

Recommendation Report for Planning Permission

REF NO: BR/262/20/PL

LOCATION: 2 Durban Park
Bognor Regis
PO22 9RJ

PROPOSAL: Extension to Mezzanine Floor. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to re-arrange an an extension to mezzanine floor providing an extra 129 square metres of floor area. External changes to the front entrance door & sidelight are shown which would be replaced to improve access for the less able. These were not mentioned in the description of the application therefore do not form part of the application. The new signage zones shown on the submitted drawing 1232_22 are not considered within this decision, a separate application should be submitted where advertisement consent is needed.
SITE AREA	1318 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat with an embankment rising approximately 1m to the southern boundary and the A29.
TREES	None affected by the development.
BOUNDARY TREATMENT	Adjoining commercial premises to the eastern and western boundary with a wooden fence of approximately 1.2m with trees of mixed species along to the southern boundary
SITE CHARACTERISTICS	Commercial building constructed from red brick to the lower half and corrugated steal to the reminder with a front projection and pitched roof above. Hardstanding (block paving) providing parking to the north - connected directly to the tarmac road (Durban Park).
CHARACTER OF LOCALITY	Commercial area on Industrial Estate with units of a similar appearance and nature. The A29 to the south-east and residential area to the south west.
None.	

REPRESENTATIONS

No Objection.

6 letters of objection.

- This appears to be a simple mezzanine extension application, but seems to be a change of use to D2 with opening hours to 24/7.
- Without thoroughly looking through the application there is no indication that this is in fact a change of use application.
- When applying for D2 there are several factors that are key: parking relative to floor space for D2 and noise concerns.
- There are no obvious applications for any gyms, the application actually seems to relate to something else.
- It will create huge traffic and parking issues and noise issues through the day and night 7 days a week, 24 hours a day.
- There was no consultation with the residents, no reports to understand the impact of traffic and noise, which will both be significant and will be 24 hours a day.
- A new gym of this size (it's huge) would mean traffic would be unbearable; the additional noise into the late evening, and in this case through the night of people coming and going is absurd in a residential area.
- The traffic management, noise report and an evidence of parking requirement are not accompanying this application.
- There is no transparency with this application; the only reason we know about this is because it was announced on social media this weekend by the gym.
- Approving a gym where there are already 4 other gyms within a ¼ mile radius right now is insulting and very upsetting. It will have a massive negative impact on the business already shut down.
- The site behind our property is already a problem with the way it functions currently, adding further, 24hr issues, would make it ridiculous.

COMMENTS ON REPRESENTATIONS RECEIVED:

The description of the current application is for an extension to mezzanine floor, however the submitted Design and Access Statement refers to the change of use to the former D2 use (now use class E) which they intend to implement without the need for permission as they believe there is no change of use class. This application does not confirm that the use can change in this way.

This application is treated as proposal for an extension to mezzanine floor only as described in section 5. of submitted application form.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC REGENERATION: no response.

ENVIRONMENTAL HEALTH: no objection subject to suggested conditions and informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health have suggested conditions regarding construction and external

lighting. The construction of the mezzanine has commenced and is largely complete therefore these conditions are not appropriate. They also propose an external lighting condition. As the building already exists and the application does not propose a change of use the external lighting condition is not considered necessary in this case.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
WSSC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
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
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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. There are no policies contained within the Bognor Regis Neighbourhood Plan that implicate upon the determination of 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 not considered to conflict with the relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties, and it would not 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, visual amenity and, residential amenity.

PROPOSAL:

The application proposes an extension to mezzanine floor of a B8, Industrial Warehouse within an area on Industrial Estate.

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

The site forms part of an commercial park in suburban area of Bognor Regis with A29 to the south east and residential to the south west.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." The site is in a sustainable suburban location in easy walking & cycling distance of a range of local shops, facilities and services including bus stops.

The purpose of the NPPF is to contribute to sustainable development and to ensure that the planning system supports economic growth. Paragraph 9 stresses that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Local Planning Authorities should allow a rapid response to changes in economic circumstances.

The proposal is therefore considered to be compliant with relevant National and Local Planning Policy.

VISUAL AMENITY:

The proposal does not involve any external changes. The new signage zones shown on the submitted drawing 1232_22 are not subject of current application, a separate application should be submitted where advertisement consent is required.

As such, the extension to mezzanine floor would not have any unacceptable visual impact on the appearance of the building and local area, in accordance with policies D SP1, D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan 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 D DM1 of the Arun Local Plan requires proposed development have a minimal impact to users and occupiers of nearby property and land.

The Council's Environmental Health Officer has provided comments. The nearest residential would comprise the 2 semidetached residential dwellings to the south-west of the site. However, the proposal unit is not the closest unit to either of these properties and the proposal involves the internal changes only.

Taking into account the above it is considered there would not be any potential impact on residential amenity therefore the proposal will accord with policies D DM1 and QE SP1 of the Arun Local Plan and the NPPF (para 127).

WASTE DISPOSAL:

The plans do not incorporate areas to store and aid the collection of waste. However this could be dealt with through existing management.

PARKING:

The additional space provided could add additional parking need as it would be possible to have more employees on the site. No additional parking for staff is proposed but the potential impact of additional staff from the space created is not likely to have a negative impact on highway safety in accordance with the NPPF or harm to the amenity of the area through extra on-street parking. This judgement is based entirely on the business use and no consideration of a change of use under permitted development can be considered.

As the development has commenced the standard 3 year commencement has not been included.

SUMMARY:

The proposed extension to mezzanine floor is acceptable and the proposed development would not cause any adverse visual effects or damage the amenity of the local area.

The application is therefore recommended for approval, subject to the following conditions.

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 in CIL Zone 4 (Zero Rated) as 'other development'.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans only insofar as they relate to the additional mezzanine space:

Dwg No 1232_01 Existing and Proposed Location Plans;
 Dwg No 1232_05 Existing and Proposed Block Plans;
 Dwg No 1232_22 Existing and Proposed Elevations;
 Dwg No 1232_30 Existing and Proposed Floor Plans.

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.

- 2 The consent hereby granted is for an extension to mezzanine floor only. The description of the development provided by the applicant did not include any changes to the building or a change of use and therefore these have not formed any part in the Council's consideration.

REASON: To protect the amenities of the locality and adjoining property in accordance with Policy D DM1 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.