PLANNING APPLICATION REPORT

REF NO: **BE/51/09/**

LOCATION: Regis Service Station
449 Chichester Raod
Bognor Regis

PROPOSAL: Application for variation of Condition 16 of BE/138/06/ - to permit the delivery of newspapers and magazines before 07:30 hours daily.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.16 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has open forecourt, hedging to side boundary Brazwick Avenue approximately 1.8m in height, west side boundary and rear boundary close boarded fencing approximately 2m in height.
SITE CHARACTERISTICS	Forecourt with canopy with four petrol pumps, shop named 'On The Run'. The walls have brown brickwork, grey roof with yellow and blue signage.
CHARACTER OF LOCALITY	Main road with residential properties comprising two storey terraced and semi-detached.

RELEVANT SITE HISTORY

BE/138/06/	Demolition of existing buildings & forecourt; erection of new sales building ,canopy, garage box (storage building), replacement of underground fuel tanks, new forecourt pavings, new dispensing equipment, installation of external plant (condensers) & erection of fencing to form waste area and condenser compounds & external ATM. (Resubmission following BE/130/05/)	Approve Cond 14-03-2007

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

1 Letter Of Objection

The Condition regarding the delivery of newspapers has been broken from day one of the redevelopment of the petrol station. The music played from vehicles delivering to the station after 7.30am has been so loud as to wake us up on occasions on a Saturday and Sunday morning. There is a convenience store within 300 metres that sells nespapers. The conditions were imposed to reduce the noise levels for local people to allow the redevelopment to go forward. The majority of people who will benfit are not local residents and the people making the decisions to allow this variation have no understanding of the stress that this situation creates.

Comments on Representations received:

Noted. Commercial competition is not a material planning consideration. The behavious of persons using the site cannot be controlled under the planning system. The agent has confirmed that there will be one van delivery of newspapers before 7.30am and this is not considered to be unreasonable or would be significantly different to the other vehicles using the garage. If approved, an informative is to be placed on any approval regarding noise levels.

CONSULTATIONS

WSCC Local Development Divis.
Environmental Health

Consultations responses received:

County Highway's

West Sussex County Council were previously consulted on highway matters on BE/138/06 to which no objections were raised.

Vehicular movements at this time of the day should be reasonably light and from a highway's perspective there would be no significant concerns with the variation of this Condition.
This is on the stipulation that only deliveries of magazines and newspapers take place before 07.30 am and not fuel tankers.

Environmental Health

We have received a complaint from a neighbouring resident alleging unreasonable noise arising from music and raised voices from persons making newspaper deliveries to the garage.

When we requested a condition restricting hours of deliveries, on the original application, this was intended to deal with petrol tankers. As there is a 24 hour use at this site there will be vehicle movements throughout the night; noise from newspaper deliveries should not necessarily be unreasonable or significantly different to the other vehicle movements that are permitted. The applicant needs to be cognisant of the potential disturbance from newspaper deliveries and ensure that the driver does not cause a nuisance. If you consider that it is appropriate, you may wish to impose Condition 13 from Annex 4 of PPG24 to require a noise management plan. As part of such a plan, the applicant might consider requiring newspaper delivery vans to park to the west of the building and requiring delivery staff not to play any music.

If this cannot be made a condition of the approval please advise the applicant of the need for

appropriate noise controls on newspaper deliveries via an informative.

Comments on Consultation responses:

Noted. It is not considered prudent to impose a condition regarding noise controls on deliveries. The Regis Service station is long established and it is considered that the application amounts to a small-scale variation of an existing permission that was for the redevelopment of the site. In light of these considerations, it is not felt justifiable to impose condition 13 of Annex 4 of PPG24 as it would be too onerous and not a reasonable condition in this instance. Conditioning newspaper delivery vans to park to the west of the building and requiring delivery staff not to play music is considered not to be an enforceable requirement. It would be difficult for the applicant to control the activities of third parties servicing the site in respect of music playing and parking. The justification for this requirement is also not considered strong given other users of the site can arrive and depart without any restraint.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
Class A Road
PD Restriction

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN32	Noise Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise
PPG4	Industrial and Commercial Development

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.

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 or the residential amenities of the adjoining properties, 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The Regis Service Station is sited along the main Chichester Road (A29) on the western side at the junction with Brazwick Avenue and the surrounding area is predominantly residential.

The redevelopment of the garage was given approval under planning permission BE/138/06 and this application seeks to vary Condition No 16 which was imposed to permit the delivery of newspapers and magazines before 07:30 hours daily. The condition read as follows:-

No deliveries, including tankers shall arrive on site before 07.30 hours or after 21.00 hours on the same day.

Reason: In the interests of amenity by ensuring a reasonable noise level outside the site in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN32 of the Arun District Local Plan.

The condition which was requested by Environmental Health was intended to deal with petrol tankers due to the fact that there is a 24 hour use at the site with vehicle movements throughout the night. The former petrol station had no limitations regarding the delivery of newspapers and magazines. One van delivery of newspapers and magazines is proposed and this will deliver to the entrance to the sales building which is centrally situated on the east elevation of the building. The shop which is open 24 hours serves motorists using the petrol pumps and in common with other shops customers purchase papers before 7.30 hours each morning.

Environmental Health have been consulted and are of the opinion that the newspaper deliveries would not be unreasonable or significantly different to other vehicle movements that are permitted.

It is not considered that the delivery of newspapers and magazines would detrimentally harm the surrounding neighbouring properties by way of unreasonable noise and it is therefore recommended that the application be approved, subject to the following conditions.

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 No deliveries, including tankers, with the exception of newspapers and magazines, shall arrive on site before 07.30 hours or after 21.00 hours on the same day.

Reason: In the interests of amenity by ensuring a reasonable noise level outside the site in accordance with policies GEN7, GEN32 of the Arun District Local Plan.

3 INFORMATIVE: Concerns have been expressed by neighbouring residents regarding noise arising from music and raised voices from persons making newspaper deliveries to the garage. The applicant is advised to put in place measures to ameliorate any noise in the interests of protecting local amenity.

4 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 visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN32

NATIONAL POLICIES: PPS1, PPG24, PPG4

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