

Recommendation Report for Planning Permission**REF NO:** **AW/120/12/****LOCATION:** Barclays Bank Plc
 6 Nyetimber Lane
 Bognor Regis**PROPOSAL:** Installation of 1 no. new condenser unit.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed air conditioning unit measures approximately 0.9m in width, depth of 0.4m and a height of 0.6m.
SITE AREA	Approximately 468 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the highway.
SITE CHARACTERISTICS	Single storey building with flat roof single storey extension on rear, dormer to front. The property has white painted render and brickwork. white window frames with a red tiled roof. ATM machine on front elevation, existing white and blue signage. Car Park to rear for use of bank staff, parking to front for customers.
CHARACTER OF LOCALITY	Class C Road. Building is located within a parade of shops. Residential area comprising terraced, semi-detached two storey properties. Church on opposite side of road.

RELEVANT SITE HISTORY

AW/70/93	Remove existing night safe and install new Barclays Bank Machine	Approve Conditionally 12-07-1993
BR/12/67	Change of use from shop to offices (bank)	Approve Conditionally 22-02-1967
BR/363/67	Barclays bank premises	Approve Conditionally 29-08-1967
BR/103/71	Addition of strongroom and ladies cloakroom	Approve Conditionally 16-04-1971

BR/148/74	Bank extension	Approve Conditionally 19-03-1974
BR/46/75/A	Internally illuminated fascia sign	Withdrawn 21-05-1975
BR/638/77	New fire escape	Approve Conditionally 16-11-1977

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members have no objection to the application.

Comments on Representations received:

None.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health

Information suggests that the sound pressure level specified is at 1m from the air conditioning unit. In my view that due to noise attenuation with distance from the source it is unlikely that noise from the air conditioning unit will have significant impact at the nearest noise sensitive facade if use is restricted to bank opening hours.

Comments on Consultation responses:

Environmental Health

Noted, if approved, a condition will be imposed regarding restricted use to bank opening hours.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

No Public Sewer

The Emerging Arun District Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage. In this instance the policy most related to the application refers to Noise DM46.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN32](#)

Built-up Area Boundary

The Form of New Development

Noise Pollution

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks to install an air conditioning unit that will be positioned on the rear of the building.

To the rear of the site is a parking area for the bank staff and the proposed unit will be sited on the rear flank wall of the building adjacent to the administrative offices within the bank building. It is of an acceptable size and height that is not considered to be of an obtrusive nature and will not be visible to the front of the site.

With regard to residential amenity there is residential accommodation at first floor level above the Co-op store and surrounding residential properties in Nyetimber Lane /Grosvenor Gardens and these are sited approximately 20m away. With adequate distance it is not considered that the proposal would detrimentally harm the occupiers by way of noise. Environmental Health have been consulted and have raised no objection with regard to noise attenuation. However, they have advised that, if approved, a condition should be imposed that this be restricted to bank opening hours.

It is therefore recommended that the application be approved, subject to 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 (right to respect for 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 a neutral impact has 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).

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: Site 1:1250, Block 1:500, Floor/Rear Elevation Drg No E6717/M/001 received on 15th May 2012, Block 1:500 showing 12M Zone in relation to noise received on 26th June, 2012, Technical Details with Sound Characteristics received on 2nd July 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7, GEN32 of the Arun District Local Plan.

- 3 The air conditioning unit hereby approved shall be restricted to hours of operation from Monday to Friday 8.30 am to 5.30 pm only and at no other time.

Reason: To control the residential amenity of the local environment in accordance with Arun District Local Plan Policy GEN7, GEN32.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN32

THE NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.