

Recommendation Report for Planning Permission

**REF NO:** P/164/25/PL

**LOCATION:** Osborne Refrigerators  
148 Rose Green Road  
Aldwick  
PO21 3EG

**PROPOSAL:** Extension of factory. This application is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

<b>DESCRIPTION OF APPLICATION</b>	The application seeks to construct a single storey extension to an existing building/factory.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	There is 1No. Oak tree to the northwest boundary of the site which is subject to a Tree Preservation Order.
<b>SITE CHARACTERISTICS</b>	The site is occupied by a single storey building which manufacturers and supplies commercial display refrigerators. The building is steel clad with a separate warehouse and ancillary buildings providing office and toilets. There are also two groups of former stables used for workshops and storage.
<b>CHARACTER OF LOCALITY</b>	The area is predominately residential. New residential development is under construction to the north and eastern boundaries of the site with Rose Green Road situated to the south.

**REPRESENTATIONS**

Pagham Parish Council provided no objection.

No representation received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways - No objection.

Environmental Health - No objection

ADC Ecology - No objection.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Built up Area Boundary  
75%> risk of high groundwater  
Pagham Harbour Zone B

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
SDSP2	SD SP2 Built-up Area Boundary
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk
DSP1	D SP1 Design
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

### 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 would not result in adverse harm upon the character of the area, residential amenity, parking, flood risk or biodiversity.

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.

**BIODIVERSITY NET GAIN**

This application is not liable for BNG as the extension is on existing hardstanding and is below the de minimis threshold.

**CONCLUSIONS**

**PRINCIPLE**

The site falls within the built-up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies relate to design, amenity, parking and flood risk.

Pagham does not have a Neighbourhood Plan.

**DESIGN AND VISUAL AMENITY**

The extension will be located to the rear of the existing building which currently manufactures and supplies commercial display refrigerators. As a result of its location on site, it is not visible from the street scene at Rose Green Road. The development is however likely to be visible from the rear of the site on Harvest Drive, however is partially screened by hedging.

The existing building is a pitched roof structure with a smaller lean to addition to the rear. The extension will adjoin the smaller lean to, with a monopitch roof and extend across the full width of the factory with a depth of approximately 7m. There is an existing trailer/container currently in situ where the extension is proposed and this will be removed.

The extension will have a height of approximately 4.1m reducing to 2.95m. This will be smaller in height than compared to the main structure, meeting roughly in line with the eaves at its highest point although, it will be taller than the adjoining lean to addition. The elevations will consist of steel cladding colour coated in green, matching the existing building.

The Arun Design Guide (ADG) states ' Avoids insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area'. The extension is in keeping with the scale of the existing building.

The proposal is minor in nature and would not appear overbearing in size when compared to the existing

development on the site. With limited viewpoints, the development would not result in adverse harm upon the character of the area in accordance with ALP policy D DM1 and D SP1.

#### RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The site is surrounded by new residential development which is currently under construction. Sufficient separation is retained to the north, with around 40m retained from the side of the extension to the nearest residential occupier to this elevation.

Public open space runs along the eastern boundary of the site and provides some separation between the development and residential properties. The closest residence to the site is approximately 20m away and is a flat above garage with 3 windows facing the site. Whilst the extension will be visible from these windows, the addition is minor in size and the view would not be significantly altered from existing.

The development, being single storey would not appear overbearing or overshadowing upon the nearest residential properties with sufficient separation retained.

The planning statement states 'The size of the refrigerators has increased following industry demands and this requires more space and a small increase in the production workforce'. Four additional employees are proposed. The increase in factory space and employees is not considered to result in significant harm as a result of noise nor from coming and goings to the site.

The proposal would not result in adverse harm upon neighbouring amenity in accordance with ALP policy D DM1 and D SP1.

#### HIGHWAYS/PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The site has existing vehicular access from Rose Green Road with space available within the site for parking. The site does not appear to have specifically allocated parking spaces although there is enough room on site to turn etc.

The planning statement notes that there is a current workforce of 29 however most walk or cycle to work. Four additional full time workers are proposed. WSCC Highways have no objection and do not consider vehicular trips associated with the extension would result in a material impact on the highway.

ADC Parking Standards suggest a general industrial use should provide 1 parking space per 40 sqm of building. In this case, the extension would require around 4 spaces. The site is likely to be able to accommodate the vehicles within the existing site boundary and the development would comply with the guidance.

The proposal would not result in adverse harm upon the highway or upon parking in the area, in compliance with ALP policy T SP1 and ADC Parking Standards.

#### FLOOD RISK/DRAINAGE

ALP Policy W DM2 requires all development must demonstrate that it will not result in unacceptable flood risk implications.

The site is located in Flood Zone 1 and is not at risk of flooding, nor from flooding as a result of climate change. Arun Mapping does however indicate the site may have high groundwater.

The area in which the extension is located is already laid with hardstanding. Arun seeks to secure details in respect of surface water drainage prior to determination. This only applies for schemes which comprise extensions/commercial over 250 sqm or is within the Lidsey Treatment Catchment Area. This proposal does not fall under either of these criteria, and details of surface water investigations, monitoring and design are not required. Details of the drainage scheme for the site is a matter for Building Regulations, and will be assessed under an application with Building Control.

The proposal would not result in an increase in flood risk in compliance with ALP policy W DM2 and W DM3.

#### **BIOIDIVERSITY**

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site.

The extension footprint is entirely on hardstanding and therefore is not subject to mandatory biodiversity net gain. A net gain should however be achieved to comply with local plan policy.

An Preliminary Roost Assessment (PRA) was undertaken on site. This sought to determine if the site had any evidence of bats. The walls and roof are corrugated metal, with no eaves or soffits. Internally, the building is well lit and there was no evidence of bats recorded internally or externally.

The works could cause disturbance to breeding birds if present and particularly if the work is carried out in the main nesting season from March to August. It should be ensured works are outside of this period and if any bird are found, works shall cease.

The PRA makes recommendations for ecological enhancements which include a bat box to an oak tree to the northwest of the site. This will deliver a net gain on the site. The ADC Ecologist has no objection.

Subject to conditions, the proposal will not result in harm upon biodiversity and accords with ALP policy ENV DM5.

#### **TREES**

ALP policy ENV DM4 relates to the protection of trees.

The site has 1No. Oak tree to the north west corner of the site which is subject to a Tree Preservation Order. The planning statement suggests the tree has a canopy spread of between 8 and 9 metres.

The adjoining strategic residential development to the rear of the site (P/49/21/RES) identified the Oak tree within its Tree Survey and Tree Protection Plan and stated that it required a tree protection radius of 7.8m. This was considered acceptable by the Tree Officer at that time.

Whilst this application has not provided its own supporting tree information, the same principle has been followed and the block plan demonstrates that heras fencing will be positioned 7.8m around the tree to protect it from the proposal. 8.5m is maintained between the tree protection and the extension. In the absence of comment from the ADC Tree Officer, this is considered acceptable.

Subject to conditions, the proposal complies with ALP policy ENV DM4.

#### **SUMMARY**

The proposed development complies 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**

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 - 0091-SK-12
- Block Plan - 0091-SK-11
- Proposed Floor Plan and Elevations - 0091-SK10

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 No works shall commence on site until the Tree Protection fencing has been erected and positioned exactly as shown as shown in 'Block Plan - 0091/SK-11 '.

The tree protective measures shall be retained during the entirety of construction.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees which are an important feature of the area, in accordance with Arun Local Plan policies D DM1 and ENV DM4. It is necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 4 Prior to occupation, the enhancements as provided in Section 6.1.3 of the report 'Preliminary Roost Assessment' by Ecology Works 10.1.10.25 should be implemented in their entirety. The details approved shall be retained in perpetuity.

Reasons: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 5 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 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 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.

- 7 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 8 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.