

Recommendation Report for Planning Permission

**REF NO:** BR/79/18/PL

**LOCATION:** 22 London Road  
Bognor Regis  
PO21 1PY

**PROPOSAL:** 2 No. new outdoor AC condenser units to rear flat roof area & replacement of 3no. first floor windows

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                 |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above. As above. The proposed units will be mounted on the roof of the building.                                                                                                                                                             |
| SITE AREA                             | Approximately 163 square metres.                                                                                                                                                                                                                |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                             |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                             |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                  |
| BOUNDARY TREATMENT                    | The front of the building faces directly onto the street. Other boundaries are bordered by the elevation walls of neighbouring buildings.                                                                                                       |
| SITE CHARACTERISTICS                  | The site is occupied by a two-storey flat roof building which is part of a terrace. The ground floor is occupied by an opticians and has a shop front with fascia and projecting signs. There is a single-storey flat roof section to the rear. |
| CHARACTER OF LOCALITY                 | The site is located on a pedestrianized precinct which is lined by parades of, predominantly, shops. Upper floors are generally used for storage or offices although some house residential accommodation.                                      |

Officers note the planning history in particular previously approved application ref: BR/189/14/PL for the addition of 2 No. air cooled Heat pumps.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council  
Bognor Regis Town Council : No objection

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

**CONSULTATIONS**

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health: Having now evaluated the proposed development and formulated conclusions I would state that based on the requirements of the NPPF and the NPPG, this development falls in to category 1:

1. No comments.

They do not object/recommend refusal or request the imposition of any conditions on any grant of permission. However they do recommend a standard informative be imposed upon any grant of permission:

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken. should substantiate complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500.

**COMMENTS ON CONSULTATION RESPONSES:**

comments and requested informative noted

**POLICY CONTEXT**

Designation applicable to site:

Within the Built-up Area Boundary  
2km Buffer Zone of the SSSI: Bognor Reef and Felpham  
Pagham Harbour Access Management Zone B

**DEVELOPMENT PLAN POLICES**

|        |                                                             |
|--------|-------------------------------------------------------------|
| SDSP2  | SD SP2 Built-up Area Boundary                               |
| 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                                      |
| HERDM2 | HER DM2 Locally Listed Buildings or Structures of Character |

**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 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Bognor Regis Neighbourhood Plan applies:

No Policies are relevant.

### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

#### PLANNING:

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 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/POLICY

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1, D DM4 and QE DM1 of the Arun Local Plan 2011-2031.

#### DESIGN AND VISUAL AMENITY:

The proposed units would be discretely positioned on a single storey section of flat roof and would have a negligible visual impact due to the screening provided by the dense arrangement of surrounding buildings. From an assessment of the submitted plans and the Officers site visit it is considered that the proposed condenser units would not be visible from the front of the host property. Therefore, it is considered that they would not have a detrimental impact on the established character and appearance of the street scene of London Road and the wider area.

This proposal also seeks the replacement of 3no. first floor windows to the front of the host property. The existing windows are Wood and they replacement windows would be uPVC. The windows would maintain, albeit in uPVC, the same design where there would be 3 windows each featuring 2 glazed panels. Additionally Officers note that uPVC windows feature on many properties within London road. The host property is sited adjacent to number 24 a Locally Listed Building/Structure of Merit. Therefore, having regard to the above, the Officers site visit and the submitted plans, it is considered that the proposal would not have a detrimental impact on the on the established character and appearance of the street scene of London Road, the wider area or the adjacent Locally Listed Building/Structure of Merit.

As such, it is considered that the proposed dormer window(s) would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan 2011-2031.

#### NEIGHBOUR AMENITY:

The Council's Environmental Health Officer has been consulted and has commented on this application. There comments are as follows:

'Having now evaluated the proposed development and formulated conclusions I would state that based on the requirements of the NPPF and the NPPG, this development falls in to category 1:

1. No comments.'

They do not object/recommend refusal or request the imposition of any conditions on any grant of permission. However they do recommend a standard informative be imposed upon any grant of permission:

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 737500.

Officers note that there are no residential properties immediately adjacent to the site. As such, Officers consider that there would be no detrimental impact on the Occupiers of adjoining properties, in particular noise. However as noted above, 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.

The proposed windows are replacement windows and as such would not addord any views which the existing windows do not already allow.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of

the Arun Local Plan 2011 - 2031.

## SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions

### 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 approved shall be carried out in accordance with the following approved plans

1406-LP, 1406-BP, 202/2012 Rev C and Q-3182.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

- 2 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).

- 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.

- 4      INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken. should substantiate complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737500.

- 5      INFORMATIVE: This approval does not grant permission for the signage as shown on the approved plans. This permission only approves the proposed outdoor AC condenser units and the replacement of the 3 windows at first floor level to the front elevation.