Recommendation Report for Planning Permission

REF NO: **BR/10/17/PL**

LOCATION: Site B
Durban Road
Bognor Regis

PROPOSAL: Change of use to create additional A1 and B8 floorspace and removal of B2 floorspace, single storey side extension, alterations to windows, installation of palisade gates, installation of roller shutter, alterations to parking layout and installation of external security lighting

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The single storey side extension measures 4.6m by 3.5m with a flat roof to a height of 3.4m. It represents an increase of 17m2. Palisade gates are to be 2m high. The proposed floor space breakdown is as follows: B1 Office (first floor) - 86.3m2; B8 Storage (ground floor) - 417.9m2; and A1 Retail (ground floor) - 207.9m2. The retail area equates to 29.3% of the total proposed floor area.
SITE AREA	0.1127 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	No front boundary. 2m high grey steel palisade fencing with gates to the sides of the building front. Existing wall of neighbouring building forms the northern side boundary. 2m high grey steel palisade to the southern side boundary. Not clear as to the rear boundary.
SITE CHARACTERISTICS	Existing vacant industrial/warehouse building. Two storeys at the front but the greater rear part is single storey. Light brown brick with white panels. Existing front forecourt parking area.
CHARACTER OF LOCALITY	Part of a large industrial estate with warehouse/business units on all sides.

RELEVANT SITE HISTORY

BR/307/01/	External alterations and new exit road to facilitate conversion to starter industrial units	ApproveConditionally 21-12-2001
BR/11/17/A	2 No. non-illuminated fascia signs	ApproveConditionally 24-03-2017
BR/736/79	Extension to factory & storage area alterations to ground floor offices & new first floor offices	ApproveConditionally 31-10-1979

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection"

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration
Environmental Health

Consultations responses received:

ADC Economic Development - "Economic Development has been aware for some while that the company planning to occupy these premises had a requirement to move due to outgrowing their existing site. The proposed site has been vacant for some time and has gradually fallen into a state of disrepair. The proposed use would sit well in the area and on that basis we would support this application."

ADC Environmental Health - "no comments".

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Flood Zone 3; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	EMP DM1	Employment land: Development Management

	SD SP2 Built-Up Area Boundary QE DM1 Noise Pollution T SP1 Transport and Development W DM3 Sustainable Urban Drainage Systems
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8i	Northern part of Durban Road Industrial Area

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of Bognor Regis Neighbourhood Development Plan are considered within this determination.

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

PRINCIPLE:

This site is located within the built-up area boundary where the principle of development is acceptable subject to relevant policies in the Development Plan for new economic/retail development and subject to normal development control criteria such as highways & parking, design and residential amenity.

RELEVANT ECONOMIC & RETAIL DEVELOPMENT PLAN POLICIES:

There are no policies in the current local plan that are relevant to industrial or retail development. The emerging Local Plan carries reduced weight at this time but does provide policy support. Policy EMP DM1 "Employment Land: Development Management" states that:

The Council will promote and support positive measures to upgrade existing employment areas through:

a. Supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises;"

The National Planning Policy Framework (NPPF) introduced a presumption in favour of sustainable development. To be sustainable a proposal should offer economic, social and environmental benefits. The premises are currently vacant and the proposed use will create 10 new jobs. These new jobs will have corresponding social benefits in the communities where these jobs are gained and in terms of bringing people together in the workplace. It is considered that this is a reasonably sustainable location in that employees can access the site from nearby residential areas without needing to rely on the car - and that customers can also attend on foot, cycle or by bus. It is therefore considered that the proposal represents sustainable development

The NPPF also states that the Government is committed to securing economic growth in order to create jobs and prosperity. Paragraph 20 states 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".

Retail policy within the Emerging Local Plan (Policy RET DM1) states that proposal for retail outside of the town centres and local service centres will only ne permitted subject to certain criteria. The proposal is considered to be in accordance with the NPPF as it proposes an amount of retail space which falls well below the threshold for seeking a impact assessment. The proposal is considered to be easily accessible by car, bus, cycle and by pedestrians. The premises also already has ramped access into the building. The requirement within RET DM1 for a sequential test is not considered to be relevant in this case as the retail element is ancillary in nature to the B8 storage use (representing 29% of the total floor area), it would not be appropriate to site such a use within a retail centre and it would not be possible to split the two uses into separate locations.

Policy 8i of the Bognor Regis Neighbourhood Development Plan (NDP) encourages development in this area which includes industrial, employment, workshops and where high numbers of jobs are provided. Arun District Council Economic Development officers also support the application as it will allow an existing form to expand into new premises and will also result in the re-use of a site has been vacant for some time.

It is therefore considered that there is support within Development Plan policies and within the NPPF for the change of use and upgrade of these premises which lies within an existing employment area.

DESIGN & VISUAL AMENITY:

The proposed external alterations are considered to be fairly minor in nature and will not have any

detrimental impact on the character of the host building or the appearance of the streetscene in what is an existing industrial area. The proposal also has a benefit is that it will being the building back into use. Currently, one of the ground floor parts of the building is boarded up and the site is also clearly empty. There are other instances of palisade fencing within the Durban Road estate. A condition is proposed to require that the brickwork on the new extension matches the existing brickwork. It is not considered that there is any scope within the site for landscaping.

PARKING:

County parking standards require a total of 10 spaces for the amount of A1 floor space created (calculated on a ratio of 1 space per 20m2) and 10 spaces for the amount of B8 floor space (a ratio of 1 space per 40m2). The proposal includes 6 visitor spaces & 4 staff spaces, up from an existing total of 8. Although there is clearly then a shortfall in the total number of spaces, this is acceptable for a number of reasons. Firstly, that the parking standards set out a maximum requirement and they can be reduced in locations which are accessible by means other than the private car. Secondly that despite showing different floor space uses, the application should really be treated as a mixed use not as separate entities. Thirdly, that the proposals only increase the total floor space by 17m2 and there is a increase in the total number of parking spaces.

RESIDENTIAL AMENITY:

The closest residential dwelling is about 67m from the rear north western corner of the building and there are two other industrial buildings between the site and this dwelling. The proposed use is not considered to be one that will result in significant noisy activities and as such, it is not considered that the proposed use will have any impact on residential amenity.

FLOOD RISK:

The Councils GIS mapping suggests that the site lies within Flood Zone 3. However, the Environment Agency's online mapping, which is considered to be more up to date, shows the extent of Flood Zone 3 to end at Durban Road just east of the site. In any case, Environment Agency standing advice is that industrial & retail uses are appropriate development within Flood Zone 3.

SUMMARY:

It is considered that this proposal represents sustainable development in that it will have economic and social benefits and is sited in a sustainable location accessible by means other than the private car and within easy commuting distance of nearby residential populations. It is not considered that it will result in any adverse impacts and should therefore be approved subject to the following conditions.

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 plan: "Proposed Details - Plans & Elevations" Dwg. 16-1110-Pr02 Rev D.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No part of the development shall be first occupied until the vehicle parking and turning spaces have been marked out in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To clarify the vehicle parking and turning provision on the site in order to ensure adequate facilities for the use in accordance with Arun District Local Plan Policies GEN7 & GEN12 and the National Planning Policy Framework.

4 No part of the development shall be first occupied until secure cycle parking racks have been provided within the building in accordance with Drawing 16-1110-Pr02 Rev D.

Reason: To provide secure facilities for the parking of cycles in accordance with current sustainable transport policies and the National Planning Policy Framework.

5 The new face brickwork on the side of the extension hereby permitted shall match in colour and texture with those of the existing building.

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

6 The building shall only be used for either Class B1 or Class B8 purposes as according to the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33 of the Arun District Local Plan.

7 The ancillary trade counter and retail area hereby approved shall occupy no more than 30% of the internal ground floor area of the unit.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

8 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.