

Recommendation Report for Planning Permission

REF NO: BR/144/19/PL

LOCATION: Unit 5
Dickinson Place
Bognor Regis
PO22 9QU

PROPOSAL: Retention of ground floor extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application seeks retrospective planning permission for an existing ground floor rear/side extension to this industrial building, Unit 5, Dickinson Place, on the South Bersted Business Park. The extension is a lean-to structure with a mono-pitched roof, and of steel clad construction. It has an irregular shape with a depth of approximately 9m, width of 7.7m at its widest point, an eaves height of 3.2m and a ridge height of 3.5m. The extension is in use as a gate hinge testing area, related to the use of the main building for the manufacture of gates and locks.
SITE AREA	685 square metres.
BOUNDARY TREATMENT	To the front of the site it is open and there is no boundary treatment. To the side there is a retaining concrete wall (height of 1.8m) and to the rear there is a steel security fence.
SITE CHARACTERISTICS	Unit 5 is an industrial unit, currently used for the manufacture of metal/wooden gate hardware and locks ('Gatemaster Ltd'). The site consists of a two storey, brick built, flat roofed office building at the front and a portal-framed warehouse/industrial building at the rear with facing brickwork at ground floor level and industrial cladding above. The site has a parking area to the front and side. The site is located in the south western corner of Dickinson Place, in the South Bersted Business Park, off the junction with Durban Road. The site is within the 2k buffer area for the Bognor Reef and Felpham SSSIs.
CHARACTER OF LOCALITY	Built up area, located north west from A29, within the South Bersted Business Park, which consists of approximately 50 units of B1/B2/B8 and 'sui generis' commercial uses. The typical scale is two storey office buildings attached to single storey industrial hanger style units of a similar scale to the host premises. To the west, the site abuts the rear of residential properties nos. 17 and 15 Ash Grove. The boundary treatment to the rear of these properties consists a close boarded fence with 2m conifer hedging above. The site is within the Bognor Regis Neighbourhood Plan Area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

Neighbour objection - summarised as follows:

- Noise and fumes from industrial unit
- Enclosing impact of extension/wall on garden of no. 17 Ash Grove

COMMENTS ON REPRESENTATIONS RECEIVED:

Noise and air pollution - these are material planning considerations. The new extension is in use as a gate hinge testing area. The increase in building footprint resulting from the extension is around 63sqm. This equates to approximately a 10% increase in the overall footprint of the unit. The Council's Environmental Health team have been consulted on the application, they have confirmed that they have not received any EH complaints regarding noise or fumes/odours from this business and have not raised an objection to the proposals.

Enclosing/overbearing impact - the extension is approximately 2.7m in height at eaves level, taken from the ground/garden level of the neighbouring property, no.17 Ash Grove. This is around 0.9m above the height of the existing concrete boundary wall. The separation distance between the extension and the nearest rear openings to no. 17 is approximately 17m. Given the height of the existing boundary treatment between the site and no.17, the separation distance between the extension and the nearest apertures at no.17, and that this rear part of the garden to no.17 is unlikely to serve as 'primary' amenity space, it is concluded the development does not result in an adverse overbearing effect on neighbouring properties, in accordance with policy D DM4 of the Arun Local Plan.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Drainage - no comment.

Economic Regeneration - no objection.

Environmental Health - no comments.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;

Class C Road;

Bognor Regis Neighbourhood Plan: 8i - Northern Part of Durban Road Industrial Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
EMPSP1	EMP SP1 Strategic Economic Growth
EMPDM1	EMP DM1 Employment Land: Development Management
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development

Bognor Regis Neighbourhood Plan 2015 Policy 8i Northern part of Durban Road Industrial Area

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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policy 8i in the Bognor Regis Neighbourhood Plan is relevant in the determination of this planning application.

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 significant adverse impact on character and appearance of the area, residential amenities of adjoining properties, the quality of the environment, nor parking and highways.

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 OF DEVELOPMENT

The site lies within the Built-up Area Boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan.

The site is included within the Northern Part of Durban Road Industrial Area designation within the Bognor Regis Neighbourhood Development Plan (BRNDP). Therefore policy 8i is applicable and this states that: "Development Proposals are encouraged that contribute to the development of this area into a demonstration project for self-build/self-commissioned low carbon working and living with a mix of uses: industrial, residential, employment, small scale workshops with high numbers of jobs to the floor area. The development should provide future access to the existing sewerage infrastructure as required by the relevant authorities."

Local Plan Policy EMP SP1 looks to promote strategic employment growth criteria (c) The provision of land to accommodate employment needs including the expansion of existing employment areas is encouraged. In addition Policy EMP DM1 seeks to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. This proposal would comply with this policy since it would enhance the employment opportunities offered.

CHARACTER AND APPEARANCE

Policy D DM4 of the Arun Local Plan requires that the Council have regard to certain aspects when considering applications for extensions and alterations to existing buildings including that it is visually sympathetic and subservient to the existing building and does not compromise the character of the place.

The extension is constructed of steel cladding and is of an industrial appearance. As such, the materials and design of the extension sympathetically relate to the main building and the industrial character of the immediate area on this Business Park. The extension is single storey and has a sloping roof. By reason of its scale and form, the extension appears visually subservient to the host building. The development respects the appearance of the building and character of the area, in accordance with Policy D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy D DM4 of the Arun Local Plan requires that the Council have regard to certain aspects when considering applications for extensions and alterations to existing buildings including that it would not

have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

To the west, the site abuts the rear of residential properties nos. 17 and 15 Ash Grove. The boundary treatment to the rear of these properties consists a close boarded fence (around 1.8m in height) with 2m conifer hedging above. Given the height of the existing boundary treatment between the site and these residential properties, that the extension roof slopes away from these neighbouring sites, the separation distance between the extension and the nearest openings to these properties, and that the rear part of the gardens is unlikely to serve as 'primary' amenity space to these occupants, it is concluded the development does not result in an adverse overshadowing nor overbearing effect on neighbouring properties. The extension does not contain any windows and as such does not result in any overlooking to neighbouring occupants. The development protects residential amenity, in accordance with policy D DM4 of the Arun Local Plan.

QUALITY OF ENVIRONMENT

Policies QE SP1, QE DM1 and QE DM3 of the Arun Local Plan requires that development does not have a significant negative impact upon residential amenity and the natural environment, and will have acceptable impacts in terms of noise and air pollution.

The new extension is in use as a gate hinge testing area. The increase in building footprint resulting from the extension is around 63sqm. This equates to approximately a 10% increase in the overall footprint of the unit. The Council's Environmental Health team have been consulted on the application, they have confirmed that they have not received any EH complaints regarding noise or fumes/odours from this business and have not raised an objection to the proposals. The development does not have a significant adverse impact on residential amenity nor the natural environment as a result of noise and air pollution, and duly accords policies QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

PARKING AND HIGHWAYS

Policy T SP1 of the Arun Local Plan supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. The site has a parking area to the front and side. The area now occupied by the extension appears to have been just outside of the parking area. As such, the extension has not resulted in any significant loss of parking spaces, there appears to be sufficient parking provision for staff and visitors to this industrial unit, and added to that the site is in a sustainable location with a variety of bus routes and the train station in the vicinity.

SUMMARY

The development respects the appearance of the host building and character of the area, neighbouring residential amenity, the quality of the environment with regard to pollutants, and does not adversely impact parking provision. As such, the proposals comply with all relevant planning policies and guidance in the NPPF and Arun Local Plan.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 , (or any order revoking or re-enacting that Order, no building or part of any building hereby permitted for industrial use shall be used for storage or warehousing purposes except as an ancillary to that industrial use unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to exercise a measure of control over the nature and balance of available employment facilities in accordance with policy EMP DM1 of the Arun Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans; Block Plan (0802-SK-02), Proposed Floor Plan (0802-SK-03), Proposed & Existing Front Elevation (0802-SK-05), Proposed & Existing Rear Elevation (0802-SK-06), Proposed & Existing Side Elevation (0802-SK-07) and Proposed Roof Plan (0802-SK 08).

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.