

Recommendation Report for Planning Permission

REF NO: P/145/25/PL

LOCATION: 194-196 Pagham Road
Pagham
PO21 3QB

PROPOSAL: Proposal to install new 2 No. AC units, 1 No. HT1 refrigeration compressor pack, 1 No. gas cooler, 2.4m high timber hit and miss fence along with associated works. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	2 No. mature trees to the south east of the development.
BOUNDARY TREATMENT	Existing boundary treatment includes an open mesh fence along the eastern boundary of the site.
SITE CHARACTERISTICS	The site is to the rear of a small parade of shops with flats above. The site is in a rear courtyard and access road that connects Pagham Road to the rear elevations of the parade and flats above and their associated garages.
CHARACTER OF LOCALITY	The area is characterised more immediately by the small parade of retail shops with flats above whilst residential dwellings dominating the wider locality.

RELEVANT SITE HISTORY

P/48/24/PL	Erection of 1 No. packaged CO2 gas cooler installed on concrete plinth, 2.7m high and 2m high Timber fence with acoustic screening and 2m high open fence with 1 No. access gate. This application is in CIL Zone 4 (zero rated) as other development.	Refused 03-09-24
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Planning history noted.

REPRESENTATIONS

Pagham Parish Council - No objection.

5 No. objections received from nearby occupiers:

- Access concerns.
- Obstruction to driveways.
- Additional noise.
- Existing views of trees reduced.

- Potential fire hazard.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Private rights of access are a private matter and are not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Holding objection:
- The report indicates that the noise from the proposed changes to the plant and machinery will be below the existing background level and therefore will have a negligible impact, however there are some areas that we need clarification on to be confident about the level of impact this development shall have. Until clarification, a holding objection is in place.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. An amended Noise Impact Assessment was provided by the agent, addressing EH concerns. As such, EH confirms no objection to the proposal subject to use of 'Option 2' (acoustic panels) outlined in their re-consultation response dated 10 December 2025, confirmed by the agent 23 December 2025.

POLICY CONTEXT

Built-up Area Boundary
Pagham Harbour Zone B
2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation

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 the proposal would not result in adverse harm upon the character of the area, residential amenity, or unacceptable noise impacts.

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

This application seeks to install new 2 No. AC units, 1 No. HT1 refrigeration compressor pack, 1 No. gas cooler as well as the associated works including a 2.4m high timber fence.

There is plant machinery to the rear elevation of the existing building and the introduction of the proposed facilities to the rear would not compromise the character of the area. The design of the structures is utilitarian and would mostly be concealed by the proposed hit and miss fencing, which would be similar in appearance to the existing tall wooden external storage structure immediately adjacent which is proposed for removal.

The proposal is in accordance with policies D SP1 and D DM1 of the Arun Local Plan (ALP).

NOISE IMPACTS

The proposal involves the installation of plant machinery that will generate noise. There are residential properties at first floor to the west of the proposal, and residential dwellings to the north west & north east. These are noise sensitive developments already subject to noise generation from existing plant within the rear of the host site, and/or vehicular traffic along Pagham Road.

A Noise Impact Assessment (NIA) was provided and reviewed by the Environmental Health. A holding objection was raised and shortly after, the applicant provided an updated NIA which addressed the

concerns raised. As such, Environmental Health were re-consulted and their holding objection has been lifted, and they have provided no objection.

The noise generated by the proposed equipment would, therefore, not have any detrimental impact on the residential amenity of nearby occupiers. Conditions have been attached to ensure the proposals do not exceed the noise levels outlined within the submitted Noise Impact Assessment and to require the acoustic panels proposed to enclose the HT1 refrigeration compressor pack, to be installed prior to first use of the development, to prevent unacceptable noise and disturbance to nearby residential properties.

The proposal is in accordance with policies QE SP1 & QE DM1 of the ALP.

CLIMATE CHANGE & ENERGY EFFICIENCY

The proposed units would have a lower Global Warming Potential than traditional systems and are more energy efficient than the existing. The proposal would be an upgrade that increases energy efficiency of the site and reduces climate change impacts.

The proposal is generally supported by policy ECC SP2 of the ALP.

EMPLOYMENT

The proposal would upgrade an existing employment site and is supported by policies EMP DM1 of the ALP.

BIODIVERSITY & TREES

The proposal meets the 'de minimus' exemption for statutory biodiversity net gain. Policy ENV DM5 of the ALP requires all new development to protect habitats on site, protect protected species, and achieve a biodiversity net gain. The proposal does not impact any existing habitats on site and there is no evidence of protected species. Given the scale and nature of the proposal, whilst no biodiversity enhancement measures are proposed, none are felt necessary to be secured in this instance.

The proposal is immediately adjacent 2 No. mature trees to the eastern boundary. These trees are large and whilst to the rear of the shops, remain visible above buildings within neighbouring streets. The works are unlikely to have any significant impact on the surrounding tree networks. In this instance, sufficient information has been provided to ensure the adjacent trees would remain unharmed.

The proposal is in accordance with policy ENV DM4 & ENV DM5 of the ALP.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it 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.

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

Proposed Part South And West Elevations 03_3025_03B

Proposed Part West Elevations With Proposed Plant Hidden 03_3025_03C

Proposed Floor Plan 02_3025_02D

Proposed Floor Plan 02_3025_02C

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 Prior to first use of the HT1 refrigeration compressor pack, the acoustic panelling enclosing the units is to be installed. The acoustic panelling shall be retained and maintained in perpetuity.

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

- 4 The plant/equipment hereby approved shall not exceed the predicted noise levels outlined within the submitted "Noise Impact Assessment" (Version 1.3 Date: 9th December 2025).

Reason: In the interests of preserving the residential amenities of nearby occupiers in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 5 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).

- 6 **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 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 NPPF.