

REPORT UPDATE

Application No: AL/38/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

NEW NPPF:

A new version of the National Planning Policy Framework (NPPF) was published after this officer report was finalised. There is a reference to the NPPF under "Principle" on page 98 of the agenda. The text refers to paragraphs 70 and 171 regarding support for places of worship. These paragraphs have now been replaced by new paragraphs 83 (d) and 92 (a). The policy text however remains the same.

ADDITIONAL DRAINAGE PLAN:

The applicant recently provided a Drainage Plan (received 06/08/18) which shows the use of permeable paving across the site. They have submitted this in order to avoid the need for the agreement of details post decision in accordance with condition 03. This plan has been assessed by our Drainage Engineers who state that: "The condition will still be required as they have not completed winter groundwater monitoring, and the percolation tests were completed too deep." However, it is recommended that the proposed condition (03) be amended to say "Development of the parking area shall not commence" instead of "Development shall not commence".

AMENDMENT TO CONDITION 05:

It is considered that this condition should be amended to say instead:

"The approved car parking spaces shall be retained at all times for their designated purpose."

The first part of the condition (which is to be deleted) is not considered to be redundant as the development to be occupied is the car parking.

AMENDED RECOMMENDATION:

The report provides a recommendation on page 101 of "APPROVE CONDITIONALLY". However, it has been necessary in accordance with Section 2 of the Neighbourhood Planning Act 2017, to notify the Aldingbourne Parish Council of both the Lighting Statement and the Drainage Plan.

For this reason, it is not possible to make a decision on this application until after the 27th August. Therefore, it is recommended that should members resolve to approve the application, that this final decision then be delegated back to the Head of Planning to issue the decision.

Officers Comment:

The officer recommendation is to change as follows:

IT IS RECOMMENDED THAT SHOULD MEMBERS RESOLVE TO APPROVE THE APPLICATION, THEN THE FINAL DECISION WILL BE DELEGATED BACK TO THE HEAD OF PLANNING TO ISSUE

THE DECISION AFTER THE 27th AUGUST 2018.

A replacement recommendation sheet is attached and includes the proposed revised wording of conditions 03 and 05.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AL/38/18/PL

LOCATION: The Gospel Hall
Nyton Road
Aldingbourne
PO20 3TX

PROPOSAL: Construction of additional car parking, with lighting, to serve existing Gospel Hall.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Provision of an additional 70 parking spaces comprising of a two ranks to the west of the existing formal parking area (39 spaces) and two ranks towards the northern boundary (31 spaces). Some minor changes to the existing parking layout. Nine new 4m high lighting columns to match the 14 existing column lights.
SITE AREA	0.21 Hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Part 2m high green mesh fencing and part 2m high close boarded timber fencing. Supplemented with hedging and trees.
SITE CHARACTERISTICS	Existing Gospel Hall site with formal parking area, grassed overflow parking area and landscaping. 14 no. existing 4m high column lights and 10 existing 1m high bollard style lights.
CHARACTER OF LOCALITY	Rural character with fields to the north and Aldingbourne Nurseries to the east of the site.

RELEVANT SITE HISTORY

AL/117/07/	Installation of external lighting to concourse, car parking & access drive.	ApproveConditionally 21-12-07
AL/119/05/	New church, together with associated parking and	ApproveConditionally

construction of vehicular access onto Nyton Road.
(Departure from the Development Plan)

18-01-06

AL/17/01/

Change of use from redundant nursery building to
christian meeting room (D1 use) (Departure from the
Development Plan)

ApproveConditionally
28-08-01

Application AL/117/07 previously gave permission for the existing external lighting at the site and this consisted of 14 column mounted lights (4m high) around the site and 10 bollard lights (1m high) flanking the driveway.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Parish Council objects to the proposals to create a hard surface on this site which is in a rural area and close to the CA. Please refer to APC NP policies re lighting - EH10 and drainage EH5. Also policy H1 refers. The proposed lighting is deemed to be intrusive 4m columns undesirable in a rural area. Drainage proposals do not appear to be adequate given the amount of hard surface proposed."

COMMENTS ON REPRESENTATIONS RECEIVED:

It is noted that the site itself is 365m from the Norton Conservation Area and it is not considered that the proposal could therefore affect the setting of the Conservation Area. It is also noted that the site does not lie in an area at risk from flooding therefore policy EH5 would not apply. Policy H1 relates to new housing or householder extensions and would therefore not apply to this proposal.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Note that the extra parking area is designed to allieviate the exisitng parking issues at the hall and will be provided at the expense of grassed land which is already used for informal overflow parking. No changes to the access arrangements. No record of any accidents at this location. The proposals offer an improvement to overall usability at the site and formalises the existing overflow parking arrangements. Therefore no objection subject to a parking condition.

ADC DRAINAGE ENGINEERS - Require that soakaways be investigated for surface water disposal. Request that condition ENGD2B be imposed. Note that percolation test results & drainage designs have been included with the planning submission but that no winter groundwater monitoring has been recorded and the test pits have been dug far too deep. Engineers would expect winter groundwater

levels to be far higher than 3m. Therefore shallower infiltration structures will need to be used. Percolation tests should be conducted at the base of the proposed structure. The use of permeable paving could also be investigated for this site.

ADC ENVIRONMENTAL HEALTH - No comment subject to an informative: "The granting of this planning permission does not in any way indemnify against statutory nuisance (artificial lighting et al) action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500"

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and the requested conditions are included.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Area of Special Control for Adverts;
Lidsey Treatment Catchment Area (only the eastern half of the site);
No Public Sewer; and
Class B Road.

The site is not located in a Flood Risk Zone.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH10 Unlit village status

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 2011-2031 and Made Neighbourhood Development Plans.

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.

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. 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).

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 not considered to comply with the relevant Development Plan policies in respect of being development within the countryside not in accordance with countryside policy (ALP policy CSP1 & ANDP policy EH1).

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. These are:

- The fact that this is an existing place of worship with existing car parking and lighting;
- The fact that the required land is already within the confines of the site and already used for overflow parking;
- The support within the NPPF for places of worship and the need to account for necessary future changes to these (paragraphs 70 & 171);
- The fact that the site is well screened such that it has only limited visibility from nearby public viewpoints;
- There would be no harm to the amenity of nearby residents; and
- There would be no adverse impact upon the rural character of the surrounding area.

CONCLUSIONS

PRINCIPLE:

The site lies in the countryside outside of the built up area boundary as defined in both the Arun Local Plan 2011-2031 (ALP) and the Aldingbourne Neighbourhood Development Plan (ANDP). The proposal is not considered to comply with any of the criteria as set out in either ALP policy C SP1 or ANDP policy EH1. However, it is considered that there are important material considerations which serve to override the conflict with the countryside policy. These are:

- The fact that this is an existing place of worship with existing car parking and lighting;
- The fact that the required land is already within the confines of the site and already used for overflow parking;

- The support within the NPPF for places of worship and the need to account for necessary future changes to these (paragraphs 70 & 171); and
- The fact that the site is well screened such that it has only limited visibility from nearby public viewpoints.

It is not considered that an objection in principle to the application could be sustained.

IMPACT OF THE NEW PARKING:

The land to be hard surfaced is already used informally as overflow parking to cater for the current needs of the Church. It is understood that in 2006 when permission was first given the size of the congregation was 100-150 but that it currently stands at 750. Photographs have been supplied which demonstrate that the grassed area is regularly used to capacity and results in an unsatisfactory traffic layout, pedestrian versus vehicle conflicts and insufficient emergency access. In addition during the winter months, the surface becomes wet and muddy. This explains the rationale for this application.

It is acknowledged that the Parish Council have concerns in respect to drainage. However, the Councils Engineers consider that such matters can be resolved by way of a condition to require approval of a surface water drainage scheme. It is also noted that the Lidsey Treatment Catchment area designation does not cover the part of the site on which the hard surfacing will be located. Furthermore, the site is not located in an area affected by flood risk.

The parking provision has been appraised by County Council Highway Engineers and no objections are raised. It is also not considered, given the well screened nature of the site that, there will be any harm to the wider landscape.

It is therefore considered that this aspect of the proposal is acceptable and in compliance with relevant Arun Local Plan policies.

IMPACT OF THE NEW 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."

In addition, Arun Local Plan policy QE DM2 states that:

"Planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications. Outdoor lighting schemes will be considered against the following criteria:

- a. No adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation;
- b. Light levels being the minimum required for security and working purposes;
- c. Minimising the potential glare and spillage; and
- d. The degree to which outdoor lighting can be powered by on-site renewable sources.

Where appropriate, the Local Planning Authority will seek to control the times of illumination."

The applicant has provided a short statement which demonstrates compliance with policy QE DM2. In respect of the above criteria, this states that:

- a. The proposed luminaires for the lighting are of a Zero-Upward-light design and will therefore minimise light spill from the Gospel Hall site. In addition, the Gospel Hall site is surrounded by existing and proposed tree and hedgerow planting, such that it is not readily visible from the neighbouring area and properties. The site is about a mile distant from the closest part of the South Downs National Park and the Dark Sky Reserve;
- b. The luminance level of the proposed luminaires, at an average of 21 lux, is appropriate to their function in providing overall illumination of the parking area. This level is towards the lower end of the recommended luminance level for public outdoor areas.
- c. See response to a. above regarding the luminaire design and site screening.
- d. Renewable sources of power are not currently available on site and unlikely to be suitable for the lighting proposed.

It is clear that the proposal only seeks to add 10 more lighting columns of the same height and the same style to the existing 14 lighting columns on the site. The new lights will be to the same specification as the existing and will be subject to a condition to ensure that they are only on during those times when the church is in use (between 7am and 10pm) and a second condition to ensure that they are suitable to a Zone E2 location (as per the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light for Exterior Lighting Installations).

Although it is likely that the lighting will be visible at night in the wider landscape, it is not considered, noting the presence of the existing lighting that the additional impact will be so great as to be materially harmful to the character of this rural area.

There are four residential properties on Aldingbourne Nurseries land to the east of the site. The closest of these houses is some 85m from the closest edge of the proposed new parking area. The area in between the two is part existing parking with lighting columns, part existing gospel hall building and part existing greenhouses/nursery land. It is not considered that there will be any greater harm to these properties than there is presently from lighting both on the gospel hall site and on the nurseries site. The restriction on lighting times will also serve to minimise this impact and to ensure that the amenities of any nearby residential properties are safeguarded. It is not considered that the new hard surfaced parking area will result in additional noise disturbance as the land to be hard surfaced is already used as overflow parking as per the evidence submitted by the applicant and as such there will be no increase in vehicles or people accessing the site.

SUMMARY:

It is considered that the proposal is in principle in conflict with the development plan but that there are material considerations which serve to override the conflict. Furthermore, although the lights will have an impact on the landscape, it is not considered, noting the presence of 14 existing lights, that this will be so great as to change the night time character of this area or have a harmful impact on residential amenity. The evidence supplied by the applicant clearly demonstrates the need for the additional car parking and it is therefore recommended that permission be granted subject to the following conditions.

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) "Location Plan"; and

(2) "Site Layout with Proposed additional Hard Surfaced Parking Areas" drawing BG.8.03.M Rev N.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan 2011-2031.

- 3 Development of the parking area shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No part of the extended car park shall be used until the complete surface water drainage system serving the site 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 satisfactory drained in accordance with

polices D DM1 and W DM3 of the Arun District Council Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 4 No part of the development shall be first occupied until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan 2011-2031.

- 5 The approved car parking spaces shall be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun District Council Local Plan 2011-2031.

- 6 The lighting levels shall be in accordance with the submitted Lighting Statement (July 2018) and the limitations for Zone E2 of the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light for Exterior Lighting Installations.

Reason: In the interests of the visual amenities of the locality in accordance with policies D DM1 and QE DM2 of the Arun District Council Local Plan 2011-2031 and policy EH10 of the Aldingbourne Neighbourhood Development Plan.

- 7 The external lighting hereby approved shall only be used when services are being conducted and at no time other between the hours of 0700 hours and 2200 hours.

Reason: In the interests of the amenities of the locality in accordance with policies D DM1 and QE DM2 of the Arun District Council Local Plan 2011-2031 and policy EH10 of the Aldingbourne Neighbourhood Development Plan.

- 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: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter

groundwater table in support of the design. Drainage Engineers have also stated that: "I note that percolation test results and drainage designs have been included with the planning submission. However, no winter groundwater monitoring has been recorded and the test pits have been dug far too deep. We would expect winter groundwater levels to be far higher than 3m. Therefore shallower infiltration structures will need to be used. Percolation tests should be conducted at the base of the proposed structure. The use of permeable paving could also be investigated for this site." The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

- 10 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance (artificial lighting et al) action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.