

Recommendation Report for Planning Permission

REF NO: BE/25/21/PL

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

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a plant cage with air conditioning and refrigeration to the rear of the property.
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/20/21/PL	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.	ApproveConditionally 07-04-21
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

Noted. An application for external works was approved in April 2021. This included the removal of the existing plant compound.

REPRESENTATIONS

Bersted Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - The calculated noise level at the nearest noise sensitive receptor indicate a low impact. As such there are no objections.

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
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 minor alterations involving the construction of a flow forge plant cage to the rear of the building with the installation of an A/C and refrigeration unit. The plant compound replaces an existing one however reduces it from two storey to single storey and with the alterations to the rear, they are not visible from the wider area.

The cage unit appears appropriate in scale to the main building and will contain refrigerator units.

Due to the siting of the development to the rear and with the replacement compound unit being smaller in scale than which previously exists, it is not considered to impact upon the appearance of the wider area and accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The plant unit to the rear will have a depth of 4m and run along the rear elevation by around 9.5m. It will have a height of 2.7m.

The cage will contain a new A/C and refrigeration unit. Environmental Health have assessed the application and do not consider the siting of the plant unit and apparatus will give rise to adverse noise and as such is acceptable. Around 18m is retained to the rear boundary and as such is not considered to result in adverse overbearing or overshadowing impacts.

The proposal is not considered to give rise to harm upon amenity additional to that which is already achievable 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 and Block Plan -SP01
 - New food warehouse refrigeration and A/C floor plan - B2880
 - Acoustic consultancy report- Jan 2021
 - Flooring product
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 The 'rating' level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured ambient noise level LA90,T during the day time period (07:00 - 23:00).

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031
- 4 The 'rating' level of noise emitted from the proposed plant and equipment to be installed on the site (determined using BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured 'ambient' noise level LA90,T during the night time period (23:00 - 07:00).

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 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.