

The Southern Cross Estate is located on the very edge of the settlement of Bognor Regis. This is considered to be ideal for B1, B2 and B8 occupiers as the estate is well away from residential properties (which could be susceptible to noise, air and light pollution) yet it is close to a major road route, the A29, which provides access onto the A27. It is considered important that there is available space on the estate for businesses wishing to move into the area and also that such businesses are not forced to take up space in less desirable locations that are closer to residential areas or not as well connected to main highways.

Despite its location adjacent to the A29, the site is accessible by means other than the private car. However, just because a bus stops outside or that there is a cycle path on the A29's pavement in this location does not mean that the site is well located and that the majority of skate park users will travel by means other than the private car. Buses heading north from Bognor Regis will drop people off on the opposite side of this busy four lane road. Whilst there are other crossing points that utilise the central refuge, the only traffic light controlled and therefore safe crossing point is located some distance to the south outside Sainsbury's.

Whilst the site is well located with regard to access by the private car, it is considered that should the majority of site users attempt to travel to the site by car then this will result in on-street parking on Oldlands Way which could conflict with existing users of the estate. This has the potential to result in conflict with existing storage & distribution type businesses that rely on there being room to manoeuvre HGV's within the estate. For example, if skate park visitors were to park on both sides of Oldlands Way then this would prevent HGV's from passing each other and would also require HGV's to weave along Oldlands Way to avoid parked cars. Furthermore, if cars are parked along the length of Unit 4's frontage then adjacent units may find it difficult to manoeuvre HGV's in and out of their units. A further conflict may arise if skate park users hang around outside the premises whilst waiting to be picked up or whilst on outdoor breaks. Should these conflicts become a reality then it is likely that this could also damage the attractiveness of the estate to future investors.

Arun District Local Plan Policy GEN7 requires that new development has regard to a number of criteria. These include: "(iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites"; "(v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property"; and "(vii) allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians". It is considered that the proposal is contrary to Policy GEN7 in that there is the potential for an adverse impact on surrounding land uses and that surrounding land users may find themselves prejudiced by this new facility as a result of the need to have regard to the safety of young people. Furthermore, it is not considered to be in the interest of pedestrian and cyclist safety to introduce a use which will attract lots of young people and children in a location that is heavy on HGV movements.

PRINCIPLE OF DEVELOPMENT & LOSS OF EMPLOYMENT LAND

This site is located within the built-up area boundary where the principle of development is acceptable subject to other policies within the local plan. However, there are currently no policies within the adopted local plan which protect existing employment land. The Emerging Local Plan will include such policies but these have not yet been approved by Full Council for development management purposes and therefore carry little weight.

Notwithstanding, the relevant emerging local plan policy would be EMP DM1 "Employment Land: Development Management". This sets out first how existing premises will be protected and enhanced in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. It lists the ways in which existing employment areas will be upgraded. The second part of the policy states that: "Existing employment sites and premises will be protected where there remains a good prospect of employment use" and that changes of use to non B class uses will be resisted unless certain criteria can be met.

The National Planning Policy Framework provides guidance that is relevant to the determination of this application. It states at paragraph 18 that: "The Government is committed to securing economic growth in order to create jobs and prosperity, ...". It goes on to state at paragraph 20 that: "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". It is considered that existing industrial estates which are fit for purpose and in accessible locations away from residential areas should be protected in order to meet the future demands of the district.

The Southern Cross Industrial Estate is considered to be an attractive location for new B class type businesses considering moving into the district or relocating from elsewhere. This is evidenced by the current planning applications for units 3 and 7 (both for motor repair type uses with one business relocating from Chichester and the other relocating from the Arun Retail Park). It is also clear from information on the internet that there is currently strong growth reported in the manufacturing sector. RICS's website states with regard to the UK Commercial Market Survey for Q3 2013 that "Turning to other parts of the commercial market, as demand from potential commercial tenants rose, the amount of available premises decreased, especially in terms of offices and industrial space". In addition RICS UK Commercial Market Survey UK for quarter 1 of 2014 states: "The Q1 2014 RICS UK Commercial Property Market Survey highlights a continued strengthening in both the occupier and investment sectors. This improvement is becoming increasingly broad based in both sectoral and regional terms; this is no longer just a London offices story." And that: "Over the next twelve months, rents are projected to rise by around 4.5% in the office sector, by approximately 5.5% in the industrial segment and by just over 3% in the retail sector."

Therefore it is considered important to maintain the attractiveness of the estate in order to ensure that the expected future demand and investment is not lost. It is considered that by allowing the proposed D2 indoor skate park use to occupy one of the units here would send out the wrong signals to the market and could damage the attractiveness of the estate to future investors.

It is noted that paragraph 22 of the NPPF states that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and that land allocations should be regularly reviewed". It goes on to

say that: "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities." However, it is clear to officers that this unit was recently refurbished in May 2013 and that therefore it is premature to say that there is no reasonable prospect of this site being used for the allocated employment use - particularly given that two nearby units are the subject of current interest from B2 use class occupiers. It is therefore considered appropriate to maintain the protection of this purpose built, well connected and ideally located industrial unit in order to ensure that there is sufficient floorspace for a future industrial type occupier.

PARKING

West Sussex County Council (WSCC) has commented that the proposed use requires 42 car parking spaces and that the shortfall is 22. They go on to say that is acceptable given the site is located sustainably and that on street parking is widely available. Whilst, it is acknowledged that a refusal on the grounds of insufficient parking would not be sustainable at appeal, the comments of WSCC do lend support to the arguments made above in that the unit is likely to result in significant levels of on-street parking which would have the potential to result in conflict with existing estate occupiers and thus impact on the attractiveness of the estate. Furthermore, if large numbers of people access the site by foot or by cycle, they would either have to cross the busy A29 or could come into conflict (cyclists) with existing road users. It is possible to access Oldlands Way without using the A29 as there are footpaths from the Felpham area which cross the Lidsey Rife and the railway line. However, this involves the use of a level crossing and it is not considered acceptable to encourage the use of this. The Felpham to Shripney link road will provide an alternative road access but this is currently not expected to be completed until late 2015.

SUMMARY

It is acknowledged that the NPPF is supportive of community uses. Indeed paragraph 70 states that: "planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". It is considered that this indoor skate park could be highly beneficial to the Bognor Regis area. However, this is not the appropriate location for this facility. It is considered that a different location should be sought, one that is located closer to the town centre, to residential areas and away from such a busy road. Such an alternative location would therefore be better able to as per the NPPF, enhance the sustainability of communities and residential areas.

In line with the discussion above and for the following reason, it is recommended that planning permission be refused. Notwithstanding, the Council is willing to assist the applicant by helping to find an alternative location for the indoor skate park.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Whilst, the Council is supportive of the principle of improving skateboarding facilities in the Bognor Regis Area, the Council believes that this is the wrong location to provide such facilities by reason of the following;-

- a) the change of use would result in the loss of valuable B class floorspace on a modern purpose built industrial estate;
- b) the premises is divorced from nearby residential areas and would encourage pedestrians to cross the A29 at locations where there are no appropriate crossing facilities; and
- c) the proposal would give rise to potential conflicts between users of the premises and businesses & associated vehicular traffic on the Industrial estate.

The proposed change of use would therefore conflict with the aims and intentions of the National Planning Policy Framework and also Policy GEN7 of the Arun District Local Plan 2003.

- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet

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with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.