

Recommendation Report for Planning Permission

REF NO: BR/231/21/PL

LOCATION: 1 London Road
Bognor Regis
PO21 1PQ

PROPOSAL: Installation of extraction system. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to install an extraction system to the premises.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The High Street runs to the south of the premises with London Road to the west. There no significant physical features that define the boundary between the premises and the two roads it is situated on.
SITE CHARACTERISTICS	The site is on the corner of London Road and has two shop frontages. The ground and first floor units are proposed to be a cafe/lounge bar.
CHARACTER OF LOCALITY	The site is in the Primary Shopping Area.
	The building is a Building of Special Character, as are others nearby. Although not listed, it is classed as a non-designated heritage asset, and is considered to have a degree of architectural and historic merit. The William Harwicke to the rear/east of the premises is a Grade II listed building.
	None.

REPRESENTATIONS

Bognor Regis Town Council - No Objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health: Has reviewed the application and supporting documents and is satisfied that the proposed extraction system arrangement shall be suitable for the proposed use.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary
Pagham Harbour Zone B
Economic Growth Area
Town Centre Retail Boundary
2km Buffer for Site of Special Scientific Interest
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic 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
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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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1, QE DM1, QE SP1 and HER DM2 of the Arun Local Plan. These policies are concerned with the design, visual and residential amenity of the proposed works and additionally address potential impact upon heritage assets and pollution (noise).

Bognor Town Council has made a Neighbourhood Plan with policy 1 of relevance to the application. This seeks to ensure that development proposals concerned with extensions and alterations of Designated and Non-designated Heritage Assets will support the delivery of relevant Neighbourhood Development Plan objectives and vision. Proposals must identify the significance of any affected heritage asset and assess any harm and benefit.

DESIGN AND VISUAL AMENITY

An extraction system is proposed and will be on the roof of the building. Due to its siting, it is not visible from the wider area and as such the works will not alter the external appearance of the building.

It will have no effect on visual amenity and will not impact the composition of the street. The works by reason of their design and position have no adverse impact upon the character and appearance of the surrounding area.

The proposed works are in accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY (INCLUDING NOISE POLLUTION)

QESP1 of the Arun Local Plan requires all developments to contribute positively to the quality of the environment and ensure that they do not have significant negative impacts upon residential amenity, the natural environment or upon leisure or recreational activities.

The extraction will exit the building via the flat roof on the 2nd floor and due to its position, a suitable distance from amenity is not considered to result in harm by way of overbearing or overshadowing.

Part K.05 of the Arun Design Guide requires mitigation in respect of noise from developments and states that measures must be installed to attenuate noise at its source. The application provided details of the systems proposed; this will include a low pressure baffle filter, a MUB Multibox fan, centrifugal duct fan, OC2 unit, pleated disposable panel and low pressure carbon filtration system. These proposed systems are all considered to produce low levels of sound and will result in minimal noise pollution. Having additionally been checked and approved by Environmental Health, it can be considered that the

extraction system is satisfactory for use and will not have adverse impact upon residential amenity or the environment by way of adverse noise.

The proposal is not considered to significantly impact residential amenity and is in accord with D DM1, QESP1 and QEDM1 of the Arun Local Plan and the Design Guide.

IMPACT OF BUILDING OF SPECIAL CHARACTER

Being a non designated heritage asset, impacts upon the buildings appearance in relation to the proposed works must be carefully considered. The proposed works should aim to conserve the significant elements which contribute to the buildings heritage assets. Being located on the roof the external changes are minimal and are not visible from the street scene. Therefore, there will be no detrimental harm upon the visual appearance of the building.

Internally, the building has been considerably altered in previous works and is now considered to be a modern structure. The installation of the extraction system will not impact the visual appearance of the building and would not result in harm upon the non designated asset on compliance with HER DM2 of the Arun Local Plan and Policy 1 of the Neighbourhood Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such 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 and Block Plan
- Existing Ground and First Floor Plans - LNG4249.00, LNG4249.01
- Existing and Proposed Elevations - LNG4249.02
- Proposed Ground and First Floor Plans - LNG4249.100, LNG4249.101
- Proposed Floor Plans - RP34455 REVA
- Sections - RP34455/1 REVA
- Technical details including low pressure baffle filter, a MUB Multibox fan, centrifugal duct fan, OC2 unit, pleated disposable panel and low pressure carbon filtration system.

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 **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.