

Recommendation Report for Planning Permission

REF NO: BR/304/19/PL

LOCATION: 9-11 Water Tower Buildings
London Road
Bognor Regis
PO21 1PN

PROPOSAL: Installation of new entrance doors to shopfront, installation of air conditioning & re-colouring of existing shopfront.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a new entrance shopfront with new doors and sign and an air conditioning unit.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building fronts the street scene to front and rear.
SITE CHARACTERISTICS	The application site comprises a dual fronted building. The principal elevation fronts the primary shopping frontage of Bognor Regis High Street (London Road). The rear elevation front Sudley Road. Floor space above the retail unit comprises residential accommodation
CHARACTER OF LOCALITY	Bognor Regis Railway Station is within walking distance of the application site, a number of public car parks are located off Sudley Road and a number of bus stops are located within the immediate vicinity.

RELEVANT SITE HISTORY

BR/264/19/PL	External alterations for separation of building into 2 separate buildings for use as A1 (Shops) & new pedestrian access from new rear unit to Sudley Road.	ApproveConditionally 19-12-19
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Planning history noted.

An application for external alterations to separate the buildings was approved in December 2019.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

WSCC Strategic Planning

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Economic Development - No objection

Environmental Health - Apply conditions relating to hours of construction, details of external lighting, details of acoustic specifications, asbestos register.

Due to the modest scale of the development and that the work is already complete some of these will not be applied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

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
SDSP2	SD SP2 Built-up Area Boundary

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.

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.

Bognor has a made Neighbourhood Plan however none of the policies are relevant to 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 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The key policies considered are DDM1 and DDM4 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

The application will alter the shopfront which fronts London Road. The shopfront has existing glazing which will be retained. A new door will be installed which will match in appearance to that which exists and therefore the overall appearance of the shopfront will remain similar to existing.

A new advertisement will be situated along the front elevation and is subject to a separate application. The shop is situated within a high street and as a result the size and location of the sign is not considered to adversely impact the appearance of the shop or surrounding area.

Due to the modest scale of the changes, the alterations to the shopfront are not considered to adversely impact upon the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the modest development that is proposed and the siting, it is not deemed to result in adverse impacts upon neighbouring amenity by way of overbearing, overshadowing or overlooking.

An air conditioning unit is also proposed and situated to the rear of the site, not visible from the wider area. Environmental Health has been consulted and commented that if there are residential premises above or next to the property a condition should be included regarding the noise level during the day and night. This will be included and as such is not considered to provide adverse impact.

The development is not considered result in adverse impacts upon amenity and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development (in situ) is deemed to accord with the 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
 - Site and Block Plan - EWM070/SP01 A
 - Ground Floor Plan and Front Elevation - EWM070/AP01 E
 - Ground Floor Ceiling/Lighting Layout - EWM070/AP02 C

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 rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using BS4142:2014) - Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured ambient noise level during the day time period (07:00 hours to 23:00 hours) and the night time period (23:00 hours to 07:00 hours).

Reason: To protect the amenity of local residents in accordance with policy QESP1 of the

Arun Local Plan.

- 3 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 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 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.