

Recommendation Report for Planning Permission

REF NO: AL/98/25/PL

LOCATION: Shop Around The Clock
and Aldingbourne Post Office
Westergate Street
Westergate
PO20 3QL

PROPOSAL: Installation of scissor lift and delivery landing with new stairs and gate to boundary wall. This application is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the installation of scissor lift and delivery landing with new stairs and gate to boundary wall.
SITE CHARACTERISTICS	The site is a convenience store fronting Westergate Street, on the corner with Hook Lane.
CHARACTER OF LOCALITY	The area is predominantly residential.

RELEVANT SITE HISTORY

AL/32/25/PL	Installation of plant equipment, canopy and parcel locker. This application is in CIL zone 2 (zero rated).	ApproveConditionally 20-06-25
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Planning history noted.

REPRESENTATIONS

Aldingbourne Parish Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Southern Water - Insufficient information provided. Further details of foul and surface water drainage are required.

South Downs National Park - No comment.

Environmental Health - No objection, subject to condition. The submission does not contain sufficient acoustic information.

ADC Drainage Engineers - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary
Lidsey Wastewater Treatment Catchment
Lidsey Local Flood Risk Zone

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

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, The South Inshore & South Offshore Marine Plan 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.

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 does not harm the visual amenity of the premises, or the residential amenity of neighbouring occupiers.

Section 70(2) of the 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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The scissor lift, stairs and platform would be behind the existing wall and fence and would not be visible either from Hook Lane or Westergate Street. The proposals would not impact the appearance of visual amenity of the site, and are acceptable in accordance with Arun Local Plan (ALP) policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The scissor lift, stairs and platform would be behind the existing boundary treatments and away from neighbouring properties. It would not result in overbearing, overshadowing or overlooking effects on nearby occupiers in accordance with ALP policies D DM1 and D DM4.

An objection has been received from Environmental Health. Following the objection, further information has been received, stating that the scissor lift would be operated for 20-30 minutes per day, and would not be operated continuously. The deliveries would take place between the hours of 7am and 8pm. Currently there are no restrictions on deliveries to the shop, and deliveries involve dragging goods to the front of the shop. These deliveries, in themselves, may cause disturbance and the duration of any disturbance which may be caused as a result of the scissor lift is not likely to be significant. The closest properties to the scissor lift are the adjacent property to the west of the shop, which is located approx. 11m from the proposed scissor lift and the properties on the opposite side of Hook Lane which are approx. 6m away. Given the additional information provided, the application would not cause harm to the residential amenity of neighbouring occupiers and is in accordance with ALP policy QE DM1.

DRAINAGE

Whilst it is noted that Southern Water objected to the application on the basis that insufficient information has been provided regarding surface water drainage, the proposals do not result in any increase in impermeable area and would not result in any increase requirement for surface water or foul drainage.

The proposal would not result in any impact on drainage or flood risk.

SUMMARY

The proposal is in accordance with relevant development plan policies and 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

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.

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:

- Location Plan PP101
- Site Plan PP100
- Proposed Ground Floor Plan PP108 REVA
- Proposed Roof Plan PP109
- Proposed Elevation A PP110
- Proposed Elevation B PP111
- Proposed Elevation C PP112

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

- 3 The proposed scissor lift shall only be operated between 07:00 hours to 20:00 hours.

Reason: To preserve the residential amenity of neighbouring occupiers in accordance with Arun Local Plan policies QE DM1 and QE SP1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a

biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.