

Recommendation Report for Planning Permission

REF NO: BE/5/20/PL

LOCATION: Sainsburys Supermarket Ltd
Shripney Road
Bognor Regis
PO22 9FB

PROPOSAL: New Kelvion gas cooler to replace existing unit.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a new kelvion gas cooler to replace an existing unit. The unit comprises a like for like replacement.
SITE AREA	32,000 sqm (wider site)
TOPOGRAPHY	Flat.
TREES	A tree lining to the south of the site bounds the adjacent river. This effectively screens development to the north from the residential properties located to the south.
BOUNDARY TREATMENT	To the wider south of the site is an established tree belt which, combined with the height of the application site, provides effective screening of the plant and services from the wider area.
SITE CHARACTERISTICS	The application site comprises part of the roof of Sainsbury's supermarket in Bognor Regis. This area of roof provides the servicing and deliveries of the supermarket. The area of roof comprises a parapet form which provides screening from wider areas. The site is located to the rear of the supermarket and is therefore not visible or appreciable from the main shopper entrance of the supermarket.
CHARACTER OF LOCALITY	To the south of the application site are existing trade and car washing buildings. The Bognor Regis railway line runs along the eastern extent of the application site. There are some residential properties located to the south east of the application site; however, these are located approximately 77m away from the site and have significant intervening boundary treatments located between. There are noise generating uses (hand car washes etc) located a similar distance from the nearby residential properties in comparison to the application site.

RELEVANT SITE HISTORY

BE/32/17/A

2 No. internally illuminated totem signs and 2 No.

ApproveConditionally

internally illuminated fascia signs

07-06-17

BE/137/16/PL	Erection of LEC entrance gates in public realm within Sainsbury's landscape area.	ApproveConditionally 22-11-16
BE/59/15/A	2 no. internally illuminated vinyl signs & 2 no. non-illuminated vinyl signs at various locations within the site area	ApproveConditionally 29-05-15

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

Having reviewed Noise Solutions Ltd's Plant Noise Impact Assessment (ref: 89002, dated December 2019), I can confirm that EH have no comments regarding the above application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

- 2km Buffer of Bognor Reef SSSI
- 2km Buffer of Felpham SSSI
- Built-up Area Boundary
- WSCC Mineral Consultation Areas
- CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

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 Bognor Regis Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Neighbourhood Development Plan comprises the the Made Bognor Regis Neighbourhood Development Plan (2015-2030). There are no relevant policies contained within the Bognor Regis Neighbourhood Development Plan that implicate upon the assessment of this development.

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 accords with the policies relating to the principle of development, residential development and character of the area. There have been no material considerations identified that outweigh the compliance with the Development Plan.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

Policy EMP DM1 of the Arun Local Plan supports the enhancement of existing employment sites in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. Criteria 1(a) of Local Plan Policy EMP DM1 states that the Council will promote and support positive measures to upgrade existing employment areas through:

a. Supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises

The proposed development comprises the upgrading of a gas cooler to support the operational functions associated with the continuation of an existing employment site. Therefore, the principle of development accords with Policy EMP DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan states that the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visits to the District. Policy QE SP1 goes on further to state that the location of existing industrial and commercial uses, including waste management uses, must be taken into consideration when assessing proposals for development sensitive to noise, light, odour and outputs to air.

Whilst residential development is located approximately 77m to the south east of the application site, the application site is located within a wider area of noise generating uses. The submitted Noise Report provided by the applicants demonstrates that in a worse case scenario, the noise generated by the replacement gas cooler equipment would not exceed the baseline background noise levels as existing.

The Council's Environmental Health Officer did not provide any objection to the proposals on this basis. Further, at the date of my site visit, I noted that the background ambient noise levels were not unacceptable and were also appreciable owing to the separation distances of 77m.

On this basis, the development would not result in any demonstrable impacts upon the amenities of neighbouring residents and would therefore accord with Policy QE SP1 of the Arun Local Plan.

CHARACTER OF THE AREA/DESIGN

Policy D SP1 of the Arun Local Plan requires all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

The application site comprises an element of roof which currently provides the plant, services and deliveries to the supermarket building. This aspect of the site is the functional area and is well screened from public visibility, owing to the site's functional layout (with parking and entrances being located towards the primary elevation of the building).

The area of roof which the kelbion gas cooler equipment would be placed comprises a parapet roof which ensures the equipment would not be visible from wider areas. Furthermore, the wider character of the area is one of an industrial/retail park where similar buildings are present in the locality.

Therefore, the proposed development would reflect the characteristics of the site and local area in its layout, landscaping and character in accordance with Policy D SP1 of the Arun Local Plan.

SUMMARY

This report has assessed the application having regard to the policies contained within the Development

Plan and having regard to other material considerations. In this instance, no other material considerations have been identified which would require a determination other than in accordance with the policies contained within the Development Plan. Therefore, subject to the conditions set out in the following sections of this assessment, planning permission should be granted.

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

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: 19.067 0001 Location Plan, 19.082 0201 Proposed Site Plan, 19.081 0220 Proposed Roof Plan and 123456 ABG ZZ RF DR N555(A0) Rev 01 - Plant Layout Gas Cooler Replacements.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies EMP DM1 and QE SP1 of the Arun Local Plan.

- 3 The development hereby approved shall be carried out in accordance with the details and recommendations contained within the submitted Plant Noise Impact Assessment (Project Reference: 89002 Rev 00 Date 17 December 2019) undertaken by Noise Solutions.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies EMP DM1 and QE SP1 of the Arun Local Plan.

- 4 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife, environmental health etc. should be considered.
- 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.