

Recommendation Report for Planning Permission

REF NO: BR/15/26/PL

LOCATION: Tesco Superstore
Shripney Road
Bognor Regis
PO22 9ND

PROPOSAL: Removal of disused bus stop and external alternations to facilitate a temporary parking / loading area for Dot.com/Click & Collect vehicles. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the removal of a disused bus stop and external alternations to facilitate a temporary parking / loading area for Dot.com/Click & Collect vehicles.
SITE CHARACTERISTICS	This application relates to a portion of the existing Tesco Superstore site, which encompasses the main access road and an area of hardstanding which is currently occupied by a bus stop.
CHARACTER OF LOCALITY	The site is close to a main road, in an area which is predominantly occupied by other large retail units.

RELEVANT SITE HISTORY

BR/544/86	Proposed retail store with associated car parking and goods loading areas	ApproveConditionally 24-04-87
BR/329/14/PL	Extension to existing Dotcom facility with new adjacent secure compound consisting of 2.4m Paladin type fence and steel gates to accomodate Dotcom overnight van parking plus minor changes to the car park layout.	ApproveConditionally 09-04-15

Comments noted.

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

WSCC HIGHWAYS - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

2 km Buffer for SSSI

Flood Zone 3

Surface Water Flood Risk

Groundwater Flood Risk

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk
TSP1	T SP1 Transport and Development

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, The South Inshore & South Offshore Marine Plan 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.

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 harm the character or visual amenity of the area and would not impact flood risk.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal involves minor works in the car park of the existing Tesco site. The proposal seeks to provide three parking and loading bays for customer delivery and click and collect vehicles. The facility would only be used during a flood event in which the remainder of the car park was flooded, to allow deliveries to continue whilst the rest of the store may be closed or open for pedestrians only. The principle of the development is acceptable, subject to compliance with the relevant development plan policies.

DESIGN AND VISUAL AMENITY

The proposal involves the removal of the existing bus stop, and the provision of three parking and loading spaces for customer delivery and click and collect vehicles. The proposed spaces will not be covered by any sort of canopy or awning, however, there will be some minor works carried out in association with the new parking spaces, including the addition of a dropped kerb to enable trolley access and new bollards. Overall, the visual impact of the proposed alteration will be minimal, and is acceptable in accordance with Arun Local Plan (ALP) policy D DM1.

TRANSPORT AND HIGHWAYS

The proposal is located within the existing private site, and would not impact the public highway. There is no objection to the loss of the bus stop, given that the stop is no longer used. The proposals do not result in any loss of parking.

The proposals do not result in any significant highways impacts or any loss of onsite parking, and are in accordance with ALP policy T SP1.

FLOOD RISK

The site is located within Flood Zone 3 and the Tesco car park has experienced extensive flooding in recent years. The proposal is for minor works to the existing car park, which would not impact flood risk. The works are intended to allow some grocery deliveries to continue during a flood event.

The proposals are in accordance with ALP policy W DM2 in that they would not result in an increase in flood risk on site or elsewhere.

SUMMARY

The development complies with relevant development plan policies and 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

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.

CIL DETAILS

This application is not CIL liable.

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:

- Location Plan 245201-ODL-01-XX-DR-A-P1501-S3-P01
- Proposed Block Plan 245201-IDL-01-XX-DR-A-P2526-S3-P02
- Proposed Site Plan 245201-IDL-01-XX-DR-A-P2526-S3-P01
- Proposed Partial Site Plan 245201-IDL-01-XX-DR-A-P2528-S3-P01
- Proposed Demolitions 2452001-IDL-01-XX-DR-A-E2505-S3-P01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.