

Recommendation Report for Planning Permission

REF NO: BR/53/18/PL

LOCATION: Unit 13 Arun Business Park
Bognor Regis
PO22 9SX

PROPOSAL: Installation of MOT Bay (Class 4) within existing preparation centre.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. All works are internal.
SITE AREA	0.073 hectares.
TOPOGRAPHY	Predominantly flat but the land rises ever so slightly up from the road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None to front. Chain link fence and hedge to the railway line. Unknown to rear.
SITE CHARACTERISTICS	Existing Car valeting business situated at the end of a terrace of light industrial units. 1.5 storey high grey colour clad building with single storey blue colour painted front projection. Flat roofed. Large parking areas to front and side.
CHARACTER OF LOCALITY	The site is part of a business park with a mixture of brick and metal clad buildings of between 1 and 2 storeys high. It is noted that the site sits between the railway line to the east and GTR Auto Bodies to the west. To the rear lies an area of vacant land between the railway line and no. 10 Stanford Close.

RELEVANT SITE HISTORY

No recent history.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Network Rail
Environmental Health
WSCC Strategic Planning
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

NETWORK RAIL - No comments received.

WEST SUSSEX HIGHWAYS - No objection. Comment that:

"WSCC advises that for such a use a maximum of 1 car parking space per 45 sqm should be provided plus a maximum of 3 spaces per service bay. Given the site is located in a sustainable location a parking demand lower than the maximum demand would be acceptable. Based on the information provided; the site seems to currently be operating with a car parking provision below the maximum anticipated demand. This situation would continue as a result of this proposal. It would not be anticipated that the installation of the MOT bay would result in 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 32), and that there are no transport grounds to resist the proposal."

ADC ECONOMIC DEVELOPMENT - "Economic Development has no comment on this application"

ADC ENVIRONMENTAL HEALTH - "EH has no comment on this application"

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
15m Railway Buffer Notification Area;
Flood Zone 3; and
Class A Road.

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution
GEN34	Air Pollution
GEN11	Inland Flooding

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

D DM1 Aspects of Form and Design Quality
 EMP DM1 Employment land:Development Management
 QE DM1 Noise Pollution
 QE DM3 Air Pollution
 QE SP1 Quality of the Environment
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development
 W DM2 Flood Risk

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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).

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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

PRINCIPLE

The site is located within an existing business park defined as being part of the built up area boundary area in both the Arun Local Plan 2003 (ALP) and the emerging Arun Local Plan 2011-2031 (eLP). The proposal is therefore acceptable in principle subject to normal development control criteria such as in this case; amenity, parking, and flood risk.

There are no policies in the ALP or BRNDP which refer to proposals concerning light industrial or business uses. However, policy EMP DM1 of the emerging Local Plan (which is considered to have weight in the determination of planning applications) sets out support for the enhancement of existing premises. It states that:

"The Council will seek to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy."

AMENITY:

The site is located within an existing business park where there are other existing vehicle repair related uses. However, to the south there is a residential street with the nearest residential dwelling being around 30m. It has therefore been necessary to consult with the Councils Environmental Health Officers who have expertise in assessing noise or air (fumes) pollution. They have raised no objection and have not requested any conditions in respect of noise management. It is also noted that there are no openings in the building to the rear and therefore any noise will escape to the front. On this basis, it is not considered that there is any conflict with policies GEN7, GEN32 or GEN34 of the ALP.

PARKING

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded those provided separately by West Sussex County Council. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways have assessed the application and consider that although the site currently operates with a car parking provision below the maximum anticipated demand and that this situation would continue as a result of this proposal, this is acceptable on the basis of the site's sustainable location such that employees can access the site without the need to drive. West Sussex do not consider that the installation of the MOT bay would result in a 'severe' impact on the operation of the highway network and therefore, there are no transport grounds to resist the proposal.

It is therefore considered that the proposal is in accordance with the relevant policies of the ALP and with the guidance within the NPPF.

FLOOD RISK

The Environment Agency website details designated flood zones and shows that the site lies within Flood Zone 3, which is considered to have a high probability of flooding. ALP policy GEN11 is noted but is not considered to be relevant to this proposal. Policy W DM2 of the eLP on the other hand states that Development in areas at risk from flooding will only be permitted where:

- (a) The sequential test in accordance with the National Planning Policy Guidance has been met;
- (b) A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall;
- (c) The scheme identifies adaptation and mitigation measures;
- (d) Appropriate flood warning and evacuation plans are in place; and
- (e) New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

In respect of (a), the NPPG defines industrial uses as being "less vulnerable" development. It goes on to state that less vulnerable development is appropriate in Flood Zone 3. In terms of the other criteria, the applicant has not provided a Flood Risk Assessment but this is considered to be acceptable given that the proposal does not change the use of the building and there is no new external development. It is therefore considered that the proposal complies with the relevant criteria and thus complies with policy W DM2 and the advice within the NPPG.

RECOMMENDATION:

It is not considered that the proposed MOT bay will result in any harm to the amenity of the area, cause obstruction to the highway or result in any safety concerns in respect of flooding. It is therefore considered that permission should 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:

1677/1 "Location Plan";
1677/2 "Block Plan"; and
1677/3 "Existing & Proposed Ground Floor Plans".

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 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.