

PLANNING APPLICATION REPORT

REF NO: BR/14/19/PL

LOCATION: Coopers Yard  
Shripney Road  
Bognor Regis  
PO22 9LN

PROPOSAL: Retention of storage container. This application may affect the setting of listed buildings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks the retention of a metal storage container to the front of the property.
TOPOGRAPHY	Site rises up from road
TREES	None affected by the development.
BOUNDARY TREATMENT	The front elevation consists of a wall approximately 1.8m in height, part brick and fencing with wooden gates. The northern elevation consist of brick wall and the side elevation of No.3 Farm Cottages forms the southern elevation to the application site.
SITE CHARACTERISTICS	The site is occupied by a small manufacturing unit used for the manufacture and distribution of massage units. There is space to the front of the property to allow the parking at least 3 cars.
CHARACTER OF LOCALITY	The area consists of a mixture of residential and commercial properties. There is a listed building next to the site to the south, followed by ' The Friary Arms'. To the north is a car rental business.

<b>RELEVANT SITE HISTORY</b>
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BR/7/13/	Change of use from car servicing and repair (General Industry B2) to light industrial (Business B1)	ApproveConditionally 22-02-13
BR/120/09/	Change of use from B1 (Light Industrial) for car servicing and repair	ApproveConditionally 24-07-09
BR/303/07/	Revisions to previously approved detached building with B1 use (BR/37/03) to incorporate revised roof detail and fenestration and doorway changes.	Approve 26-11-07

BR/93/98/

Change of use to B1 business with revised plan & elevations to existing building

ApproveConditionally  
30-07-98

Relevant planning history noted.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Objection on grounds of overshadowing, privacy/overbearing, design and appearance, visual impact and the impact upon the residents of the Farm Cottages (listed building).

1 letter of objection from a nearby occupier.

- Due to its size it is detrimental to my property and upon my wellbeing and enjoyment of my home.
- It is dominant and overbearing and provides a sense of enclosure.

### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in conclusion.

## **CONSULTATIONS**

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

### **CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - The setting of the property has to some extent been harmed by the neighbouring commercial development. That is not to say further inappropriate development should be allowed. It is suggested that if the concept of development in this location is considered acceptable, that a more appropriate designed structure could be considered in this location. This could reduce views through to the neighbouring commercial uses, and potentially be an enhancement. At present the current proposal is not capable of support. Full comments are available online.

Engineers (Drainage)- Awaited

### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

## **POLICY CONTEXT**

Designation applicable to site:

Built up area boundary

### **DEVELOPMENT PLAN POLICES**

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings

**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.

**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 conflict with relevant Development Plan policies in that it would have an adverse impact on the setting of the nearby Listed Building contrary to policy HER DM1.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that the structure is for a temporary period and the harm would be removed when the container leaves.

**CONCLUSIONS**

**PRINCIPLE**

As stated in SD SP2 the key policies considered are D DM1 and HER DM1 of the Arun Local Plan.

Bognor Town Council has a 'made' Neighbourhood Plan however none of the policies are relevant to the application.

#### DESIGN AND VISUAL AMENITY

The storage container is located to the boundary frontage and is highly visible. The site has permission for light industrial and the storage container is to be used to alongside this.

The container is blue and is highly visible. The surrounding area is mixed in design and style of properties and with both residential and commercial uses present.

The container is sited on the northern boundary and is approximately 2.4m in high. The view from the northern elevation is mostly screened with a brick wall of approximately 2m in height and the views from this elevation are limited. Whilst it sits at the frontage, due to the boundary treatment (walling and fencing to around 1.8m), the development is partially screened and as a result is not considered to appear so intrusive in the street scene that a temporary permission is not acceptable. The southern elevation neighbouring properties sit relatively close to the road frontage and whilst the container is visible from the southern elevation again views are partially restricted from these properties as a result of the siting of the container.

The container alters the appearance of the street scene, it is for a temporary period and the impact upon the street scene is considered limited. Due to the mixed design in the area with commercial and residential uses and the container being partially screened from the north and west, the impact upon the street scene is not considered to have an unacceptable impact on the established character of the area or the host dwelling and accord with D DM1 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The proposal has a width of 2.4m and a depth of 6m. It has a height of approximately 2.4m.

With a large wall and garage situated to the northern elevation the storage container is not considered to give rise to any adverse impacts upon this elevation.

The neighbouring property's side elevation forms the boundary to the south of the site. With a kitchen window at ground floor and a bedroom window at first floor level these overlook the container. Whilst it is noted the container may reduce some views from the ground floor window it is not considered significant due to the separation distance of approximately 8m between the container and the side elevation and it is not considered any overbearing or overshadowing impacts would be significant in such that a refusal would be justified.

With no openings to the side of the container it is not deemed to give rise to any adverse overlooking upon this property. As a result of the siting and size of the container is not considered to adversely harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 of the Arun Local Plan.

#### IMPACT ON LISTED BUILDING

The neighbouring properties form a row of 3 cottages which are Grade II listed buildings. The terrace comprises a timber-framed building comprising 3 cottages. The listing description identifies that it is probably C16 or C17. There is a flint wall to the front of the terrace, which appears to continue to the front of the application site. The development around the application site and the listed terrace is mixed with both residential and commercial uses present. The existing setting of the property has to some extent been harmed by the presence of the neighbouring commercial development. However, that is not to say that further inappropriate development should be allowed.

The container is located to the front of the application site, and is visible from the street. It is read in the context of the listed terrace, and it is considered not to be suitable; development in this context should reflect the character of the listed terrace, and not be in conflict with it.

It is suggested by the Conservation Officer that if the concept of development in this location is considered to be acceptable, that a more appropriate designed structure could be considered in this location. This could reduce views through to the neighbouring commercial uses, and potentially be an enhancement. Development in this context should reflect the character of the listed terrace, and not be in conflict with it.

Paragraph 196 of the NPPF relates to when harm is identified it should be weighted against the public benefit of the proposal. As the container is required for the use of a business it is considered to of benefit to the public in which the business contributes to the local economy. Para 192 requires Council's to take account of other factors and as the storage container is of a temporary use the impact is considered limited as when the temporary permission expires the harm to the Listed Building will be removed.

In light of its benefit to the economy and its temporary use, the proposal is considered acceptable in relation to the limited harm provided and the conflict with policy HER DM1

#### **SUMMARY**

The proposed development is deemed to accord with the relevant development 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 building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of the period ending 2 years from the date of this permission.

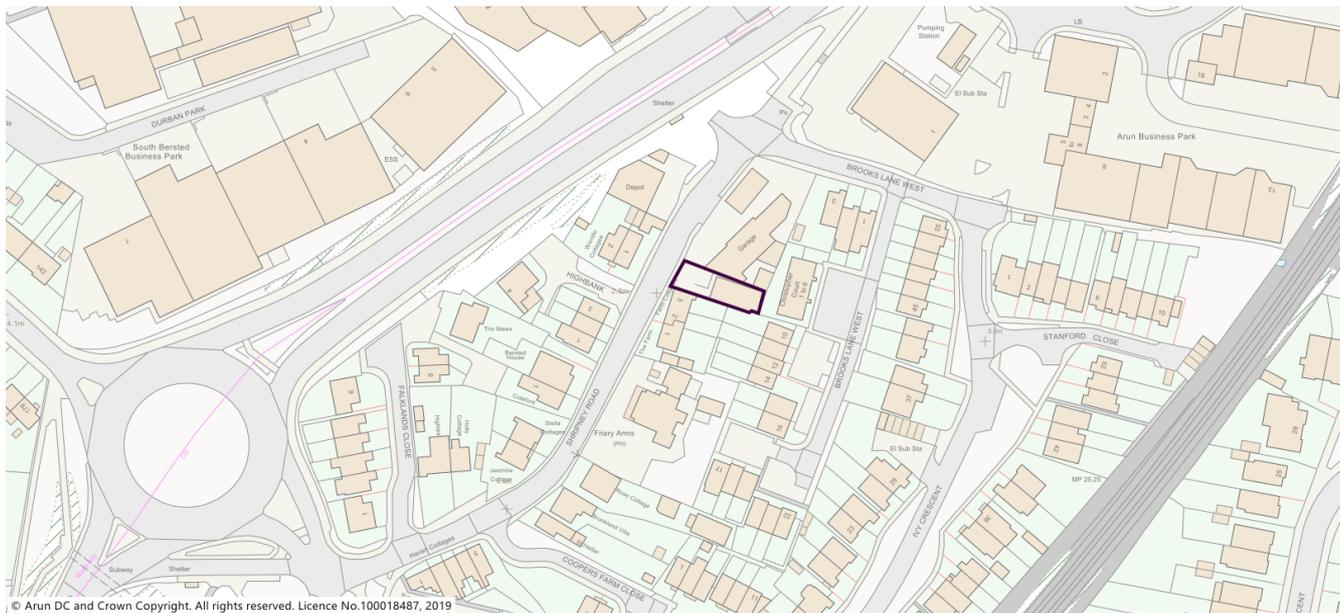
Reasons: To enable the Local Planning Authority to review the circumstances under which this permission is granted and to ensure that the harm created to the setting of the Listed Building is removed in accordance with policy HER DM1 of the Arun Local Plan.

- 2      **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.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BR/14/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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