

Recommendation Report for Planning Permission

**REF NO:** BR/250/21/PL

**LOCATION:** Unit 5  
Dickinson Place  
Bognor Regis  
PO22 9QU

**PROPOSAL:** Ground & first floor extensions. This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | Planning permission is sought for the first floor and ground floor extension to Unit 5 which is in light industrial use. The extension will be used as a storage and office area.                                                                                                                                                                     |
| SITE AREA                  | 685.00 square metres                                                                                                                                                                                                                                                                                                                                  |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                   |
| BOUNDARY TREATMENT         | The front boundary is open towards parking area within rear of Dickinson Place with a 1.8m high concrete fence to the west and south-west .                                                                                                                                                                                                           |
| SITE CHARACTERISTICS       | Industrial building of an rectangular shape with a shallow pitched roof with 5 roof lights on both roof planes with flat roof 2 storey projection of an irregular shape to the front and flat roofed element of an irregular shape attached to its south-western elevation with further smaller extension to the west. Parking to the front and 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.                                                                                                                                                                            |

None.

**REPRESENTATIONS**

Bognor Regis Town Council: No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

Engineers Comments Regarding Surface Water Drainage: Due to the scale, location and type of

application we have no conditions to request.

ENVIRONMENTAL HEALTH: No objection subject to suggested condition.

## 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                           |
| EMPDM1 | EMP DM1 Employment Land: Development Management         |
| TSP1   | T SP1 Transport and Development                         |

## PLANNING POLICY GUIDANCE:

|       |                                     |
|-------|-------------------------------------|
| NPPF  | National Planning Policy Framework  |
| NPPG  | National Planning Practice Guidance |
| NPPDG | National Design Guide               |

## 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 not considered to comply with relevant Development Plan policies in that the ground floor and first floor extensions to the building are not subservient and to be visually integrated to the building detracting from the surrounding area and would have an adverse impact on neighbouring uses.

#### 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 overlooking, overbearing and overshadowing.

##### PRINCIPLE

The development should comply with the policies in the development plan. Key policies are D SP1, D DM1, D DM4, EMP DM1, QE SP1 and QE DM1 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. Policy D DM4 stresses that extensions and alterations to buildings should be designed to complement the scale and massing of the existing building and not lead to overlooking or overpowering of neighbouring properties. Policy EMP DM1 ensures that the Council will seek to protect and enhance existing employment sites and premises. Policies QE SP1 and QE DM1 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 124 highlights 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 while securing well-designed, attractive and healthy places.

The extensions as proposed would not result in an increase or decrease in the number of existing employees and would serve for storage and office uses.

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.

Policy D DM4 states that applications for extensions and alterations to buildings sympathetically relates to and visually integrated with existing buildings and provide a satisfactory relationship between old and new fabric. Extensions/alterations are required to be visually subservient to the main building.

The Council promote and support in policy EMP DM1 positive measures to upgrade existing employment areas through modernisation of existing premises and proposals which make more efficient use of under-used employment sites and premises.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part J.01 deals with form and character of development and requires development to incorporate architectural forms and features that predominate in the surrounding area. Part J.02 requires the appropriate scale for new buildings or extensions/alterations to existing forms and to be determined by their context, their location and their function and positioning. Part J.05 deals with roofs and expects room form to be simple and express and articulate the form of the building rather than obscure it.

Paragraph 130 (NPPF) requires decisions to ensure developments 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.

The National Design Guide was published in October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively.

The ground floor extension would extend the north-western elevation of industrial building (including front projection) and would be of an irregular shape: 7.85m wide to the front and 13m in its widest point, would be characterised by lean to roof and would result in an unbroken 28.6m long and up to 4m wall within a separation distance of approximately 0.3m from the shared boundary with rear residential gardens. The whole unbuilt area to the north-west of the existing building would be covered with the ground floor extension. A roller door would be inserted on its front elevation.

The first floor extension would extend the flat roofed element of an irregular shape attached to the south-western elevation of the pitched roof building, would be set back from the front elevation of the 2 storey front projection by approximately 13m, would be 17m deep and 11.5m wide to the front and 16m in its widest part. It would be characterised by a shed roof which would create an awkward relationship with existing industrial buildings in the context as proposed. The first floor extension would be 10m high in its highest point and approximately 6.8m to the eaves; there would be a 5.85m difference between the height of proposed and existing building. Three large windows would be inserted at first floor level of its rear and front elevation with a fourth window of the same shape and size above.

Whilst Unit 5 Dickinson Place is in a light industrial area, the extension is in close proximity of residential development, sharing the rear boundary of their garden. The extensions fail to provide a satisfactory relationship between existing and proposed, fail to be visually subservient or visually integrated, on the contrary, it would be dominant, considerably higher than the host building and would not take any consideration to the vicinity of residential development to the west in terms of massing.

The support of the Council within policy EMP DM1 in terms of enhancement of employment premises and sites is offered for appropriated proposals and positive measures. The proposed development would

not sympathetically relate to the existing building and detracts from the surrounding area and would not comply with policies D SP1, D DM1 (1.,2.) and D DM4 of the Arun Local Plan and the requirements of the Arun Design Guide, the National Design Guide and paragraph 130 of the NPPF.

## **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.

Whilst Unit 5 is in a light industrial area, there is residential development to the west of the site, in a separation distance of approximately 20m (their rear gardens within 15m at the closest point), which will be affected by the development.

Notwithstanding the development is for storage and office use only, without further information on intensification of use it is difficult to consider the possible impact of the development in terms of noise which would be generated. The extensions were assessed by Environmental Health and they have no objection subject to a condition.

The extension would be in close proximity of residential development to the west, with a separation distance of 15 from their rear gardens. The large windows at the first floor level of the north-western elevation would violate the privacy of occupiers of these premises via overlooking and the first floor extension due to its massing and height would have an overbearing effect on neighbouring properties.

The development would not comply with ALP policies D DM1, QE SP1 and QE DM1.

## **HIGHWAYS, TRANSPORT AND PARKING**

Policy T SP1 (ALP) does not relate to housing supply and is given full weight. Policy T SP1 requires appropriate parking in line with WSCC Guidance (now superseded by Arun District Council guidance).

Paragraph 110 (NPPF) states it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 111 (NPPF) states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Arun Parking Standards Supplementary Planning Document, (Jan 2020) requires all other development (than houses) will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This approach reflects that taken by the WSCC GPND and responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.

In section 4.2 stresses that businesses are obliged to minimise their effect on the environment. In support of this obligation and in line with the West Sussex Transport Plan, businesses should promote sustainable travel behaviour by encouraging employees to travel by non-car modes and reducing the number of single occupancy car journeys.

Section 4.8 Table 4.1 sets out the overall vehicular and cycle parking standards by land use. For B1

(now E) use 1 space per 30sqm is required and for B8 (Storage) 1 space per 100sqm.

The submitted drawings do not indicate any proposed parking spaces. Therefore the proposal would not comply with requirements of the ADC Parking Standards.

## CONCLUSION

The ground floor and first floor extensions to the building are not subservient or visually integrated to the main building. It would detract from the surrounding area and would have an adverse impact on neighbouring uses. Insufficient information has been provided to demonstrate the provision of parking spaces and the accommodation of the delivery of goods and supplies in relation to the proposed extensions. This contradicts the requirement of the ALP policies D DM1, D DM4, QE SP1 and T SP1 of the Arun Local Plan, the Arun Design Guide, Arun Parking Standards, the National Design Guide and relevant paragraphs of the NPPF. Therefore the proposal is recommended for refusal.

## 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

### REFUSE

- 1 The extensions are not visually integrated and subservient to the main building and would result in a cramped appearance which adversely affects the character of the host building and the character of the nearby residential area contrary to policies D SP1, D DM1, D DM4 of the Arun Local Plan, the Arun Design Guide, the National Design Guide and the NPPF.
- 2 Having regard to the proximity and relationship of the extensions to neighbouring residential properties the proposal creates unacceptable living conditions for the occupants of adjoining properties through overlooking of rear gardens (19 and 21 Ash Grove) and being overbearing due to their height and massing, in conflict with policies D DM1 and QE SP1 of the Arun Local

Plan.

- 3 Insufficient information has been provided to demonstrate that the under provision of on-site car parking spaces and cycle parking in relation to the extensions would not cause harm to the amenity of the area through an increase in on-street parking. The proposal is contrary to Arun Local Plan policy T SP1 and Arun Parking Standards Supplementary Planning Document.
- 4 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.