## Simon Davis

**From:** Simon Davis
**Sent:** 08 September 2014 16:49
**To:** Delwyn Jones
**Subject:** BR/167/14/PL Unit 24 Arun Business Park

Delwyn,

I have a query regarding application BR/167/14: "Change of use from car autocentre to garage comprising of repair & maintenance of vehicles & vans & MOT testing"

The last permission for the unit was BR/23/02 – "Change of use from industrial to car autocentre comprising sale and or fitting of tyres, exhausts, batteries, vehicle alarms and radios, general car parts, other fast-fit vehicle accessories, cleaning/after care products and repair, assembly, display and sale of bicycles"

I am told that Motorworld (they being the one who implemented BR/23/02) moved out in circa 2012 and then the previous occupier Kayvex Frames Ltd (B1 use class) moved back in without the benefit of a permission. Kayvex have recently moved out of the unit again. I don't think the previous approved use can be abandoned as it has the benefit of an implemented planning permission.

It would appear to me that the previous approved use included car repair and the proposed use also includes car repairs. I also know that both car repair and MOT's are in the B2 use class. So no change of use is required. However, there was a condition attached to BR/23/02 which stated: *"The building shall be used as a car auto centre comprising the sale and/or fitting of tyres, exhausts, batteries, vehicle alarms and radios, general car parts, other fast fit vehicle accessories, cleaning after care products and repair, assembly, display and sale of bicycles only and for no other purposes."* I guess therefore that as that only included car repair and not MOT that permission is required to use the premises for MOT's. I think I may just have answered my question but would appreciate your confirmation.

Thanks

Simon J Davis MRTPI, Senior Planning Officer, Development Control
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)
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ARUN DISTRICT COUNCIL BR/167/14/PL

**Simon Davis**

**From:** Simon Davis
**Sent:** 30 September 2014 11:49
**To:** 'David Chaffe'
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

All that is required is the submitted ownership (red edged) plan as attached being amended so as to include the loading/parking areas to the front of the building in the same red edge as the building and also showing the two parking spaces on the northern boundary as a separate blue edged area.

You will need to serve notice if you do not own the land even if you have a legal right to use it. Owner is defined as a person with a freehold interest or leasehold interest with at least 7 years left to run.

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
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**From:** David Chaffe [mail[redacted]
**Sent:** 27 September 2014 12:48
**To:** Simon Davis
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear Simon,

We are more than happy to provide a different drawing.
When I am back after 7 October maybe we could discus exactly what it is you require.

Regarding the issue of serving notice on Arun Business Park Ltd, I do not believe this is necessary as we categorically state we have the legal right to use the land in question.
We have exclusively used the land in front of Unit 24 since it was built and continue to do so to the present day, as have all other unit holders on the estate. Arun Business Park Ltd has never said we cannot use it for this purpose.
We do not think there is a material change of use of this land as its use has been established over along period of time and the present planning permission clearly allows this.

Should Arun Business Park Ltd request that we stop using the land they would need to take out a High Court Injunction to prevent us from doing so.
I confirm they have not asked us to stop using it.
It is highly unlikely they would take this step as they would need approval from the majority of other unit holders to take this action, who would I am sure be reluctant to do so as it would effect their ability to park in front of their own units.

We would be extremely confident in winning a court case due the constitution, and deeds of Arun Business Park Ltd.
We would also claim right by prescription as we have been using this land for over 20 years with out challenge.

I believe there is clear evidence that we have the legal right to use the land but there is none to the contrary.

I hope this clarifies this point and look forward to discussing the drawing with you in few weeks time.

Best Regards,

David Chaffe

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**From:** Simon Davis [mailto:Simon.Davis@arun.gov.uk]
**Sent:** 26 September 2014 15:45
**To:** 'David Chaffe'
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

I have not heard back from Environmental Health. However, I need to talk to you all regarding the parking issue. In order for me to consider the additional parking spaces in front of the unit, I will need an amended red edge plan from you which includes this parking area. In addition, if you have not already done so, then you will need to serve notice on the Arun Business Park Ltd with respect to the additional parking/loading area which you state that you have the right to use but is not within your ownership.

Please reply at your earliest convenience.

Kind Regards

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---

**From:** David Chaffe[redacted]
**Sent:** 24 September 2014 11:36
**To:** Simon Davis
**Cc:** [redacted]
**Sub**[redacted]

Dear Simon,

No problem, thanks for letting me know I did not appreciate this point.

I look forward to receiving Environmental Health comments.

I would like to apologise in advance that if Environmental Health should come back next week, I shall be helping to facilitate at an international meeting betweens Germans and Brazilians near Leipzig and may find it difficult to respond. I am there from 29 Sept to 7 October.

Should I need to reply, once I am back I shall do so as soon as possible.

Thanks,

David Chaffe

---

**From:** Simon Davis [mailto:Simon.Davis@arun.gov.uk]
**Sent:** 23 September 2014 12:31
**To:** 'David Chaffe'
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

My apologies. I have a lot on and I'd forgotten that there are 5+ letters of support. Rest assured that the application could not be refused under delegated powers – it will have to be determined at Committee. I will raise your points with Environmental Health.

Kind Regards

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**From:** David Chaffe [redacted]
**Sent:** 19 September 2014 10:01
**To:** Simon Davis
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear Simon,

Thank you for your e-mail giving Environmental Health reply.

Although I understand your point that the application is out of time and you can refuse it at any time, for you to do so at this stage would be totally unreasonable.
You stated clearly at our meeting on 8 Sept that for approval this would have to go to committee. This could be October or more likely November. Therefore I do not understand why there is suddenly a rush to resolve the issue.
The delay is not of our making. We have tried hard to give you the information that you require and that to have a test to BS 4142 was not appropriate in fact you told Angelika not to do it. We have never refused to do this test.

I note in fact that Environmental Health have now come back for a request of a BS4142 **style** report.
What does this mean?
To undertake a noise test on the premises would come back with the result you and I know which would be a zero reading above back ground. The unit is EMPTY!!!.
A quotation for a noise level report (you have a copy) states '' An acoustic survey in accordance with BS4142. For this we will be required to measure the general noise emissions associated with your existing site for a 1hour period during the day''
Are we misunderstanding what it is you require?

Please can Environmental Health tell us what noise levels are acceptable that way we can see if it is possible for us to comply, they must have policy and standards laid down.

The present the planning permission includes ''the fitting of tyres, exhausts etc''.
Therefore any issue on noise must be above that which would be made by these operations as this is acceptable to the planning department and would be allowed to continue.
If you look at the chart supplied you can see that the levels for the above operations are supplied. The noise levels which would be associated with general servicing and MOTs are well with in these levels.

Therefore there is clear evidence that a change of use to include servicing and MOTs would not increase the noise levels.

Please could you ask Environmental Health to justify why they believe there would be an increase in current acceptable noise levels?

We wish to try and resolve this issue and would be happy to meet you or Environmental Health so that we can have a meaningful discussion to help you come to a reasonable conclusion.

With Regards,

David Chaffe

---

**From:** Simon Davis [mailto:Simon.Davis@arun.gov.uk]
**Sent:** 17 September 2014 12:20
**To:** [redacted]
**Cc:**
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

Environmental Health have maintained their position. They comment that they are still of the mind that acoustic information is required in order to allow assessment of whether disamenity is likely to be caused to the neighbouring unit from the use. They have asked for an acoustic report which details the likely noise breakout from the proposed use on the adjacent premises. They are looking for a BS4142 style report.



ARUN DISTRICT COUNCIL BR/167/14/PL

As this application is now out of date, I am at liberty to refuse it at any time for that reason. So I cannot guarantee that if you do provide the report that I will hold off making a determination until it has been reviewed.

Kind ards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
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---

**From:** David Chaffe[redacted]
**Sent:** 10 September 2014 16:38
**To:** Simon Davis
**Cc**[redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear Simon,

Thank you for your quick reply, this is appreciated.

I look forward to seeing the reply from Environmental Health.

Regards,

David Chaffe

---

**From:** Simon Davis [mailto:Simon.Davis@arun.gov.uk]
**Sent:** 10 September 2014 11:17
**To:**[redacted]
**Cc:**
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

Thank you for your email. I have forwarded it along with the two plans to both Highways and Environmental Health. Highways have since replied to say that: "*The applicant has provided evidence to show that there would be enough parking available for 19 cars which is above the maximum standard. As such WSCC raise no objection.*" Environmental Health have said that they will let me know probably tomorrow.

As the issue of whether planning permission is actually needed. It is my view (note I am checking with legal but haven't yet had a response) that the previous permission is still extant and that it could be re-implemented. However, the previous permission was for: "Change of use from industrial to car autocentre comprising sale and or fitting of tyres, exhausts, batteries, vehicle alarms and radios, general car parts, other fast-fit vehicle accessories, cleaning/after care products and repair, assembly, display and sale of bicycles" and the permission was restricted by condition to these uses. So whilst someone could occupy the unit and carry out car repairs etc under the previous permission, they would not be able to carry out MOT's without a new consent (as the previous permission does not include MOT's in the description).

I will advise of Environmental Health's further comments when I receive them.

Kind Regards

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**From:** David Chaffe [redacted]
**Sent:** 08 September 2014 15:50
**To:** Simon Davis
**Cc:** [redacted]
**Subject:** Meeting re Planning Application BR/167/14/PL

## Planning Application BR/167/14/PL

Dear Simon,

Thank you for agreeing to meet myself and Ian Parrot this morning, we think it was a helpful and constructive meeting.

I would just like to confirm some of the points that were discussed.

WSCC had made objections to the amount of parking as shown in their statement below.

"The applicant intends to operate 1 MOT bay, and 3 servicing platforms. WSCC parking standards are 1 space per 45sqm (5 spaces) and 3 spaces per servicing bay (12). This would equate 17 spaces. The applicant can only provide 5 spaces."

The 5 spaces referred to are those which appear in the land registry and are part of the legal ownership for Unit 24. There is extra parking space adjacent to the unit which Unit 24 has exclusive use of, this is approximately 130 Square metres and is suitable for parking of up to 10/12 vehicles (each parking space being 2 metres by 5 metres). Parking was approved as part of the extant planning permission BR/23/02 of which you appeared to be unaware. You were then shown a drawing (copy left with you) that clearly showed there were up to 19 parking spaces which could be used exclusively by the occupiers of Unit 24. MOTs and vehicle servicing require little in the way of loading space as most deliveries are for parts which generally are delivered in small vans. A B1 use can often involve deliveries by much larger vehicles such as 40 foot articulated lorries and this unit was originally used for a B1 use and could return to such a use without the need for a change of use application.

There is also general parking in the area on the land which is owned by Arun Business Park Ltd for the shared use of all units.

There is not a parking problem on this site as there are nearly always unused parking spaces. You were shown some photographs which demonstrated this, although they were just a snap sho' ' ` time taken at 10.00 on Thursday 4 September 2014.

Unit 23 in fact has picnic tables on two of their parking places.

We have owned the Unit since it was first built. There have never been any parking issues.

For many years the unit was used for manufacturing, there were approximately 15 people employed, most came by car and there were constant deliveries with large lorries and collections with vans every day. There were no issues from any neighbours.

The criteria that WSCC have used to decide on the number of parking places is that which is stated in Revised Parking Standards November 2003.This standard clearly says it relates to new developments. You were shown a copy of this document.

Therefore the parking standard should be as applied at the time of this development.

WSCC appear to have confirmed this as in other cases locally that have applied for change of use after 2003, they have not applied the new standard.

An example if this was Tyre Express application number BE/49/10 where WSCC had no objections, you were given a copy of their e-mail which confirmed this.

There was also Just MOTs Planning BE/77/06, no objections made.

On research other examples would almost certainly be found. WSCC would need to show that they had been consistent in applying this policy.

The other concern WSCC made was in connection to traffic to the Waste and Recycling centre as this road could get busy.

This is not a relevant objection as the proposed change does not indicate that there will be an increase in traffic over the existing use. This is stated as 15 cars per day. The amount of traffic this unit will generate is extremely small compared with the total amount that uses the access road to the A29, and as there is plenty of room for traffic around these units it is unlikely there would be blocking of the access road. The busy time for this access road is on a Sunday for people going to the recycling centre and then most of the industrial units are not operating. Customers visiting an MOT station rarely leave their cars for the whole day so the parking is transient and is unlikely to be greater than the current use which sees vehicles arriving and leaving all day with no evidence of issues being caused to adjoining businesses.

Indeed the objections raised by other businesses seem to relate to business competition which is not a matter for the LPA, rather than any proven issues with car parking.

You raised concerns that environmental health would recommend refusal of this application as there is insufficient information provided to determine whether disamenity would be caused to adjacent businesses. Also a BS4142 report had not been provided.

BS4142:1997 is a method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. There are no residential properties close enough to Unit 24 to be affected, this therefore appears to be the incorrect standard to use. However a chart showing average noise levels for this type of use has been provided and therefore the issue would be whether the proposed use would generate more noise than a typical B1 use. The unit has permission for B1 from the original development.

The applicant has a current car repair business in Bognor Regis which she wishes to expand. It is located within a residential area and there have never been any noise complaints.

It seems odd that an industrial unit, surrounded by other industrial units bordered by a major A road is causing so many issues relating to noise. We can only assume that the complaints of the neighbouring unit, which does not have planning permission to be used as a community centre/workshop, is causing these issues. However in all the time that the factory has been used for motor trade purposes no issues of noise have been raised.

As there were more that 5 objections, you stated the application would have to go to the Development Control Committee for a decision and that more letters of support could help.

We made the point that we felt we had a very good case for approval and should ADC refuse we would go to appeal.

Finally we discussed if any planning application was in fact required as there is no material change to that of the current authorized use. You said you would check this position with the council's solicitor.

Should you have any further concerns it would be appreciated if you could discuss these with us so that we can look at how to address them.

Thank you for your time and understanding of the situation.

Regards,

David Chaffe

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**Sent:** 26 September 2014 15:45
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**Cc:**
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

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**Subject:** RE: Meeting re Planning Application BR/167/14/PL

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With Regards,

David Chaffe

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**To:** [redacted]
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Dear David,

Environmental Health have maintained their position. They comment that they are still of the mind that acoustic information is required in order to allow assessment of whether disamenity is likely to be caused to the neighbouring unit from the use. They have asked for an acoustic report which details the likely noise breakout from the proposed use on the adjacent premises. They are looking for a BS4142 style report.

As this application is now out of date, I am at liberty to refuse it at any time for that reason. So I cannot guarantee that if you do provide the report that I will hold off making a determination until it has been reviewed.

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)
Telephone: +44 (0)1903 737874
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**From:** David Chaffe [mai[redacted]
**Sent:** 10 September 2014 16:38
**To:** Simon Davis
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear Simon,

Thank you for your quick reply, this is appreciated.

I look forward to seeing the reply from Environmental Health.

Regards,

David Chaffe

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**From:** Simon Dav[redacted]
**Sent:** 10 September 2014 11:17
**To:** 'David Chaffe'
**Cc:** [redacted]
**Subject:** RE: Meeting re Planning Application BR/167/14/PL

Dear David,

Thank you for your email. I have forwarded it along with the two plans to both Highways and Environmental Health. Highways have since replied to say that: "*The applicant has provided evidence to show that there would be enough parking available for 19 cars which is above the maximum standard. As such WSCC raise no objection.*" Environmental Health have said that they will let me know probably tomorrow.

As the issue of whether planning permission is actually needed. It is my view (note I am checking with legal but haven't yet had a response) that the previous permission is still extant and that it could be re-implemented. However, the previous permission was for: "Change of use from industrial to car autocentre comprising sale and or fitting of tyres, exhausts, batteries, vehicle alarms and radios, general car parts, other fast-fit vehicle accessories, cleaning/after care products and repair, assembly, display and sale of bicycles" and the permission was restricted by condition to these uses. So whilst someone could occupy the unit and carry out car repairs etc under the previous permission, they would not be able to carry out MOT's without a new consent (as the previous permission does not include MOT's in the description).

I will advise of Environmental Health's further comments when I receive them.

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
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**From:** David Chaff[redacted]
**Sent:** 08 September 2014 15:50
**To:** Simon Davis
**Cc:** [redacted]
**Subject:** Meeting re Planning Application BR/167/14/PL

## Planning Application BR/167/14/PL

Dear Simon,

Thank you for agreeing to meet myself and Ian Parrot this morning, we think it was a helpful and constructive meeting.

I w d just like to confirm some of the points that were discussed.

WSCC had made objections to the amount of parking as shown in their statement below.

"The applicant intends to operate 1 MOT bay, and 3 servicing platforms. WSCC parking standards are 1 space per 45sqm (5 spaces) and 3 spaces per servicing bay (12). This would equate 17 spaces. The applicant can only provide 5 spaces."

The 5 spaces referred to are those which appear in the land registry and are part of the legal ownership for Unit 24. There is extra parking space adjacent to the unit which Unit 24 has exclusive use of, this is approximately 130 Square metres and is suitable for parking of up to 10/12 vehicles (each parking space being 2 metres by 5 metres). Parking was approved as part of the extant planning permission BR/23/02 of which you appeared to be unaware. You were then shown a drawing (copy left with you) that clearly showed there were up to 19 parking spaces which could be used exclusively by the occupiers of Unit 24. MOTs and vehicle servicing require little in the way of loading space as most deliveries are for parts which generally are delivered in small vans. A B1 use can often involve deliveries by much larger vehicles such as 40 foot articulated lorries and this unit was originally used for a B1 use and could return to such a use without the need for a change of use application.

There is also general parking in the area on the land which is owned by Arun Business Park Ltd for the shared use of all units.

There is not a parking problem on this site as there are nearly always unused parking spaces. You were shown some photographs which demonstrated this, although they were just a snap shot in time taken at 10.00 on Thursday 4 September 2014.

Unit 23 in fact has picnic tables on two of their parking places.

We have owned the Unit since it was first built. There have never been any parking issues.

For many years the unit was used for manufacturing, there were approximately 15 people employed, most came by car and there were constant deliveries with large lorries and collections with vans every day. There were no issues from any neighbours.

The criteria that WSCC have used to decide on the number of parking places is that which is stated in Revised Parking Standards November 2003.This standard clearly says it relates to new developments. You were shown a copy of this document.

Therefore the parking standard should be as applied at the time of this development.

WSCC appear to have confirmed this as in other cases locally that have applied for change of use after 2003, they have not applied the new standard.

An example if this was Tyre Express application number BE/49/10 where WSCC had no objections, you were given a copy of their e-mail which confirmed this.

There was also Just MOTs Planning BE/77/06, no objections made.

On research other examples would almost certainly be found. WSCC would need to show that they had been consistent in applying this policy.

The other concern WSCC made was in connection to traffic to the Waste and Recycling centre as this road could get busy.

This is not a relevant objection as the proposed change does not indicate that there will be an increase in traffic over the existing use. This is stated as 15 cars per day. The amount of traffic this unit will generate is extremely small compared with the total amount that uses the access road to the A29, and as there is plenty of room for traffic around these units it is unlikely there would be blocking of the access road. The busy time for this access road is on a Sunday for people going to the recycling centre and then most of the industrial units are not operating. Customers visiting an MOT station rarely leave their cars for the whole day so the parking is transient and is unlikely to be greater than the current use which sees vehicles arriving and leaving all day with no evidence of issues being caused to adjoining businesses. Indeed the objections raised by other businesses seem to relate to business competition which is not a matter for the LPA, rather than any proven issues with car parking.

You raised concerns that environmental health would recommend refusal of this application as there is insufficient information provided to determine whether disamenity would be caused to adjacent businesses. Also a BS4142 report had not been provided.

BS4142:1997 is a method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. There are no residential properties close enough to Unit 24 to be affected, this therefore appears to be the incorrect standard to use. However a chart showing average noise levels for this type of use has been provided and therefore the issue would be whether the proposed use would generate more noise than a typical B1 use. The unit has permission for B1 from the original development.

The applicant has a current car repair business in Bognor Regis which she wishes to expand. It is ' :ated within a residential area and there have never been any noise complaints.

It seems odd that an industrial unit, surrounded by other industrial units bordered by a major A road is causing so many issues relating to noise. We can only assume that the complaints of the neighbouring unit, which does not have planning permission to be used as a community centre/workshop, is causing these issues. However in all the time that the factory has been used for motor trade purposes no issues of noise have been raised.

As there were more that 5 objections, you stated the application would have to go to the Development Control Committee for a decision and that more letters of support could help.

We made the point that we felt we had a very good case for approval and should ADC refuse we would go to appeal.

Finally we discussed if any planning application was in fact required as there is no material change to that of the current authorized use. You said you would check this position with the council's solicitor.

Should you have any further concerns it would be appreciated if you could discuss these with us so that we can look at how to address them.

Thank you for your time and understanding of the situation.

Regards,

David Chaffe

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