

Recommendation Report for Planning Permission

REF NO: BR/278/14/PL

LOCATION: Land between 2 - 4 London Road
Bognor Regis

PROPOSAL: Use of land for 8 No. temporary market stalls

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 100 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front and rear. Buildings to side.
SITE CHARACTERISTICS	The site comprises corrugated metal sheeting sides and roof. It forms a passageway between shops.
CHARACTER OF LOCALITY	Predominantly retail in character due to its High Street location. Retail on the ground floor with residential above.

RELEVANT SITE HISTORY

BR/49/08/	Erection of a new retail unit and 2 No two bedroom flats	ApproveConditionally 25-03-2008
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REPRESENTATIONS

Representations received:

Bognor Regis Town Council
No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

Economic Development

Support

This is with the proviso that there are controls over the quality of the appearance of the development to ensure it meets an appropriate standard and should the same colour, design, style and it would be desirable to have a condition about keeping the site and walkway tidy and for it to be a temporary permission.

Comments on Consultation responses:

Comments noted. Appropriate conditions are recommended to secure a suitable colour and design for the stalls and for any permission to be temporary.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary
The Form of New Development
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

The Bognor Regis Neighbourhood Plan is currently under preparation.

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

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which is considered to be mainly policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

SITE HISTORY/CONTEXT

Planning permission has been granted under reference BR/49/08 for the erection of a building on the site with retail on the ground floor with 2no. bed flats above.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to station 8no. temporary market stalls in Bognor Regis High Street. The stalls will measure 3m x 3m in their footprint to a maximum height of 2.8m. They will have a steel collapsible frame with a PVCu top.

The stalls will be appropriate to the retail environment of the High Street. Economic Regeneration

supports the proposal in the interests of trade and promoting the town. The stalls are collapsible and temporary in their appearance.

It is recommended that a temporary permission be granted for 2 years so that the Local Planning Authority can reappraise the situation at this later stage.

With this temporary permission in place, it is considered that the proposal complies with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

There are residential properties situated above existing shops. However, the proposed market stalls will not cause any harm to these residential units over and above existing levels expected in a busy High Street location.

It is therefore considered that the proposal is acceptable in residential amenity terms and complies with policy GEN7(iv) of the Arun District Local Plan.

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 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, a neutral impact has 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The 8no. market stalls hereby permitted shall be permanently removed and the land restored to its previous condition 3 years from the date of the discharge of condition 03 below.

Reason: To enable the Local Planning Authority to review the development after a temporary period in the interests of protecting the visual amenities of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Location plan dated 22-06-2006, Block plan dated 07-11-2014 and gazebo specification drawing 'S30' all submitted with the application form signed and dated 24-10-2014.

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 No development shall be carried out until details showing the colours and design to be used on all 8 no. temporary market stalls hereby permitted has been submitted to and approved by the Local Planning Authority and the details so approved shall be implemented along with this permission and retained in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The 8 no temporary market stalls hereby permitted shall be dismantled and removed from the site at the end of each day that they are in use and no stalls shall be left on the site overnight.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.