

Recommendation Report for Planning Permission

REF NO: BE/102/14/PL

LOCATION: Arun Retail Park
Unit D (Comet)
Shripney Road Bognor Regis

PROPOSAL: Installation of roof plant consisting of 3 No condensing units, 1 No condenser, 1 No MK2 hybrid pumped CO2 and 1 No backup generator.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The plant will be installed on a deck positioned above existing plant at the rear of the building.
SITE AREA	Approximately 0.1 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	No formal boundary treatment.
SITE CHARACTERISTICS	The site is occupied by a purpose built retail unit which has red brick and glazed elevations at ground floor level with corrugated metal cladding above. There is plant to the rear of the building, housed within a metal palisade fence. The building is currently vacant.
CHARACTER OF LOCALITY	The site is located on a retail park which is occupied by a block of warehouse style buildings. There is car parking to the front and a yard area for delivery vehicles to the rear. The A29 passes to the south and east of the site.

RELEVANT SITE HISTORY

BE/37/14/PL	The introduction of new (replacement) mezzanine floorspace of 485.9 sq. m within Unit D1 and a small extension of 13.3 sqm at ground floor level, the use of Unit D1 for food and drink sales without complying with condition 4 of planning permission BE/169/88, new shopfront and other facade works, tenant	ApproveConditionally 31-07-2014
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plant enclosure and other associated works.
The change of use of Unit D2 from sui
generis to Class A1 retail use including for
clothes sales and an ancillary cafe, a side
extension of 177.1 sqm and an 820.7 sqm
mezzanine floorspace to Unit D2, facade
works and other associated works at Arun
Retail Park.

BE/103/14/A 2 No internally illuminated fascia signs at front and rear elevations, 1 No internally illuminated totem sign at front of site and 3 No vinyl trolley bay signs. ApproveConditionally 13-10-2014

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

I note that no comments were made regarding noise in the original planning application for this site. However, I would draw the applicants attention to the acoustic report by Lcp, Lee Cunningham Partnership, dated 30 January 2014 and submitted with the original application.

Paragraph 3.1.6 details appropriate noise levels for plant associated with the site based on background measurements taken and BS4142. In order to avoid possible noise disturbance to neighbours the levels set out in this paragraph if the acoustic report should be adhered to when plant and equipment is operating.

Comments on Consultation responses:

Noted. The applicant has now submitted the report by LCP as part of the documentation for this application. A condition will be attached to any approval given requiring the development to be in accordance with the survey.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D SP1 Design	
	QE DM1 Noise Pollution	
	SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD5

Advertisements

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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 proposed units will be positioned to the rear of the building, mounted on a platform over an existing array of similar plant. It will be installed away from any street scene within a yard/loading area. It is therefore considered that they will be in context with their surroundings, given that there is other plant and an electrical substation nearby, and that, as such, they will not adversely impact upon the character and appearance of the surrounding area.

Although there is already equipment to the rear of the building, the proposed plant will be positioned close to this to ensure that all plant is concentrated within one area and does not appear cluttered or discordant.

The equipment will generate noise and it is noted that there is a caravan park approximately 48 metres to the west of the site. A noise survey accompanied the application and the Council's Environmental Health Department are satisfied that noise emissions will not adversely impact upon nearby sensitive receptors provided the specifications within the noise report are adhered to.

It is therefore recommended that the application is approved, subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (insert number and description) 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be adopted.

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:-

401;
402;
421;
422;
423 REV 01;

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

- 3 The approved equipment shall be operated at the levels set out in paragraph 3.1.6 of the background noise survey accompanying this application.;

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.