Recommendation Report for Planning Permission

REF NO: **BR/121/14/PL**

LOCATION: The Regis School
Westloats Lane
Bognor Regis

PROPOSAL: Erection of freestanding flue for biomass boiler

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The new flue will be 20.2m above ground level. It will be 650mm in diameter. The old flue is only 7m above ground level. This will be capped off and removed.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Varied. Mesh fencing on Pevensey Road and Amberley Drive to 1 m. Boundary to rear of Collyer Avenue - metal palisade fencing to approximately 1.8 m high. Boundary to Westloats Lane - hedging to 1.5 m and wire mesh fencing.
SITE CHARACTERISTICS	Existing campus is a mix of single, 2 and 3 storey buildings. Some landscaping and hedging on boundaries and within site. Arena building grey roof. Mix of building style, design and materials, from red brick and red/brown tile to grey and cream render. Main access from Westloats Lane.
CHARACTER OF LOCALITY	Predominantly residential, characterised by a mix of 2 storey properties, terraced and semi-detached. To South Way - detached single storey properties, access at end. Buildings in this area to be retained.

RELEVANT SITE HISTORY

BR/362/08/	Application Under Regulation 3 of the Town & Country Planning General Regulations 1992 for Variation of Cond 2 on Planning	No Objection 10-02-2009

	Permission BR/243/96 date 26/11/96 to allow the retention of the relocatable classroom unit on site. (This application will be determined by West Sussex County Council)	
BR/258/09/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for variation of condition 9 of planning approval BR/252/08	No Objection 06-11-2009
BR/256/09/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for variation of condtion 24 of planning permission BR/252/08	ApproveConditionally 27-11-2009
BR/41/10/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for demolition of existing technology block building followed by the construction of the 'pheonix' two storey community youth hub with associated landscaping cycle storage and bin storage (this application will be determined by WSCC)	No Objection 02-03-2010
BR/58/11/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 to install a tensile roof canapy - This application will be determined by West Sussex County Council	No Objection 02-03-2011
BR/142/12/	Application for approval of reserved matters following outline approval BR/124/08 for residential development comprising 114 houses & flats on two sites including associated access, parking and landscaping.	ApproveConditionally 17-10-2012
BR/298/12/	Application for Approval of Reserved Matters following Outline Application BR/120/11 for 2no single dwellings on two seperate sites	ApproveConditionally 25-02-2013

Planning permission was granted for the new 1800 place school by West Sussex County Council in July 2008 (ref BR/99/08). The planning application drawings showed an energy centre building within a service compound separated from the main school building. Amended plans were submitted to West Sussex County Council in December 2009 showing an increase in flue height to 2.9 metres above the height of the energy centre, discharging at a height of over 7 metres above ground level, with the assistance of an electric fan.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC Environmental Health - The chimney height will be subject to approval under Section 15 of the Clean Air Act 1993. The proposed chimney height is in excess of the minimum of 20.2m specified by DEFRA on appeal against refusal to approve the previous chimney height of 7m. Consequently EH have no objection to proposal.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
PD Restriction; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN21	Renewable Energy
	GEN34	Air Pollution
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		ECC DM1 Renewable Energy QE DM3 Air Pollution SD SP1 Sustainable Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

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.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been

agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

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 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

The site is located within the built up area where development is permitted, subject to other policies in this plan. The proposal is therefore acceptable in principle. Furthermore, the general thrust of the National Planning Policy Framework and the purpose of the planning system is "to contribute to the achievement of sustainable development" (paragraph 6) & "support the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example, by the development of renewable energy)" (paragraph 17). To this end, in order to support the move to a low carbon future, local planning authorities should "actively support energy efficiency improvements to existing buildings" (paragraphs 95-98).

Furthermore, the energy centre is an existing building and as such the boiler elements are already

in place. It is understood that the current flue does not comply with the Clean Air Act 1993 and that DEFRA have recommended that the flue be raised to the proposed height. The principle of development is therefore not in doubt.

It is acknowledged that the new flue will be three times the height of the existing. However, it is located a long distance from the nearest residential properties. The nearest dwelling is at least 67m away but the bulk of the surrounding houses are further. Furthermore, the flue is somewhat screened by the bulk of the 4.5 storey school building and is otherwise viewed with this as a backdrop. The proposed increase in height will also be beneficial to local residents by virtue of reducing the risk of pollution.

There have been no objections to the application and it is therefore considered that permission should be granted subject to the following conditions.

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). Particular regard has been had to age given that the proposed flue is on a school.

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 and statements:

The Location Plan 15173_P001;
Existing site plan 15173_P004;
Existing roof plan 15173_P005;
Proposed site plan 15173_P002;
Energy Centre Elevations 15173_P003;
Proposed Roof Plan 15173_P006;
Stride Treglown Design & Access Statement Ref 15173 (April 2014); and
Ramboll Local Air Quality Assessment Ref 61019649 (16/11/12).

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

3 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.