

PLANNING APPLICATION REPORT

REF NO: R/174/11/

LOCATION: 58 The Street
Rustington

PROPOSAL: Installation of AC condenser to rear of store wall

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for an air conditioning unit to be considered retrospectively.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site fronts the highway.
SITE CHARACTERISTICS	The site is a single storey building, located within a terraced parade of commercial premises, with white rendered elevations and a glazed shop front. Flat roof section to the rear elevation.
CHARACTER OF LOCALITY	The site is located in a predominantly commercial area, with the exception of a Church located directly opposite the site. Access road to rear of shop unit and various other buildings in commercial use.

RELEVANT SITE HISTORY

R/287/10/	Installation of AC condenser to rear wall of store.	Refused 30-06-2011
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health:

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Class B Road

Abuts Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#)

The Form of New Development

PLANNING POLICY GUIDANCE

PPS1
PPS24

Delivering Sustainable Development
Outdoor Advertisement Control

POLICY COMMENTARY

PLANNING

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it has not been demonstrated that the proposal would not have an adverse impact upon the amenity 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 application seeks retrospective permission for an air conditioning unit which is sited on the rear elevation of the existing shop unit.

The condensers relatively small size and the siting of the unit to the rear of the building which

faces onto an access road to the rear of the retail units means that it would not be readily visible in the street scene. The proposal therefore is not considered to impact upon the visual amenity of the locality nor that of the nearby Conservation Area.

Environmental Health have no objection to the proposed air conditioning unit in terms of noise generation.

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Drawing No.s 5992/xxxxx/111 Rev B; 5992/xxxxx/100 Rev A and 5992/xxxxx/110 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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

LOCAL PLAN: GEN7

NATIONAL POLICIES: PPS1, PPS24

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.