

Recommendation Report for Planning Permission

REF NO: EP/1/26/PL

LOCATION: East Preston Depot
Station Road
East Preston
BN16 3RE

PROPOSAL: Change of use of A1 buildings & yard to B8 use with elevational alterations, including solar panels and changes to the parking layout. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application proposes the change of use of the buildings from Use Class A1 to B8 (storage) with minor amendments including alterations to openings, solar panels and the provision of a mezzanine level.
SITE AREA	2.77 hectares.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	3m high security fencing.
SITE CHARACTERISTICS	Industrial site consisting of two separate industrial styled units.
CHARACTER OF LOCALITY	The area has a mixed use with residential accommodation (apartments and small dwellings) located to the south and west of site. To the north is the train station. To the west and south are other industrial buildings with residential beyond.

RELEVANT SITE HISTORY

EP/51/12/	Change of use from vehicle servicing depot (B2 General Industry) to form building supplies merchants (A1 Shops) (this application is a dual parish with Angmering)	ApproveConditionally 26-07-12
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Noted.

REPRESENTATIONS

East Preston Parish Council - No objection.

No representations made from local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection with conditions.

- The Acoustic Assessment indicates a low to negligible impact on the local residential properties.
- It is not clear if there will be any plant or machinery on site (including for the proposed solar system) therefore if consent were to be granted would recommend a condition requiring further information of external plan/machinery.

ADC Estates - Support

- We are aware and supportive of this application for change of use.

National Rail - Advice

- Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.

WSCC Mineral and Waste - No comments to make.

WSCC Highways - Advice

- The junction into Station Road serves several commercial properties; police data over five years shows no recorded collisions or injury incidents, indicating no existing safety or capacity issues.
- No changes proposed to the location or geometry of existing accesses.
- The Western access gate will be set back 6m, allowing a vehicle to wait off the carriageway and maintain free flowing traffic.
- The 7.7m bell mouth junction allows two way vehicle movement without conflict; there are no visibility concerns.
- Our standards require 20 parking spaces, but accumulation assessment shows demand for about 10 such that the proposed 13 spaces are considered adequate and include an accessible bay.
- Parking dimensions and layout allow for forward gear egress.
- Cycle parking requirement is 6 spaces, 9 are proposed. Cycle parking should be secured by condition.
- TRICS assessment shows a significant reduction of approx. 321 daily movements under the proposed B8 use.
- Existing builder's merchant use included HGV traffic and reversing manoeuvres; whereas the proposed B8 use would mainly involve domestic vehicles, reducing large/slow vehicle movements.
- The site is sustainably located with good public transport options.
- The Highway Authority conclude the proposal will not result in highway safety concerns or severe cumulative impacts and therefore raises no transport objections under NPPF paragraph 116.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built-up Area Boundary

Within the defined 500m buffer of a waste site.

Surface water flood risk (0.1% AEP)

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

West Sussex Waste Local Plan 2014:

West Sussex Waste W2 Safeguarding Waste Management Sites

East Preston Neighbourhood Plan 2014 Policy 10

Local Shops and Employment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 no harm arises to the visual qualities of the area, the impact on neighbouring residents is acceptable, and the site is sustainably located and provides sufficient levels of on site parking.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is de-minimis.

CONCLUSIONS

PRINCIPLE

The site is located within the Built-Up Area Boundary (BUAB), where the principle of redevelopment is acceptable, subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

Policy 10 of the East Preston Neighbourhood Plan supports proposals to create new shops and businesses, provided they conform to other policies of the Plan.

WASTE SITE SAFEGUARDING

West Sussex Waste Plan Policy W2 states that development that would prevent or prejudice the use of existing waste management sites will not be permitted other than in four listed instances. However, this proposal will not result in any harm to the waste management site which is located on the opposite side of the railway. WSCC Waste and Minerals have not responded but in any case, no conflict with the policy has been determined.

DESIGN AND CHARACTER

This application is predominantly for a change of use of the building from an A1 use (Retail) to a B8 use (Storage). Some minor alterations to the external appearance are proposed, including:

- New roller door openings
- New pedestrian entrance doors and an opening leading to a small reception area
- New colour cladding
- Provision of solar panels

Plans indicate proposed signage; however, this is illustrative for the purposes of this application and would be subject to a separate advertisement consent application.

There is no change to the layout of the site or the size and scale of the two existing buildings, both of which are proposed to be converted for storage purposes. Overall, the proposal would result in minimal impact on the visual qualities of the area.

With regard to the proposed use, both buildings are to be internally converted, including the provision of a mezzanine level in Building A. The buildings will be subdivided into self-storage units of various sizes,

ranging from approximately 1.5sqm up to 28sqm. It is envisaged that these storage units will be predominantly used by the local residential population, as they are mainly domestic in scale. However, it is feasible that local businesses may make occasional use of the slightly larger units, operating in a similar fashion to lock-up garages. It should be noted that only five of these larger units are proposed.

The existing use of the building was as a builders' merchants, which itself included an element of storage (e.g., for materials), such that the proposed use will be similar in nature to the existing. When considering the proposed character of development, the change in use would also influence traffic movements and the type of users accessing the site. These matters would also contribute to discussions surrounding the impact to neighbours of the character of the development. These matters are discussed in later sections.

Overall, in terms of visual appearance and character, the proposed design is acceptable and accords with ALP policies D DM4 and D DM1.

RESIDENTIAL AMENITY

The site is located immediately to the south of Angmering-on-Sea railway station. To the west are other commercial and industrial uses, and to the south (on Station Road) is a residential building. This building is four storeys high and comprises residential apartments (Millers Court). The background noise level around the site is expected to be higher than in a purely residential area, particularly due to train arrivals and departures beginning as early as 5am.

An increase in the hours of operation is proposed to 06:00-22:00, seven days a week. This represents an additional 1.5 hours of operation in the early morning and 4.5 hours in the evening from Monday to Friday, an additional 2 hours on Saturday morning, and 9.5 hours over Saturday afternoon and all of Sunday. As outlined in the Transport section below, despite the extended operating hours, the number of daily vehicle movement, and therefore visits to the site, is expected to be lower than under the existing use. Evidence has also been provided indicating that users outside of 'normal' business hours do not make up a large proportion of customers. Users would also be expected to be private individuals, who are unlikely to generate significant noise when loading or unloading domestic items.

The Design and Access Statement states that the use of the building for storage, rather than as an A1 builders' merchant, will result in fewer noisy daily activities on site. This is due to the expected decrease in HGVs, large delivery vehicles, and customers, with no instances of material handling or the movement of plant machinery. Instead, access will primarily be by private individuals in domestic-sized vehicles.

An Acoustic Assessment and a Transport Statement have been submitted in support of this position.

The Acoustic Assessment correctly identifies Millers Court as the nearest sensitive receptor. Background noise levels were measured on site, and proposed noise levels were recorded at a comparable site operated by the applicant. It was found that at all assessed times, including during the final night time hour (06:00-07:00), anticipated noise levels would accord with relevant standards and would result in limited negative impact on the occupants of Millers Court. Environmental Health raised no objection to these findings.

Environmental Health did raise one concern relating to potential noise from machinery associated with the solar panels; however, they were satisfied that this matter could be addressed by condition without resulting in harm to the occupants of Millers Court. This approach is acceptable.

In terms of noise pollution and all other respects, the proposal would not adversely impact neighbouring residents and accords with ALP policies D DM4, D DM1, and QE DM1.

TRANSPORT AND PARKING

The site is in a highly sustainable location with good pedestrian, cycling and public transport links, which may help reduce staff parking demand. Most customers are expected to arrive by car to load or unload goods.

No amendments are proposed to the two access points into the site, except that an existing gate is to be relocated further from the highway to allow vehicles to pull into the site without blocking the road.

According to Arun Parking Standards, B8 uses require:

- 1 car parking space per 100sqm
- 1 staff cycle space per 500sqm
- 1 customer cycle space per 1000sqm

The proposed floor area is approximately 2,000sqm, generating a need for 20 car parking spaces. The site provides 13 spaces. This shortfall has been justified through a Transport Assessment, which demonstrates that, based on data from comparable sites operated by the applicant (adjusted for scale), a maximum of 10 spaces would be required at any one time. The 13 spaces provided therefore represent a 20% buffer above expected demand.

TRICS data also indicates a significant reduction in daily traffic movements when comparing the existing builders' merchant use to the proposed storage use. When compared to an alternative A1 use that could occupy the site (such as a discount retail store), the reduction would be even greater.

The existing use generates multiple daily movements from larger vehicles, including flat-bed lorries, HGVs and LGVs, which deliver goods to the store. The proposed use would instead primarily generate movements from private cars and vans. This, combined with the reduction in daily movements, would represent a positive change for nearby residents.

Nine cycle parking spaces will be provided, in accordance with the above standards.

The site is well located for public transport and has a substantial potential customer base in the local area. The reduction in noisy vehicles and fewer overall movements is beneficial. The proposal accords with ALP policy T SP1.

BIODIVERSITY

The site consists entirely of hardstanding and contains no protected species or habitats.

Although the proposal qualifies for the 'De Minimis' exemption from statutory Biodiversity Net Gain, a net gain is still expected under Policy ENV DM5. A condition has therefore been attached requiring submission of an ecological enhancement scheme prior to first use of the site.

ENERGY EFFICIENCY

The proposal includes the installation of a large solar array on the roof to support the building's energy needs. This is welcomed and accords with ALP policy ECC SP1, which seeks to ensure energy-efficient new development.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it 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.

CIL DETAILS

This application is not CIL liable as other development.

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:

- Location and Block Plan 2025/PL08
- Site Layout Plan Existing and Proposed 2025/PL01
- Building A Proposed Floor Plans 2025/PL03
- Building A Proposed Elevations 2025/PL07
- Building B Proposed Floor Plans and Elevations 2025/PL05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, D DM4, and QE SP1.

- 3 The 'Self-Storage' use hereby permitted shall not be operated at any time other than between the hours of 06:00 and 22:00 and at no other time.

Reason: To safeguard the amenities of nearby residents in accordance with Arun Local Plan

policies D DM1 and QE SP1.

- 4 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 5 Prior to the first use of any part of the development hereby permitted, a Biodiversity Enhancement scheme, providing the details and locations of biodiversity enhancement measures on site, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to the first use of any part of the development hereby approved and all such features shall be retained in that manner thereafter.

Reason: To provide on site ecological enhancement for protected, priority, and/or other species and habitats in accordance with Arun Local Plan policy ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These cycle parking spaces shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 7 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 8 No part of the development shall be first occupied until the car parking for the respective uses approved has been constructed in accordance with the approved Proposed Site Plan (Site Layout Plan Existing and Proposed 2025/PL01). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 9 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 11 INFORMATIVE: Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow the ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about the Asset Protection team and the services they offer.