REPORT UPDATE

Application No: BN/50/24/PL

Reason for the Update / Changes

Reason for Update/Changes:

The report attached to the agenda was not the version that should have been submitted as it did not include changes to the report that were suggested by the Group Head of Planning.

An amended version of the report is attached along with amended conditions as set out below. The amended report does not change the recommendation.

Since the report was prepared a consultation draft of the NPPF has been amended. The publication of the draft has not lead to any changes to the recommendation.

There have been updates to the conditions list following receipt of further information and consultation comments. Consultation responses have been received from ADC Environmental Health and WSCC Highways. ADC Environmental Health have requested a change of the wording for Condition 6 (Hours for deliveries / removals), and addition of another condition EHN20 (No occupancy until noise assessment report requirements are met). WSCC Highways have provided an updated response, in which no objection to the proposal is raised in regard to Highway Safety or Capacity. A request for the parking and turning plans included within the 'Transport Note' be conditioned, and a condition to secure the service management plan ensuring deliveries only take place within the site has also been included.

Further details in regard to the Car and Cycle Parking for the site, and materials for the building has been received from the agent, superseding the need for conditions relating to the supply of these details. Conditions have therefore been amended to reflect this further information and plans.

Officers Comment:

The condition list has been updated and amended to reflect the above. There are no changes to the recommendation.

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: BN/50/24/PL

LOCATION: Land and Buildings East of
28 Barnham Road
Barnham
PO22 0ES

PROPOSAL: Part-demolition and change of use of existing buildings from vacant retail (Class E) to a hot food takeaway (sui generis). Provision of car parking, installation of extraction and ventilation equipment and external alterations including

replacement roof and new shopfront. This application is in CIL zone 2 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The front and part of the rear return of the building is being retained. A new shop front/windows would be provided. Parking (including cycle parking) would be to the rear.
SITE AREA	528m2
SITE CHARACTERISTICS	Vacant retail land with single storey detached building and parking forecourt, previously used for Class E retail uses, with forecourt used for car parking for The Barnham Bridge Inn (now Tesco Express).
CHARACTER OF LOCALITY	Village centre with varied character. Barnham Road comprises a mix of retail, commercial, transport, sui generis and residential uses, with retail and commercial units on the northern side, and railway station and car park to the south and did not include the buildings in this application.

RELEVANT SITE HISTORY

EG/58/15/PL	Change of use from public house (A4 Drinking Establishments) to retail (A1 Shops).	ApproveConditionally 24-02-16
EG/72/16/PL	Variation of condition 2 imposed under EG/58/15/PL relating to approved plans (replacement of certain windows).	ApproveConditionally 10-10-16
EG/74/16/PL	Variation of condition 2 imposed under EG/58/15/PL relating to approved plans (revised location of disabled parking bays)	ApproveConditionally 10-10-16

Relevant history noted. The site has been vacant since the closure of The Barnham Bridge Inn in around 2013. EG/58/15/PL and subsequent applications concern primarily the renovation of the Public House to Tesco, with no works to the associated car parking and retail units to the east. The buildings impacted by this application were not part of the site history.

REPRESENTATIONS

Barnham and Eastergate Parish Council - Support:
- The proposal is in line with BENDP Policy EE1 Support for business.
- Proposals to upgrade or extend existing employment sites will be supported provided that the impact on amenities of surrounding properties is acceptable.

- The inclusion of a dine-in facility is preferable, and a lot of space is solely used for parking.
- Pleased to see a proposal to redevelop a rundown area.

22 letters of objection received from nearby occupiers. General comments regarding:
- Dispute need for another hot food takeaway in Barnham. Six exist in the locality, including cafes which offer takeaway food.
- Impact of noise and air pollution from ventilation systems.
- Harm to residential amenity by way of noise and air pollution.
- Concerns regarding parking/access, traffic, visibility issues and tensions between vehicle/pedestrian movements.
- The area is already heavily congested, of which the proposal will further exacerbate.
- Concerns regarding the proposal increasing anti-social behaviour and crime.
- Concerns regarding impact to local businesses.
- Concerns regarding litter.
- Object to the loss of the boundary wall, and replacement with 1.8m high wall which will incur loss of privacy, increase in noise and litter, and reduction in security.
- No consultation with the management company or residents of Saxby Close / Court.
- Concerns regarding the safety of the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Only material planning considerations can be taken into account and will be discussed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH:
No objection, subject to conditions regarding construction hours, hours of kitchen extraction system operation, lighting scheme, hours for deliveries / removals, scheme of noise control (no occupancy until approved), asbestos.

ADC ENGINEERS:
No objection subject to condition regarding the use of permeable surfacing for the parking area.

WSCC HIGHWAYS:
More information required. Additional response awaited.

SOUTHERN WATER:
No objection, but request pre-commencement condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary
Flood Zones 2, 3, 3a
Prone to Groundwater Flooding

Lidsey Treatment Catchment
Lidsey FRZ
Locally Listed Buildings

DEVELOPMENT PLAN POLICIES

Arun 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
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2019 POLICY EE1	Support for business
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1a	Flooding
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1c	Sewage
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES7	Conserving and enhancing Non-designated Heritage Assets
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 complies with relevant Development Plan policies in that the development would not result in adverse harm to visual or residential amenities, the quality of the environment, unacceptable impact to highways or increase the risk of flooding.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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 (BUAB) in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, quality of the environment, employment, drainage and parking. The key policies of the Arun Local Plan (ALP) are D SP1, D DM1, D DM4, ENV DM5, ENV SP1, HER DM2, QE DM1, QE DM2, QE DM3, QE SP1, RET DM1, SD SP1, SD SP2, T DM1, T SP1, W DM2, W DM3, WM DM1, and W SP1. The Arun Design Guide SPD and Arun Parking Standards SPD are pertinent to this application.

Barnham and Eastergate have a 'made' Neighbourhood Development Plan (BENDP). The following policies will be considered: EE1, ES1 (a,b,c), ES5, ES7, and GA4.

The NPPF and NPPG are also material to this application.

Regard should be had to policy SD SP1 of the ALP which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 124(d) of the NPPF states that planning policies and decisions should "promote and support" the development of under-utilised land and buildings. Paragraph 128(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

Para 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, with 11(c) outlining that development proposals which accord with an up-to-date development plan should be approved without delay. The proposal will be determined in line with 11(c) as the BENDP is in date.

Policy RET DM1 of the ALP concerns retail development.

RET DM1 states:- 'Change of use from retail will not be permitted for shops which are located outside the defined Town Centres and Local Service centres. An exception may be made where it can be demonstrated that retailing is no longer a viable use..."

The premises has remained vacant for over 10 years, demonstrating that the viability of the site in its current condition is not to standard for continued retail use. Whilst the proposal seeks a change of use to sui generis, it will retain a retail character which will reflect the character of the locality. This change of use is an appropriate alternative to continued use as a retail unit, and will result in the development of under-utilised land and buildings; in line with the NPPF.

In line with ALP policies, the proposal also accords with policy EE1 of the BENDP, which concerns support for business. Whilst not an existing business, the proposal will result in the upgrade of existing employment sites.

The proposal is for the re-occupation of a vacant retail unit with a sui-generis hot food takeaway provision. The site is easily accessible from the highway network and by public transport (both bus and rail), and makes efficient use of land by bringing a vacant unit and associated land back into a use. This use of the land is reflective of the character of the locality, and will enhance the area. Such an approach is supported by policies RET DM1, SD SP1 and SD SP2 of the ALP, and EE1 of the BENDP and NPPF.

Subject to compliance with other policies as set by the ALP and BENDP, the proposal will be determined in line with para 11(c) of the NPPF. The principle of the proposal is therefore concluded to be acceptable.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the ALP states 'all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area'. D DM1 sets standards for aspects of form and design quality, requiring proposals to meet a number of criteria concerning areas such as design, layout, scale, and massing. D DM4 concerns extensions and alterations to existing buildings (res and non-res). This policy is relevant, as the proposals are seeking the removal of part of an existing building, and works to the remaining structure which will significantly alter the appearance of the site.

Policy ES5 of the BENDP concerns quality of design. This policy is primarily steered towards residential developments, but sets a general approach that new development should be designed to respond to the

specific character of the site and its surroundings to create a sense of place.

The site comprises a single storey building which spans along the north, east and southern boundary. This building surrounds a forecourt, previously used as parking provision for the Barnham Bridge Inn (now Tesco), and the associated retail units housed in the vacant and derelict building. The building has a gable roof, with two gable ends facing west, and is in a declining state; the materials of the building indicating repairs to the building and its roof over time. The site and buildings offers little visual amenity value to the area and detracts from the street scene; which comprises an attractive array of different style properties, housing retail and commercial uses at ground floor. The most notable buildings in the street are the former Barnham Bridge Inn (Tesco), a large brick built building with hipped and gable roof which is of high architectural value; and Barnham Rail Station Ticket Office, a detached two storey building with cream and green render and tiled hipped roof. Both buildings are Locally Listed Buildings, and within the immediate vicinity to the west of the site. A further set of Locally listed buildings are to the east, Rose Cottages, which are a row of terraced residential properties of high amenity value to the street scene. The renovation and enhancement of this site will improve the setting of these buildings, and the character of the area.

The proposal will see the removal of unit 1, and renovation of units 2 and 3 for use hot food takeaway. This will result in the reduction of structures on site by over half, resulting in the retention of the L-shaped part of the building abutting the south / south-east corner of the site. This building will measure 6.9m wide and 13.4m deep, with a projection towards the west measuring 6m deep and 6m wide. The projection to the front will house the customer area and counter, with the kitchen, store, toilets, office and associated facilities included within the rest of the building. The gable roof will be retained, with the covering and structure to be refurbished. There will be no change to the height of the building. The proposal will include the replacement of the external materials, which will include cladding and brickwork. These materials are acceptable. New openings and changes to fenestrations will be made, including the installation of a new shopfront to the western elevation. This will include two large windows, with central access door and signage for the business. Signage will be subject to a separate advertisement consent.

All works are acceptable in respect of visual amenity and design. They result in improvement and enhancement to the visual appearance and character of the site, which will be positive to the locality and street scene. In terms of scale and massing, the development is appropriate. It will retain the character and layout of the site, with a reduction of massing and improvement to the design and condition of the land and building which is vacant, and in a state of decline. The works will enhance the visual appearance and character of the unit, positively re-utilising a unit which currently detracts from the character of the area. Whilst the character of the site will be slightly different to its previous use, this will be acceptable, and in line with the general character of the locality.

The changes would not detract from the local area character and would comply with policies D SP1, D DM1 and D DM4 of the ALP, policy ES5 of the BENDP and the Arun Design Guide.

RESIDENTIAL AMENITY / QUALITY OF ENVIRONMENT

Policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy D DM4 (c) re-iterates the need for alterations to not have an adverse impact to residential amenity. In this case the main concern is potential for noise and disturbance. There will be no increase in overbearing or overshadowing.

Concerns have been raised regarding overlooking, as a result of the removal of the buildings, which currently offer screening from neighbouring properties. These buildings are to be replaced with a 1.8m high boundary wall, which will span the east and north boundaries. Whilst the loss of these buildings and replacement with car parking and lower wall will provide more visibility of the surrounding context around

the site, this will not result in adverse harm to residential amenity. The closest window of Saxby Court to the north is over 20m from the boundary of the site. Whilst this elevation will be visible, it is of sufficient distance away for users of the car park to be unable to view the rooms inside the property. There may be an increase in perceived overlooking, however this is not of a significant enough level to justify a reason for refusal on these grounds. The gardens of Rose Cottages to the east will be more visible from the parking area. There is a footpath between the site and these properties which allows for some overlooking by pedestrians using the path. The impact of users of the car park will be no greater than that already experienced, and any overlooking will be incidental, rather than directly harmful. In terms of overlooking, this will not be adverse and is in accord with D DM1 and D DM4 of the ALP.

Policy QE SP1 requires that all development contributes positively to the quality of the environment and ensures that development does not have a significantly negative impact upon residential amenity. Policy QE DM1 concerns noise pollution, and states that applications will need to be supported by evidence that no suitable alternative locations are available; a sufficient noise impact report and evidence demonstrating the development will not impact surrounding areas.'

Policy QE DM3 concerns air pollution, and states that proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts.

The proposal includes the installation of an extraction and ventilation system and associated infrastructure. It is expected this will produce some noise and air pollution in the area. The submission is accompanied by a Noise Impact Assessment and other documents detailing specifications of the equipment and systems to be used.

The application has been assessed by Environmental Health (EH), who raise no objection or significant concerns in respect of noise, air or light pollution. Conditions have been requested in to control noise, air and light pollution, and these have been applied. Two conditions have been amended following negotiation with the agent and EH, and these amended conditions will be sufficient for protecting the quality of the environment. Given the positive response from EH, and the conditions, the proposal is not expected to give rise to adverse harm to residential amenity by way of pollution or impact to the quality of the environment.

Concern has been raised regarding anti-social behaviour, litter, security and noise pollution. The use as a takeaway will encourage more custom to this area of Barnham, and will partially increase the risks of litter and anti-social behaviour. Part of the issues raised by public representations concerns the removal of part of the single storey building, and replacement with a 1.8m high boundary. The buildings at present prevent access through the site onto the land at the rear, which is privately owned. This land is accessible using the alleyway to the side of the site. The construction of a lower boundary is thought to create more issues with litter entering the private land to the side and rear, whilst increasing risks to security by people being able to scale the boundary and access the land. Whilst these concerns are acknowledged, it is not considered by that the introduction of an additional takeaway will result in significantly more issues with anti-social behaviour and litter than already created by the other businesses in the area. The reduction in the height of the boundary and opening up of the site will increase surveillance of the land from nearby residents, and subsequently the risk of the site attracting more anti-social behaviour is minor. Concerns regarding litter are also accepted, however as noted in the waste management section below, acceptable schemes for waste management on site are proposed, and sufficient public waste bins are provided within the locality. The introduction of the takeaway would result in a significant increase in anti-social behaviour, litter and crime, which would warrant a reason for refusal.

The proposal will not result in adverse harm to residential amenity, in accord with D DM1, D DM4, QE SP1, and QE DM1, 2 and 3 of the ALP, and the NPPF.

HIGHWAYS, ACCESS AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should a create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

The Arun Parking Standards SPD is of relevance in ensuring developments provide appropriate levels of parking; alongside cycle parking and EV charging points. As per Table 4.1, Hot Food Takeaways (previously A5, now Sui Generis), require minimum vehicular parking provision of 1 space per 5sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff parking to be clearly designated. Cycle parking requirements are 1 space per 4 staff and 1 space per 25sqm for customers.

The building has a customer area measuring 9.6m2. As per Arun Parking Standards, this will require just under 2 parking spaces for customers. This area would not meet the threshold for 1 cycle parking space for customers, however the LPA request a minimum of 1 cycle space is provided for customers to encourage sustainable transport. The information submitted does not detail the exact number of employees that will be on site at one time; other than both full and part time workers will be sought for employment. Given the scale of the premises and its use, it is expected around 4 members of staff will be working at one time (with the exclusion of delivery drivers). 2 spaces should be provided per bar (which in this case is considered to be the order counter). A minimum of 2 parking spaces should be provided for staff. A minimum of 1 cycle parking space for staff would also be required.

The parking area has 10 parking spaces. This exceeds the minimum 4 spaces as identified by Table 4.1, and is an acceptable level of parking provision. Cycle parking has not been included. These details will be secured via a condition requiring at least 2 covered and secure cycle spaces are provided. Whilst EV charging points are encouraged by the Arun Parking Standards, a condition requiring this will not be implemented. This is due to the car park being used rarely for long stay parking, other than for staff, and will be only used by customers for a short amount of time when collecting deliveries. It is not expected customers will park for more than 10mins. Introducing EV charging may encourage customers or other members of the public to park for a longer period, which may not be associated with the premises. EV charging points are provided within railway station car park across the road, and the requirement that this premises provides EV charging is not warranted.

The site will use an existing access from Barnham Road. In the absence of an objection from WSCC Highways, the movement of vehicles on and off site will not result in adverse harm to highway safety or amenity. The application is in accord with T SP1 of the Arun Local Plan.

FLOODING AND DRAINAGE

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criteria is the submission of a sequential test is accordance with the NPPF. Flooding is likely to increase in the future, particularly due to rising sea levels, increased surface water and from rivers.

The proposal also falls in the Lidsey Treatment Catchment Area, where surface water drainage needs to be carefully considered in accord with W DM3 of the ALP.

According to EA Flood Risk Map the site falls in Flood Zones (FZ) 2 and 3. The Climate Change Data shows the entire area to be Flood Zone 3a from present day through to 2111 (Future Flood Risk). The property is also in an area prone to groundwater (>=75%). Flood risk on site is subsequently of concern.

A Flood Risk Assessment has been included in the Design and Access Statement. This highlights that the site falls within FZ2 and 3, but does not acknowledge FZ3a or provide a sequential test. As per para 174 of the NPPF, applications for changes of use should not be subject to the sequential or exception tests. This application is for a change of use, with a reduction in overall footprint of the building. In this instance the proposal is acceptable in respect of flood risk, as the risk to life and property is no greater than existing, and will not be exacerbated by the change of use of the site.

The proposal will result in no increase in building, and will only result in replacement of hardstanding on the remainder of the site to provide parking. A condition regarding W DM3 is not required. The Drainage Engineer requested this hardstanding be of permeable construction to ensure betterment for the drainage and reduce risk of flooding. This has been agreed by the agent, and secured via a condition.

The proposal is in accord with W DM2 and W DM3 of the ALP, ES1(a,b,c) of the BENDP and the NPPF.

WASTE MANAGEMENT

It is proposed that two 1100L wheelie bins will be provided on the northern elevation of the building for waste and recycling. This is acceptable in respect of WM DM1 of the ALP. It is not anticipated that excess waste / litter will be generated which would result in the need for a specific waste management scheme to be conditioned on the site. A condition on the control of waste on site is not reasonably enforceable. A number of public bins are provided along Barnham Road, which are sufficient for ensuring waste from hot food takeaways is disposed off efficiently.

BIODIVERSITY

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The proposal would see the renovation of a brownfield site. This site offers little ecological value, being fully hardstanding. The proposal will result in a reduction of structures, and introduction of new hardstanding to be used as a car park. There are no priority habitats on site, and existing sealed surfaces are exempt from the 10% BNG requirement. There will be no change to the ecological value of the site.

Biodiversity Net Gain for small sites came in on the 2 April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is now active, 10% is not required for this application as it is subject to de minimis exemption. Therefore, the lack of ecological enhancement on site does not warrant refusal, and the application is in accord with ENV DM5.

HERITAGE ASSETS

The proposal concerns works within the setting of three Locally Listed Buildings. These are Barnham Bridge Inn, Railway Ticket Station, and Rose Cottages. As per the NPPF, these buildings are classed as non-designated heritage assets.

Policy HER DM2 concerns Locally Listed Buildings, seeking to preserve and enhance their presence within the historic environment. Whilst this policy primarily concerns directly to the buildings, the impact to their context should also be material. 'Proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its

architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest.'

Policy ES7 of the BENDP concerns the conservation and enhancement of non-designated heritage assets, and states: 'Development affecting Non-designated Heritage Assets should be designed so as to preserve and enhance them, so as to reinforce the quality, character and distinctiveness of the villages.'

The NPPF states that "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (para 209).

The site is vacant land, with the buildings in a state of disrepair. In its current condition, the site results in harm to the quality of the setting of the non-designated heritage assets, as they detract from the visual, architectural and historical significance of these buildings. The renovation of the site and refurbishment of part of the buildings will be positive to the surrounding heritage assets. The works will improve and enhance the sites visual appearance and character, which will reflect on the surrounding locality. As the works are retain existing structures and are not proposing drastic changes to the layout, massing and appearance of the site, the changes will be sensitive and sympathetic to the assets, and will not result in a significant change to their context.

The works will result in no harm to the non-designated heritage assets, and will be a positive improvement to their setting. This in turn will be an enhancement to their significance, and as such the proposal is in accord with HER DM2 of the ALP and ES7 of the BENDP.

SUMMARY

The character of the development is consistent with the general use of the site previously, and the established pattern of uses in the area. The changes to the building and site would not compromise the visual amenities or character of the area, or result in adverse harm to residential amenity and other material considerations (as defined above). The proposal complies with development plan policies. The application is recommended for 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 not CIL liable.

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:

- Location plan 5386-LP-08B
- Block site plan showing parking C5386-BP11 REV. B
- Proposed floor plan C5386-A5-05 D
- Proposed elevations C5386-A5-06 C
- Car / Cycle Parking Plan - C5386-BP11 REV C

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

3 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

4 Prior to the occupation of any part of the development, full details of all new external lighting, including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011) and:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging

b) show how and where external lighting will be installed through provision of appropriate lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having

access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site's biodiversity (particularly in respect of bats), the interests of minimising crime, the interests of road safety and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 and ENV DM5.

5 No plant or equipment associated with the kitchen ventilation and extraction system, shall be operated on the premises except between the hours of 11.00hrs and 23.00hrs. The opening hours of the takeaway are to be 11.00hrs to 23.00hrs.

Reason: To protect the amenity of nearby local residents in accordance with Arun Local Plan policy QE SP1.

6 Other than the delivery of food items sold directly by the proposed take-away business, no industrial, commercial or trade goods shall be loaded, unloaded, or otherwise handled and no associated vehicles shall arrive at or depart from the application site outside the hours of 07:00 and 19:00 Monday to Friday, 08:00 to 18:00 on Saturdays or at any time on Sundays or recognised public holidays.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: https://www.arun.gov.uk/download.cfm doc=docm93jijm4n19846.pdf&ver=24686.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

7 The development hereby approved shall not be occupied until all the works which form part of the scheme for protecting the proposed development from noise as approved by the Local Planning Authority under Philip Acoustics Ltd.'s Noise Assessment for Mechanical Services Plant to Serve a Proposed Change of Use Hot Food Takeaway at Barnham Road, Barnham, West Sussex PO22 0ES (ref.: 24023-002, dated April 2024) have been completed. The approved scheme shall be thereafter maintained in good working order in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n19846.pdf&ver=24686.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1.

8 No part of the development shall be first occupied until the vehicle parking and turning spaces, and covered and secure cycle parking spaces have been constructed in accordance with the Car / Cycle Parking Plan - C5386-BP11 REV C, and the Transport Note 01 (4454) June 2024. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan.

9 Deliveries and services must be undertaken within the site, in accordance with the Delivery and Service Management Plan, included within Appendix 1 of the Transport Note 01 (4454)

June 2024.

Reason: In the interests of protecting highway safety and amenity in accordance with policy T SP1 of the Arun Local Plan.

10 Any resurfacing of the parking area will be of a permeable construction with a suitable granular subbase that is free of fines.

Reason: In the interests in reducing risk of flooding in accord with W DM2 of the Arun Local Plan.

11 Prior to the commencement of demolition or any other works commencing, a copy of the asbestos register held for the building and where appropriate, any remedial strategy, shall be submitted to and approved in writing by the Local Planning Authority. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM4. This is required to be a pre-commencement condition because otherwise there could be a risk to human health including that of neighbouring residents and persons in the vicinity.

12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

13 INFORMATIVE: No surface water from the approved development will be connected to the public foul sewer.

14 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

15 INFORMATIVE: Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de minimus as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value grater than zero and less than then 5 metres in length of onsite linear habitat.