Recommendation Report for Planning Permission

REF NO: **FP/19/14/**

LOCATION: Chocolate Box
68 Felpham Road
Bognor Regis

PROPOSAL: Retention of an Automated Teller Machine.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 90 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway.
SITE CHARACTERISTICS	Three storey property within terrace. Ground floor comprises a shop which is currently a Newsagents with first and second floor residential. The retail unit has a wooden framework painted cream with glazing unitsd on both sides. The fascia sign is white with red lettering The Chocolate Box and is illuminated by two swan neck lights.
CHARACTER OF LOCALITY	Parade of retail/commercial units within Felpham Village Centre. Estate agents and restaurant adjacent to site.

RELEVANT SITE HISTORY

FP/20/14/A	Retention of 1No. illuminated ATM sign to shopfront.	Withdrawn 09-04-2014
BR/157/48	6 shops and flats	Approve 13-01-1949

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

The Council does not object to this application.

3 Letters of Objection
There are cash machines available in the immediate vicinity that are well used by the community. The cash machine causes noise pollution. The surrounding green colour is offensive and does not fit in with the village conservation area. There is the increased risk of major crime by attempts to steal it. Illumination is a distraction to drivers.

Comments on Representations received:

Objection comments noted
The necessity for another cash machine is not a material planning consideration. Substitute plans have now been received with the surround and lettering being non-illuminated and the only illumination will be the panel above the machine. The site is not within the designated Felpham Conservation Area. It is not considered that the machine would cause harmful noise and disturbance to neighbouring properties to recommend refusal.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundnary
Class C Road
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

· the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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

The site lies within the Built Up Area Boundary and outside of the Principal Shopping Area as defined by the Arun District Local Plan. The retrospective application is for the retention of the cash machine that has been installed in the newsagents 'The Chocolate Box'. The surround and lettering which was originally illuminated was the subject of advertisement consent FP/20/14/A but

this has been withdrawn as this will now be non-illuminated except for the panel at the top of the machine which will aid users during the hours of darkness.

There is residential accommodation at first and second floor level above the unit and the cash machine has been installed on the front elevation within a glazing panel to the right of the entrance door and is set at a height which allows access to wheelchair users. It has a black background with green surround and white lettering and the surround and lettering are now non-illuminated.

It is noted that the existing shopfront is of a traditional design and on balance the installation of the cash machine is considered to be of an acceptable size and does not detrimentally harm the character or appearance of the building.

The machine is not considered to have a significant impact on the visual amenities of the locality or the residential amenities of the occupiers of the adjacent flats by way of noise and disturbance to recommend refusal.

It is therefore recommended to approve the application.

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 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 plans hereby approved: Site, Block 1:500 Drg No E011552 received on 21st February 2014, Floor/Elevations/Section Drg No E011552/1 received on 9th April 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.

2 As per the amended plans received on 9th April 2014 the panel at the top of the machine is only to be illuminated, the surround and lettering shall not be illuminated in any way.

Reason: In the interests of the visual amenities of the locality and safeguard the amenities of the neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

3 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 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.