

Recommendation Report for Planning Permission**REF NO:** BE/106/15/PL**LOCATION:** Land at Oldlands Farm
Shripney Road
Bognor Regis**PROPOSAL:** 2 No. flagpoles**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposed flagpoles would be located on the junction of the first industrial unit on the Oldlands site. The poles would be 8.1m high with a small projecting banner arm for which the flag would attach to. The poles would be constructed of unpainted aluminium.
SITE AREA	3790m2
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wooden building fences that will be removed following the completion of the works on the industrial units.
SITE CHARACTERISTICS	Open field with partially constructed industrial units and access road.
CHARACTER OF LOCALITY	Open land being developed into industrial use, adjacent to a business park and farmland.

RELEVANT SITE HISTORY

BE/61/13/	HYBRID APPLICATION. 1: Full planning application for Access and road and Flood compensation area. 2: Outline application for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2 and B8, with associated works and landscaping.	ApproveConditionally 19-03-2014
BE/73/14/PL	Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8)	ApproveConditionally 28-08-2014

including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne

BE/64/15/PL	Variation of Condition 2 imposed under planning reference BE/73/14/PL relating to approved plans.	ApproveConditionally 29-07-2015
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This application follows the approval of BE/73/14/PL for the two industrial units (partially constructed) and is running alongside an application for advertisement consent BE/107/15/A which is currently live.

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

RAILWAY
ADOPTED LOCAL PLAN
CLASS A ROAD
OVERHEAD ELECTRICAL POWER LINE
OUTSIDE BUILT UP AREA
SPECIAL CONTROL OF ADVERTS
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

Built-up Area Boundary
The Form of New Development
SD SP2 Built-Up Area Boundary

[Publication Version of the Local Plan \(October 2014\):](#)

[Bersted Neighbourhood Plan 2014 Policy ES1](#)
[Bersted Neighbourhood Plan 2014 Policy ES7](#)

Design of new development
Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Bersted Parish has an adopted Neighbourhood Development Plan and it's policies will be considered in this application.

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

PRINCIPLE

Although the site itself is considered to be outside the built up area boundary it is allocated in the 2003 Local Plan as an employment site. The industrial units are also partially complete as is the access road. As such the principle of a development of this type is acceptable.

DESIGN

The poles are modest in design and are of a character akin to an industrial park. They will be constructed of un-painted aluminium. The poles will have a banner arm for attaching flags to.

The proposed flag poles are considered to be acceptable in design and whilst over 8m high will not look out of character with the industrial units.

NEIGHBOUR AMENITY

The poles will not be located near to any residential dwellings so will have little to no impact on residential neighbour amenity.

The application is recommended for conditional approval.

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 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 (negative, Neutral or positive) 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 is considered to have a neutral impact.

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:

DLA-1606-(02)-11 Rev C
DLA-1606-(02)-12

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 **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.