

Recommendation Report for Planning Permission**REF NO:** BE/135/14/PL**LOCATION:** Sainsburys Supermarkets Ltd
Shripney Road
Bognor Regis**PROPOSAL:** Installation of a single-storey, standalone, dry-cleaning pod to the front of the store.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 3.39 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site features no formal boundary treatments.
SITE CHARACTERISTICS	The south of the site is occupied by an A1 retail store with a large surface car park to the north and a petrol filling station.
CHARACTER OF LOCALITY	To the north of the site lies the Clock Park Estate and an area of small scale commercial/trade uses separate from the main body of the industrial estate. Aldingbourne Rife and a further industrial estate separates the site from residential development to the south. Beyond the A29 to the west lie a variety of land uses including Arun Retail Park, Tesco, housing and a caravan park. To the immediate east of the site is open land, a former airfield.

RELEVANT SITE HISTORY

BE/134/14/A	3No. internally illuminated Timpson's Fascia Signs to front and side elevations, 2No. non-illuminated Services Information signs to side elevations and 2No. non-illuminated Dry Cleaning panel signs to front elevation of stand alone pod.	ApproveConditionally 07-01-2015
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None.

REPRESENTATIONS

Representations received:

Bersted Parish Council

NO OBJECTION

Bersted PC supports this proposal as it conforms to the requirements of policies EE1 and EE3 of the Bersted Neighbourhood Development Plan.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order

Spec Cont Adverts

Ohed Elect Line

PD Restriction

SWA Interest

Gas Interest

Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN2](#)
[DEV26](#)
[DEV27](#)

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

[Bersted Neighbourhood Plan 2014 Policy EE1](#)
[Bersted Neighbourhood Plan 2014 Policy EE3](#)

The Form of New Development
Built-up Area Boundary
Criteria for Retail Development
Retail Development Outside the Principal Shopping Areas

D DM1 Aspects of Form and Design Quality

SD SP2 Built-Up Area Boundary

RET DM1 Retail Development

RET SP1 Hierarchy of Centres

Business expansion

Encourage a diverse range of commerce in the Parish

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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, 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

The site is situated within the built-up area boundary where the principle of development is

acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7, DEV26 and DEV27. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area; DEV26 seeks to maintain the hierarchy of retail centres; whilst DEV27 sets limitations upon retail development outside of the Principle Shopping Areas.

The proposal has also been deemed to be in accordance with policies EE1 (Business Expansion) and EE3 (Encourage a diverse range of commerce in the Parish) of the Bersted Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

This application seek permission for the installation of a single storey, standalone, dry-cleaning pod forward of the primary elevation of the shop.

The proposed dry-cleaning pod measures 2.455 metres in height, with a width of 6.24 metres and a depth of 2.34 metres. The proposed structure will be timber clad and will be located on the eastern end of the northern elevation away from the A29.

Due to the design and location of the pod it is deemed to be in accordance with DEV26 and given its size it would not harm or detrimentally impact upon vitality or viability of the principle or local shopping areas.

The materials proposed to be used and the position of the pod upon the site, will have a minimal impact upon the character of the site and the amenity of the area. Therefore, the proposal is deemed to be in accordance with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY

Given the location of the proposed development and the absence of residential properties within close proximity there is deemed to be no harm to the residential amenity of the area.

CONCLUSION

It is recommended that subject to the below conditions approval is granted for the development.

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 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 neutral 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).

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:- PL01 - Site Location Plan; PL02 - Existing Site Plan; PL03 - Proposed Site Plan; PL04 - Existing/Proposed Plan; PL05 - Proposed Pod Details; PL06 - Existing Elevations; and PL07 - Proposed Elevations.

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 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.