

Recommendation Report for Planning Permission

REF NO: BR/19/26/PL

LOCATION: Unit 18a Durban Road
Bognor Regis

PROPOSAL: Scaffolding roof. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to erect a roof structure consisting of scaffolding and translucent corrugated UPVC roofing within a recess of the existing building.
SITE CHARACTERISTICS	The site comprises a recessed 'courtyard' area to the southern side of the existing single-storey brick-built commercial units on site. It is entirely hardstanding and benefits from a lawful, historic, industrial use (formerly B1, now Class E(g)).
CHARACTER OF LOCALITY	The site lies within the northern end of a wider commercial complex that extends further south along Durban Road. There are residential uses nearby including a block of flats immediately opposite the site, and so the area can be described as having a mixed-use character.

RELEVANT SITE HISTORY

br/72/96	Change of use from car auctions to light engineering	ApproveConditionally 29-04-96
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BR/72/96 granted permission for the use of the site and Unit 18 adjacent, as a B1 (industrial) use.

REPRESENTATIONS

Bognor Regis Town Council (BRTC) - No objection (10/04/26):

- Subject to the development being strictly time-limited and removed upon completion of the works.

Bognor Regis Town Council - Objection (08/05/26):

- The design, appearance, materials and form would result in an unsympathetic and visually intrusive addition to the building and street scene.
- The proposals rely on scaffolding construction and associated materials which are not appropriate as a permanent feature.
- The utilitarian and industrial appearance of the structure would appear incongruous within the surrounding area and would fail to positively contribute to the character and appearance of the street scene, setting an undesirable precedent.

- Concerns regarding the long-term structural suitability and safety of a permanently retained scaffolding-based structure.
- Insufficient information has been provided to adequately demonstrate the long-term structural robustness, durability and safety of the proposal

1 Objection from the neighbouring premises:

- Concerns regarding the loss of light and ventilation, in particular, to the kitchen, toilets, and office.
- Windows could no longer be opened into the courtyard area.
- The site contains a main sewage drain cover serving multiple businesses, which must remain accessible at all times for maintenance or blockages.
- Concerns regarding additional parking pressures from an additional business unit.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Following review of the BRTC's initial comments, it was clear the proposals had been misunderstood and they do not prescribe works to which the proposal is connected, nor a temporary time period. The nature of the proposal was clarified and further comment sought from the BRTC.

Access to on-site services is not a material planning consideration and the applicant/landowner will need to address this matter under separate legislation with the relevant undertakers.

Opening windows onto/over land owned by a third party is a private matter.

The proposal is for a roof structure only and does not propose a separate planning unit. The proposal would not incur any additional identifiable parking pressures.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Flood Zone 3 (current and future, defended and undefended)

Partially at Low Risk of surface water flooding (current and future)

Reduced risk of flooding from rivers and sea due to existing defences

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity

QESP1 QE SP1 Quality of the Environment
WDM2 W DM2 Flood Risk

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

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 it would not unacceptably prejudice the character and appearance of the area, nor would it have any significant degree of adverse impact on neighbouring properties that would warrant refusal.

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**PRINCIPLE**

The site lies within the Built-up Area Boundary where the principle of development is acceptable subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2. The application site forms part of an established industrial site.

DESIGN AND VISUAL AMENITY

The proposal is for a roof structure that would sit flush with the existing roof form of the building but

would sit in a 'courtyard' area that recesses from the main frontage. The 'courtyard' area comprises an area of hardstanding that can be accessed from a crossover on Durban Road and allows light into the windows of a neighbouring commercial unit (understood to be known as Unit 17).

The existing building is comprised of red facing brick, white uPVC fenestrations, and a combination of flat felt roofing to the lower frontage, and corrugated sheeting to the higher roof form to the rear of the building. The roof structure is to be constructed of translucent corrugated uPVC sheets supported and fixed to a scaffolding frame that would sit in the 'courtyard' area. It is intended to ensure the roofing matches the heights and pitches of existing roof forms.

The site comprises part of a wider, functional, commercial and industrial complex with little visual amenity. Industrial/commercial buildings in the area feature a variety of materials typical for the more utilitarian context, including metal corrugated roofing and corrugated metal sheeting to elevations.

While the materials/method of construction (scaffolding) is usually employed for temporary periods, this does not mean it could not remain in place for a 'permanent' period. The proposal has not indicated the structure is to be temporary in terms of the duration of its siting and is proposed as a 'permanent' structure, but it would bear a lightweight character and could be easily removed at a later date. The typically temporary nature of scaffolding would result in the structure appearing unusual once it has remained in place for an extended period, but it is of a modest scale, recessed in the confines of the building, and would have limited prominence in the wider context. The presence of a scaffolding structure with translucent plastic uPVC roofing would feature an element of industrial/commercial nature given its association with construction and would not be overly prejudicial to the limited visual amenity of the building or the wider industrial/commercial complex.

Whilst the permanent siting of the structure would appear somewhat unusual over time, it would respect the scale and form of the building, is lightweight, would be confined on three sides by the existing building, and would not have an unduly prominent or any significant adverse visual impacts on the building or the character of the area. It would remain subservient, and sufficiently sympathetic and integrated with the existing building and is in accordance with ALP policies D SP1, D DM1, and D DM4.

EMPLOYMENT LAND

The proposals would serve to provide additional shelter at an employment site and will enhance the usability of the site as a whole and make more efficient use of the site. The proposal is supported by ALP policy EMP DM1 as a result.

NEIGHBOURING AMENITY

The 'courtyard' in which the structure is to be sited features neighbouring windows that look, and open, into the 'courtyard'. From the objection received from the neighbouring unit, it is understood these windows are high-level and serve a kitchen, toilets, and office space within the neighbouring unit. In the first instance, it is not essential for windows to serve commercial kitchens, toilets, or office spaces, despite being desirable. The use of a translucent roofing material would retain some diffused light into these areas, but it is acknowledged that this would be much more restricted than the existing situation. While there will be an impact on these areas, the site is a commercial premises and would not be unacceptably or adversely effected to any significant degree by the reduced access to natural light in these utilitarian spaces. A large portion of the unit would remain unaffected by the proposal, with significant natural light access from the extensive glazing along the frontage.

The neighbouring unit has expressed concerns about the potential obstruction of their windows and inability to open them. In terms of natural ventilation, there are no planning policies that pertain to this, and it is unlikely the windows would be obstructed in any event given the minimal nature of the frame. As a commercial premises, alternative means of ventilation could be considered, if necessary, without

significant detriment to amenity.

While there would be some overshadowing and overbearing impacts on the neighbouring commercial unit, owing to the nature of the premises and the spaces in question, the impacts would not be adverse in any significant way, and are not unacceptable. The proposal is in accordance with ALP policies D DM1 and D DM4.

FLOOD RISK

The site is in Flood Zone 3 in undefended and defended scenarios. The proposal would not introduce additional footprint, nor increase the vulnerability of the site or its users. The proposal would not result in any additional harms in respect of flood risk on site or elsewhere and although it has not been supported by a Site-Specific Flood Risk Assessment as required by ALP policy W DM2, the proposal remains in accordance with aims of ALP policy W DM2 as a whole.

BIODIVERSITY

The proposal has no significant impact on biodiversity and is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption. While ALP policy ENV DM5 seeks to secure a biodiversity net gain for all development proposals, the limited scale and nature of the proposal, and the lack of any meaningful ecological habitat on site makes it impractical to secure any meaningful enhancement on site. While the proposal does not secure any on-site biodiversity net gain in conflict with ALP policy ENV DM5, this does not amount to harm in this context and would have no negative impact on biodiversity. The proposal is in accordance with the aims of ALP Policy ENV DM5.

SUMMARY

Whilst there are conflicts with elements of the ALP policies W DM2 and ENV DM5 in that a Flood Risk Assessment has not been submitted and no net gain in biodiversity will be secured on site. For the reasons outlined, these conflicts do not amount to any demonstrable harm and the proposal is in accordance with the remainder of relevant Development Plan policies. As such, it is 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

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 #01043141-B55726.
- Proposed Block Plan (Accepted 03/02/26).
- Roof Structure Elevations Rev.2.

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 greater 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.