

Recommendation Report for Planning Permission

REF NO: EG/4/19/PL

LOCATION: Land at The Croft Surgery
Barnham Road
Eastergate
PO20 3RP

PROPOSAL: Change of use of land to recreational space associated with medical centre.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Fairly flat.
TREES	There are trees surrounding the site. However it is considered that none of any significance would be affected by the proposed development.
BOUNDARY TREATMENT	The application site is enclosed by trees, planting and fencing.
SITE CHARACTERISTICS	The application site is a plot of 'scrubland' to the north of the application site for the new surgery granted under previous planning application ref: EG/57/16/PL. The site is fenced and is not public open space and is not accessible to nearby residents.
CHARACTER OF LOCALITY	Access to the site will be gained through the medical centre approved under reference EG/57/16/PL. The site is considered to be rural but lies adjacent to residential development to the south and west. Cherry Tree Drive to the south comprises detached bungalows. Collins Close to the west comprises detached two storey dwellings. The existing surgery to the south east is single storey. The Collins Close dwellings to the west of the proposed new building include windows in rear elevations which overlook the site.

RELEVANT SITE HISTORY

EG/10/16/RES	Approval of reserved matters following outline consent EG/75/12/ for appearance & landscaping.	Inc Docs Ret'nd 09-03-16
EG/6/18/RES	Approval of reserved matters following outline consent EG/71/14/OUT for the erection of 60 No. dwellings with new vehicular access, open space & ancillary works.	ApproveConditionally 25-05-18

EG/71/14/OUT	Outline application for the erection of 60 residential dwellings with new vehicular access, open space & other ancillary works	App Cond with S106 03-02-15
EG/75/12/ EG/67/09/	Renewal of unimplemented outline planning permission for new medical centre incorporating pharmacy retail unit (A1 Shops) and other ancillary uses together with access off of Barnham Road and associated car parking	ApproveConditionally 19-02-13
EG/57/16/PL	Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan.	ApproveConditionally 03-07-17
EG/67/09/	Outline application for a new medical centre incorporating pharmacy retail unit (class A1) and other ancillary uses together with access off Barnham Road and associated car parking. (This application is a departure from the development plan)	ApproveConditionally 03-02-10

Planning history noted, with particular regard to EG/71/14/OUT and EG/6/18/RES which have been granted for 60 residential dwellings next to the application site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council: Do not object to this application.

Eastergate Parish Council: Consulted, no comments received.

1 letter of no objection from neighbours has been received:

Whilst we approve of the change of use of the land we would like for provision of the land to be secured.

COMMENTS ON REPRESENTATIONS RECEIVED:

With regard to the neighbours comments they do not object but would like for provision of the land to be secured. They have submitted a letter sent to the Croft Surgery with the following questions:

- What are the surgery's plans are for safeguarding the site.

Officers consider that this would be a matter for the surgery to ensure that the site is safeguarded.

- What are the surgery's plans are for securing their boundary.

No specific details have been provided with regard to any specifics of securing the application site boundary as part of the application. However the applicant has stated within the submitted Planning Statement that the site is currently fenced and is not public open space and is not accessible to nearby residents. As the proposal is linked to the surgery it is considered that only patients of the surgery would be allowed access to the site. Any access to the site would be across the new access for the newly approved surgery. Officers consider this arrangement to be acceptable.

- Will the area will be secured with lighting?

From an assesment of the application officers do not see any mention of the inclusion of lighting within the scheme. Should lighting be required this would be considered development and the applicants would have to apply for planning permission for this. Therefore the impact of any lighting would be assessed. Therefore Officers do not consider that the site would be 'secured' with lighting.

- Will patients be overseen using the facility when it is up and running?

The supplied information does not specify whether the patients using the proposed recreational space would be overseen. However officers expect that should the patient require supervision it would be provided. However this has not been stated as such within the submitted information. This is not a material planning matter.

CONSULTATIONS

Arboriculturist

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

- None

Council's Arboriculturalist: Consulted but no comments received.

Council's Parks and Landscape: Consulted but no comments received.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area-Boundary

WSCC Minerals Consultation Area - Sharp sand and gravel.

500m Waste Site Buffer - Sussex Recovery

Lidsey Treatment Catchment Area

Housing Allocations site.

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
HWBSP1	HWB SP1 Health and Wellbeing
ENVSP1	ENV SP1 Natural Environment
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations

[Barnham & Eastergate Neighbourhood Plan 2014](#) Specific site allocation
[POLICY H1](#)

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows

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.

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.

The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 applies to this application:

Policy H1 - Specific Site Allocation.

Policy ES1 - flooding, drainage and new development.

Policy ES5 - Quality of design.

Policy ES6 - Contribution to local character.

Policy ES10 - Trees and hedgerows

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 would be sited on land allocated for housing development under policy H1 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029. Officers note the planning history, with regard to EG/71/14/OUT and EG/6/18/RES which have been granted for 60 residential dwellings next to the application site not on it. Officers note that this does not stop applications for housing coming forward on the application site. Additionally Officers note that the applicants have signed certificate A stating that they own the application site. Therefore, the applicants would be under no obligation to sell the site should an application for housing on it come forward.

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 namely that 60 houses have been approved in the allocation site, the proposed development would provide health/community benefits and the development would not restrict residential development in future.

CONCLUSIONS

PRINCIPLE:

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1 and HWB SP1 of the Arun Local Plan 2011-2031 and Policy M9 of the West Sussex Joint Minerals Local Plan along with all relevant Neighbourhood Plan Policies.

The application site falls within an area identified for housing within the Barnham and Eastergate Neighbourhood Development Plan. Therefore Policy H1 of the plan would apply. This Policy states that permission will be granted for at least 60 new homes in Eastergate on land identified on the proposals map, which the application site falls within. However Officers note the planning history, with particular regard to EG/71/14/OUT and EG/6/18/RES which have been granted for 60 residential dwellings next to the application site not on it. Officers note that this does not stop applications for housing coming forward on the application site. Additionally Officers note that the applicants have signed certificate A stating that they own the application site. Therefore, the applicants would be under no obligation to sell the site should an application for housing on it come forward.

DESIGN AND VISUAL AMENITY:

This application seeks permission for the change of use of land to recreational space associated with the surgery (Croft). This would include the creation of a fitness track with exercise station, a sensory walk and open meadow along with a playground and (Bin store). No details have been provided regarding the proposed exercise stations or the proposed playground equipment. Therefore, a condition requiring details to be submitted to and agreed in writing by the Local Planning Authority prior to their installation.

However, given the location of the site to the rear of the previously granted new surgery and to the rear of the surrounding properties it is considered that the proposals would not have a detrimental impact on the street scene along Fontwell Avenue, Cherry Tree Drive, Collins Close or on the wider area as a whole.

As such, the proposals are considered to accord with Policies D DM1 and D SP1 of the Arun Local Plan 2011- 2031 and Policies ES5 and ES6 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029.

RESIDENTIAL AMENITY:

Officers note that there are a number of houses to the west of the application site and that both the proposed path for the sensory walk and proposed exercise track with exercise stations would be fairly close to their boundaries. While the proposed sensory walk path would be close to the properties to the west, along Fontwell Avenue, it would be set in by approximately 8.09 metres at its minimum to the rear of Hillcross and between 12 -18+ metres (dependant on where track bend is measured from) at its maximum to the rear of Blue Haze. The proposed sensory walk path would be at its closest, 2.9 metres from the rear boundary of 8 Collins Close Southwest. However, while the sensory walk path would come close to the rear of nearby dwellings it is considered that its use would not have a detrimental impact on the occupiers of surrounding properties.

The proposed playground would be sited over 60 metres from the properties to the east along Fontwell Avenue and the properties to the south west along Collins Close. Therefore, even though no details of the play equipment have been provided, given the aforementioned separation distances it is considered that no detrimental impact would occur to the occupiers of adjoining properties with regard to noise.

Officers note the close proximity of 2 of the proposed exercise stations to the boundary of adjoining properties, Lacre, Fairfields and Elm Trees to the east. The exercise station closest to Fairfields would be sited approximately 1.86 metres away from the common boundary with the rear elevation of Fairfields being approximately 23.21 metres away. The exercise station closest to Lacre would be sited approximately 2.9 metres away from the common boundary with the rear elevation of Lacre being over approximately 15 metres away.

While no details of the proposed play equipment or exercise stations have been provided a condition requiring details to be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Therefore it is considered that the proposals would not lead to a detrimental impact upon the occupiers with particular regard to overbearing impact, overlooking or noise.

Officers note that any grant of planning permission would not stop noise complaints, should statutory noise complaints be received, investigated in line with any relevant noise legislation by the Council's Environmental Health Department.

As such, the proposals are considered to accord with Policies D DM1 and Q EDM1 of the Arun Local Plan 2011 - 2031.

FLOODING AND FLOODRISK:

According to the Environment Agencies' flood risk maps the site is located within Flood Risk Zone 1, which is the lowest risk. Therefore, it is considered that the proposals would not have a detrimental impact with regard to flooding or flood risk.

IMPACT ON BIODIVERSITY:

The applicant has submitted a biodiversity report, specifically a reptile survey report by Applied Ecology Ltd. While this survey was originally submitted as part of previously granted application EG/57/16/PL, it also took into account the potential for the impact of biodiversity, reptiles, on the land forming the application site for this application. This survey has been submitted, as the initial survey identified the need for a reptile survey on the basis of suitable habitat being present. The survey has taken into account the common lizard, slow-worms, and grass snake. The survey concludes that reptiles are absent from the site and therefore site clearance can be completed without restriction in relation to reptiles.

The survey also notes that the other recommendations required to protect the site's existing ecology, identified in the initial ecology report (AEL, July 2016) are also still relevant and must be implemented. While these recommendations specifically relate to the land to the south of the current application site, It is considered that they could to an extent be applied here. Therefore as follows:

- All dense ground vegetation eg. (dense grass and bramble/woody scrub) should be cleared outside of bird nesting period (which should be considered to be march to August inclusive), or following confirmation by an ecologist that habitats to be cleared are free of breeding birds.

- Efforts should be made to ensure that site clearance operations, particularly the clearance of dense vegetation (should there be any) should be undertaken in such a manner to avoid the accidental killing and injury of any hedgehogs that might be sheltering within the site. All dense ground vegetation should be cleared by hand outside the bird nesting period (as described above) and the ground checked by an ecologist to ensure that it is free of hedgehogs before machinery is allowed to break the ground surface. Any hedgehog that is found should be relocated to a safe, sheltered part of the site (or another appropriate safe site agreed by an appropriate ecologist). All cut vegetation should be chipped on site or, preferably, removed from the site and not stored in heaps that could prove attractive to hedgehogs for shelter unless the intention top leave them as permanent habitat piles for wildlife.

Officers note that reptile report with regards to previously granted application ref: EG/57/16/PL required that:

'Any hedgehog that is found should be relocated to a safe sheltered part of the northern land area.'

Officers note that the current application site is the aforementioned northern land area. Therefore Officers consider that should there be no safe sheltered parts of the site be available then the applicant could work with an ecologist to find alternative suitable land for the safe relocation of any hedgehogs.

Should the applicant find any other wildlife or protected species that have not been identified they should seek to ensure that they are not harmed etc. in line with all relevant legislation and law.

Therefore, Officers consider that the proposal would not have a detrimental impact on any protected species and is considered to accord with Policies ENV SP1 and ENV DM5

IMPACT ON TREES:

The are tress and planting/hedgerows to the boundaries of the site. The plans show that the proposed works would come in very close proximity to these trees. e.g. part of the proposed playground appears would fall under the crown of trees along the eastern boundary of the site.

Officers note that the proposals were not accompanied by a survey establishing the health of longevity of any affected trees or hedgerows or a management plan as to how they would be maintained as per Policy ES10 of the Neighbourhood Plan. However, Officers do not consider that any trees would be

affected as it is considered that having regard to the size and scale of the proposed development it is considered that appropriate construction methods could be used to ensure that no detrimental impact/harm would occur to any trees or hedgerows, with particular regard to ancient trees or hedgerows of which it is considered there are no on or adjoining the application site. Reasonable and appropriate conditions will be imposed on this application re: appropriate construction measures near trees and within their root protection areas etc.

As such, the proposal would comply with Policy 2011 - 2031 of the Arun Local Plan and Policy ES10 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029

IMPACT ON MINERAL CONSULTATION AREA:

The application site falls within a Minerals Safeguarding Area and Mineral Consultation Area with regard to sharp sand and gravel. The Arun Local Plan states that minerals such as sand and gravel are vital for the construction industry. Therefore proposed development should not lead to their loss. Policy M9 of the West Sussex Joint Minerals Local Plan

a) Existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.

(b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

(i) Mineral sterilisation will not occur; or

(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

From an assessment of the proposal the application site is not an existing minerals extraction site as per criterion a). With regard to criterion b) it is considered that given the level of development it is not considered that deep foundations would be required for the pathways and equipment (play/exercise stations). Therefore it is not considered that deep excavation/digging would be required. Therefore, having regard to the limited development Officers consider that should it ever be required the site could be reverted back. As such, it is considered that mineral sterilisation will not occur.

It is considered that the proposal would adhere with Policy M9 of the West Sussex Joint Minerals Local Plan.

OTHER:

Health and Wellbeing:

Policy HWB SP1 of the Arun Local Plan states that all development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. Officers note that the proposal would be for the use of patients who are prescribed use of the playground, fitness track and sensory walk and would not be freely available to all at any time. However, it is considered that the proposal would comply with the overall aims of the Arun Local Plan with regard to health, recreation and leisure and in turn Policy HWB SP1.

Barnham and Eastergate Neighbourhood Development Plan 2014-2029:

The proposal would comply with all relevant Policies of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029.

Lidsey Catchment Area/Flooding:

Having regard to the size and scale of the proposed development Officers consider that it would not have an impact upon it. As such, the proposal would adhere with Policy ES1 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029. Additionally it considered that the proposal would not have a detrimental impact on flooding or flood risk (site is within Flood zone 1)

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to conditions.

HUMAN RIGHTS ACT

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. Lacre being

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
- 120
121
123
122
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and of the Arun Local Plan.
- 3 The approved plans show that the proposals would be sited close to and in the case of the proposed playground, under the canopy of trees along the site boundaries. Therefore, any works in close proximity to trees, especially under the tree canopy shall be carried out in a manner, such as hand, digging so as to ensure that no harm occurs to any tree including their roots,
- Reason: To ensure the retention of vegetation important to the visual amenity, environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.
- 4 Details of the playground equipment and the exercise stations shall be provided to and agreed in writing by the Local Planning Authority (LPA) prior to the first use of the recreational space hereby granted and shall be retained as such unless otherwise agreed in writing by the (LPA).
- Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.
- 5 The bin storage shown on the approved plan ref: 123 received on 18/01/2019 shall be implemented prior to first use of the recreational space hereby approved.
- Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan
- 6 The development must be carried out in accordance with section 3 of the submitted Reptile Survey Report (October 2016), with section 3 of the submitted Ecology Report (July 2016) and with the recommendations of the Councils Ecologist, namely:
- (1) Efforts should be made to ensure that site clearance operations, particularly the clearance of dense vegetation should be undertaken in such a manner as to avoid accidental killing and injury of hedgehogs that might be sheltering within the Site. All dense ground vegetation should be cleared by hand outside of the bird nesting period (as described above) and the ground checked by an ecologist to ensure that it is free of hedgehogs before machinery is allowed to break the ground surface. Any hedgehog that is found should be relocated to a safe sheltered part of the northern land area. All cut vegetation should be chipped on site or, preferably, removed from site and not stored in heaps that could prove attractive to hedgehogs for shelter unless the intention is to leave them as permanent habitat piles for wildlife; and
- (2) Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood, or rubble piles should be dismantled by hand and relocated.
- Reason: In accordance with ENV SP1 and ENV DM5 Arun District Local Plan policy and the National Planning Policy Framework.
- 7 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.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 9 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 0845 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.