

Recommendation Report for Planning Permission**REF NO:** EG/33/17/PL**LOCATION:** The Barnham Hotel
28 Barnham Road
Barnham**PROPOSAL:** 2 No. additional LED lighting to rear & side elevations.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	2 no. wall mounted 10w LED floodlights, one to the side and one to the rear.
SITE AREA	0.16 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front. Other boundaries have timber fencing with hedging and trees.
SITE CHARACTERISTICS	Edwardian two-storey red brick building now occupied on the ground floor by Tesco's. Bay windows to the front. Single-storey additions have been made to the rear. There are already 3 no. 100w LED floodlights on the side elevation.
CHARACTER OF LOCALITY	Predominantly commercial area opposite Station. To the east are residential properties and to the rear Saxby Court, a three storey flat development.

RELEVANT SITE HISTORY

EG/30/13/	Re-grading of pub beer garden and construction of retaining wall to provide parking area for 9 vehicles; partial demolition of retail units and addition of bollards.	ApproveConditionally 26-09-2013
EG/58/14/PL	Installation of a 2 fan condenser and 3 No ground standing AC units to the rear.	ApproveConditionally 24-09-2014
EG/59/14/PL	Installation of 6 No bollards	ApproveConditionally 24-09-2014
EG/57/14/A	1 No internally illuminated fascia sign, 1 No externally illuminated fascia sign, 1 No externally illuminated projecting sign, 1 No	ApproveConditionally 24-09-2014

	non illuminated wall mounted dibond panel on front elevation.	
EG/56/14/PL	Minor external alterations and a new shopfront	ApproveConditionally 24-09-2014
EG/55/14/PL	Installation of an ATM to the shopfront	ApproveConditionally 24-09-2014
EG/99/14/PL	3 No. wall mounted flood lights to side elevation.	ApproveConditionally 26-03-2015
EG/19/15/PL	Proposed entrance ramp	ApproveConditionally 02-04-2015
EG/58/15/PL	Change of use from public house (A4 Drinking Establishments) to retail (A1 Shops).	ApproveConditionally 24-02-2016
EG/73/16/NMA	Application for a non -material amendment following the grant of EG/56/14/PL to paint upper floor windows grey, provision of grey aluminium entrance door, relocation of hanging sign, painting of soffits & facing & replacement of existing roof on rear extension.	Approve 14-09-2016
EG/72/16/PL	Variation of condition 2 imposed under EG/58/15/PL relating to approved plans (replacement of certain windows).	ApproveConditionally 10-10-2016
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 10-10-2016

Application EG/58/15/PL allowed the use of the ground floor as a Tesco retail store. The car park was also previously allowed under Application EG/30/13/PL.

REPRESENTATIONS

Representations received:

No comment received.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC ENVIRONMENTAL HEALTH - No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designations applicable to site:

Within built up area boundary;
Class B Road;
Building of Special Character; and
PD Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN22</u>	Buildings or Structures of Character
	<u>GEN33</u>	Light Pollution
	<u>GEN7</u>	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		QE DM2 Light Pollution
		HER DM2 Locally Listed Buildings or Structures of Character
		HER SP1 The Historic Environment
		SD SP2 Built-Up Area Boundary
Barnham & Eastergate Neighbourhood Plan 2014		Quality of design
POLICY ES5		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD9	Buildings or Structures of Character
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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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be a material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

Arun District Council's Development Plans:

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

Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 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:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Furthermore, the site benefits from an extant planning permission for use of the building and the adjacent car park as a retail store. The main criteria against which this application will be assessed are policies GEN7, GEN22 & GEN33 of the Arun District Local Plan (ALP) and ES5 of the Barnham & Eastergate Neighbourhood Plan (BENP).

DESIGN AND VISUAL AMENITY:

ALP policy GEN22 states that alterations to designated buildings of character will not be permitted where they would adversely affect the appearance or setting of such buildings or structures. The proposed two floodlights are considered to be minor additions to the building and will be read alongside existing lighting and other wall mounted paraphernalia. They are not considered to adversely affect the appearance of the building and so there is no conflict with the policy.

ALP policy GEN7 (iv) requires that development does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. In addition, BENP policy ES5 requires that all new development is of a high quality design. The addition of the two floodlights are considered to be acceptable in visual terms and there is no conflict with these development plan policies.

RESIDENTIAL AMENITY:

ALP policy GEN33 states that outdoor lighting will be allowed provided that it has no adverse impact on neighbouring uses, light levels are the minimum required for security & working purposes and glare & light spill are minimised.

The applicants have stated that: "The use of the minimum level of lighting required will ensure the illumination is low level and there will not have an unacceptable impact on neighbour amenity. The lights will also be directed down and will not be operational outside store opening times and delivery times. Opening hours are -07:00 - 19:00 Mondays to Fridays, -07:00 - 18:00 Saturdays, - and 10:00 - 13:00 on Sundays and Bank Holidays. Any glare/light spillage is minimized by the position and style of lighting and the closest residential properties are approximately 30m to the north of the site."

It is also noted that the lights are to be 10w only and this compares favourably with the three 100w LED lights already on the side elevation. There is currently no lighting on the rear of the building and this elevation faces dwellings. For this reason, it would be appropriate to enforce the proposed lighting times of the rear light as per the stated hours. It is not considered that there is

any conflict with the development plan policies.

SUMMARY:

It is considered that the addition of the two new low strength lights will be acceptable having regard to the character of the existing building, its setting and the amenity of nearby residential occupiers. Accordingly, it is recommended that this application is approved 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:

Location Plan dwg. 978-222 Rev A;

Proposed Elevations dwg. 9782-216 Rev A;
Proposed Elevations dwg. 9782-215 Rev A; and
Proposed Site Plan dwg. 9782-211 Rev A.

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 external lighting hereby approved shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 & GEN33.

- 4 The proposed rear mounted flood light shall only be switched on during the approved store opening hours and, outside of these times, the flood light shall be switched off.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 & GEN33.

- 5 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.