

PLANNING APPLICATION REPORT**REF NO:** R/113/08/**LOCATION:** 7 Sterling Parade
The Street
Rustington**PROPOSAL:** Installation of one condenser unit, three air conditioning units and associated enclosure.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	2 no. free standing air conditioning units each measure approximately 370mm in width by 970mm in depth 1.3m in height. 1 no. free standing air conditioning unit measures approximately 190mm in width by 720mm in depth and 540mm in height. The condenser unit measures approximately 1.6m in width, 3.1m in depth and 1.7m in height. All units to be located on the roof of the building and screened by a 1.8m timber visual screen with 500mm high mesh base at lower level with access gate.
SITE AREA	Approximately 126 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is open to the highway, rear has parking area then close boarded fencing approximately 1.8m in height, block of garages and close boarded fencing approximately 1.8m in height to east side boundary.
SITE CHARACTERISTICS	Three storey building with residential on second floor level Flat 7A. Red Pillar box to front of site. Blue hoarding around shopfront on ground floor level. The building has a mixture of red brickwork, white tiles on 2nd level, pebbledash on upper half, grey brickwork on lower level on west side elevation.
CHARACTER OF LOCALITY	End unit of parade of shops with residential above, immediate uses surrounding the site are mixed with retail and commercial, wider area is predominantly residential

RELEVANT SITE HISTORY

R/182/03/	Installation of 1 metre satellite dish for ATM	Approve Cond 24-09-2003
R/79/02/	New cash ATM.	Approve Cond 07-06-2002
R/170/71	Supermarket & storage with flat over	Approve Cond 24-09-1971

REPRESENTATIONS**Representations received:**

Rustington Parish Council

None.

11 Letters of Objection.

No necessity for another supermarket in Rustington. Will create additional parking problems in The Street. Rustington would lose its distinctive character and its quiteness if Tesco are allowed to develop the existing store in Rustington. Trucks delivering to the store from 6.30 am until 10 pm. Selling of alcohol would create anti-social behaviour.

Comments on Representations received:

The objectors are not relevant to the development which is the subject of this application.

The existing use of the store is A1 use and Tesco is also an A1 use therefore planning permission is not required for the change of use. There is adequate parking to the front of the store and two main car parks in Rustington so parking is adequately catered for in the village centre. The licence for the selling of alcohol has been applied for through the Licensing and Development Officer in Environmental Health and is not a requirement of the Planning department.

CONSULTATIONS

Environmental Health - John Green

Consultations responses received:

The noise standard proposed and the noise assessment indicates that this will be comfortably complied with. However, to ensure that the plant installed operates to the predicted standard it may be prudent to attach the following condition based on Clause 17 of Annex 4 of PPG24.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Within Built Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1 CH1	Locational Strategy Character
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Arun District Local Plan:	DEV1	High Quality Development
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN32	Noise Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to noise levels, visual and residential amenity.

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

The unit is located at the end of a parade of shops within Sterling Parade and is set back from The Street with a service road and parking area to the front of the store. Planning permission is not required for Tesco to move into this shop as the existing use was A1 retail and Tesco is also an A1 retail use. The application seeks to install a condenser unit and three air conditioning units on the roof of the building at second floor level with timber and mesh screening to visually conceal the units.

The existing air conditioning units are to be removed and the proposed condenser and air conditioning units will be installed on the flat roof at second floor level in the south eastern corner above the store and will be set back from the roof edge to minimise their prominence in the street scene. The proposed units will be grey in colour and will be concealed by a timber and mesh screen that is approximately 1.8m in height. The base of the timber screen will be constructed out of mesh to allow sufficient air flow for efficient operation. It is considered that the proposed development would improve the overall appearance of the building.

There are flats above the existing parade of shops located at first and second floor levels and Flat 7A is located on the second floor to the north of the site and is approximately 18m from the proposal and there is an access staircase to the east of the site that is used for maintenance purposes and this staircase also serves Flat 7A. The entrance to the flat is located on the rear south of the building and has an entrance door and two windows that front the proposal. The proposed units will be screened by a 1.8m timber and mesh screen and will not be readily visible to the occupiers of Flat 7A. There are no immediate properties to the west of the site in Claigmar Road and the immediate property to the rear Claigmar Court is approximately 27m from the proposal. The screen will not be readily visible in Claigmar Road but will be visible from the parking area to the rear of the site.

The application is supported by an Acoustic Report which addresses the acoustic effect of the proposed plant which seeks to ensure that levels of noise generated from a development is acceptable. Environmental Health have been consulted and have raised no objection regarding noise levels but to ensure that the plant installed operates to the predicted standard an appropriate condition is recommended.

Taking into account the above, it is not considered that the application would be obtrusive in the street scene, nor would the noise emissions have an adverse effect on the nearby residential properties or compromise the surrounding area.

It is therefore recommended that the application be approved, subject to the following conditions.

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 rating level of the noise emitted from the site shall be lower than the existing background noise level, determined to be:-

43dB morning (between 0700 & 0900)

47dB Day (between 0900 & 1900)

43dB Evening (between 1900 & 2300)

30dB Night Time (between 2300 & 0700)

by at least 10dB, at all times. The noise levels shall be determined adjacent to the boundary with the nearest noise sensitive premises. The measurements and assessments shall be made according to BS 4142:1990.

Reason: To safeguard the environment from excessive noise and in the interests of the residential amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN32 of the Arun District Local Plan.

- 3 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order
1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1

LOCAL PLAN: GEN2, GEN7, GEN32

NATIONAL POLICIES: PPS1, PPG24

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.