

Recommendation Report for Planning Permission

REF NO: BE/140/20/PL

LOCATION: Arun Retail Park, Unit D
Shripney Road
Bognor Regis
PO22 9NF

PROPOSAL: Siting of 1 No. temporary storage container between 1st Nov and 31st Jan annually. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the temporary siting of a storage container between 1st November to 31st January annually to the rear of unit within Arun Retail Park.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site has metal fencing and sufficient planting to the rear and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a large retail premise comprising of 5 units. Pizza Hut, Costa and Burger King are also located within the site however are situated in separate premises to the north of the site. There is car parking to the front and a yard area for delivery vehicles to the rear.
CHARACTER OF LOCALITY	The area surrounding the site on Shripney Road has a primarily commercial character comprising a number of retail parks and A1 superstores, as well as a number of industrial estates. To the north-west and south-west of the site the adjoining uses comprise caravan and park home estates.

Noted.

REPRESENTATIONS

Bersted Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Development - No objection

Environmental Health - No objection in principle. It is noted from the specifications of the proposed unit that the average noise level at 10 meters from the proposed unit is 45dBA. I note that the nearest sensitive receptors are approximately 30-35meters away.

The noise level from the proposed unit does not exceed the lower threshold set by WHO guidelines for external amenity noise.

I therefore recommend that any permission granted be conditioned as such that noise levels from the approved refrigerated container unit do not exceed 45 dBA at a distance of 10 meters. The unit shall be maintained thereafter in accordance with manufacturer's instructions.

Should the installation of the proposed unit result in an increase of delivery vehicle or fork lift truck movements in the external area adjacent to residential properties, then a noise management plan shall be submitted for approval to the Local Planning Authority. The plan shall identify any noise sources and provide mitigation/control measures for the identified noise sources. The plan shall be implemented prior to operation of the proposed unit and maintained thereafter

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management

[Bersted Neighbourhood Plan 2014 Policy EE1](#) Business expansion

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan.

Bersted has a made Neighbourhood Plan with policy EE1 of relevance. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The proposal seeks to locate a refrigerated storage container to the rear elevation of an existing retail unit.

Due to the siting, it is not visible from the wider area, either from the front of the store or side at Shripney Road.

The storage unit will be situated around 4m from the rear of the building and will extend along the rear for around 6m by 2.5m.

From the details submitted its colour will be mainly white in appearance. As such, it is not considered to appear overly dominant or significantly out of character for the area., which is located within an area where deliveries take place.

Due to the design which is modest in size and as a result of its location with limited viewpoints, it is not considered to result in harm to the appearance of the wider area and accord with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

To the rear of the site to the south, sits Riverside Caravan Park, accessed off Shripney Road.

As the unit is for refrigeration it may give rise to additional noise. There is however in an excess of 20m retained to the boundary and closest neighbours to the caravan park and following consultation with environmental health, it is not considered to result in harm to the nearby occupiers.

The height of the container is approximately 2.5. Due to its location, with sufficient separation between

the unit and Caravan Park and with planting to the boundary also, it is not considered to appear overbearing upon amenity.

Due to the modest size and siting and its temporary nature, it is not considered to harm amenity by way of overbearing or overshadowing and accord with D DM1 of the Arun Local Plan.

EMPLOYMENT USE

The container will allow for the continued use of the retail and employment unit, proving additional storage for business.

SUMMARY

The proposed development is considered to comply with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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 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 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 would have a neutral impact on the protected characteristics.

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
- Location Plan and Existing Floor Plan - 9001 00

- Proposed Block and Floor Plan - 9002 00
- Proposed Plan- 9003
- Unit Specifications

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Noise levels from the approved refrigerated container unit shall not exceed 45 dBA at a distance of 10 meters. The unit shall be maintained thereafter in accordance with manufacturer's instructions.

Reason: To safeguard the amenities of nearby residents in accordance with D DM1 of the Arun Local Plan

- 4 The development hereby permitted shall only be sited between the dates of 1st November to the 31st January annually.

Reasons: To safeguard the amenities of nearby residents in accordance with D DM1 of the Arun Local Plan.

- 5 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.