

Recommendation Report for Planning Permission**REF NO:** BE/181/12/**LOCATION:** B & Q Plc, Arun Retail Park
Shripney Road
Bognor Regis**PROPOSAL:** Erection of weather protection canopy with existing garden centre**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to construct a canopy 24m x 6m at the rear of the building in the external garden centre area.
SITE AREA	0.001 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The building is within a retail park accessed off the A29. It is single storey, it has a brick base with metal clad roof in orange, reflecting the corporate colours. The brickwork is inset between brick pillars. Car parking throughout the retail park. To the rear of the site is an open area which is used for garden centre sales and is exposed to the elements.
CHARACTER OF LOCALITY	Out of town shopping centre of large warehouses.

RELEVANT SITE HISTORY

BE/150/12/	New trade entrance	Approve Conditionally 05-12-2012
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REPRESENTATIONS**Representations received:**

Bersted Parish Council

No objection;

Others;

None

Comments on Representations received:

Noted.

CONSULTATIONS

Environment Agency
Engineers (Fluvial Flooding)

Consultations responses received:

District Engineers:

The application states that surface water will be discharged to the main sewer. The canopy will be sited over an area of hardstanding, run off from the canopy will shed via a gutter and rainwater pipe system. This ultimately flows into the existing drainage channel which previously drained rainwater from the concrete area where the canopy is to be sited. The drainage channels should connect to a surface water drainage system and not into the foul drainage system.

Environment Agency:

Having screened the planning application with regard to the development type and location of the proposal, it is confirmed that the agency have no comments to make. The applicant has complied with the standing advice regarding Flood Risk.

Comments on Consultation responses:

Comment noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built up Area Boundary.
Class A Road.
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

PLANNING

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

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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:

The site lies within the built up area boundary where development is acceptable in principle subject to normal development control criteria such as visual and residential amenity.

NATIONAL PLANNING POLICY FRAMEWORK:

The core principle of this policy is to support sustainable economic development to deliver homes, business and industrial units. It is considered that this proposal is in accordance with this policy.

DESIGN AND AFFECTS ON THE CHARACTER OF THE AREA:

The proposed structure is a lightweight structure with open sides, onto the existing concrete hardstanding. It will be constructed from glu-laminated spruce timber with a stressed tensile roof. The structure is to protect the plants from the weather. The character of the surrounding area is that the site is part of a retail park with other outlets trading on the site. There is car parking to the front of the warehouse. B & Q is a hardware retail outlet, with an existing fully glazed entrance lobby. The proposal is to provide a covered canopy to the rear of the building which will not be seen in any public area. Therefore there will be no harm to the character of the area.

FLOODING ISSUES:

The site is within flood zone 2 and the applicant has submitted a flood risk assessment. The proposal is considered to fall into the category of "minor development" which are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences; would impede access to flood defence and management facilities or where

the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. The canopy is a lightweight open structure. Run off from the canopy will disperse via a gutter and rainwater pipe system onto the concrete hardstanding. This would then flow into the existing drainage channel. The FRA states that the flood risk pre and post development is not appreciably altered with no adverse effect arising from the development.

SUMMARY:

As the proposed is to enhance the facilities of an existing retail unit to protect the plants from the weather conditions and as the changes to the building are minimal. The proposal will not cause any flood risk issues. It is considered that the proposal is acceptable and therefore it is recommended that the application is approved with the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 none of 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).

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 drawing number 23050/1.03, 23050/1.04, 23050 1.01, 23050 1.05

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

- 3 INFORMATIVE:
Surface water drainage shall not be discharged into the foul drainage system.

- 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.

- 5 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: GEN7

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.