

Recommendation Report for Planning Permission

REF NO: BR/18/18/PL

LOCATION: Bruce Dixon South Bersted Garage
Shripney Road
Bognor Regis
PO22 9LN

PROPOSAL: Change of use from garage & vehicle hire company to vehicle hire branch including the demolition of existing building to replace with modular unit. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to demolish the existing building on the site and replace it with a single storey modular building measuring 10m x 6.160m with a height of 3.4 m and an internal floor level 300mm above the existing ground surface. It will be sited behind (to the east) of the existing canopy and there will be a wash bay on the other side. The area under the canopy will be used to store 6 cars. There will be 2 parking spaces to the north of the new modular building (one for disabled) and 17 parking spaces along the east and south boundaries. There will be an increase of 7 parking spaces in total over the existing. The existing hardstanding will be retained if it is in an acceptable condition or replaced with permeable surfacing. The entrance to the site will be from Shripney Road. There will be 10 employees - an increase of two over the existing. The working hours will be 8am to 6 pm.
SITE AREA	0.1ha
TOPOGRAPHY	Half of the site is predominantly flat and half gently slopes from south (southwest) to north (northeast). The site also rises slightly to the east with the level of the adjacent houses slightly higher than the site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Boundaries consist of a dwarf (0.5m max) brick wall along the Shripney Road frontage, a 2-2.5m high white painted brick wall to the southern boundary and a mix of walls/fencing to the rear (eastern) boundary.
SITE CHARACTERISTICS	The application site comprises a broadly rectangular shaped part single, part two storey, flat roofed building occupying most of the south east part of the site comprising of car repair workshop, MOT bay, storage and offices. There is a a single storey garage to the rear and hardstanding parking to the front/side. A freestanding column mounted flat canopy covers

part of the front parking area in the north west corner of the site.

CHARACTER OF LOCALITY

The site is located between a predominantly residential area to the south and east, the A29 to the west and a commercial area to the north.

Number 3 Farm Cottages, part of a larger thatched roof Grade II listed cottage with ground and first floor secondary flank windows looking onto the site, adjoins the site to the south east. To the south west is number 3 Brooks Lane West, an end terrace bungalow with one secondary flank window looking onto the site. To the east is Christopher Court, a two storey flatted building with rear principal windows overlooking the site. Across the road to the east is a single storey office building (UK Health Direct Ltd). Across the road to the north and north east are industrial two storey grey clad buildings (including the Nissan garage) and across the road to the north west is a grassed area with trees separating Shripney Road from the A29.

RELEVANT SITE HISTORY

BR/19/18/A	5 No. internally illuminated fascia signs on various elevations (resubmission following BR/302/17/A).	ApproveConditionally 07-03-18
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Noted. Five advertisements have been granted consent.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection.

1 letter of objection
inadequate parking for 10 employees; no information about the number of rented cars stored; access issues for a 10m transporter, existing problems with parking from Nissan garage in residential roads.

COMMENTS ON REPRESENTATIONS RECEIVED:

West Sussex Highways have advised the change of use may see a reduction in customer traffic and company policy is to find alternative parking either in other local site or at the company's regional overflow car park.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

WSSC Strategic Planning
 Environment Agency
 Environmental Health
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

West Sussex Highways

No objection subject to a condition requiring a construction management plan: likely to be a reduction in customer traffic movements either in other local site or at the companys regional overflow car park.
 No objection is raised, subject to any conditions attached.

Environment Agency

Whilst the site is in Flood Risk Area 3 no objection in principle as replaces existing and some distance from sea but conditions required relating to contamination remediation and flood risk management

Engineering Services Manager
 Advice re trade effluent licence.

Environmental Health
 No comments received

Conservation Officer
 No comments received

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions and informative added as requested

POLICY CONTEXT

Within the built up area boundary.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
GEN12	Parking in New Development
GEN26	Water Quality

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

SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
HER SP1	The Historic Environment
HER DM1	Listed Buildings
D SP1	Design
D DM1	Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings
 EMP DM1 Employment land:Development Management
 T SP1 Transport and Development
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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; Littlehampton; Rustington; Walberton; Yapton.

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 Bognor Regis Neighbourhood Development Plan has been made and the relevant policies considered in the determination of this application.

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 reduction in the footprint and height and the positioning of the new building further north will improve the setting of the adjacent Listed Building in compliance with Section 16(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policies HERSP1 and HER DM1 of the emerging Arun Local Plan 2011-2031.

Whilst the site is in Flood Zone 3 the Environment Agency has confirmed that they have no objection due to the distance from the sea and the fact the use is similar to the existing. The finished floor level is proposed to be raised to 300mm above the existing ground level to mitigate the risk of flooding and a condition will require this. The existing hardstanding covers the entire site and the building proposed is smaller than the existing so there will be no additional impact from surface water run off. Conditions will mitigate any risk of contamination. The amount of parking is considered adequate and a condition requiring a Construction Management Plan will help to alleviate disruption for residents. The smaller building will also improve the visual amenity of adjoining residents and there will be less impact on outlook and privacy. Taking into account the previous use and the proposed level of activity a condition is not required to restrict the hours of use. The design of the building is also acceptable having regard to the existing industrial and commercial character of the development to the east and north. As such the proposal complies with policies GEN2, GEN7, GEN9, GEN10, GEN12 and GEN26 of the Arun District Local Plan and policies SD SP1a, SD SP2, EMP DM1, D SP1, D DM1, D DM4, T SP1, W DM2 and W DM3 of the Arun Local Plan 2011-2031 and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

HUMAN RIGHTS ACT

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 plans:
E.17.106.001, E.17.106.002, E.17.106.100, E.17.106.110, 10415A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7, GEN9, GEN10, GEN12 and GEN26 of the Arun District Local Plan.

- 3 Prior to the commencement of the development hereby approved a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2.A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term

monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN26 of the Arun District Local Plan as the site lies above River Terrace Deposits over Lewes Nodular Chalk Member, the latter is designated as a Principal Aquifer. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated April 2018 compiled by EAS and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 2.1 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with policies GEN7 and GEN10 of the Arun District Local Plan.

- 5 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN26 of the Arun District Plan.

- 6 Prior to occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard to comply with policies GEN7 and GEN26 of the Arun District Plan.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area to comply with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater quality to comply with policy GEN26 of the Arun District Local Plan..

- 9 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.
- 10 Regarding drainage, the proposed plan may require a trade effluent license from southern water to allow discharge to the sewer.