

Recommendation Report for Planning Permission

REF NO: BR/329/14/PL

LOCATION: Tesco Superstore
Shripney Road
Bognor Regis

PROPOSAL: Extension to existing Dotcom facility with new adjacent secure compound consisting of 2.4m Paladin type fence and steel gates to accommodate Dotcom overnight van parking plus minor changes to the car park layout.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application was amended on 24/02/15 to include the following additional items:

- * A proposed secure compound adjacent to the Dotcom facility with 2.4m paladin fencing and steel gates;
- * Relocation of the existing covered staff smoking shelter;
- * Omission of the proposed van parking area to the rear of the store;
- * Relocation of the stepped access to the customer collection pod; and
- * Removal of car parking spaces adjacent to the customer collection pod.

SITE AREA

3.3 ha.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A.

TOPOGRAPHY

Flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

No immediate boundaries but the wider Tesco site is enclosed by a variety of treatments. Adjacent to the dotcom 'site' there is an existing secure parking area for vans.

SITE CHARACTERISTICS

Existing Tesco supermarket with large car parking area surrounding the building. The extension is to the dotcom facility on the north western side of the building and is adjacent to an area of customer car & staff van parking as well as being near to the existing click and collect facility and recycling area.

CHARACTER OF LOCALITY

This section of Shripney Road is

predominantly mixed use commercial. Accessed off the A29 dual carriageway. To the immediate west is an industrial estate from which there is a footpath through into the site.

RELEVANT SITE HISTORY

BR/312/10/	Proposed bulk store mezzanine extension.	ApproveConditionally 03-12-2010
BR/114/11/A	Various illuminated & non-illuminated signage	ApproveConditionally 16-06-2011
BR/119/11/	Car park alterations to include re-organisation of car parking spaces & circulation routes, re-configured landscaped islands, new/replacement trolley bays, re-surfacing of specific areas within the car park & new car park lighting	ApproveConditionally 14-07-2011
BR/138/11/	Proposed Customer Collection Pod & Canopy	ApproveConditionally 25-07-2011
BR/161/11/A	Proposed non-illuminated signage to Click & Collect facility including additional freestanding directional signage	ApproveConditionally 04-08-2011
BR/256/12/A	17 No non-illuminated fascia signs	ApproveConditionally 11-12-2012
BR/255/12/	Change of use of nine parking spaces to a hand car wash and valeting operation including the installation of an office.	ApproveConditionally 16-01-2013
BR/47/13/A	8 No non illuminated fascia signs and 1 No non-illuminated hanging sign on 'Click and Collect' facility	ApproveConditionally 04-04-2013
BR/33/14/A	4No. Internally illuminated fascia signs and 10No. non-illuminated wall board signs to all elevations of pod kiosk.	ApproveConditionally 28-03-2014

The site has an extensive history and only those determined since 2010 have been included in this report.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - raised no objection to both the original and amended plans.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager

Consultations responses received:

ADC Drainage Engineers - "The EA should be consulted to ensure that the proposed extension does not fall within the designated flood storage area in the car park. As the proposal extends onto hardstanding, the existing drainage should be suitable for the proposed extension."

Comments on Consultation responses:

Comments noted. The agent has confirmed that the location of the storage tank is shown on the existing site plan and is not affected by the works.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class A Road;
Flood Zone 3;
Southern Water Interest; and
Public Sewer on Site.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)
[DEV27](#)

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

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
Retail Development Outside the Principal Shopping Areas
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
ECC SP2 Energy and Climate Change Mitigation
RET DM1 Retail Development
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Bognor Regis Town Council has recently submitted their Plan Proposal under Part 5 of the Neighbourhood Planning (General) Regulations 2012 to Arun District Council. The consultation on this will run from 01/04/15 to 13/05/15.

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

PROPOSAL & PRINCIPLE

Essentially, the proposal is to add a 122m² extension to the existing dotcom facility which is located on the north western side of the Tesco building. In addition there are some additional works to the outside area including a new secure storage area for delivery vans. The dotcom facility is part of Tesco's home delivery service.

The site lies within the built up area boundary where the principle of development is considered to be acceptable. The National Planning Policy Framework supports effective and efficient use of land for sites such as this but also advises that new development should be well integrated with and complement neighbouring buildings and the local area in terms of scale, density, layout and access. The principle is therefore considered to be acceptable subject to meeting the relevant local planning policies.

RETAIL PLANNING CONSIDERATIONS

Emerging Local Plan Policy RET DM1 essentially replicates Adopted Local Plan Policy DEV27 but also includes the requirement to meet the impact tests of the NPPF. The criteria for retail development (including extensions) outside of the Town & Service Centres is therefore as follows:

- a. The scheme meets the impact tests of the NPPF;
- b. The scheme is easily accessible by the highway network and public transport;
- c. The scheme includes provision for access by cycle and on foot;
- d. The scheme includes appropriate provision to enable access for people with disabilities.

Additionally, applications must demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly, on the edge of the centre.

The preamble to the Policy states an impact assessment is required for schemes above a threshold of 1000 square metres (floor space). This is lower than the 2500 square metre default threshold stated in the NPPF. However, the extensions falls well below the 1000 square metre figure and therefore part (a) of the above policy is considered to have been met.

With respect to (b)-(d), it is considered that the existing Tesco site is accessible to a wide variety of transport types including pedestrian and that there are also disabled access facilities. Furthermore, although no sequential assessment has been provided, it is considered that this is acceptable as the extension is to an existing dotcom facility which is an existing ancillary part of the Tesco store.

DESIGN & VISUAL AMENITY

The extension has been designed to match with the existing building both in terms of materials and in terms of the colour scheme. It is also clearly subservient to the existing building. As such

it is not considered that there are visual amenity issues to consider.

The proposed paladin fence is also considered to be acceptable given its location in a part of the car park that is already home to some serving type areas and also noting the existing paladin fence which houses the van store adjacent to the dotcom facility. The colour of the fence will be controlled by condition.

FLOOD RISK & DRAINAGE

Environment Agency (EA) standing advice states with regard to non-domestic extensions to buildings of less than 250m² which are within Flood Zone 3, that there is no need to consult the EA and that only simple Flood Risk Assessment needs to be provided. The advice goes on to state that floor levels within the proposed development should be set no lower than existing levels. It is clear from the submitted plans that the floor levels are the same as the existing and therefore no objection is raised as regards to flood risk.

ADC Drainage Engineers have not raised any objections and it is clear that the works do not affect the existing flood storage tank.

HIGHWAYS & PARKING

The proposal is entirely located within an existing private site and is therefore not considered to affect the safety or convenience of the public highway. It does result in the loss of 18 customer parking spaces but on the other hand it increases the size of the dotcom facility and associated delivery van parking. This is a growing area of the business and as such the loss of the parking spaces may be offset by a greater amount of home deliveries either by existing or new customers.

RECOMMENDATION

It is recommended that permission be granted subject to the following conditions.

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:

Drawing No. 2130/P/01 - Location Plan;
Drawing No. 2130/P/00 - Block Plan;
Drawing No. 2130/P/02 Rev A - Existing Site Plan;
Drawing No. 2130/P/05 Rev B - Proposed Site Plan;
Drawing No. 2130/P/03 - Existing Dotcom Layout Plan;
Drawing No. 2130/P/06 Rev B - Proposed Dotcom Plan; and
Drawing No. 2130/P/08 - Existing & Proposed Dotcom Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.