

Recommendation Report for Planning Permission

REF NO: EG/45/14/PL

LOCATION: 17 Elm Grove South
Barnham

PROPOSAL: Hardstanding for proposed car-park together with air conditioning unit/enclosure, handrail & external lighting

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The parking areas will be provided to the north and south of the existing building. Three spaces will be provided to the front of the site with a further seven positioned to the rear of the building. The areas will be surfaced with block paving.

Air conditioning units will be installed to the rear of the building, behind railings.

900mm bollard lighting will be provided around the perimeter of the site with further lighting mounted on the building itself.

Entrance gates have already been installed and site clearance has taken place.

SITE AREA

Approximately 502 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

Large conifers positioned either side of the entrance gate. These will not need to be removed to accommodate the car parking area.

BOUNDARY TREATMENT

Approximately 1.8 metre high metal railings to north, east and western boundaries. Approximately 1.8 metre high timber fencing on southern boundary.

SITE CHARACTERISTICS

The site is occupied by a single-storey brick built building which is used as a meeting place for public worship. It is set back towards the middle of its plot.

CHARACTER OF LOCALITY

The site is located within the built-up area on a road that is bordered by dwellings, including flats, of various designs and scales. There is a

school adjacent to the site to the south. Buildings are generally set back from the road, providing a sense of openness whilst the presence of mature landscaping helps to create a verdant and semi-rural environment.

RELEVANT SITE HISTORY

EG/59/12/	Laying of permeable hardstanding, A/C unit/enclosure, handrail and external lighting	Refused 14-02-2013	<i>Appealed</i>
		Appeal: Dismissed 30 09 2012	

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection: The application is unneighbourly and there is a high risk of noise pollution from the repeated closing of car doors. Lighting should not be on a timer so that it is off when the building is not in use at night in order to benefit the amenities of neighbours.

One letter of objection: The property has not had vehicle access in its history, google street view images from 2011 show there to be none. I believe that the property has no permission to cross the pavement. Early morning use of the site will cause a disturbance due to closing of car doors. Trees and planting should be used to reduce to soften noise. Close board fencing on the northern boundary extends along only part of the northern boundary, surely it should extend the whole length of the parking area. There is no evidence of a long term maintenance plan for the SUDs scheme. There does not appear to be enough room for cars to turn at the rear of the site, a restriction of the number of vehicles that can use the car park should be considered.

Comments on Representations received:

Noted. The car park is relatively small and the noise generation of vehicular movements and car doors closing would be at a similar level to that of vehicles using the road. The street is illuminated by lampposts and it is therefore considered that the proposed low level lighting would not lead to the site being incongruous and in conflict with the general street scene. The site is not on a classified road and access can be provided without requiring a planning application, subject to permission from West Sussex County Highways. The current fencing arrangement is considered to be adequate. It will be the applicants responsibility to maintain the drainage system and it will be in their interests to do so. There appears to be space for turning available at all the proposed parking spaces.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Environmental Health

Southern Water Planning

Consultations responses received:

COUNCIL'S ENGINEERS:

The proposed surface water drainage system has been designed to contain the 1 in 100 year storm event plus 30%, and to store it above the highest recorded groundwater level so that all storage will be available in times of high water table. The edges of the parking areas are to be kerbed so that water does not infiltrate laterally and is contained on site. The proposed surface water drainage system is acceptable.

ENVIRONMENTAL HEALTH:

Providing that the mitigation measures provided in the acoustic report are implemented, Environmental Health has no objection to this application.

SOUTHERN WATER:

A formal application for a connection to the public foul sewer is required.

Initial investigations indicate that there are no public surface water sewers in the immediate vicinity. Alternative means of draining water from this development are required.

The planning application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

General hard standing may be subject to oil/petrol spillages and should be drained by means of oil trap gullies.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on the site.

Due to surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate, the measures in the table 'Practical measures to reduce the potential impacts of development'.

Comments on Consultation responses:

Noted. A condition will be attached requiring details of maintenance and management of the SUDS system to be supplied. A condition will also be added to stipulate that the noise mitigation measures set out in the accompanying noise impact assessment are carried out, namely the enclosure of the proposed air conditioning units behind a 1.8 metre high close boarded fence.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[AREA1](#)

Built-up Area Boundary
The Form of New Development
Areas of Special Character

	GEN32	Noise Pollution
	GEN33	Light Pollution
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)	
	D SP1 Design	
	QE DM1 Noise Pollution	
	QE DM2 Light Pollution	
	SD SP2 Built-Up Area Boundary	
	W DM3 Sustainable Urban Drainage Systems	
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements	
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character	

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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).

The Barnham & Eastergate Neighbourhood Plan has been made and policies ES1 and ES6 are relevant.

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 where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

SITE HISTORY:

A previous application, consisting of a similar scheme, was refused by the Council, and on appeal. The appeal inspector was satisfied that there would be no negative impacts in terms of visual amenity or noise generation but found that there were no details of an adequate surface water drainage system and, as a consequence, concerned that excess surface water would run off onto the neighbouring residential property to the east. The current application seeks to address these concerns and a drainage impact assessment has been enclosed.

VISUAL AMENITIES:

The impact of the hard surfacing will be softened by the presence of mature trees to the front of the site, much as is the case for the numerous amounts of other hard surfacing nearby. The air conditioning units will be discretely positioned to the rear of the site and, as such, have a negligible impact within the street scene. The proposed railings are set well back within the site and would not be visually prominent. The retention of mature trees on the site boundary would

ensure the prevalent verdant character of the surrounding area is maintained. It is therefore considered that the proposal would not result in an unacceptable adverse impact upon the character and appearance of the surrounding area of special character. As well as retaining the trees, the proposal will also maintain the existing railings, preserving the current appearance of the street scene.

NOISE GENERATION:

The application documents include a comprehensive noise assessment which makes note of the proximity of the site to neighbouring residential properties, particularly to No. 15 which is immediately adjacent to the east. The Council's Environmental Health Department are satisfied that these neighbouring sites will not be the subject of unacceptable noise pollution due to the equipment used, the distance maintained between it and neighbouring properties and the presence of a fenced enclosure. Concerns relating to the coming and goings of vehicles were also addressed, with noise generated predicted to be no more disturbing than that produced by vehicles using the road.

LIGHTING:

The site is located within an area which is currently illuminated by lampposts. It is considered that the proposed lighting, which will be mounted at low level, will therefore not result in the illuminated site appearing out of keeping when lit outside of daylight hours. It is considered that vehicle lights may detract from the amenities of No. 15 Elm Grove South as there is currently only a chain link fence between the site and the property. It is therefore considered that a condition should be attached to require details of additional screening to be submitted to, and approved, by the Local Planning Authority in order to secure a suitable means of preventing nuisance from vehicle lights.

SURFACE WATER DRAINAGE:

The previous application was refused on appeal due to inadequate details on surface water drainage being provided. Following positive comments from the Council's drainage engineer, it is considered that the concerns raised have now been rectified and that surface water will be carried away from the site without inundating neighbouring properties.

SUMMARY:

The proposed works will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area. Noise and light generation will not be to an extent that would result in the unacceptable deprivation of residential amenities. Surface water drainage details are satisfactory and, as such, the reason for refusal set out by the appeal officer has been addressed.

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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be adopted.

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:-

1127/1;
14-06-GD-131-01E;
14-06-GD-131-08B;
14-06-GD-131-09B;
14-06-GD-131-10B;
14-06-GD-131-11B;
14-06-GD-131-12A;
14-06-GD-131-13;
14-06-GD-131-15;

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 No development shall take place until details of screen walls or fences for the eastern boundary of the site have been submitted to and approved by the Local Planning Authority and the car parking area shall not be used until such screen walls or fences

associated with them have been erected and retained.

Reason: In the interests of amenities of neighbouring residents in accordance with policies GEN7 and GEN33 of the Arun District Local Plan.

- 4 The applicant shall carry out the development in accordance with the submitted noise impact assessment, with all mitigation measures contained within the document adopted and maintained in perpetuity.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 INFORMATIVE: A formal application for connection to the public sewerage system is required to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or southernwater.co.uk.

- 6 INFORMATIVE: The applicant is advised to adopt, where appropriate, the measures in the table 'Practical measures to reduce the potential impacts of development'.

A copy of this table can be found within the online documents for the application under the heading Consultation - Southern Water. Please use the following link and enter the application reference number EG/45/14/PL.

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.