

Recommendation Report for Planning Permission

REF NO: BR/288/17/PL

LOCATION: Main Unit Rear of Holmlea
Town Cross Avenue
Bognor Regis
PO21 2DN

PROPOSAL: Rear extension to storage & workshop areas & roof extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey rear extension to north west side of building with increase in ridge of main roof (by approximately 90cm which will increase the slope of the roof), full width roof extension, dormer window to north east facing side of existing roof to allow first floor business accommodation.
	The ground floor of the rear extension will be a workshop and the upstairs will be a store room.
SITE AREA	0.1 hectares.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	2.5m metal safety fence to all sides.
SITE CHARACTERISTICS	The site is located to the rear of Holmlea in Town Cross Avenue. On the site is a large single storey workshop which is painted white with a corrugated roof and roof lights. There are windows on the back and front of the workshop. There is also a smaller building also white and in brick and corrugated metal. To the rear of the site are garages.
CHARACTER OF LOCALITY	The site is surrounded by residential houses of varying styles and ages but all two storeys in height.

RELEVANT SITE HISTORY

BR/9/55/E	5 Garages	Approve 17-12-57
BR/9/55/D	Application For Use Of Part Of Messrs Bognor General Engineers Factory	ApproveConditionally 28-08-57
BR/496/74	Replacement External Wc	Approve 07-08-74

BR/9/55/B	Workshop	ApproveConditionally 25-04-56
BR/9/55/C	Petroleum Mixture Store	Approve 13-11-56
BR/9/55	Outline Application For Use Of Land For Light Industry	ApproveConditionally 07-02-55
BR/9/55/A/a	Light Industrial Building	ApproveConditionally 12-10-55
BR/613/74	Continuance Of Use & Relaxat- Ion Of Condition No 1 Applicat Ion Br/9/55 Workshop Light Engineering Class Iii	ApproveConditionally 08-01-75
BR/72/14/PL	Demolition of existing buildings and redevelopment of the site with 4no. dwellings. Resubmission of BR/41/13	Refused 16-07-14
BR/41/13/	Demolition of existing buildings and redevelopment of the site with 6 No. two bedroom dwellings	Refused 11-06-13

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

9 letters of representation received objecting on the grounds of:

- loss of daylight to neighbouring gardens,
- overlooking and loss of privacy to neighbouring gardens,
- noise and disturbance
- traffic generation from new employees and deliveries
- highways safety
- light pollution from security lights

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Issues raised will be considered in the conclusions section.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Economic Regeneration

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration

No comment.

Environmental Health

Environmental Health have investigated these complaints thoroughly over the last 2 years (first complaint made March 2016) and Statutory Nuisance has not been proved.

Therefore, please place the following condition on any permission given:

1. No deliveries shall be taken at or dispatched from the site outside the hours of 7pm to 8am, nor at any time on Sundays and Public Holidays.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Condition will be added alongside an hours of operation condition.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN33	Light Pollution

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

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
EMP DM1 Employment land:Development Management

QE DM1 Noise Pollution
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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).

No relevant Bognor Regis NDP policies.

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 boundary where the principle of development is acceptable.

The development would create additional employment floor space which is supported by emerging policy EMP DM1 should the impact on amenity be acceptable.

Visual amenity

The extensions will be visible from Towncross Avenue, Essex Road, Halson Close, Fletcher Way.

Obscure views will be possible from Essex Road and Towncross Avenue so it is not considered that the development would make an unacceptable change to the street scene. The increase in the ridge height would be visible from Halson Close, but this is an acceptable increase (approximately 90cm) and will not unacceptably vary the character and appearance of the locality.

The street scene to be most impacted would be Fletcher Way where the two storey rear extension would be visible over the play area to the south east. This street scene already faces the existing single storey detached rear building on the site so only a section of the new roof will be directly visible above this. This will be set back 4.8m behind the existing single storey detached building on site. It is considered the factory style hipped roof slope that will face the play area is in character with the existing style of the building and will recede away from the play area on Fletcher Way, retaining the character of the street scenes from Fletcher Way and other nearby parts.

The materials proposed are to match and are considered to respect the existing building's character and that of the street scene.

The impact on visual amenity is considered to be acceptable in compliance with saved policy GEN7.

Residential Amenity

Whilst the extensions are substantial they would have an acceptable impact on the properties of Essex Road and the two properties to south Homlea and Merryfield (on Towncross Avenue) as the extensions would be set significantly away from the main rear private amenity spaces of these houses and the rear windows. The north facing windows in the roof extension will be conditioned to be obscure glazed and fixed shut to a height of 1.7m as they will face over the rear gardens of the properties of Essex Road. Whilst the windows will not face over the direct amenity spaces of these gardens, they will be high and look down on the gardens. With fixed shut obscure glazing it is considered that unacceptable overlooking will not take place.

The main properties to be impacted directly would be 28 and 30 Fletcher Way and the properties of Halson Close. 28 and 30 Fletcher Way are already impacted by the single storey detached building and

main building on site. The impact on the rear garden and windows of 28 and 30 Fletcher Way is considered to be acceptable. The rear extension would have a roof that recedes away both from the south and west behind the existing single storey rear building and therefore not increasing the impact significantly from what it is already. The extension would see a modest increase in the roof slope angle and the ridge which will be approximately 90cm higher. Thus the impact in terms of overshadowing would be limited and not unreasonable. It is also considered that the extension for the reasons above would not be significantly overbearing or visually intrusive on these properties. Furthermore, no windows are proposed in the elevations facing the properties on Fletcher Way and Halson Close to the south.

No additional security lighting is proposed by the application.

The properties on Halson Close would be modestly impacted by the proposal in terms of visual impact as the roof slope and ridge are to increase (roof ridge by 90cm approx.). However, this is not considered to be a significant change and the impact on residential amenities would be limited.

The impact on the residential amenity is considered to be acceptable in line with GEN7(iv) & (v).

Noise and Light Pollution

The site is used for assembly and storage of motor bikes. As such there will be a noise and light impact from the extension, potentially generated from the workshop areas to the north of the site. However, the additional increase in these pollution levels will not be significant and unacceptable.

The Council's Environmental Health team have not objected to the proposal and suggested a deliveries condition which will be imposed. The applicant has also stated their deliveries are made between 0900 and 1600 Monday- Friday which is not unacceptable. In addition, given the location of the workshops away from properties to the south and east and more than 20m from the back sections of the properties of Essex Road it is not considered the generation of noise and lighting within the site would increase significantly which could have a significantly detrimental impact on residential amenity.

The number of deliveries to the site will be reduced given the additional storage capacity on site. This allows for larger single orders to be stored. It is not considered the noise from deliveries or use of the site would increase significantly as a result of the extensions, in line with saved policies GEN32, GEN33 and GEN7.

Highways

The impact on highways is considered to be acceptable as there will not be a significant increase in vehicular visits to the site. No new employees are proposed for the site and the delivery routes will remain the same. On site employee parking will not be reduced.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

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:-

05
04
03

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 The first floor windows of the roof extension on the north east facing elevation of the development shall at all times be glazed with obscured glass & fixed to be permanently non-opening to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall be similar in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.

- 5 The application site shall not operate and deliveries shall not be made to the site outside the hours of 1900 to 0800 hours Monday to Saturdays and including public holidays.

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33.

- 6 The building shall be used for and for no other purpose (including any other purpose in Class B1(c) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.