

Recommendation Report for Planning Permission

REF NO: BE/20/21/PL

LOCATION: The Bognor Regis Retail Park, Unit 1b
Rowan Way
Bersted
PO22 9TR

PROPOSAL: Removal of existing canopy, alterations to front elevation to include new shop front, removal & erection of new plant enclosure at rear, alterations to rear elevation to include infilling of two service doors & over clad roof with new insulation and profiled metal sheet build-up. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks alterations to an existing retail unit, including removal of canopy, new shop front, alterations to the rear elevation which include infilling of service openings, replacement of plant enclosure and roof material.
SITE CHARACTERISTICS	The site forms a retail unit located amongst a terrace of other commercial premises.
CHARACTER OF LOCALITY	The site is located in an out-of own retail park, in a predominantly commercial area.

RELEVANT SITE HISTORY

BE/79/10/A	3 No. internally illuminated fascia logo signs	ApproveConditionally 02-09-10
BE/73/10/	Shopfront changes to existing retail unit	ApproveConditionally 27-08-10
BE/25/21/PL	The construction of a flow forge plant cage/compound and the installation of air conditioning/refrigeration plant thereto together with the forming of 2 No. openings in external wall/cladding associated with same. This site is in CIL Zone 4 (Zero Rated) as other development.	

Noted.

REPRESENTATIONS

Bersted Parish Council provided no objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Economic Regeneration - No comment to make

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Bersted has a 'made' Neighbourhood Plan with policy EE1 of relevance to the application. The proposal is considered to comply with this policy in such that it seeks to upgrade the existing site.

DESIGN AND VISUAL AMENITY

The proposal seeks alterations to the frontage of an existing retail unit. There are also some alterations to the rear, however these are not visible from the wider area.

There is currently a small canopy over the entrance doors. This will be removed and the existing shopfront material which consist of metal cladding will be replaced with glazing featuring 2 entrance doors. The glazing will incorporate a large area of the shopfront elevation. There will also be a new larger sign installed above.

The design is similar to that of the neighbouring unit and it is considered to enhance the appearance of the shopfront.

The shopfront is situated within a row of retail properties, set back from the road and the alterations are not considered to adversely impact the appearance or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan

RESIDENTIAL AMENITY

The proposal largely consists of the replacement of external materials and doors and as such is not considered to result in any overbearing or overshadowing impacts upon neighbouring amenity.

There will be some alterations to the rear which involve the blocking up of two existing service doors. An existing stacked planting enclosure will be replaced with a single storey enclosure. With approximately 19m retained to the boundary at the rear, the alterations are not considered to result in harm upon amenity.

There will be some alterations to repair a dilapidated roof with the addition of cladding to match that of neighbouring units.

As a result of the modest alterations and its distance from neighbouring amenity, the proposal is not deemed to adversely harm neighbouring amenity and accord with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord 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 - D06-01 Rev A
 - Block Plan - D06-01 Rev A
 - Proposed Front Elevation - B06-03 Rev A
 - Proposed Rear Elevation - B06-04
 - Proposed Floor Plan - A06-02
 - Design and Access Statement - Dec 2020

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 **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.