

Recommendation Report for Planning Permission

REF NO: BR/244/18/PL

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

PROPOSAL: Application for variation of condition following grant of planning permission BR/18/18/PL relating to condition no.2 - Plans. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application proposes the following amendments: slight increase in the size of the previously proposed building Addition of wash bay canopy to rear. Change to windows in side elevations.
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/282/18/A	1No. internally illuminated T-Pole sign.	ApproveConditionally 17-12-18
BR/235/18/DOC	Application for approval of details reserved by condition imposed on planning reference BR/18/18/PL relating to condition no.3 - Remediation Strategy & condition no.7 - Construction Management Plan	DOC Approved 06-11-18
BR/19/18/A	5 No. internally illuminated fascia signs on various elevations (resubmission following BR/302/17/A).	ApproveConditionally 07-03-18
BR/18/18/PL	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.	ApproveConditionally 24-05-18
BR/302/17/A	4 No. internally illuminated fascia signs on various elevations.	ApproveConditionally 08-02-18
PAA/216/16/	Demolition of former service station, offices and workshops and construction of six new dwellings	Refuse Pre App 24-01-17
BR/367/03/	Extension to enclose end of MOT testing bay	ApproveConditionally 15-01-04

Officers note the planning history including the advertisements the have been granted consent. It should be noted that should any of the advertisements previously granted, particularly those on the proposed building(s), have changed as a result of the changes proposed by this application they will not be assed as part of this application and a separate advertisement application would be required.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Bognor Regis Town Council: No Objection.

No neighbour responses have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Southern Water Planning

WSCC Strategic Planning

Environmental Health

Conservation Officer

Engineering Services Manager

Environment Agency

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Conservation Officer: No objection:

Assumed change to design of proposed office building.

Assumed location of building has not changed, nor has the previously approved signage.

Southern Water: No objection:

No comments to make with regards to variation of condition 2 .

Drainage and Coastal Engineer: Doers not object:

No further comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and asses below within the Conclusions section.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

2 km Buffer Zone of the SSSI - Bognor Reef/Felpham.

WSSC Mineral Consultation Area - Bognor HWRS

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
DSP1	D SP1 Design
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
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
EMPDM1	EMP DM1 Employment Land: Development Management

[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 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.

The Bognor Regis Neighbourhood Development Plan has been made and the following policy would

apply:

Policy 1

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

DESIGN AND VISUAL AMENITY/IMPACT ON SETTING OF A LISTED BUILDING:

The proposal makes changes to the design of the building previously granted under application ref: BR/18/18/PL as aforementioned above in the description section. 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. It is considered that the proposed amendments would not lead to the creation of a scheme that would be of a size, scale or design that would have detrimental effect on the street scene.

From an assesment of the amendments it is considered that the proposal would still represent a reduction in the footprint of the previous, now demolished, larger building on site. Additionally, its setting further north, than that of the existing would no have a detrimental impact but would improve the setting of the adjacent Listed Building.

As such, it is considered that the proposal would be in compliance with Section 16(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policies HERSP1, HER DM1,D DM1 and D DM4 of the Arun Local Plan 2011-2031.

NEIGHBOUR AMENITY:

From an assesment of the proposed amendments it is considered that the proposal would not have a detrimental impact on the occupiers of adjoining and neighbouring properties, with regards to overlooking.

Given that there was, a much larger building on site, prior to demolition, Officers consider that the proposal would not have a detrimental impact upon the occupiers of adjoining and neighbouring properties with regard to overbearing impact, overshadowing and loss of light/sunlight.

A wash bay for the cleaning of motor vehicles is proposed to the rear of the proposed building. The previously granted application also proposed a wash bay to the rear, which was set in from the rear boundary by approximately 7.12 metres at its maximum and 4.35 metres at its minimum. The wash bay proposed as part of this application would be set in from the rear boundary by 5.4 metres at its maximum and 2.6 metres at its minimum, closer than that previously proposed. Officers consider that the washing of vehicles could necessitate the use of power washing machinery which could create noise. The Council's Environmental Health Officer has been consulted on both this and the previously granted application but has not commented. Therefore, The applicant should be made aware that the granting of this planning permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. a suitably worded informative will be imposed upon any grant of planning permission.

As such it is considered that the proposal would comply with Policies D DM1, D DM4 and QE DM1 or the Arun Local Plan 2011-2031.

PARKING AND HIGHWAY SAFETY:

The proposal does not propose any alterations to the parking levels previously proposed as part of previously granted application ref: BR/18/18/PL. Therefore, Officers consider that the amount of parking is still adequate and the previously applied Construction Management Plan condition will be imposed on any grant of planning permission.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local plan 2011-2031.

FLOODING AND FLOOD RISK:

The Environment Agency have not commented on this application but commented on the previously approved application ref: BR/18/18/PL and confirmed that they have no objection due to the distance from the sea and the fact the use is similar to the existing. Officers do not consider that the proposed amendments including the addition of a canopy to rear would be such that would sufficiently alter the proposal over that previously approved, such that it would have a detrimental impact on flooding and flood risk. The finished floor level is still proposed to be raised to 300mm above the existing ground level to mitigate the risk of flooding and a condition requiring this will be imposed. The existing hardstanding covers the entire site and the building proposed is still smaller than the existing so there will be no additional impact from surface water run off. Conditions will mitigate any risk of contamination.

As such it is considered that the application would comply with Policy W DM2 of the Arun Local Plan 2011-2031.

DRAINAGE:

The Drainage Engineer previously commented that the proposed plan may require a trade effluent licence from Southern Water to allow discharge to the sewer. they have no further comments to give regarding this application. Therefore it is considered that the proposal would not have a detrimental impact with regard to drainage.

As such, it is considered that the proposal would comply with Policy W DM3 of the Arun Local Plan 2011-2031.

SUMMARY:

Overall, it is considered that the proposed amendments, to that previously granted under application ref: BR/18/18/PL, would be comply with the relevant planning Policies of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan. Therefore, it is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

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 t

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 Rev B , E.17.106.100, E.17.106.110, 10415 Rev B.

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 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 W SP1 and W DM2 of the Arun District Local Plan.

- 4 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 Arun Local Plan policies QE SP1 and QE DM4.

- 5 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 (Outline Remedial and Verification Strategy Report In17597 CL 005 July 2018 and Revised Detailed Quantitative Risk Assessment Report In17597 CL 004 July 2018 as approved by BR/235/18/DOC) 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 in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 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 W DM1 of the Arun District Local Plan.

- 7 The development should be carried out/proceed in accordance with the previously approved Construction Management Phase Health & Safety Plan CDM 2015-10-29 as approved by BR/235/18/DOC and there shall be no deviation from this document without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area in accordance with

policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 **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.
- 9 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 10 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737755