

Recommendation Report for Planning Permission

REF NO: AW/359/20/PL

LOCATION: Co-op Supermarket
2 Nyetimber Lane
Aldwick
PO21 3HG

PROPOSAL: Marked parking bays to the existing parking area, new armco barrier to protect shopfront, new mechanical plant at rear of store with key-klamp protection & alterations to existing timber store which include new secure metal door & new felt roof to replace existing polycarbonate roof covering. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Marked parking bays to the existing parking area and new 'armco' barrier to protect shopfront to the front of Co-op Supermarket and new mechanical plant at rear of store and alterations to existing timber store which include new secure metal door & new felt roof to replace existing poly-carbonate roof covering are proposed.
SITE AREA	Approximately 744 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front and side boundaries are open to the highway.
SITE CHARACTERISTICS	Two storey building with offices above and parking to the front. Stairwell on south side leads to flats on upper level. Three windows on front elevation at first floor level with entrance doors. The building has a flat roof and the elevations are rendered painted white with white window frames.
CHARACTER OF LOCALITY	A corner junction with Grosvenor Gardens/Nyetimber Lane. Mixture of residential properties and commercial premises. Church to south of site. Immediately to the west residential only. Avisford Park to the south-west.

RELEVANT SITE HISTORY

AW/262/13/	The installation of a new canopy to the rear yard area.	ApproveConditionally 10-12-13
AW/188/13/	Replacement of the existing shopfront including new door & roller shutters.	ApproveConditionally 18-10-13

REPRESENTATIONS

ALDWICK PARISH COUNCIL: No objection, whilst members expressed the hope that a pedestrian route to the shop should be clearly delineated and that a space for queueing, when necessary, outside the shop be allowed for and that yellow lines should mark off the pedestrian areas from the parking areas.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is for marking parking bays to the existing parking area only.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection, provided that the applicant installs the equipment in line with the submitted acoustic report.

WSCC: The Local Highway Authority (LHA) has been consulted with regards to any highway safety or capacity concerns. The application is not supported with any background information for the proposals or any Transport details, very limited information for the proposal has been provided. It's not clear why this access proposal has come forward.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The proposed one way system has been removed from the proposed development.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

No Public Sewer

Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
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
TSP1	T SP1 Transport and Development

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.

There is currently no Aldwick Neighbourhood Development Plan.

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

Marked parking bays to the existing parking area and new 'armco' barrier to the front area and the replacement refrigeration plant comprising a compressor pack and a gas cooler. This plant will run at all times. The existing air conditioning (AC) units are to be retained and are therefore outside the scope of this assessment, however they are replaced from the southern elevation to the rear. The AC units operate only when the store is open. Replacement refrigeration plant would be installed within the service yard to the west of the store and would be screened by the perimeter fence of the premises, 1.8m high.

Key-Klamp protection and alterations to existing timber store which include new secure metal door and new felt roof to replace existing polycarbonate roof covering is proposed as well.

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 provided it accords with other policies of the Local Plan covering such issues as the 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 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.

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. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. 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 Gas Cooler and Compressor Pack enclosed by the perimeter fence of the premises only. Whilst the fence is approximately 1.8m high and the proposed mechanical plant would be 5m high, it would be highly visible (together with the replaced air conditioning units) when viewed from the west and north.

The proposal would result in external changes of the property given the height of an existing fencing and the height of proposed mechanical plant without special plant enclosure. 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 since the mechanical plants are an integral part of the selling environment.

Therefore the proposed would be in a general compliance 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 3th November 2020, Project Reference: 89525 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 commented on it: 'Having reviewed the Noise Impact Assessment, I find the methodology and conclusions to be reliable. I note that proposed screening has been identified to provide a sound reduction of -8dBA, however Appendix B suggests that the plant will be screened by the perimeter fence of the premises, which looks to be around 1.8 meters high. The receptor is 5 meters high and therefore the fence is not likely to provide significant noise attenuation.

Despite this factor, the impact assessment demonstrates that plant with a sound pressure level of 20dBA at 10 meters will not exceed the background noise levels measured in the assessment.

I therefore recommend the following condition be attached to any permission granted.'

Accordingly, the proposed development is considered to comply with Policies QE SP1 and QE DM1 of the Arun Local Plan (subject to condition).

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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

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 3582.11, Proposed Floor Plans and Elevations;
Dwg No 3582.12a, Existing and Proposed Site Plan.

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 Noise emitted from plant and equipment 'Kelvion GF-SA103F5H-063 HA Gas Cooler' and 'Space ST3A HA1 Pack' located at the site shall be controlled such that the Sound Pressure Level is in accordance with Appendix E of the NSL Noise Impact Assessment - does not exceed 20dBA at a distance of 10 meters.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 4 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 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 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.