Recommendation Report for Planning Permission

REF NO: BR/171/26/PL

LOCATION: 32 London Road
Bognor Regis
PO21 1PY

PROPOSAL: Single storey flat roof extension to the rear of property, including installation of external associated air conditioning plant and smoking shelter to existing yard area. Is in CIL Zone 4 (Zero Rated) as all other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Ground floor casino.
CHARACTER OF LOCALITY	Predominantly retail.

RELEVANT SITE HISTORY

BR/345/06/	Single storey extension to existing amusement centre including demolition of existing 2 storey store /building at rear.	ApproveConditionally 03-01-07
BR/51/17/PL	Alteration of existing shop front.	Approve 10-05-17
BR/52/17/A	1 No. internally illuminated fascia sign & 1 No. internally illuminated projecting sign on front elevation.	ApproveConditionally 27-04-17
BR/59/97	Single storey extension to existing amusement centre including double rear exit doors and demolition of existing store-Phase 1.	ApproveConditionally 16-07-97
BR/60/97	Single storey extension to existing amusement centre including shopfront display and exit doors. Demolition of existing store-Phase 2.	Refused 16-06-98

Noted.

REPRESENTATIONS

Bognor Regis Town Council - No response.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection, following re-consultation:

"I have reviewed the submitted acoustic data sheet for the proposed air-conditioning units, and have considered the noise level produced by each unit and the cumulative noise level when all three units are operating simultaneously. Given the location of the units and the nature of the properties surrounding the site, it is unlikely that the proposed equipment would have an adverse noise impact on nearby properties. I therefore have no further objection to the application in relation to noise."

Economic Regeneration - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built-Up Area Boundary
Within the Town Centre Retail Boundary
Locally Listed Building or Structure of Character
Economic Growth Area
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 complies with relevant Development Plan policies in that the development would not result in adverse harm to visual or residential amenities or the quality of the environment.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The application seeks planning permission for a single-storey rear extension, the installation of associated external air conditioning plant and a smoking shelter within the existing yard area.

The proposed extension would measure 7m in depth and 6.6m in width, spanning the full width of the host building, with a maximum height of 3.9m. A covered smoking shelter would adjoin the rear of the extension and would measure 2.2m in depth and 3.4m in width, with a maximum height of 3m. The proposal would retain the building's commercial appearance and would not harm the character or visual amenity of the area.

The proposed air conditioning plant would be wall-mounted within the rear yard and would not be prominently visible from the public realm. It would therefore not harm the character or visual amenity of the area.

Overall, the proposals would not harm the character or visual amenity of the site or the surrounding area and are acceptable in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

RESIDENTIAL AMENITY / QUALITY OF ENVIRONMENT
The extension would not project beyond the rearmost elevation of the neighbouring property to the north and would project only 1.7m beyond that of the neighbouring property to the south. The existing high boundary walls would help to reduce any impact on neighbouring occupiers but the development would not result in overshadowing or overbearing impacts on these properties. No new openings are proposed in the side or rear elevations; as such, the proposal would not result in a loss of privacy for nearby occupiers.

Environmental Health have assessed the application and raises no objection in respect of noise, air or light pollution. In light of this response, the proposal is not expected to harm residential amenity or the quality of the environment through pollution. The proposal therefore accords with ALP policies QE SP1 and QE DM1.

IMPACT ON HERITAGE ASSETS
The building is locally listed and is a non-designated heritage asset. ALP policy HER DM2 requires proposals to alter or extend buildings on the Local List to relate sensitively to the building or structure and its setting, and to respect its architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features that contribute to that interest.

Policy HE7 of the NPPF (2026) states that 'where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced
judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.' Due to the scale of the development and the siting to the rear, it would not result in adverse harm to the non-designated heritage asset.

SUMMARY
The proposed development is in accordance with relevant development plan policies and is therefore 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

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.

CIL DETAILS

This application is not CIL liable.

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 Plan Sheet no. 3635(B)03.
Elevations as Proposed Sheet no. 3635(C)02.
Proposed Block Plan Sheet no. 3635(B)05.
Floor Plans as Existing & Proposed Sheet no. 3635(C)01; and
Roof Plans as Existing & Proposed Sheet no. 3635(C)03.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan Policy D DM1.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value grater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.