

Recommendation Report for Planning Permission

REF NO: BR/218/21/PL

LOCATION: CPR Ltd
1 Unit Dickenson Place
Bognor Regis
PO22 9QU

PROPOSAL: Provision of specialist paint booth in existing light industrial building including roof ducts/vents. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the installation of a new paint booth with 3No ducts/flues through roof of the industrial unit.
SITE AREA	2345.00 square metres
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Front boundary is open towards Durban Road with parking, close boarded fencing to the west (rear) approximately 2m in height.
SITE CHARACTERISTICS	Single storey industrial building of an rectangular shape with a shallow pitched roof and flat roof front projection. Smaller parking area to the front and the larger to the rear.
CHARACTER OF LOCALITY	Industrial site with a mixture of old and new buildings, single storey and two storey in height with a row of residential dwellings along Ash Grove to the immediate west.

BR/144/21/CLP was refused on 15 July 2021 as the extract ducts / flues were in excess of scope of Lawful development permission and that a full planning application should be applied for instead.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENTAL HEALTH: after investigating the products used and items to be coated based on the further information provided by the applicant, a permit will not be required using these products at these quantities. Do not have any further comments or requirements on the chimney height subject to

suggested conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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 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.

Bognor Regis has a "made" Neighbourhood Plan; there is no relevant policy to be taken into account.

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 the applicant provided further information checked by EH and confirmed no need of a permit for the spraying activity and subsequently confirm suitability of the stack height.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity in terms of noise and air pollution.

PRINCIPLE

Such development should comply with the policies in the development plan. Key policies are D SP1, D DM1, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policies QE SP1, QE DM1 and QE DM3 require that development proposals for all types of development must take into account nearby land uses to ensure that the right development is located in the right place.

NPPF at paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 124 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.

The proposal is for the installation of a new paint booth with 3No ducts / flues through roof of the industrial unit required for CPR Ltd Bognor. There are are 3No extract / intake ducts / vents proposed:

- (a) Mixing room flue of 150mm diam which is 780mm high above roof slope and 2370 mm from nearest boundary
- (b) The Air intake flue is 660mm diam and is 1515mm high above ridge line and 4620mm from nearest boundary
- (c) The Exhaust flue is 660mm diam and is 3005mm above the ridge line and also 4620mm from nearest boundary.

The positions of all these are shown on both plans and elevations attached to this application. The provision of this in-house paint booth specialist unit is to increase the capacity, speed and finishing standards of the company's products.

The principle of alterations to an industrial building are generally acceptable depending on details

(addressed below).

DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character.

The Council requires in policy D DM4 that applications for extensions and alterations to existing buildings sympathetically relates to and visually integrated with existing building.

Paragraph 127 of NPPF emphasize that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and do not undermine the quality of life or community cohesion and resilience.

Unit 1 Dickenson Place is in the middle of an existing light industrial area and 3 extract / intake ducts / vents as proposed would be visually integrated with existing industrial building, would not detract from the surrounding area therefore it would comply with policies D SP1, D DM1 (1.,2.) and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

Policy QE DM1 requires new noise generating development to seek advice from early stage to determine the level of noise assessment required and policy QE DM3 expects development proposals to assess the likely impact of the development on air quality.

Whilst the Unit 1 is within a light industrial area, there is a residential development to the west of the proposal site, within a separation distance of approximately 60-70m (with an open parking area in the between), which can be affected by proposal if not properly done.

NOISE/POLLUTION

Policy QE DM3 requires all major development proposals to assess the likely impact of the development on air quality and mitigate any negative impact.

Notwithstanding the proposed development is for a provision of specialist paint booth and insertion of 3 flues only, the impact of the proposed development on residential property to the west of the proposal site has been considered and assessed by Environmental Health and consequently they have no further comments or requirements on the chimney height, however, they recommended inclusion of noise and restricted hours conditions.

The proposed development would comply with ALP policies D DM1, QE SP1, QE DM1 and QE DM3.

CONCLUSION

The proposed special paint booth and insertion of roof ducts/vents would not detract from the surrounding area and would not have an adverse impact on neighbouring uses and they would comply with policies D DM1, D DM4, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan and relevant paragraphs of the NPPF. Therefore the proposal is recommend to be approved.

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:

Dwg No 21-09-GD-271-02, Proposed Floor Plan;
Dwg No 21-09-GD-271-05, Proposed Side Elevations;
Dwg No 21-09-GD-271-06, Proposed Front and Rear Elevations;
Dwg No 21-09-GD-271-07, Block Plan;
Location Plan.

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

- 3 No work for the implementation of the development hereby permitted shall be undertaken on the site on Public Holidays and Sundays or at any other time except between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays.

Reason: To safeguard the amenities of nearby residents in accordance with policy D DM1 of the Arun Local Plan.

- 4 The 'rating' level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured ambient noise level LA90,T during the day time period (07:00 - 23:00). An acoustic assessment shall be undertaken to demonstrate compliance with the above requirement and the results of the assessment and details of any mitigation measures shall be submitted and approved in writing by the Local Planning Authority before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and 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.