

Recommendation Report for Planning Permission

REF NO: AL/32/18/PL

LOCATION: Physiotherapy Clinic
The Wolds
Fontwell Avenue
Eastergate

PROPOSAL: Erection of 1 No. single storey building. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The building measures 13.5m long by 5m deep with a ridge height of 4.8m (eaves = 2.5m). It is also proposed to formally mark out 10 parking spaces.
SITE AREA	1,524 square metres.
TOPOGRAPHY	Essentially flat.
TREES	No trees within the site of the building or parking spaces but there is a tree on adjoining land to the north. Also two important hedges (comprising small trees/shrubs) to the west and east.
BOUNDARY TREATMENT	1m high picket fence then low hedge to the west. 1m close boarded fence and in part heras fencing beyond to the north. 1.8m close boarded fencing with 0.2 trellis atop (2m total height) to the southern boundary beyond the hydrotherapy pool. Similar height/style fencing with hedge to the eastern boundary with "Freya".
SITE CHARACTERISTICS	Part of an existing physiotherapy & hydrotherapy business. The application site is currently hard surfaced and used as informal (i.e. not marked out) overflow parking. There are three small domestic blue/grey sheds in this location. To the immediate south is the hydrotherapy building which is clad in dark timber with dark coloured clay tiles. The house to the east has reddish brick at ground floor and white render above. There is marked out parking spaces to the front of the house, to its southern side and to the southern side of the hydrotherapy pool building.
CHARACTER OF LOCALITY	The area is outside of the built up area boundary, semi-rural rural in character with mainly detached two storey neighbouring residential properties and some commercial forestry and farming uses nearby. The closest residential are Freya to the east and Farrenden to the northeast whose garden adjoins the site to the north.

RELEVANT SITE HISTORY

AL/136/05/	Erection of hydrotherapy pool building in association with existing physiotherapy clinic	ApproveConditionally 17-03-06
AL/57/00/	Part change of use of residential premises for use as a physiotherapy practice and alteration to existing access.	ApproveConditionally 02-10-00
AL/2/96	Demolition of conservatory and erection of new conservatory	ApproveConditionally 02-02-96

This proposal was subject to pre-application advice given in November 2017 which concluded: "that were an application for planning permission to be submitted it would be likely to be approved subject to conditions. It is noted that issues such as surface water drainage and impact on neighbour amenity and trees would need to be addressed for approval to be recommended."

Previously, planning application AL/118/07/ granted conditional approval for the existing single storey Hydrotherapy building.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No response from the Parish Council.

Eight letters of support on the grounds of:

- * The progression to a rehab unit on site will be very good for the community as a whole to improve our health and rehabilitation;
- * Promotion of community health via exercise and activity which is a central government drive;
- * Would compliment the facilities currently offered; and
- * There is a wealth of evidence highlighting the need for the public to improve their health to reduce illness and applications such as this must be supported to enable this.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Arboriculturist
WSCC Strategic Planning

Environmental Health
Engineers (Drainage)
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to a foul sewer connection informative and a condition to protect any unrecorded sewers if found on the site.

WEST SUSSEX HIGHWAYS - Raise no objection subject to a condition to secure the parking provision. In respect of the amount of parking, comment that:

"The Local Highway Authority has consulted the WSCC Supplementary Parking Guidance (SPG) which outlines that for healthcare purposes, a space per practitioner is required, along with 4 spaces per examination room and a single space per 20sqm of office space. This application does not include office space, therefore with the anticipated additional 2 part time staff and open single practise room, the demand for this proposal would only meet 6 parking spaces. This has been suitably accommodated for with the proposed additional parking. Weighed up with this is the benefit of formalising the parking arrangement in this location for an improved layout and access arrangement for users of the car park."

ADC DRAINAGE ENGINEERS - Initially requested a drainage condition. However, the applicant then provided details of the proposed surface water drainage scheme and this was considered acceptable. Therefore, recommended that the scheme be carried out in accordance with the approved drainage scheme.

ADC ENVIRONMENTAL HEALTH - Raised no objections.

ADC TREE OFFICER - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The applicant has supplied an Arboricultural Method Statement and Tree Protection Plan both undertaken by an independent consultant who regularly provides planning application advice to the Council. It is considered therefore that the submission is fit for purpose and standard conditions are proposed to ensure that the tree protection scheme is adhered to.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Flood Zone 1;
Class A Road; and
Special Control of Adverts.

DEVELOPMENT PLAN POLICES

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

GEN3 Protection of the Countryside

GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN28	Trees and Woodlands
DEV8	Circumstances in which Additional Development may be Permit'd

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
HWB SP1	Health & Wellbeing
SD SP1	Sustainable Development
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2016 POLICY Resist development outside

EH1

Aldingbourne Neighbourhood Plan 2016 POLICY Protection of trees and hedgerows
EH6

Aldingbourne Neighbourhood Plan 2016 POLICY Unlit village status
EH10

Aldingbourne Neighbourhood Plan 2016 POLICY Parking and new development
GA3

Aldingbourne Neighbourhood Plan 2016 POLICY Healthcare facilities
LC2

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies within the Aldingbourne Neighbourhood Development Plan have been considered in the preparation of this report.

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

PRINCIPLE:

This site lies outside the nearest built up area boundary (BUAB) within the development plan and it is therefore categorised as being within the countryside.

The Development Plan

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Aldingbourne Neighbourhood Development Plan or ANDP (October 2016). The emerging Arun Local Plan 2011 to 2031 (eLP) is nearing adoption but at the current time does not form

part of the adopted development plan.

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies. ADLP Policy GEN3 "Protection of the Countryside" states that development within the countryside will not be permitted except for various categories of development. These include (iii) diversification of the rural economy; and (v) development in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development.

ADLP policy DEV8 is within Section 3 of the plan. It states that "Planning permission may be granted to local firms, currently located within the District, proposing development on sites outside the built-up area". This application concerns an existing business which seeks to expand/upgrade its existing offer. This policy support is subject to a number of criteria, notably that "no acceptable alternative can be identified within existing permitted or allocated floorspace or within or through redevelopment of existing commercial premises".

The applicant has provided a business statement (forming part of the planning supporting statement) which makes a compelling case for the proposed rehabilitation unit on this existing site. It is considered therefore, that the proposal satisfies the relevant part of Policy DEV8 in that the application concerns a new building within the existing confines of an established site and that there is demand for this facility in the local area. On this basis, it would make no commercial sense to locate the facility on a different site detached from the existing facilities.

Aldingbourne Neighbourhood Development Plan

The Aldingbourne Neighbourhood Development Plan (ANDP) was made (adopted) in October 2016 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP). As the site is located outside of the built-up area boundary, policy EH1 is relevant. This states that:

"Proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available."

It is considered that the proposal is in accordance with the above in that it complies with policy GEN 3 of the ADLP. Furthermore, it is considered that the benefits of the proposed new rehabilitation unit to the community outweigh any harm to the character of the countryside. It is also noted that policy LC2 of the ADNP supports new medical facilities. Physiotherapy is considered to be a medical function.

Emerging Arun Local Plan 2011-2031

Policy HWB SP1 states that regard should be had to "Providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes."

This proposed rehabilitation unit will contribute to providing the district with infrastructure to support the long term physical health of the community.

National Planning Policy Framework (NPPF)

Paragraph 28 states that: "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- (1) support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and
- (4) promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

This is considered to support the growth of this rural based business which provides health support to the local community.

Summary of Principle

The site is located within the countryside where development is not normally permitted. However, in this case, the proposal would be in accordance with ADLP policy GEN3 and with ANDP policies EH1 & LC2 on the grounds that it seeks to improve and grow an existing medical based business. It is also considered that there is support for the proposal within the NPPF and policy WHB SP1 of the eLP.

DESIGN & CHARACTER:

ADLP policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. ADLP policy DEV8 also requires that development: (a) exhibits a high standard of design and layout; and (d) relates sympathetically to the surrounding built or natural environment.

The proposed building is single storey in height and has simple rectangular form. It will be constructed in materials to match the adjacent hydrotherapy building. As such, it is considered to relate well to the character of this existing site and will have only a minimal level of intrusion in the wider landscape. The site also benefits from existing hedge/tree screening to the west, north and east, which will all be retained and protected. It is therefore considered that the proposal complies with ADLP policies GEN7 and DEV8 in respect of design & character.

RESIDENTIAL AMENITY:

ADLP policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. ADLP policy DEV8 also requires that development: (f) displays a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents in particular are protected.

None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

The proposed building is single storey and this coupled with the existing screening to the northern & eastern boundaries and the distance to "Freya" & "Farrenden" means that it will not allow any overlooking of neighbouring residential properties. The proposal also includes car parking adjacent to the boundaries of these two dwellings. However, the site is already used for the parking of vehicles and the proposal is simply to formalise this. As such there is not considered to be any change to the amenity

of the two residential gardens. It is therefore considered that the proposal complies with ADLP policies GEN7 and DEV8 in respect of residential amenity.

PARKING & ACCESS:

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Arun Local Plan policy DEV8 also requires that development: (b) is capable of being well served by public transport or otherwise is readily accessible other than by private car to a significant residential workforce if employment intensive uses are proposed; and (c) provides access arrangements and parking facilities in accordance with the Council's adopted standards.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. Policy GA3 of the ANDP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time."

Regard should also be had to paragraph 32 of the NPPF which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways have fully assessed the proposal and raise no objection in respect of the intensification of the access, its existing visibility or to the proposed parking provision. It is also noted that this site is accessible by means other than the private car. The site is only 300m from bus stops to the southwest and only around 400m from the centre of Eastergate. There is pedestrian pavement on the eastern side of the road for this whole distance. In the absence of an objection from the Council's technical advisers on highway matters, the proposal must be considered to be in accordance with policies on highway safety and parking.

TREES:

ANDP policy EH6 states that:

"Development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

Development proposals, where appropriate, must be designed to incorporate biodiversity within and around developments and enhance ecological networks, seeking to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

Proposals which affect sites with existing trees or hedgerows should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained."

It is considered that the application includes tree protection measures that will ensure that the existing on- and off-site trees & hedges are protected during construction works. As such, there is not considered to be any harm to existing trees and therefore no conflict with ANDP policy EH6.

LIGHTING:

ANDP policy EH10 states that:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

The application submission includes a lighting statement which sets out the following:

- (1) Lighting will be incorporated to illuminate paths only via bollards or lamps fitted to the rehabilitation unit and located below roof eaves level;
- (2) Light fittings will incorporate cowels or hoods and angled downward to prevent light spread greater than 70°;
- (3) Lamps will be of maximum 500 lumen, narrow spectrum and minimal ultra violet; and
- (4) Lighting will be on for short duration; controlled via light sensitive photocells, movement sensors and timers.

It is considered that the scheme will minimise light intrusion within the local landscape and as such is in accordance with ANDP policy EH10. The permission will be conditioned to ensure that the lighting is carried out in accordance with the submitted statement.

RECOMMENDATION:

It is recommended that this application be approved in accordance with 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.

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:

- (1) "Site and Location Plan as Existing" Dwg 00.01 Rev C;
- (2) "Site Plan as Proposed" Dwg 02.01 Rev C;
- (3) "Floor Plan, Elevations and Section As Proposed" Dwg 02.02 Rev A;
- (4) "Noise Extraction Statement";
- (5) "Refuse and Recycling Bin Storage and Collection Provision Statement"; and
- (6) "Lighting Assessment".

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 The rehabilitation unit shall be used in connection with the physiotherapy practice with residential accomodation at The Wolds and for no other purpose.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture with those of the adjacent hydrotherapy pool building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Should any sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 6 The development hereby approved shall be carried out in full accordance with the agreed surface water drainage scheme which entails the following documents:

- (1) "Drainage Construction Details" Dwg 1775/D5.1; and
- (2) "Surface Water Drainage" Dwg 1775/SK3.

The approved building shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be permanently retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Arun District Local Plan Policy GEN12 and the National Planning Policy Framework.

- 8 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.

- 9 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.