

Recommendation Report for Planning Permission

REF NO: EG/29/18/PL

LOCATION: 6-9 The Square
Barnham
PO22 0HB

PROPOSAL: Removal & installation of refrigeration plant.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	No trees would be affected by the proposals.
BOUNDARY TREATMENT	The proposal would be sited to the rear of the Co-op store which would be screened by the building itself and by the existing wall and gates to the rear.
SITE CHARACTERISTICS	The site occupies a corner plot at the end of a parade of commercial premises. The two storey retail property has glazing to the front elevation, brickwork on the east side, white smooth rendered walls on upper level with a slate roof.
CHARACTER OF LOCALITY	Main road with commercial properties, car park to the rear with a parade of shops to the side and rear. Barnham Railway Station within the immediate vicinity.

Planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No letters of representation have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health: Do not object to this application. They are satisfied with the information provided and its suitability.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary
Lidley Treatment Catchment

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
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
QEDM1	QE DM1 Noise Pollution

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 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policy ES5 - Quality of Design of The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 applies.

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

PRINCIPLE/POLICY

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1, D DM4 and QE DM1 of the Arun Local Plan 2011-2031.

DESIGN AND VISUAL AMENITY:

There are already a number of refrigeration plant units to the rear of the application site, the Co-op. This application seeks to remove the existing refrigeration plant units and install a number of newer units. 5 of the current units are currently sited on the rear of the wall of the building they serve, in this case the Co-op supermarket. From an assessment of the plans, the new refrigeration plant units would still be sited to the rear of the Co-op supermarket, an area which is commercial in nature with the existing refrigeration plant units, trolley cages and other paraphernalia ancillary to the use of the retail unit(s). This area features a wall and gates along the rear boundary.

From an assessment of the plans and the Officer's site visit, it is considered that the siting of the majority of the proposed refrigeration plant units on the ground in the corner of the rear area would have less of an impact than the existing wall mounted units.

The proposal also proposes the erection of a wall mounted canopy to the rear of the building, within the aforementioned area to the rear of the host building, currently the Co-op. From an assessment of the plans and the officers site visit it is considered that the proposed canopy would be of a suitable size and scale and that it would be constructed out of, tanalised timber with a polycarbonate roof, suitable materials.

Officer's consider that given the size, scale, siting and materials of the proposed canopy and refrigeration plant units, that they would not have a detrimental impact upon the streetscene or wider area. As such, it

is considered that the proposal would comply with, D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan 2011-2031.

NEIGHBOUR AMENITY:

Within the wider area there are a number of both residential and commercial properties.

The Council's Environmental Health Officer has been consulted and has commented on this application, whereby they do not object to this application and are satisfied with the information provided and its suitability.

As the proposals would be sited within the rear area of the supermarket it is considered that they would be sufficiently screened by the rear wall, gates and the rear projecting 2 storey elements of the building.

Therefore, Officers consider that the proposals would not have a detrimental impact upon the neighbour amenity of the occupiers of adjoining residential and commercial properties and those within the wider area with regard to noise, overbearing impact, loss of light/sunlight and overshadowing.

As such it is considered that the proposal would comply with policies QE DM1, D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions

HUMAN RIGHTS ACT

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 amended).

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

P(000)01 and CR3 Rev 00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

- 3 **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.