Recommendation Report for Planning Permission

REF NO: BR/194/19/PL

LOCATION: 33 Chichester Road
Bognor Regis
PO21 2XH

PROPOSAL: Installation of replacement plant equipment, new external freezer all within an existing compound with a new timber hit & miss fence to enclose.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The replacement of existing external refrigeration condenser, refrigeration pack and 3 a/c units by the refrigeration and air conditioning plant all within an existing compound with a new timber hit & miss fence to enclose within an external plant area at the rear, south western side of the store.
SITE AREA	35 sq metres
TOPOGRAPHY	Predominantly flat but the land rises slightly from Chichester Road and there is an approx. 0.5m high retaining wall in this part of the site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the front and sides. To the rear boundary with 86 Hillsboro Road, there is a part 1m, part 2m high brick wall.
SITE CHARACTERISTICS	The proposal site is located to the south-west of Food retail (A1) at the ground floor with an residential above, an existing car wash (Sui Generis) and Waltham House to the north-west, a hardstanding parking and the residential to the south-west.
CHARACTER OF LOCALITY	Mixed character - some residential and commercial uses adjacent to busy road. Hospital to north and entirely residential to the south.

RELEVANT SITE HISTORY

BR/177/16/PL	Retention of pedestrian screens & canopy to existing forecourt to provide car wash (Sui Generis).	ApproveConditionally 29-09-16
BR/55/14/A	2 No externally illuminated fascia signs, 1 No externally illuminated car park signage and 1 No externally illuminated replacement signage to existing totem	ApproveConditionally 08-05-14

BR/11/14/	Installation of new external refrigeration condenser, refrigeration pack and 3 no. new a/c units at rear.	ApproveConditionally 01-04-14
BR/8/14/	Alterations to existing shopfront including installation of a new automatic single sliding entrance door and external ATM.	ApproveConditionally 27-03-14
BR/249/13/	Change of Use of ground floor from Motor Vehicle Sales & Servicing/Repairs (Sui Generis) to A1 (Shops) Food Retail	ApproveConditionally 18-12-13

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council has raised no objection.

Comments of the occupier of nearby residential property:
No objection due to inability to judge the anticipated noise levels from the data submitted and provided that noise levels are no greater than those permitted previously which, under some conditions of high load, were barely tolerable.

COMMENTS ON REPRESENTATIONS RECEIVED:

The condition will be attached to the decision requiring the applicant to submit the noise mitigation scheme to protect the amenity of local residents.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health Officer Comment:

Please place the following condition on any permission given:
The development shall be carried out in accordance with the document 'Plant Noise Impact Assessment by Noise Solutions Ltd Ref 88651 dated 24/5/19.

COMMENTS ON CONSULTATION RESPONSES:

Suggested condition will be applied.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Bundary;
Class A Road; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

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.

There are no relevant policies within the Bognor Regis Neighbourhood Development Plan to be considered within this determination.

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 PROPOSAL

It is considered that the principle of the proposed external plant works has already been approved under reference BR/11/14/PL. The current application is for a replacement of an existing and would occupy the same area as an existing and would be surrounded by 2.7m high timber hit and miss fence. It is therefore only necessary to have regard to noise and the impact on the existing approved parking provision.

IMPACT ON PARKING PROVISION

The proposed installation refrigeration and air conditioning plant would be located within an existing compound therefore the parking provision would be unchanged.

VISUAL AMENITIES

The proposed development would replace the existing plant equipment within the same area surrounded by the new timber fence of a similar appearance and height. Therefore it is considered that the visual amenities of the surrounding area would not be adversely affected.

NOISE

The Plant Noise Impact Assessment dated on 24 May 2019 has been submitted concluding that an assessment of predicted noise levels has demonstrated that plant noise emissions will be below the existing background sound level at the nearest noise-sensitive premises.
The proposed development and submitted assessment have all been assessed by Environmental Health Officers who do not raised any objection, subject to the conditions. Accordingly, the proposed development is considered to comply with Policies QE SP1 and QE DM1 of the Arun Local Plan.

SUMMARY

There are no objections from statutory consultee to this application and on this basis it is therefore recommended for approval 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).

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:

Location Plan, P-100, Rev A
Existing and Proposed Ground Floor Plan, P-110 , Rev A
Existing and Proposed South East Elevations, P-215
Existing and Proposed South West Elevations, P-210, Rev A
Proposed Plant Feasibility Layout, E3318-CR3
Plant Noise Impact Assessment, Project Reference: 88561, dated 24 May 2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and QE DM1of the Arun Local Plan.

3 The development shall be carried out in accordance with the document 'Plant Noise Impact Assessment by Noise
Solutions Ltd Ref 88651 dated 24/5/19.

Reason: To safeguard the amenity of residents in accordance with Arun Local Plan policy QE DM1.

4 Before the proposed refrigeration and air conditioning plant is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme to be agreed with the Local Planning Authority. The noise mitigation scheme should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

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.