

Recommendation Report for Planning Permission

REF NO: BR/203/17/PL

LOCATION: 49 High Street
Bognor Regis

PROPOSAL: Retention of 2 No. metal containers to rear, removal of 2 No. air handling units to rear & reinstate with 1 No. air handling unit to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The two containers are located in the rear yard of the property. One is on the shared boundary with no 47 High Street and the larger container on the shared boundary with 51. The containers are clad with metal and are single storey. The condensing units are located higher than the containers on the top section of the existing single; storey rear element of the host building.

SITE AREA

0.05 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

BOUNDARY TREATMENT

1.8m red brick wall to both side boundaries to rear yard. No boundary treatment to rear and shop bounds straight onto the pedestrian highway of High Street.

SITE CHARACTERISTICS

Two storey, mid-terrace building which forms part of a high street terrace with commercial use at ground floor, currently used as a supermarket (A1). The rear yard is hard surfaced with parking and space for deliveries and waste bins.

CHARACTER OF LOCALITY

Principal shopping area, town centre location, primarily retail & food uses with some residential on upper floors. The buildings are mainly two & three storey terrace of mixed use, predominantly commercial use at ground floor with some offices and residential above.

RELEVANT SITE HISTORY

BR/316/16/PL	Retention of 2 no. metal containers to the rear of property & installation of condensing	Refused
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units on the rear elevation.

16-03-2017

BR/240/54/B

Roofing over yard

Approve

04-11-1963

Application for the same development refused in 2016 for the following reason:-

The condensing units owing to their location and emission of noise above background level are considered to create a noise nuisance and with lack of details to prove otherwise have a significant detrimental impact on the residential amenities of the surrounding neighbouring dwellings in conflict with policy GEN7 & GEN 32 of the Arun District Local Plan 2003 and policies D DM1, SD SP1 & QE SP1 of the emerging Arun District Local Plan.

This application is made following the preparation of an acoustic noise report in line with EH requirements.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Consultations responses received:

Environmental Health

EH has no comments to make.

Comments on Consultation responses:

Comments noted. The application will be approved on the grounds that noise pollution is no longer considered to be detrimental to neighbouring residential amenity.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Principal Shopping frontage

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN32
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
Noise Pollution
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design

QE DM1 Noise Pollution
QE SP1 Quality of the Environment
SD SP1 Sustainable Development
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 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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

There are no Bognor Regis NDP policies directly relevant to this 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 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

DESIGN AND VISUAL AMENITY

The developments are of no particular architectural merit. However, they are only visible from the rear access road of Belmont street and are not located prominently. They are set back within the parking yard area. The developments are not considered to cause harm to the visual amenities of the host building, attached neighbouring properties of the street scenes in line with saved policy GEN7.

RESIDENTIAL AMENITIES

The visual impact on neighbouring residential amenity is limited given the location of the developments at ground floor and low level first floor within the rear yard area.

Environmental Health has no comments to make on this application and have not raised an objection on the grounds of noise and disturbance to residential amenities. The development is now considered to now comply with policy GEN7 & GEN 32 of the Arun District Local Plan 2003 and policies D DM1, SD SP1 & QE SP1 of the emerging Arun District Local Plan in terms of

impact on residential amenity.

As such planning permission can now be granted in this instance as the reason for refusal of the last application has been successfully overcome.

The application is considered to comply with the Development Plan and is recommended for conditional permission.

HUMAN RIGHTS ACT

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 completed within 1 calendar month from the date of this permission and maintained to a good working standard in compliance with approved drawings and document in condition 2.

Reason: To protect residential amenities in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The developments hereby approved shall be retained/installed and operated in accordance with the following approved plans and document:

02 Revision A
03 Revision A
04 Revision A
05

SRL Project 49 High Street, Bognor Regis Published 8 June 2017

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 **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.