

Recommendation Report for Planning Permission**REF NO:** R/93/15/PL**LOCATION:** 1 - 3 Broadmark Lane
Rustington**PROPOSAL:** Plant equipment to ground floor roof.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

As above. The equipment includes 3 no dry air coolers 5.1m long x 1.2m wide x 1.4m high, freestanding guarding, an air handling unit 3m long x 1.1m wide x 1.3m high and associated ducting. The plant equipment is enclosed by guarding measuring 14m by 13m with a plant area of 58m² and would be accessed from the first floor.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Site boundaries are open to the south, east and west. Buildings adjacent to path to north.

SITE CHARACTERISTICS

Existing supermarket building with yellow brick elevations and tiled roof. Internal conversion works are currently taking place.

CHARACTER OF LOCALITY

Town centre location. Mixed commercial/retail residential uses

RELEVANT SITE HISTORY

R/231/14/PL	Shop-front alterations and partial alterations to the Northern and southern boundaries	ApproveConditionally 10-11-2014
R/82/15/PL	Elevation alterations, security bollards & boundary treatment.	ApproveConditionally 01-06-2015

REPRESENTATIONS**Representations received:**

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health - No comment

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Class C road

Right of Way

Principal Shopping Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development

D DM1 Aspects of Form and Design
Quality

D SP1 Design

RET DM1 Retail Development

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no specific policies in Rustington Neighbourhood Plan relating to this particular type of development.

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 site is located within the Principal Shopping Area, but outside the Primary frontage area. It therefore provides a complimentary role in the services offered by the retail centre.

The premises are currently empty and being refurbished prior to occupation by Waitrose, having recently been vacated by Co-op. The application represents a minor alteration to previously approved works. The plant equipment would be located on the flat roof 3.8m from the side elevation and 21m from the site frontage. It would have a height of 1.5m. In terms of impact by way of noise the Council's Environmental Health department do not raise any concern.

The equipment is functional rather than making a positive contribution to the appearance of the building, but given its limited height and set back position from both Broadmark Lane and the car park access road the proposal would not be readily in the street scene and would not be a prominent feature. It would be screened from view from the rear by the first floor. The proposal would not detract from the character or appearance of the area.

The application is therefore recommended for approval subject to the following 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(the right to respect for private and family life number) 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 neutral 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).

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 174-74-P19, 174-74-P23, 174-74-P21 and 174-74-P24.

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