

Parish: Sidlesham	Ward:
----------------------	-------

**SI/19/01193/FUL**

<b>Proposal</b>	Vehicular access; use of buildings for purposes within Use Classes B1 and B8 and for vehicle and boat repair and maintenance; retention of 4 no. portacabins and 5 no. storage containers for ancillary purposes; extension to existing parking areas with associated landscaping(retrospective application).		
<b>Site</b>	Units 1 To 7 Purchase Farm Easton Lane Sidlesham Chichester West Sussex PO20 7NU		
<b>Map Ref</b>	(E) 483270 (N) 97028		
<b>Applicant</b>	Mr Charles Renwick	<b>Agent</b>	Mr Paul White

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
---	---------------------	---

**1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site is located in a relatively isolated position on the Manhood Peninsula, roughly mid-way between Earnley and Sidlesham, and a few hundred metres to the north of the northernmost part of the Medmerry coastal realignment. The site accommodates a former agricultural building erected under agricultural permitted development rights in the early 2000s. Retrospective planning permission was subsequently granted in 2010 to subdivide the building into 7 commercial units for use for purposes within Class B1 (light industrial), Class B8 (storage and distribution) or for car and boat repair and maintenance (SI/09/03860/COU refers).
- 2.2 The site forms part of the wider, flat coastal landscape which is characterised by large arable fields defined by intermittent hedgerows and a network of drainage ditches. Easton Lane is a narrow, rural road with passing places, and forms part of the cross-peninsula route linking Selsey and Sidlesham to Bracklesham and the Witterings. There is a scattering of several dwellings, including the Grade II listed Easton Farmhouse and its converted flint barn, approximately 100m to the south-west of the building, with a range of modern agricultural buildings a similar distance to the east. A car park for visitors to Medmerry is located 200m to the south-east on the southern side of Easton Lane.

## **3.0 Background and the Proposal**

- 3.1 During the consideration of a (subsequently refused) 2018 planning application to erect a light industrial building on a parking area to the east of the converted building it became apparent that, without the benefit of planning permission, a range of physical works had recently been carried out at and on land immediately adjoining the 2010 planning application site. These included:
- i. A north-south orientated concrete access road linking the building and its parking area to Easton Lane at a point approximately 200m to the south-east of the building - it is understood that the access route originally ran to the south-west of the building past the adjacent dwellings
  - ii. Extensions to the existing parking areas in the form of consolidated hardcore-type surfaces adjoining (a) the eastern side of the existing parking area (approx. 2500m<sup>2</sup>) and (b) to the southern side of the south-eastern corner of the existing parking area (approx. 400m<sup>2</sup>)
  - iii. The formation of grassed bunds to a height of approximately 2m along the southern sides of the above parking areas
  - iv. The stationing of 10 portacabins on the site, understood to be serving the businesses associated with Unit 6, BMS Cars
  - v. The positioning of 5 no. shipping containers located in various positions behind (to the north) and to the east of the building, understood to be used by various business at the site
- 3.2 Alongside the physical development outlined above, it was also apparent that the commercial activities at the site had materially intensified in the years leading up to the 2018 application with upwards of 200 vehicles - a significant proportion of which appeared not to be in a roadworthy condition - being stored on the land. This intensification has been referred to by both the Parish Council and a number of other contributors to the application who have alleged various breaches of the 2010 consent.

- 3.3 Following the 2018 planning application a Planning Enforcement investigation was commenced. Whilst this investigation remains ongoing, it has become apparent that the majority of the additional activity and associated development at the site can be attributed to activities associated with the BMS Cars business occupying Unit 6.
- 3.4 The current planning application has been submitted in an attempt to address the issues raised during the Enforcement investigation. The details of the proposal have been subject to extensive discussions during the course of the application, with these discussions primarily involving the applicant's (i.e. the site owner's) planning agent, BMS Cars and DM and Enforcement Officers. However, it is understood that, on behalf of the site owner, the planning agent has discussed the issues raised by the application with the tenants of the other commercial units at the site.
- 3.5 As a result of these discussions the application has been subject to substantial amendment and now proposes the following:
- Retention of the access road as described at paragraph 3.1 (i) above
  - Retention of the two grassed bunds
  - Retention of the parking area referred to at 3.1(ii)(b) above
  - Removal of approximately 70% of the parking area referred to at 3.1(ii)(a) followed by reinstatement of the land in accordance with a planting scheme to be agreed with the Council - these works are subject to separate enforcement action. The retention of the remaining area of recently-formed hard surface would result in a modest eastward extension to the permitted parking area in this part of the site (to the east of the building), with its new boundary on the same alignment as the eastern side of the access road
  - Removal from the site of 6 of the 10 portacabins - 2 are proposed to be retained in front of the building and 2 behind (stacked)
  - Movement of all of the above-mentioned shipping containers to the rear of the building - these are then proposed to be painted a muted colour.
- 3.6 As part of the discussions during the application the owner of BMS Cars has confirmed that certain aspects of its various businesses, including those relating to car sales and the purchase of scrapped vehicles, will be moved off the site to an alternative location, with these changes to their operations enabling the amendments referred to above.
- 3.7 The applicant has confirmed that the remaining portacabins and containers would be used for purposes ancillary to the permitted uses with the main building as described in the description of the development above i.e. vehicle repair and maintenance. Further, it is also noted that, relative to the 2010 permission, the applicant proposes that the scope of vehicle servicing be increased from 'cars' to include all motor vehicles below a 3.5 tonne weight limit. The applicant also now proposes working hour restrictions; there are currently none attached to the 2010 planning permission.

#### 4.0 History

09/03860/COU	PER106	Change of use of former Farm building to B1 and B8 uses together with car servicing and repair and boat repair/maintenance.
18/02396/FUL	REF	Proposed new light industrial units.

03/03447/PNO	NOPA	New agricultural building.
07/02529/PNO	NOPA	Lean to extension to existing grain store.
09/03860/COU	PER106	Change of use of former Farm building to B1 and B8 uses together with car servicing and repair and boat repair/maintenance.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## 6.0 **Representations and Consultations**

All comments summarised unless stated otherwise.

### 6.1 **Sidlesham Parish Council - in full**

Comment of 19 December 2019

The PC decided to rescind its letter of 4th December 2019 following local evidence regarding the Application. It considers this an inappropriate site for the size of operation and an overdevelopment in a rural area. It objects on the following grounds:

a) Environmental. The site is adjacent to Medmerry Nature Reserve and the car transporters and equipment are clearly visible to walkers on the reserve. The foul drainage from car maintenance seeps into the watercourse and will contaminate Nature Reserve land. There is no wash down bay and no indication of how contaminants are treated and disposed of. Secondly, cars will be parked adjacent to the ancient pond on the neighbouring property. This is a known habitat for great crested newts, a protected species. The hard standing area identified on the plan to the east of the pond, to be used for parked cars, was wild and known to be a habitat for newts when the pond dries in summer.

b) Road concerns. Easton Lane is a narrow, largely single track lane. It has been brought to the Council's attention that in the original application for industrial units at this site, WSCC Highways clearly acknowledged the unsuitability of Easton Lane to support the proposed work units. Yet, there is no objection from highways to this escalation of traffic movements to and from the site. It is unsuitable for the large number of cars being tested on the lane and vehicle transporters which block and cause damage to the lane. This Council asks that highways be requested to make a site visit and not to rely on a desktop assessment of this narrow, winding lane.

c) Drainage. The property shares a cesspit with Easton Farmhouse. The cesspit is proving to be inadequate for the number of employees on site which has grown from the original 15 to over 50. The cesspit is now subject to regular flooding on the neighbour's drive. The Parish requests a site visit from Environmental Health to assess the adequacy of facilities on site.

d) Overdevelopment. This is a rural location and unsuitable for the size of operation proposed in the application. The PC believes the operation on that site should be scaled back to that agreed in its original planning permission in 2010 and an alternative site found for the expansion.

Comment of 4 December 2019

The Parish Council appreciates the efforts made by the applicant and therefore withdraws its objection on condition that the applicant's revised business plan to reduce activity on the site is maintained. The Council would like a condition placed on consent that there will be no further expansion on site.

Comment of 20 June 2019

The Parish Council objects to this Application. Easton Lane is a narrow country lane and not suitable for the volume of traffic generated by this operation. It has expanded greatly from its original planning consent with the addition of numerous portacabins and parking for customers and staff. The business does not require a country location and the PC believes that it should seek alternative premises.

## 6.2 WSCC Local Highway Authority

Comment of 11 December 2019

No objection to access arrangements. The lane is narrow in places and is already used by large horticultural vehicles. Whilst no supporting information has been submitted in respect of vehicle movements there is an assumption that any arising from the proposal will not be significant as they relate to existing businesses. Restrictive occupancy conditions should be imposed.

## 6.3 CDC Economic Development Service

Economic Development continues to support this application. BMS is a thriving business, which makes a positive contribution to the local economy. Their presence on the site provides a valuable service to a wide range of local businesses and local people based in and around the Manhood Peninsula who make use of their automotive services. BMS has responded positively to the concerns, which have been raised during the planning process and adjusted their operating model accordingly. These adjustments will reduce pressures on the site.

## 6.4 CDC Environmental Health Officer

Comments of 10 March 2019

The submitted Noise Impact Assessment has been conducted in accordance with the most relevant British Standard namely BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound. Our department accepts the noise survey, methodology, calculations and assessment results provided. The noise impact assessment can therefore be used to inform a scheme of noise control for the site and also inform acceptable hours of operation.

It is understood that the applicant has provided a revised proposal for times of operation of the site, Monday to Friday 07:00 to 18:00, Saturday 08:00 to 14:00 and no operations at any other times or at any time Sunday, Bank Holiday and Public Holidays. In light of the findings of the noise impact assessment, our department would be accepting of these revised hours on the proviso that a Scheme of Noise Control is submitted to the Local Planning Authority for written approval, prior any revised permission being implemented.

It is considered that a Scheme of Noise Control shall include the following (the recommendations have been adapted from those provided in Appendix D, 24 Acoustics Noise Impact Assessment (R8318-1 Rev2, 6th Feb 2020):

- Operations at site, to include mechanical plant, vehicle movements and jet washing shall give rise to a rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level. Background sound levels are provided in 24 Acoustics Noise Impact Assessment (R8318-1 Rev2, 6th Feb 2020). It is evident that the following measures are required in the Scheme of Noise Control, in order to comply with the noise level condition.
- Roller shutter doors of Units 1 - 3 must remain closed when noisy hand tools are in use within the units. (Doors can remain open during short periods of engine testing and forklift use, for ventilation purposes, however noisy hand tools will not be operated when doors are open).
- No mechanical plant is to operate outside the units other than jet washing and the BMS air compressor. The air compressor shall be situated within the existing container.
- Jet washing must only take place within a dedicated bay with a 2m high close boarded fence in place, with a minimum surface density of 12kg/m<sup>2</sup>. A plan detailing the location of the screened jet washing bay shall be submitted for approval prior to operation.
- No mechanical works are to take place outside of industrial units.
- No scrapped vehicles will be stored or worked on at site.
- No servicing, repairs will be carried out on vehicles over 3.5 tonne that can't be driven on a general car licence.
- Parking is permitted in designated parking areas only.
- Vehicles must not be left to idle unnecessarily.
- Staff radios shall be kept to a reasonable volume as not to cause disturbance outside of the site boundary.
- All employees shall be briefed any approved Scheme of Noise Control. A training log shall be kept of all staff that have been briefed. The training log shall be made available to any Local Authority Officer on request.

- Reminders to minimise noise emissions will be included in health and safety briefings to staff on a regular basis and these reminders shall be documented in the training log.
- Any complaint relating to noise from the site must be logged. Site management shall identify the source of the noise resulting in the complaint. Appropriate action will be taken to mitigate the noise and to prevent any re-occurrence. The results of and conclusions to the investigation will be communicated to the complainant. The complaint log shall be made available to any Local Authority Officer on request.
- The approved Scheme of Noise Control shall be maintained. Any alterations to the Scheme will require formal written approval from the LPA.

In addition, it is noted that in the submitted Environmental Report Form it is confirmed that the site is served by a BioBubble Waste Water and Sludge Treatment Plant that is routinely maintained and serviced. Our department received an anonymous enquiry regarding foul waste disposal, at site, in 2016 but have received no formal complaints since. If there were any reported issues with foul sewage discharges, on to neighbouring property, we would be required to investigate under the Environmental Protection Act 1990, statutory nuisance legislation.

It is considered that further details are required as to the run off from the car-wash bay, namely the detergents used and the provision of the soak-away. The Environment Report recommends the soak-away is due to be enhanced with the addition of a "grit trap" and a cleaning scheduled is referenced to remove any larger debris from the car wash bay. Once further details have been provided, it is recommended that these safeguards are a stipulation of any permission granted. The run off from the car-wash bay shall not go through the waste water and sludge treatment plant, it would be useful to have this point clarified. It is considered it would be preferable that any run off from the car-wash bay is captured into a sealed tank that is emptied on a required basis.

Comments of 4 December 2019

Our department felt it necessary to stipulate that noise control conditions were attached to the original planning permission SI/09/03860/COU. It appears that not all of the requested conditions were imposed, and that some of those that were, were not complied with.

At this time, it is not evident that there are adequate noise control measures in place at the application site, in accordance with the current planning permission. It is considered that these matters should be resolved prior to any new permission being granted. It is considered that a scheme of noise control should be submitted with the current application demonstrating compliance with BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound"

It is recognised that a Scheme of Noise Control could include the use of physical mitigation measures such as shutting doors, acoustic barriers, enclosures and silencers. Noise control can also include a host of practicable management measures such as non-idling vehicles, no loud radios, training of staff, complaints procedure etc.

In our department's original submission, in 2009, recommended hours of operation were provided. It is considered that these times could be revised to:  
Monday to Friday 08:00 to 18:00; Saturday 08:00 to 13:00; no operations at any other times or at any-time Sunday, Bank Holiday and Public Holiday.

## 6.5 CDC Drainage Engineer

Considering the scale/location of the new areas of car park we are minded to accept that the car park is being satisfactorily drained (permeable). Therefore subject to you being satisfied that the new areas of car park have been constructed as per the drawings (to be demonstrated by exposure/inspection), we are satisfied that the car park is fit for purpose and that there should be no adverse surface water impacts. Permeable parking should also intercept any minor oil spills and control pollution close to the source

## 6.6 CDC Environmental Protection - ecology

### Great Crested Newts

It is disappointing to see that two areas of grassland on the site either side of the access road have been converted to parking previously.

However it is noted that the parking area to the west of the access road was converted a substantial time ago at some point between 2007 - 2013. Though evidence of Great Crested Newts (GCNs) has been identified in the pond to the west of the site, this was only identified during survey work which took place in 2016 after the area of parking was created. Due to there being no evidence of GCNs onsite prior to 2016 we cannot assume that GCNs would have been harmed by the creation of the car park to the west of the access road between 2007 - 2013. Similarly, continuation of the use of this area should not harm the existing GCN population, subject to clarification as to how this parking area is drained.

As shown in the plans the east of the access road is now being returned to grassland. This should be done with GCNs in mind and the habitat created enhanced for this species. We require that the landscaping plan for this area is created with input from a suitably qualified ecologist and a condition should be used to ensure this takes place.

### Bats

The Block plan 1190/SK02 revision 02 illustrates that a planting buffer will be created and this will need to include a variety of native species which are of a reasonable size to create an instant ecological corridor. As detailed above for GCNs this area should be designed with input from a suitably qualified ecologist and a condition should be used to ensure this takes place. Any external lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

### Medmerry

Following submission of the Environmental Report Form (Jan 2020) the surface water drainage on the site is going into a soakaway and suitable protection measures are in place to ensure there is no run off. Due to this we are satisfied that there is no likely significant effect on Medmerry Compensatory Habitat.

## 6.7 Third Party Representations

30 Third Party Objection from 18 correspondents

- a) Many conditions of original consent have been breached
- b) Business has outgrown site
- c) Traffic regularly blocks the lane and causes highway safety issues
- d) Inadequate traffic information has been submitted
- e) Significant noise generation
- f) Permission was meant to be for a low key operation
- g) Harmful to tranquil character of locality and amenity of nearby residents
- h) Owners shouldn't be allowed to ignore planning rules
- i) Site resembles full-blown industrial estate and is visually harmful
- j) Detrimental to enjoyment of Medmerry
- k) Drainage cannot cope - there have been incidences of overflowing of septic tank serving site
- l) Pollution from parking areas and scrapped cars
- m) Inaccurate information provided by applicant
- n) Local infrastructure cannot cope
- o) No public transport to site
- p) Harmful to ecology including Great Crested Newts
- q) Development is contrary to various Local Plan policies
- r) Local water resources should not be contaminated
- s) Neighbouring occupiers are not being treated fairly, the planning application process has been very one-sided
- t) Neighbour's questions about the application process have not been answered

20 Third Party letters of support have been received concerning:

- a) Existing businesses valued by local community
- b) Jobs should not be threatened
- c) Large agricultural vehicles already use the lanes surrounding the site

## 6.8 Applicant/Agent's Supporting Information

The site benefits from a planning consent approved in 2010 for B1 and B8 uses with car servicing and repair and boat repair/maintenance.

The site currently has unrestricted working hours as there is no working hours condition in the planning consent. 7 businesses operate from the site and they are all in the vehicle and boat trades.

The businesses provide significant levels of employment, the largest BMS cars employing 36 staff and 3 sub-contractors. Between them the other 6 tenants provide a further 10 jobs and work for 10 more sub-contractors. The employment benefits have been recognised by your own Economic Development officer as well as the valuable service the trades bring to local people based in and around the Manhood Peninsula who make use of the automotive and boat services.

As the businesses have grown and prospered, so the level of activity has increased and the ancillary parking for BMS Cars has been extended and additional portacabins and

storage containers have been put on the site. This has necessitated this retrospective planning application.

When it was submitted, the application included a much larger area of car parking which extended to the east of the access road, with 10 portacabins and 7 storage containers on site. Since then, plans have been made to scale back the activities for which planning consent is sought - it now proposes the retention of only 4 no. portacabins and 5 storage containers, this will in turn mean a large number of staff being relocated, for which other sites are currently being sourced, subject to planning.

The remaining portacabins will be used as reception, office, staffroom and a waiting room for customers to BMS Cars for vehicle servicing and MOT's. The 5 no. storage containers which are used by all businesses on site and have been here for over 10 years, will be located behind the main building approved in 2010 consent. The car parking area will also be reduced in size by approximately 32% and will be confined to the land on the west side of the access road. The eventual number of spaces will depend on a useable car park layout and the identified boat storage areas. All the car parking previously shown on the east side of the access will revert to grass.

All portacabins and storage containers will be re-painted in muted colours to be agreed with the LPA and conditioned in the usual way. No scrapped vehicles will be stored or worked on at site. No servicing, repairs will be carried out on vehicles over 3.5 tonne that can't be driven on a general car licence.

The most important consideration however is that the applicant has volunteered a future hours of operation condition. Although unrestricted at present, the proposed hours will be Monday to Friday 07:00 to 18:00, Saturday 08:00 to 14:00 and no operations at any other times or at any time Sunday, Bank Holiday and Public Holidays.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 3: The Economy and Employment Provision  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 26: Existing Employment Sites  
Policy 39: Transport, Accessibility and Parking  
Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 6, 9 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

### Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Surface Water and Foul Drainage SPD

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Background
- ii) Scope of proposed use and the principle of additional parking areas
- iii) Impact on the appearance of the locality
- iv) Noise - impact on rural character and residential amenity
- v) Highway Safety
- vi) Drainage
- vii) Ecological impacts

i) Background

- 8.2 At the outset of this assessment it is important to establish that the principle of a commercial use at the site involving broadly the same range of uses as are proposed in this application has already been established through the 2010 planning permission referred to above. This fall-back position is an important material consideration in this case and should form the benchmark against which the changes proposed in the current application are assessed.
- 8.3 It is also important to note that whilst there is an ongoing Planning Enforcement investigation relating to the site, the current application must be considered on its own merits. If planning permission were to be granted and then implemented, it would be necessary for the applicant to ensure compliance with the terms of that permission, including any planning conditions attached to it. If breaches of the permission were to take place then these could be subject to enforcement action.
- 8.4 Notwithstanding this background information, the comments of the Parish Council and third parties about the impact of the existing activities at the site have been carefully taken into account when considering the merits of the current proposal, including the scope of any planning conditions.

ii) Scope of proposed use and the principle of additional parking areas

- 8.5 The range of uses proposed is broadly consistent with those permitted under the 2010 planning permission. The one area of deviation relates to the applicant's desire to increase the scope of motor vehicles that may be serviced from 'cars' to 'vehicles'. In this respect the applicant has explained his intention to service vehicles of up to 3.5 tonne weight limit.
- 8.6 In this regard, there is no policy objection in principle to extending the scope of vehicles as proposed as doing so should not in itself lead to an unacceptable intensification or change in character of activity at the site - the size of the buildings is considered to be the primary limiting factor in terms of the number of vehicles that can be serviced during any given period. Permitting the servicing of vehicles beyond this size (i.e. those statutorily defined as Heavy Goods Vehicles and above 3.5 tonne in weight) would not, however, be appropriate given the narrow nature of the rural lanes that provide access to the site.
- 8.7 Accordingly, the proposal to increase the scope of vehicles serviced at the site is acceptable subject to the conditions set out in the recommendation below which seeks to ensure that these will not include Heavy Goods Vehicles.
- 8.8 The comments of neighbouring occupiers about the site currently being used for the repair of scrapped vehicles are noted. In this regard officers have witnessed the presence of a large number of vehicles that appear to have been at the site for some considerable time and which detract from the appearance of the locality. There is also some evidence of vehicles being brought to the site on large, multi-deck car transporters, which is considered generally inappropriate given the surrounding rural road network as described above.

8.9 Whilst the application must be considered on its own merits, when considering the currently proposal to widen the permitted use and increase the size of parking areas it is legitimate to give some weight to evidence around recent activities at the site when considering what future controls might be appropriate. In this respect a number of restrictions are proposed in the recommendation below in order to control the nature and intensity of the vehicle repair and maintenance activities, and these can be summarised as follows:

- No motor vehicles another than those with current UK road tax to be serviced or repaired
- No scrapped or written-off vehicles to be serviced, repaired or stored at the site
- Any vehicles required to be delivered to the site for servicing or repair shall not to be brought to the site other than using vehicles designed to transport a maximum of one vehicle

8.10 The visual impact of the additional parking areas is assessed in the subsequent sections of the report. In terms of the principle of providing additional parking, it is accepted that an increase in the relatively modest areas permitted in 2010 is reasonable given the scale of the main building and the number of businesses it accommodates.

8.11 As with widening the scope of vehicles that may be serviced, any increase in the permitted parking area should not in itself lead to an intensification of activity at the site. It is, however, considered reasonable and necessary to ensure that the use of parking areas is controlled and limited by planning conditions as follows:

- such areas to be used solely for the purposes of parking staff vehicles and motor vehicles and boats belonging to customers awaiting maintenance or repair
- no scrapped vehicles to be stored at the site
- no outside working on vehicles or storage of materials

8.12 With regard to the retention of 4 portacabins at the site, whilst there are some concerns regarding the necessity for this extent of additional accommodation, the recommendation below requires them to be used solely for purposes ancillary to the use being carried out in the main building, and if this transpires not be the case then enforcement action could be taken. A planning condition is set out below requiring the remaining 6 portabins to be removed within 6 months of the date of permission being granted and, accordingly, this element of the proposal can be supported. The retention of 4 shipping containers in order to provide ancillary storage is likewise considered acceptable in principle.

8.13 In summary, the proposed changes to scope of the use and the retention of additional parking and ancillary accommodation and storage are considered acceptable in principle, subject to detailed consideration of various detailed matters in the following sections of this report and the conditions set out in the recommendation below.

iii) Impact on the appearance of the locality

8.14 Taking each of the elements set out in paragraph 3.5 above in turn, the access as constructed is considered acceptable in terms of its appearance, being not dissimilar to or out of character with other farm accesses seen in the locality. The Highway Authority has raised no objections in terms of highway safety. A planning condition is

proposed below which seeks to prevent parking on the access road in order to minimise the perception of visual clutter in the locality.

- 8.15 Being set back approximately 100m from Easton Lane, the eastward extension of the existing parking area that is to be retained - capable of accommodating around 30 parked cars - will have very little impact on the character and appearance of the locality, with views largely restricted to those available from the site access. As noted above, planting is proposed both in the form of a belt along this area's eastern boundary and also on the adjacent land which is to be reinstated, with this to be secured by an appropriately worded planning condition and also under the terms of the Enforcement Notice.
- 8.16 The extended parking area referred to at paragraph 3.1(ii)(b) above could accommodate approximately 20-25 cars. In terms of public views, this area is seen against the backdrop of the current buildings and is screened to a significant extent by the grass bund located along its southern side. The retention of this parking area should not, therefore, result in material harm to the appearance of the locality.
- 8.17 As noted above, the two, 2m high grassed bunds serve to soften views of both the recently formed and original parking areas and the activity within them, and are appropriate and visually acceptable features in their own right. Their retention can, therefore, be supported.
- 8.18 Two of the proposed four portacabins to be retained at the site would be located to the front of Unit 6 and would provide office and visitor reception facilities. Two further cabins would be stacked to the rear of the main building and would provide further office and staff welfare accommodation. Due to the height and siting of the portacabins and the presence of existing screening, it is unlikely that they will be subject to anything other than glimpses from outside the immediate confines of the site, and will not be visually intrusive or harmful in the wider landscape.
- 8.19 The two existing shipping containers currently located to the east of the building will be relocated to its rear (north), which will result in an improvement to the appearance of the site when viewed from public vantage points. Again, this can be secured by planning condition.

iv) Noise - impact on rural character and residential amenity

- 8.20 In response to the Environmental Health Officer's original comments the applicant has commissioned a Noise Impact Assessment. This details the results of a noise survey of the current operations at the site, with its results used to predict noise levels at nearby residential properties. The assessment concludes that the current activities are having a low impact on nearby receptors and proposes a noise control scheme comprising on-going measures aimed at ensuring compliance with noise criteria.
- 8.21 As can be noted from the EHO's latest consultation response, the findings of the applicant's assessment are largely accepted. The EHO therefore supports the application subject to a number of proposed conditions.

8.22 Accordingly, the recommendation below includes a number of noise-related conditions including:

- adherence to maximum noise levels at nearest dwellings
- submission of and adherence to a noise mitigation and management scheme
- Repair of vehicles only within the associated buildings and not outside
- no valeting/pressure washing of vehicles outside of buildings unless and until details of sound attenuation and water disposal measures have first been agreed in writing.

8.23 With regard to the issue of the operating hours of the site, it is important to note that the existing planning permission does not contain any restriction in this regard. However, the potential for imposing operating hours in the event of this application being permitted has been discussed at length with the applicant (who is the site owner and landlord to all tenants), and as noted at paragraph 6.7 above the applicant's latest position is that it would be prepared to adhere to the following working hours - Monday to Friday 07:00 to 18:00, Saturday 08:00 to 14:00 and no operations at any other times or at any time Sunday, Bank Holiday and Public Holidays.

8.24 The hours proposed by the applicant are broadly in line with current practice in relation to the introduction of commercial uses into noise-sensitive location. The opportunity to introduce such controls to the site therefore represents a very significant improvement in terms of the level of environmental control relating to the site and is a material consideration that weighs heavily in favour of the application.

8.25 In summary, the proposals are considered acceptable in terms of noise issues subject to adherence to the conditions set out in the recommendation below.

v) Highway safety

8.26 The application involves relatively minor changes to the permitted activities and, subject to the conditions set out in the recommendation below, should not result in a significant increase in vehicular movements in the locality of the site. As noted from its response, the Local Highway Authority has raised no objections in terms of highway safety or parking provision.

vi) Drainage

8.27 In terms of surface water disposal, the applicant has provided details of the construction of the areas of recently formed parking to be retained as part of this application, and this has been verified by an inspection by officers. The Drainage Officer has confirmed that these permeable areas are acceptable from a drainage-hierarchy point of view and, further, that the method of construction should ensure that any minor fuel or oil spills from parked cars are prevented from entering the wider groundwater network.

8.28 With regard to foul disposal, it is understood that the site currently drains to a private septic tank. Some nearby residents have raised concerns about the adequacy of this tank, citing alleged incidents of the tank overflowing. These concerns have been drawn to the attention of the Environmental Health Officer who has raised the issue with the site owner.

8.29 In this regard it should be noted that the original planning permission contained no provisions regarding foul sewage disposal. This application proposes relatively minor changes to the scope of permitted activities and, accordingly, it would not be appropriate to use the current proposals as a means to rectify alleged shortcomings with the existing sewage system. However, the EHO will continue to monitor the situation and, if problems do arise, can consider taking action under the relevant environmental legislation.

vii) Ecological impacts

8.30 The Environment Officer (EO) has confirmed that there is no evidence that formation of the unauthorised parking areas has resulted to harm to any protected species, including Great Crested Newts, and nor should retention of these areas result in any such harm. In accordance with the EO's comments, however, a condition is proposed requiring the reinstated area of land to be landscaped to provide a suitable GCN habitat.

8.31 With regard to Medmerry, the EO has confirmed that the permeable construction of the retained areas of car parking should ensure that contaminants do not enter its waters. Accordingly, when carrying out an appropriate assessment under The Conservation of Habitats and Species Regulations 2017, it is concluded that the proposals would have no likely significant effect on the Medmerry Compensatory Habitat.

Conclusion

8.32 The intensification of activity at the site has given rise to concerns around, amongst other things, a change in character of the locality and an impact on residential amenity. The proposals seek to address those concerns by retaining only a relatively small proportion of the recently formed unauthorised parking areas and reinstating the balance of these areas to an appropriate condition. Other elements of the proposals, such as the removal and/or re-siting of temporary buildings and structures, will also assist in reducing the intensity of use of the site and prevent harmful sprawl of the built form.

8.33 Proposed conditions set out below seek to ensure that any environmental impacts are kept to a minimum, and provide for further express control of the use of the site. The restriction of the site's hours of operation is a significant benefit when compared to the fall-back position, and is a material consideration that weighs heavily in favour of the application.

8.34 Having regard to the economic benefit of maintaining the site in a productive commercial use it is considered that the proposal is acceptable, having regard to the impact on the character and appearance of the locality, the amenity of nearby residents, highway safety and other relevant material considerations,. It is therefore recommended that, subject to the conditions set out below, permission is granted.

## Human Rights

8.36 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

### **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

**2) Within 26 weeks of the date of this notice:**

- a) the 6 no. existing portable buildings annotated as 'remove' on submitted drawing reference 1190/SK02 Rev02 REF:102 shall be permanently removed from the site; and
- b) the 4 no. remaining portable buildings shall be relocated to positions J, K and C as indicated on application drawing 1190/SK02 Rev 02 REF:100 (submitted 11 March 2020); and
- c) the 2 no. shipping containers annotated as 'relocate' on application drawing 1190/SK02 Rev02 REF:102 shall be relocated to positions F and G as annotated on application drawing 1190/SK03 REF:100 and painted a colour that has first been agreed in writing with the Local Planning Authority.

Thereafter, all portable buildings or structures shall not be used other than for purposes ancillary to the permitted use of the principal building, and no additional such buildings or structures shall be placed on the site unless done so with the specific grant of planning permission.

Reason: To accord with the details of this part-retrospective planning application and to control the extent and intensity of activity at the site in the interests of the character and appearance of the locality and the amenity of nearby residents.

**3) Within 8 weeks of the date of this notice** a scheme detailing the reinstatement of the land annotated as 'Area to be reinstated' on application drawing 1190/SK03 REF:100 shall be submitted to the Local Planning Authority. For the avoidance of doubt the submitted details shall include a programme of works and planting and shall make specific provision for habitat suitable for Great Crested Newts. Once approved, the scheme shall be carried out in full accordance with the agreed details and programme and any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To control the extent and intensity of activity at the site in the interests of the character and appearance of the locality, and to preserve the conservation status of protected species.

4) **Within 8 weeks of the date of this notice** a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the site on the locality and a programme of implementation shall be submitted to the Local Planning Authority. Once approved the scheme shall be carried out in full accordance with the approved measures and programme including any ongoing requirements.

Reason: In order to preserve the character of the area and the amenity of nearby residents.

5) Notwithstanding the information contained in the application, no vehicle washing or valeting shall take place outside of the existing building unless done so in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt such details shall include the location of the activity and measures relating to noise attenuation and surface water disposal.

Reason: In order to protect the amenity of nearby residents and the integrity of nearby ecological assets.

6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building the subject of this planning permission shall be used only for purposes within Classes B1 and B8 of that Order or for motor vehicle and boat repair and maintenance, and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To comply with the terms of the application and to ensure the use of the building complies with the planning policies relevant to the proposal and does not have a harmful impact upon the character and amenity of the locality.

7) The parking, servicing and maintenance of the following categories of motor vehicles shall not take place or be carried out at the site:

- a) Heavy Good Vehicles (vehicles exceeding 3500kg Gross Weight)
- b) Any vehicle that;
  - (i) has been scrapped; or
  - (ii) is written-off; or
  - (iii) is not the subject of current UK Road Tax

Reason: To control the nature and intensity of the use in the interests of the character and appearance of the locality and the amenity of nearby residents.

8) In circumstances where it is necessary to convey vehicles to the site for the purposes of their maintenance or repair they shall not be brought to the site other than under their own power or using vehicles designed to transport a maximum of one vehicle.

Reason: To control the nature and intensity of the use in the interests of the character of the locality, highway safety and the amenity of nearby residents

9) No vehicle parking shall take place on any part of the access road serving the development.

Reason: To control the nature and intensity of the use in the interests of the character and appearance of the locality and the amenity of nearby residents.

10) With the exception of any vehicle washing activities permitted under the terms of condition 5, the repair and maintenance use hereby permitted shall not take place other than within the existing building on the site.

Reason: In order to preserve the character of the area and the amenity of nearby residents.

11) Other than for the purposes stated, and in the areas annotated on application drawing 1190/SK03 REF:100, no storage of materials or equipment shall take place within the application site other than within the principal building or the ancillary buildings hereby permitted.

Reason: In order to preserve the character of the area and the amenity of nearby residents.

12) The use hereby permitted shall not be carried on except between the hours of 07.00 and 18.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturday and at no time on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties and the rural character of the locality.

13) Operations at site, including those relating to mechanical plant, vehicle movements and vehicle washing shall not give rise to a Rating Level, as determined 1m from the façade of the most sensitive receptors, that is greater than the established, representative background sound level as set out in the submitted 24 Acoustics Noise Impact Assessment (R8318-1 Rev2, 6th Feb 2020). The Rating Level to be determined in accordance with BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound".

Reason: In the interests of the predominantly rural character of the locality and the amenity of nearby residents

14) No external lighting shall be installed at the site unless done so in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and the rural character of the locality.

15) The parking areas hereby permitted and as identified on application drawing 1190/SK03 REF:100 shall be maintained in perpetuity in accordance with the construction and surface water drainage details set out in the submitted BMS Motors Car Park Extension Landscape Drainage Report 18.02.20.

Reason: To ensure the parking areas are satisfactorily drained in order to reduce the risk of surface water flooding in the locality and to protect the local environment.

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN	1190/SK01	REV 03	21.11.2019	Approved
PLAN	1190/SK02 REV 02	102	19.11.2019	Approved
PLAN	1190/SK03	100	16.03.2020	Approved

## INFORMATIVES

1) 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.

For further information on this application please contact Steve Harris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQTD76ERKEZ00>