Recommendation Report for Planning Permission

REF NO: **BR/156/14/PL**

LOCATION: Compass Point
The Esplanade
Bognor Regis

PROPOSAL: Installation of additional windows to west, south & east elevations and new door with side screen to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 0.16 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary
SITE CHARACTERISTICS	Building comprising apartments is staggered with projecting balconies and circular features with glazed tower, underground parking on ground floor. The building has brickwork on the lower level with rendered walls, grey windows and decoration.
CHARACTER OF LOCALITY	The site is located along the eastern end of Esplanade. Kings Court apartments to west of site. Promenade to south with various kiosks, Butlins holiday park lies to the east.

RELEVANT SITE HISTORY

BR/92/05/	Demolition of existing premises comprising 16 no. flats & redevelopment by means of 24 no. flats together with ground floor parking	ApproveConditionally 08-06-2005
BR/228/10/	Proposed conservatory on western elevation	Refused 22-09-2010
BR/219/10/	Proposed conservatory	Refused 26-10-2010

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection subject to there being sufficient ventilation to the car park.

Comments on Representations received:

Parish Council comments noted
The proposed work is subject to Building Regulations. If approved, an informative will be added to any consent.

CONSULTATIONS

Environment Agency

Consultations responses received:

Building Regulations
There is specific guidance in the Building Regulations regarding permanent venting to car parks. A submission under the Building Regulations will be required.

Environment Agency
As this development proposal falls outside our current working arrangements we have no comments to make on the proposal as submitted.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D SP1 Design SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version

of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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 building Compass Point which comprises residential apartments lies to the east of the town centre and is located at the eastern end of the Esplanade. It was constructed in 2006 and is a highly stylised contemporary design with staggered storeys and projecting balconies with parking beneath the building.

The ground floor parking area has openings containing decorative grills on the east, west and south elevations with a pedestrian access to the parking area. The open areas with the constant

wind blown salt spray are damaging the metal soffit to the composite floor construction and the application seeks to infill these openings with windows that will match the colour and appearance of the windows on the main building. The pedestrian opening is causing the same effect to further areas of the soffit and also enabling trespassers to enter the building.

The new entrance door to the car park area will be tied into the existing security system . It will have a fixed glass panel and will be of the same appearance as the existing windows and door and will enclose the ground floor car parking area providing more security for the residents.

It is not considered that the installation of windows which would be the same colour and appearance as the existing windows would detract from the overall appearance of the building or harm the character and appearance of the street scene.

The application is recommended for approval, subject to 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 1 (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 a neutral impact has 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).

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 received on 3rd September 2014.

Location 1:1250 Drg No 3231 dated July 2014.
Block 1:500 Drg No 3231 dated July 2014.
Ground Floor West 1:50 Drg No 2278/03.01 Rev B
Ground Floor East 1:50 Drg No 2278/03.00 Rev E
North & West Elevations 1:200 Drg No 3231 Rev 0 dated May 2014
South & East Elevations 1:200 Drg No 3231 Rev 0 dated May 2014
Window Details 1:20 Drg No 3231 Rev 0 dated June 2014
Entrance Door 1:20 Drg No 3231 Rev 0 dated June 2014.

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 The proposed new windows shall match in pattern, colour and materials those on the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.

4 INFORMATIVE: The proposal is subject to Building Regulations approval and a submission under the Building Regulations will be required.

5 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.