

Recommendation Report for Planning Permission

REF NO: AW/114/14/PL

LOCATION: Co-operative
68 Rose Green Road
Bognor Regis

PROPOSAL: Instalment of two new external cold rooms to be positioned within the rear yard area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The two backup freezers are located next to each other with a combined width of 4.05m, length of 3m and a height of 2.1m (with a flat roof).

SITE AREA

Approximately 248 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None.

BOUNDARY TREATMENT

The open enclosed yard area at the back has an approx. 1.7m high fence to the rear (adjacent to 1 Phillip Court) and an approx. 1.9m high fence to the side with 72. In addition, there is then a narrow strip of unused land between the boundaries of the yard and the boundary fencing of the adjacent properties. 1 Phillip Court has an approx. 1.5m high fence to this strip.

SITE CHARACTERISTICS

A 2.5 storey detached building consisting of a supermarket on the ground floor and residential occupancy above. Access to the supermarket is at the front of the building with a delivery area and cycle racks to the west of the site. There is then a garage and storage area to the west. A single storey side extension is used as a manager's office. The walls have brown brickwork, smooth render painted cream on top half of front elevation, grey roof with shop front and associated signage. The rear yard is open but enclosed by boundary fencing. It currently contains a part covered area and two air conditioning units.

CHARACTER OF LOCALITY

Residential area with detached two storey and chalet style properties. The neighbour on the

west side, 72, has a ground floor flank window serving an en-suite and first floor velux windows on the side with a conservatory to the rear. The back of the conservatory is almost level with the edge of the rear covered yard area on the Co-op site.

RELEVANT SITE HISTORY

AW/7/95	Demolition of 72 Rose Green Road - extension of existing Co-Op foodstore and 8 off-street car parking spaces and construction of 4 x 3 bedroom houses and associated parking and access.	Approved Cond + S106 16-05-1995
AW/184/04/	Installation of automatic teller machine.	ApproveConditionally 01-10-2004
AW/186/06/A	Application for consent to display advertisements.	Apprvd/Cond ADV 15-09-2006
AW/185/06/	New shopfront & new covered yard.	ApproveConditionally 18-09-2006
AW/188/06/	New condenser unit.	ApproveConditionally 06-10-2006
AW/35/08/	Single storey rear extension to form additional warehouse area and new covered yard.	ApproveConditionally 26-03-2008
AW/97/14/A	1 No non illuminated wall mounted store directory on side elevation and updated 1 No existing non illuminated vinyl window graphics to front elevation	ApproveConditionally 07-05-2014

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

No letters from local residents.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

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Consultations responses received:

Environmental Health - Initially requested further information which resulted in an alteration to the submitted noise assessment. The report was then amended twice more following negotiations. EH officers are now satisfied and do not require any planning conditions.

Comments on Consultation responses:

Comments noted. The attached plans condition will include a reference to the noise survey report.

POLICY CONTEXT

Designation applicable to site:

Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN32](#)

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

The Form of New Development
Noise Pollution

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
ECC SP2 Energy & Climate Change
Mitigation
QE DM1 Noise Pollution

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

Arun District Local Plan Policy GEN7 requires that development "does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property" Policy GEN32 states that: "Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels."

The application proposals have the potential to adversely affect the occupiers of the neighbouring properties to the north and west by reason of noise. However, after a lengthy negotiation between environmental health officers and the applicant, it was concluded that the noise

generating aspects of the proposals were entirely internal and that therefore, there would be no impact to neighbouring properties.

The other potential issue for the neighbouring property, 72 Rose Green Road, is loss of light. The proposed cold rooms are located in the rear yard area and as such have the potential with a 45 degree angle drawn from the centre of the neighbour's conservatory window. However, this has been measured and assessed and it is clear that the cold rooms do not impinge upon this line. Furthermore, the cold rooms are only 2.1m high and are set in from the boundary by at least 2m. The existing boundary fencing will therefore screen out much of the neighbours view of the units.

Given the location of the two units in the rear garden, it is not considered that there will be any impact on the streetscene or the character and appearance of the local area.

It is therefore recommended that the application be approved, 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.

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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and reports:

Location and Block Plan Ref CP-ROSE-001-000;
Existing Layout & Rear Elevation Ref CP-ROSE-001-001;
Proposed Layout & Rear Elevation Ref CP-ROSE-001-002; and
Environmental Noise Survey entitled "Rating of Industrial Noise affecting Mixed Industrial & Residential Areas" - Version 1.4.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and GEN32 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 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.