

Recommendation Report for Planning Permission

REF NO: BR/191/19/PL

LOCATION: Ground Floor
6 Ockley Road
Bognor Regis
PO21 2HW

PROPOSAL: Change of use from factory workshop (B1 Business) to tyre fitting shop (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the a shop from a factory workshop (B1) to a tyre fitting shop (sui generis).
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site fronts the street scene with an access road to 'The boat yard' to the side.
SITE CHARACTERISTICS	The site is occupied by a detached two storey building with an access road to the north.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

BR/136/87	Change of use to used car display area	ApproveConditionally 03-06-87
BR/91/07/	Outline application for demolition of existing commercial premises and erection of 9 no.1 bedroom flats.	Refused 13-06-07 Appeal: Dismissed 03-12-07
BR/502/86	Change of use of yard to storage and sale (trade only) of salvaged motor cars	ApproveConditionally 04-02-87

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection

- Conditional on tyres being stored inside the building.

5 letters of representation received from nearby occupiers.

- The business tyres on land that does not belong to them which has increased anti social behaviour. and is a fire hazard

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The road to the north does not fall within their red edge and therefore is not within the ownership of the applicant and therefore if materials are stored there, it is a private matter. A condition will however be included to ensure that all materials will be retained within the building outside of business opening hours.

CONSULTATIONS

Environmental Health

Economic Regeneration

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - We are satisfied that the proposed change of use will not have an adverse impact on the soundscape of the surrounding environment. Conditions regarding asbestos, and contamination are requested.

Economic Development - We support this application.

WSCC- It is not clear if the kerb has been dropped and this will require a licence. The LHA are assessing the application on nil parking provision. As such parking would have to be accommodated on the street. There is limited on street parking and parking restrictions in the area. The LHA does not anticipate that highway safety would be detrimentally affected through this proposal. The site is sustainably located and trips generated will be when parking demand on these road would be less. Cycle storage should be included.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As the change of use has already been completed, the conditions are not necessary. Customers are likely to drop the car off for the tyres to be changed and then drive it home again and with only 2 employees, the condition regarding cycle storage is not considered necessary.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
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 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.

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.

Bognor Regis has a Neighbourhood Plan however none of the policies are relevant to 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 that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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**

The key policies considered are D DM1, D DM4, QEDM1 and TSP1 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

The proposal seeks the change of use of the building from a factory workshop to a tyre fitting shop. It is noted the change of use has already taken place.

The plan proposes no alterations to the front elevation. however when viewing the property on google maps, a roller shutter door is shown on the plan which appears to have originally been a window.

This is not considered to result in an adverse impact on the street scene with much of the property retaining its existing appearance.

There have been a number of representations which state that materials specially tyres are being stored outside. The access road to the north is not within the red edge of the applicant and therefore is not within the ownership of the applicant and as such materials should not be stored here. A condition will be included to ensure that all materials will be stored inside the property when outside of business opening hours.

The change of use, results in minor changes to the street scene and as such is not considered to adversely impact the spatial pattern of the street scene which is mixed in appearance. As such the proposal accords with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The application seeks to change the use to a tyre fitting business. As a result, the business may give rise to additional noise impacts on neighbouring amenity, with residential properties in close proximity to the site.

A noise statement was submitted and assessed by Environmental Health and it is considered that the change of use would not result in additional noise impacts on neighbouring properties and accord with D DM1, D DM4 and QEDM1 of the Arun Local Plan.

PARKING

WSCC have assessed the application with the business having no parking provision. Despite this, it is not considered to give rise to a detrimental impact upon the highway. Whilst parking in the area is limited, the applicant also states that bookings are made so there are only 2 cars at the business at one time, with the plans showing sufficient room, in which these should be capable of being contained within the building.

With the business relatively small in scale, the change of use is not considered to result in an increase of vehicular movements that would result in an significant increase when compared to previous uses and. It is also located within a sustainable location and is considered to accord with policy TSP1 of the Arun Local Plan.

SUMMARY

The proposed development is considered to accord with the relevant development policies and as such 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

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
 - Existing and Proposed Ground Floor and Elevations - TM045-02 P1
 - Existing and Proposed Side Elevations and Floor Plan - TM045/03 P1
 - Noise Assessment - 31/10/2019 Issue 1
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 All materials shall be stored within the business premises outside of business opening hours.

Reasons: To ensure no adverse impact upon the character and appearance of the street scene. in accordance with D DM1 of the Arun Local Plan.
- 4 The premises shall not be open for trade or business except between the hours of Monday to Friday 9am to 5pm and 9am to 2pm Saturdays without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.
- 5 INFORMATIVE: The application does not provide details of any advertisement/signage to the front of the property. This would require the submission of a separate application should this be required.
- 6 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.