

Recommendation Report for Planning Permission

REF NO: LU/252/19/PL

LOCATION: Yeomans Honda
Horsham Road
Littlehampton
BN17 6DN

PROPOSAL: Removal of existing low level brick wall, existing forecourt wall to be reduced in height & graded back into the site, part of forecourt & parking areas to be overlaid with a Dense Bitumum macadam (DBM) Wearing Course, parking spaces to be delineated with white thermoplastic paint & site frontage to be secured with bollards.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 1875 square metres.
TOPOGRAPHY	Site slopes toward the road.
TREES	None.
BOUNDARY TREATMENT	Approximately 1 metre high flint wall on the southern boundary. This is directly to the front of an approximately 2 metre high timber fence that encloses the garden of No. 1 Gosden Road
SITE CHARACTERISTICS	The site is occupied by purpose built structures housing a car sales garage and associate workshops and a hard surfaced forecourt. There are also various forms of advertising present both on the garage building and free-standing, this includes illuminated advertising.
CHARACTER OF LOCALITY	The site is located on a Class B Road which is predominantly residential with a mixture of dwelling designs present.

RELEVANT SITE HISTORY

LU/285/06/	Internal installation of new bay for MOT testing.	ApproveConditionally 02-11-06
LU/375/02/	Change of use from petrol forecourt to used car display area plus additional customer parking	ApproveConditionally 07-02-03
LU/243/92	Small external store attached to side of previously approved workshop extension	Approve 23-10-92

LU/183/91	New 3 bay extension to existing workshop/showroom	ApproveConditionally 16-09-91
LU/408/87	Proposed new car sales showroom extension and improvements to petrol sales forecourt	ApproveConditionally 21-09-87
LU/537/86	Improvements to existing petrol sales forecourt. New forecourt canopy, underground storage tank and conversion to self service operation	ApproveConditionally 02-02-87

Comments Noted. Officers note that site used to be a petrol filling station before permission was granted for the change to vehicle sales.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Parish Council: No objection.

No letters of neighbour comment have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Environment Agency

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: Does not object subject to confirmation of following:

Area has been suitable remediated as part of Permitted change from petrol filling to forecourt some years ago.

As tanks still in place and would be in area now being changed, would be unwise to disturb/infiltrate ground in this area.

Flow to main sewer would seem to have been a requirement of previous conversion.

There is no change in impermeable area (and therefore volume) being discharge to sewer. Therefore, if it can be shown that all of the above is correct with the new channel drains being connected via the same arrangements as previously and Southern Water have no concern regarding the revised arrangement, I have no objection to the proposals.

Management plan to ensure channel drains are cleaned out frequently - Avoid direct discharge to highway.

Environmental Health Officer: Does not object subject to imposition of conditions.

Highways Officer: No objection in principle subject to clarification of further info and imposition of suitable informative if required:

Applicant needs to ensure that none of the works will be within the extent of the public highway.

Applicant needs to clarify - The block plan demonstrates the existing slot drain at southern access aligns with the existing dwarf wall. This does not seem to be the case on the ground. This makes it difficult to establish if any of the proposed works, namely at the southern access point, will take place on the public highway

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed further within the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:
Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

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.

In this case the Littlehampton Neighbourhood Development Plan would Apply:

It is considered that only Policy 1 is relevant.

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. Additionally, the proposal would not have an adverse impact with regard to drainage.

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 lies within the built up area boundary where development is acceptable in principle and permission should be granted provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

VISUAL AMENITY:

Permission is sought for the removal of existing low level brick wall, existing forecourt wall to be reduced in height & graded back into the site, part of forecourt & parking areas to be overlaid with a Dense Bitumen Macadam (DBM) Wearing Course, parking spaces to be delineated with white thermoplastic paint & site frontage to be secured with bollards.

The application site is currently used for car sales (Honda). The proposals would upgrade the site and allow it to be better used for the purpose of car sales.

From an assesment of the proposals along with the Officer's site visit it is considered that they would be in keeping with the site and would not have a detrimental impact on the street scene or the wider are.

As such, It is considered that the proposals would comply with Policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and

unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Given the nature of the proposals and that the use of the site remains the same it is considered that they would not have a detrimental impact on the residential amenity of the occupiers of adjoining and nearby properties, such as the properties to the rear along Bellscroft Close.

The resitting and lowering of the wall and resurfacing of the forecourt proposed will not involve activities that would amount to a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to overlooking, overshadowing, overbearing impact and loss of light/sunlight.

As such, It is considered that the proposals would comply with Policy D DM1 of the Arun Local Plan.

DRAINAGE:

The Drainage Engineer has commented and they do not object subject to further clarification on a number of matters.

The Drainage Engineer notes that the area has been suitably remediated as part of Permitted change from petrol filling to forecourt some years ago. As tanks still in place and would be in area now being changed, would be unwise to disturb/infiltrate ground in this area.

They also note that there is no change in impermeable area (and therefore volume) being discharge to sewer.

Therefore, if it can be shown that all of the above is correct with the new channel drains being connected via the same arrangements as previously and Southern Water have no concern regarding the revised arrangement, I have no objection to the proposals.

They recommend a management plan to ensure channel drains are cleaned out frequently to avoid direct discharge of water to highway.

The applicant has confirmed via an email received on the 04/11/2019 that:

'The area was suitably remediated as part of the Permitted change from petrol filling to forecourt. The fuel tanks were slurry/grout filled. The tanks are still in place and would be in the area now being changed in terms of levels and so it would definitely be unwise to disturb and/or infiltrate to the ground in this area, both for the existence of the tanks and for any pollutants that may exist outside of the immediate tank area. I would point out again that the ground will not be broken to ensure that any potential pollutants will not be disturbed.'

Officers are satisfied, based on the above confirmation, that no ground will be broken and as such potential pollutants Identified by the Drainage Engineer would not be disturbed.

The applicant has also confirmed that there is no change in impermeable area (and therefore volume) being discharged to the sewer and that The new channel drains will be connected via the same arrangements as previously. Officers are satisfied with this. However, it is not clear, as requested by the Drainage Engineer, whether Southern Water are satisfied with this arrangement. As such, an informative would be imposed upon any grant of planning permission, requiring that the applicant get in contact with Southern Water to ensure that they are happy with the revised drainage arrangement.

The applicant has confirmed that the existing on site drainage will be fully cleaned to ensure that it is

operating correctly & that no direct discharge to the highway will occur. The applicant has an ongoing drainage management plan whereby the drainage system & in particular the drainage channels are cleared of any silt or vegetation on an annual basis.

Officers are satisfied that as the applicant already has a management plan for the cleaning out of the drains a condition requiring such is not necessary. An informative will be imposed on any grant of Planning permission requesting that The drains are cleared and that no water should discharge onto the highway.

It is therefore considered that the proposal is in accordance with Policy W DM3 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY:

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: 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"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

With regards to parking the proposal does not seek to alter the existing level. As such Officers consider off-road parking levels to be acceptable.

The Highways Officer has commented on this application and in principle has no concerns with the proposal. They note that none of the works must be within the extent of the public highway. Additionally, they note that there seems to be some inconsistencies between the existing features on the proposed plan and what is present on the ground. The block plan demonstrates the existing slot drain at southern access aligns with the existing dwarf wall. This does not seem to be the case on the ground. This makes it difficult to establish if any of the proposed works, namely at the southern access point, will take place on the public highway.

The applicant has confirmed that none of the works will take place on the public highway. Officers are satisfied.

As such it is considered that the proposal would not lead to any highway safety issues.

It is therefore considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan.

ENVIRONMENTAL HEALTH:

Do not object subject to the imposition of conditions. They state that should ground be broken as part of the proposal a contaminated land condition should also be imposed. The applicant has confirmed via email on the 04/11/19 that no ground would be broken as part of the proposal. Therefore Officers have not imposed the requested contaminated land condition. The small nature of the proposal is such that a construction management condition suggested is not necessary. This application does not propose a change of use so therefore it would not be both reasonable and necessary related to impose an operation hours as suggested by environmental health.

SUMMARY:

From the above assesment it is considered that the proposal would not compromise the visual amenity of the area, parking and highway safety, drainage or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following 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 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:

1701/3 - Proposed Site Plan
1701/4 - Existing Site Plan
1701/5 - Site Location Plan
1701/10 - Section Through Forecourt

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 There shall be no breaking up of or disturbing of the ground floor the subject of this application.

Reason: In the interests of the protection of the environment in accordance with policy QE DM4 of the Arun Local Plan.

- 4 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.
- 5 INFORMATIVE: Every effort should be made to ensure that no water shall directly discharge onto the highway and that all channel drains shall be cleaned out frequently.