

Recommendation Report for Planning Permission

REF NO: BR/242/18/PL

LOCATION: DD Motors
Bersted Street
Bognor Regis
PO22 9QF

PROPOSAL: Single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	There are trees on site and close to the site. Based on the information submitted by the applicant there were a number of trees on site
BOUNDARY TREATMENT	The site is bounded by trees, a low wire fence to the rear and a flint wall to the front of the site.
SITE CHARACTERISTICS	The application site is currently used for the business currently known as DD Motors. The site is also known as the Old Forge Works. The DD motors car servicing and repair business takes place within the existing single storey rendered building, featuring 2 roller shutter garage doors set a side a central window to the front. The site features an outside area that is currently used for the storage of car parts etc. that are used in connection with the DD motors car servicing and repair business. Surrounding the site are a number of trees. To the rear of the site is the Bognor Regis War Memorial Hospital. The aforementioned outside storage area is partly enclosed by a flint wall to the rear of the highway (Bersted Street) to the front of the site.
CHARACTER OF LOCALITY	Suburban residential area with the Bognor Regis War Memorial Hospital to the rear of the site. The residential dwellings within the area are of mixed style and height with some bungalows and some two storey detached dwellings. Some of the Dwellings are Listed such as Primrose and Boniface Cottages further down Bersted Street.

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council:

Follow up Comments: Confirmed via e-mail received on 13/12/2018: Objection:

Having spoken with the Deputy Clerk, about the removal of 2.8m of the flint wall, we are agreed that the Town Council's representation of NO OBJECTION still stands.

Original comments:

Do not object on the condition that the flint wall is retained.

COMMENTS ON REPRESENTATIONS RECEIVED:

Officers note the clarification that the Parish Council do not object to the 2.8 metre (approx.) removal of flint wall and that their original no objection still stands. Officers consider that while the flint wall does provide some amenity value to the section of Bersted Road, having regard to the proposal it is considered that as approximately 2.8 metres of wall would be removed which would still leave the rest of the fairly long flint wall intact. Therefore, it is considered that the proposed removal of 2.8 metres of the flint wall would not have a detrimental impact on the amenity of the area and as such the application should not be refused on this basis.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Highways Officer: Does not object to this application:

Small extension which would not raise any highway safety concerns.

The applicant will need to apply to the area highway office to have the kerb dropped in front of this new roller door.

It is not expected that there would be a significant level of traffic in relation to the proposal that would be considered to give rise to a 'severe' impact; the LHA would also not consider the proposal to give rise to an unacceptable impact on highway safety.

Drainage Engineer: Does not object:

It is unclear from the location plans where there will be room to locate a soakaway that is 5m from buildings. It may be necessary for the surface water to connect into the surface water sewer, the necessary approvals from Southern Water will be required for this.

All surface water drainage should be designed and constructed to meet building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution

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 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.

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 relevant NDP is the Bognor Regis Neighbourhood Plan. Officers consider that no Policies would apply.

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 any nearby properties, nor would it have an adverse impact on 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 site is in an urban and predominantly residential area. it is defined as being part of the built up area boundary and is acceptable in principle subject to normal development management criteria such as residential amenity, highway safety and parking.

ARUN LOCAL PLAN:

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy QE DM1 of the Arun Local Plan seeks that new noise sensitive development (residential) that is likely to experience noise from certain roads and rail is supported by the noise exposure category assesment and that noise impact is taken into account. Also noise generating development must seek advice from an early stage to determine the level of noise assessment required.

Policy T SP1 of the Arun Local Plan sets out criteria for which applications must be assessed against regarding transport and development, in order to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles. Of note is Criterion D whereby:

The Council will support transport and development which:

d. Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking

DESIGN AND VISUAL AMENITY:

Permission is sought for the erection of a single storey side extension for storage use in connection with the existing motor testing and repair business, known as DD Motors.

From the Officer's site visit it was noted that a variety different property styles are sited along Bersted Street.

From an assessment of the plans and Officer's site visit the proposed single storey side extension, would be acceptable in design terms as it would be of a size and scale that harmonises with the host building. Therefore, the proposal would not be unduly prominent or out of keeping with the design and external appearance of the application site with regard to its size, scale and massing.

Officers note the removal of a section of flint wall to the front of the site. From an assesment of the plans

Officers consider that approximately 2.8 metres of the wall would need to be removed in order to accommodate the proposed extension. As stated in the OFFICERS COMMENTS OF REPS section above, it is considered that the proposed removal of 2.8 metres of the flint wall would not have a detrimental impact on the amenity of the area and as such the application should not be refused on this basis.

Therefore, it is considered that the proposed rear extension would not have a materially harmful effect upon the street scene. As such it is considered that the proposal would adhere with policies D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOUR AMENITY:

No windows are proposed into any elevation of the proposal, with only a roller shutter garage door proposed into the front elevation. Therefore, should the Roller shutter door be open views would be available out toward and over the existing highway, an area that is already significantly overlooked. Officers therefore consider that no materially harmful levels of overlooking would occur as a result of the proposed extension.

The side extension would form part of an existing car repair and testing business which, due to its nature, is expected to create a certain amount of noise. The applicant has stated that the extension is to be used for storage.

Given the size, scale and massing of the side extension, along with the separation distances to the adjoining hospital to the rear, it is considered that it would not have a detrimental impact with regards to overbearing effect, overshadowing and loss of light/sunlight

With regard to noise, it is noted that the proposal would be sited approximately 16.20 metres at its closest from the nearest hospital building to the rear. Officers note that while this is a fairly large separation distance and that the applicant has stated that the unit is for storage purposes (car parts) it is considered that any noise issues would likely not be significantly greater than the existing motor repair use. Additionally officers also consider that the proposal would be sited a sufficient distance from neighbouring residential dwellings. Should noise become an issue it is considered that this would be an Environmental Health Matter and would be dealt with under separate Environmental Health legislation.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

TREES:

The applicant has noted that they have removed a Beech tree and 3 Sycamores and that they were all reduced to their stumps and suitably drilled out to prevent sprouting again. It is noted from the Officer's site visit that the aforementioned trees have been removed and that the Council's Tree Officer is aware of this. It is therefore considered that there are no trees on site which would be impacted by the proposal. Officers do note the tree(s) to the rear of the site, the other side of the existing wire fencing, in particular the multi stemmed tree. There are other trees in close proximity to the site. While these don't fall within the site, these trees may not be in the applicant's ownership. Therefore, any trees outside the site, but in close proximity to it, will need to be taken into account by the applicant as their roots could have entered the application site. Any damage to trees outside the applicants ownership would be a civil matter.

From an assessment of the applicants submitted Design and Access Statement the proposal would be

Constructed with steel frame unit on concrete pads with lightweight blockwork infill in order to minimise any impact on trees and their roots.

HIGHWAY SAFETY AND PARKING:

The Highways Officer does not object to this application with regard to highway safety or capacity matters. They note that It is clear that vehicles reverse into or out of the existing garage area/roller doors. There are no recorded incidents to suggest this is or has caused a highway safety issue. The addition of the small extension and additional roller door would not raise any highway safety concerns.

They do not consider that there would be a significant level of traffic in relation to the proposal that would be considered to give rise to a 'severe' impact; the LHA would also not consider the proposal to give rise to an unacceptable impact on highway safety. Therefore is not contrary to the National Planning Policy Framework (NPPF) paragraph 109, and that there are no transport grounds to resist the proposal.

With regard to parking, there is currently no off-road parking provided with on road parking available. Officers are not aware that this situation will change anytime soon and as such consider the proposal would not have a detrimental impact with regard to parking and highway safety.

A such it is considered that the proposal would adhere with Policy T SP1 of the Arun Local Plan.

PAGHAM HARBOUR ZONE B:

Policy ENV DM2 of the Arun Local Plan seeks to protect Pagham Harbour from the impacts of development. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to provide mitigation measures as set out in the 2 criteria.

From an assesment of this application it is considered that as the proposal is only for a single storey extension to the existing DD motors would not have a significant impact on Pagham Harbour, such that would warrant refusal of this application.

WSCC MINERAL CONSULTATION AREA:

The application site falls within a Permitted waste site 500M Buffer - Alderton's Yard. Officers consider that given the size and scale of the site and the proposal it would not have a detrimental impact upon it or that the waste site would have a detrimental impact upon the proposal.

OTHER:

Officers note that the applicant has stated in their Design and Access Statement that:

'The then Hospital owners said the ground adjacent to the Garage did not belong to them, hence DD Motor's use in excess of 20 years. With the site history, DD Motor's are in the process of claiming Possessory title on the basis of "adverse possession" ie that they enclosed and use the land to the exclusion of others.'

Officers note that this application and any approval of planning permission, in no uncertain terms, does

not determine the ownership of any land. Therefore should planning permission be granted it does not mean that 'development' can take place for works on land not owned by the applicant.

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:

Site Location Plan

Block Plan

18-08-GD-211-01A

18-08-GD-211-02A

18-08-GD-211-03A

18-08-GD-211-04A

Design and Access Statement dated 29.08.2018

Application Form

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 and D DM4 of the Arun Local Plan.

- 3 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.