

Recommendation Report for Planning Permission

REF NO: BN/3/21/PL

LOCATION: St Philip Howard School
Elm Grove South
Barnham
PO22 0EN

PROPOSAL: Installation of an aluminium framed, glazed canopy to a courtyard to increase dining room space for pupil dining at the school. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to install an aluminium framed, glazed canopy to a courtyard to increase dining room space for pupil dining at the school.
SITE AREA	Wider school site 5.43 hectares, 107square metres proposal site.
TOPOGRAPHY	Predominantly flat.
TREES	There is one tree affected by the development. A Silver birch with a small trunk diameter of 250mm is located adjacent to the works area and will need to be removed. The school is proposing to locate further samplings to the site, in addition to sampling previously planted.
BOUNDARY TREATMENT	Site is in the school site, to the west is 2.5m chain fence to astro turf playground, other sides have no boundary treatment.
SITE CHARACTERISTICS	School site consists of various school buildings to north of site with playgrounds and parking and playing fields to south.
CHARACTER OF LOCALITY	Rural land to south and east of site, built up residential area to north and west. School location could be considered semi-rural.

RELEVANT SITE HISTORY

EG/79/17/PL	Detached timber-framed chapel building.	ApproveConditionally 06-12-17
EG/17/10/	Design and conceive as one building proposed to be constructed in phases: First phase: Provision of new four court sports hall with entrance vestibule & storage. Final phase: Ancillary changing accomodation (changing	ApproveConditionally 14-05-10

rooms; WC's & showers), 3 general teaching classrooms & dance/drama studio.

EG/102/04/	Two new lift enclosures, one three storeys high, the second two storeys.	ApproveConditionally 19-11-04
EG/6/02/	First floor extension over existing extension to school.	ApproveConditionally 15-03-02
EG/76/00/	Proposed extension to existing school	ApproveConditionally 02-02-01

Various conditional planning approvals for the site.

REPRESENTATIONS

Barnham & Eastergate Parish Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC: No objection subject to condition. Proposals will not result in a change in number of pupils or staff and thus the LHA does not anticipate an intensification of vehicular movements to or from the site. No changes are proposed to the existing access/parking arrangements.

ENGINEERS Comments Regarding Surface Water Drainage: Does not appear to be an increase in impermeable area no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary;

Lidsey treatment catchment area;

Wider site adjoins Barnham Road, Downview Road Area of Special Character.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM4	HER DM4 Areas of Character
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

Barnham & Eastergate Neighbourhood Plan 2014 Provision and improvement of school facilities
POLICY CLW8Barnham & Eastergate Neighbourhood Plan 2014 Energy efficiency of existing development
POLICY ES12Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. The Barnham and Eastergate Neighbourhood Plan (2014-2029) is currently being reviewed. The emerging Barnham and Eastergate Neighbourhood Plan 2 was published recently and is out for Regulation 14 pre-submission consultation and publicity from 23rd November 2020 to 15th January 2021. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is in the built up area boundary on a school site where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues as visual/residential amenity, highway safety and parking.

Policy CLW8 of the Barnham & Eastergate Neighbourhood Development Plan states ' Maintaining the current high standard of school facilities is important as poor facilities impact upon learning outcomes'.

IMPACT ON NEARBY AREA OF SPECIAL CHARACTER AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including character and scale and policy D SP1 "Design" states that: 'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.'

Policy HER DM4 require new development to preserve, and where possible, enhance special character of Areas as defined on the Proposal Map.

Policy ES7 of the Barnham & Eastergate Neighbourhood Development Plan stresses that Areas of Character are those areas within the Arun District which are considered to be of distinctive character or quality, and therefore worthy of protection through rigorous control of new development.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. S2, Part J, Page 85 deals with Form and Character and states that schemes may incorporate modern methods of construction or features which are generally considered to be more contemporary. They should seek to create interest through variation in form and character while also ensuring simplicity and cohesiveness.

The development would be more than 115m from the nearby Area of Character and given it's position and the nature; the canopy would be located in an enclosed courtyard that cannot be seen from neighbouring properties, as it is hidden by buildings. The development would not have significant impact on the Area of Character in compliance with policy HER DM4.

The site comprises various building types and design. The height of the canopy is below 4m at the highest point (apex of curved roof). The length of the building is determined by the buildings it is to abut, which is 11m. The is to be 9.7m. The modern and simple design of the canopy is acceptable in the wider area of the site since as mentioned above the canopy would be hardly visible from any point of view and it would be of a good quality of design and materials.

The development is considered to be acceptable in terms of impact on visual amenity in compliance with policies D SP1, D DM1 of the Arun Local Plan, the Barnham & Eastergate NDP policy ES5 and Arun Design Guide.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

The site abuts residential properties to the north and east boundaries, but the remaining south and west boundaries abut farmland and the main rail line along the south coast. The canopy would be located in an enclosed courtyard that cannot be seen from any neighbouring properties, as it is completely hidden by the surrounding buildings. In terms of physical impact on residential amenity, there would be no impact on the neighbouring properties.

In terms of noise/disturbance, the position of the canopy, enclosed by taller buildings that would shield the spread of sound/noises produced and given the distance of approximately 70m from the closest residential properties and the fact that it would be a part of an existing school, it is not considered the development would lead to the increase of noise or cause significant harm to residential amenity.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with the Arun Local Plan policies D DM1, QE SP1 and QE DM1.

FLOODING

The site falls in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states that although minor developments are unlikely to raise significant flood risk, surface water drainage design should be carefully considered and infiltration must be fully investigated.

The site is not within a high risk flood zone (fluvial sources) so is not considered to be at risk or create significant flood risk from fluvial services.

In terms of surface water drainage, the total footprint of the building to be 107m², which is just greater than the allowance of 100m² (for permitted development) with Class M - extensions etc for Schools, Colleges, Universities and hospitals, as applicant pointed out in their submitted Design and Access Design.

There have been no conditions requested by Engineers as there would not be an increase in impermeable area. Thus the development would comply with policies W DM1, W DM2 and W DM3 of the Arun Local plan and the Barnham & Eastergate NDP policy ES1.

SUMMARY

Given the nature of the proposal it is considered that the proposed development would not have an unacceptable impact upon the significance of the Area of Character or the amenities of the surrounding

area therefore it complies with the development plan and is recommended for conditional approval.

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.

CIL DETAILS

This application is in CIL Zone 2 (Zero Rated) as 'other development'.

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:

Dwg No 1082/PL-001, "Location,Block Plan & Illustrations";
Dwg No 1082/PL-002, "Plans & Elevations".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall

be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the prevention of deliveries at the site during school drop-off and pick-up time (generally 0800-0900 and 1430-1530),
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Access arrangements from the public highway, including temporary accesses and alterations to existing accesses.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 4 **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.