

Recommendation Report for Planning Permission

REF NO: AL/89/20/PL

LOCATION: Former Aldingbourne Post Office
Westergate Street
Woodgate
PO20 3QL

PROPOSAL: Installation of plant enclosure to house refrigeration & air conditioning equipment & external freezer & chiller units. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The installation of a plant enclosure with external freezer/chiller units to facilitate the occupation of the former Aldingbourne Post Office, Westergate Street, Woodgate by Co-operative Group Food Limited as a new convenience food store. Timber hit and miss fencing to form enclosure.
SITE AREA	604.00 square metres.
TOPOGRAPHY	Slightly sloping up.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Supporting brick wall with a vertical board fencing on the top on the southern boundary, dwarf brick wall to the rear and on the both sides of front parking area.
SITE CHARACTERISTICS	The site is comprised of a single storey building constructed mainly of red brick characterized by a combination of a shallow pitched and flat roof with a large hard surfaced parking area in front of the main entrance and grassed area on the southern side.
CHARACTER OF LOCALITY	The proposal site is located within a corner position on the junction of Westergate Street and Hook Lane within predominantly residential area with a rail track to the south. There are residential dwellings immediately to the north of the site and to the south on the opposite site of the proposal site.

RELEVANT SITE HISTORY

AL/53/20/PL	Change of use from residential (C3) to shop (A1), new roof & new shop front. This application is in CIL Zone 2 (Zero Rated) as 'all other development'.	ApproveConditionally 10-09-20
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AL/53/20/PL for Change of use from residential (C3) to shop (A1), new roof & new shop front.

REPRESENTATIONS

No response.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENTAL HEALTH: Environmental Health have no comments to make on this application, provided that the applicant installs the equipment in line with the acoustic report provided. Subsequently the condition was suggested.

COMMENTS ON CONSULTATION RESPONSES:

Suggested condition will be applied.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area;
Class A Road;
Class C Road;
Lidsey Treatment Catchment;
HRA Buffers; Within 12km of Singleton & Cocking Tunnels SAC.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
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 Aldingbourne Neighbourhood Plan was adopted as planning policy by Arun District Council in 2016 following a Referendum of residents. Following the adoption of the Arun District Council Local Plan in 2018 amendments are required to the Neighborhood Plan which are currently out to Regulation 14 consultation ended on the 30th October 2020.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is only relevant to consider one of these. EH2 2019 sets out policy for the Singleton and Cocking Tunnels SAC.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

THE PROPOSAL

The installation of a new plant enclosure adjacent to the southern elevation of the approved convenience store is proposed. The enclosure would house 3 air conditioning units, together with refrigeration pack, gas cooler and condensing unit as specified on the Plant Layout (drg. no. E3633-CR3).

Adjacent to this plant, towards the rear of the unit, external chiller and freezer units would be installed. The plant and external chiller and freezer units would be enclosed by timber hit and miss fencing to provide screening for the plant. The timber fencing will be 2.4 metres high and will extend for the full height of the freezer/chiller units.

In addition to the plant to be installed, three ventilation apertures would be installed with louvred covers. These would be installed above the door to the extreme left-hand side (when viewed from Hook Lane) of the southern elevation which would be replaced with a new metal door with a powder-coated finish in RAL 7043 (traffic grey).

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and policy EH1 of the Aldingbourne Neighbourhood Development Plan provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." The site is in a sustainable village and suburban location in easy walking & cycling distance of a range of facilities and services including bus stops.

Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". Para 85 states: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan and policy EH1 of the Aldingbourne Neighbourhood Development Plan.

VISUAL AMENITIES

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. The Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, reached Post Regulation 12b Public Participation stage. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses that the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

The area is predominantly residential in character. The proposal seeks to install the external chiller and freezer units and the plant in front of the southern elevation of an existing structure which would be enclosed by timber hit and miss fencing to provide screening for the plant. The timber fencing will be 2.4 metres high when viewed from Westergate Street, 2.450m wide to the front and 4.445m to the

rear and will extend for the full height of the freezer/chiller units. The plant enclosure would be set back from the front elevation of the building by 6.7m and would be partly hidden behind an existing wall with a vertical board fencing on the top. The proposed enclosure would be 0.8m higher than existing fence to the south and would be 20m deep. The proposal would result in external changes of the property, viewing from the south and from the east, however it is not considered that the proposed change will have an adverse effect on the character of the street scene and generally on the character of surrounded area.

The development would not adversely affect the street scene since the property is a very simple structure and the proposed plant with enclosure would be only partially visible due to an existing wall with a fencing on the top. Proposed development complies with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Proposal will need to be supported by:

- a. Evidence to demonstrate that there are no suitable locations alternative;
- b. A noise report; and
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity.

Paragraph 180 of the NPPF states that development should "mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life."

The Plant Noise Impact Assessment dated 5th November 2020 has been submitted concluding that the resultant noise levels from the proposed mechanical equipment will result in noise levels that comply in full with the Local Plan and are at a level that is very unlikely to give rise to complaints from residents.

The development and submitted assessment have all been assessed by Environmental Health Officers who do not raised any objection, subject to the conditions. Accordingly, the proposed development is considered to comply with Policies QE SP1 and QE DM1 of the Arun Local Plan.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states that development proposals must be designed to incorporate biodiversity and enhance ecological networks in order to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is for an installation of plant enclosure to house refrigeration and air conditioning equipment & external freezer & chiller units within an approved retail premises with no hedges or trees but grass on the site. Due to the nature of proposal and the character of proposal site a Preliminary Ecological Appraisal Report was not required.

Due to the nature and extent of the application and the position of the structure there is a negligible impact on bat species.

SUMMARY

There are no objections from statutory consultee to this application and on this basis it is therefore recommended for approval subject to the following conditions.

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.

CIL DETAILS

This application is not CIL Liable as zero rated, other development.

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:

Dwg No 100 Rev A, Proposed Site Location and Block Plan;
 Dwg No E3633-CR3 Rev 01, Plant Feasibility Layout;
 Dwg No 212, Approved and Proposed Section DD;
 Dwg No 211, Proposed Elevations AA,BB and CC;
 Dwg No 111, Proposed Ground Floor Plan;
 'Noise Impact Assessment - Proposed Additional Plant' prepared by KR Associates Ltd under Ref KR06649 dated 05/11/2020.

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.

- 3 The development shall be carried out in accordance with the document 'Noise Impact Assessment - Proposed Additional Plant' prepared by KR Associates Ltd under Ref KR06649 dated 05/11/2020.

Reason: To safeguard the amenity of residents in accordance with Arun Local Plan policy QE DM1.

- 4 Before the proposed refrigeration and air conditioning plant is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme to be agreed with the Local Planning Authority. The noise mitigation scheme should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 -2031.

- 5 **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.