

REPORT UPDATE

Application No: EG/58/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

An amended noise report was received on 09 September. This has been reviewed by Environmental Health and the EHO has commented that: "Providing the mitigation measures as specified in the amended report are implemented, I have no further comments."

Officers Comment:

An additional condition is now proposed to ensure that the mitigation measures set out in the report are adhered to. This is condition 02 as shown on the attached amended replacement recommendation sheet.

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.

EG/58/14/PL

Recommendation Report for Planning Permission

REF NO: EG/58/14/PL

LOCATION: The Barnham Hotel
28 Barnham Road
Barnham

PROPOSAL: Installation of a 2 fan condenser and 3 No ground standing AC units to the rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. All units will be positioned to the rear of the building, approximately 11 metres from the rear boundary of the site.
SITE AREA	Approximately 1000 square metres.
TOPOGRAPHY	Slight downward slope running from west to east.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open frontage. Other boundaries marked by approximately 2 metre high timber fence with additional hedging and trees in places.
SITE CHARACTERISTICS	The site is occupied by an Edwardian two-storey red brick building which is currently

report

vacant but was previously in use as a public house with accommodation above. There are bay windows to the front. Single-storey additions have been made to the rear of the building. The building is recognised by the Council as being of special character.

CHARACTER OF LOCALITY

The site lies in a predominantly commercial area opposite Barnham Railway Station. To the east, there are residential properties and to the rear there are three-storey flats at Saxby Court.

RELEVANT SITE HISTORY

EG/66/11/	Conversion of 1st & 2nd floors from ancillary (A4) to 6 no. self contained flats (C3) together with rear first floor extension, dormer windows & rooflights	Approved Cond + S106 31-05-2012
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/47/14/DOC	Application for approval of details reserved by condition 5 of previously approved planning application EG/30/13 - relating to materials & finishes for the proposed brick retaining wall & the vertical timber fence	DOC Approved 19-08-2014
EG/48/14/DOC	Application for approval of details reserved by condition 6 of previously approved planning application EG/30/13 - relating to surface water drainage	DOC Approved 22-08-2014
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 non illuminated wall mounted dibond panel on front elevation.	ApproveConditionally 24-09-2014
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

There is an extant planning permission relating to the first and second floors of the building and which allow for a conversion to create 6 self-contained flats together with a rear first floor extension, dormer windows & roof lights. No car parking spaces were proposed as part of the conversion.

Application EG/30/13 proposed the partial demolition of the adjacent retail units and the regarding of the beer garden in order to provide a parking area at the side for 9 cars (including 1 disabled space).

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection: Request that the proposed enclosure for the units be provided with an appropriate sound absorption system.

2 letters of objection: No need for equipment or for a Tesco Express. Object on the grounds of noise.

Comments on Representations received:

Noted. An acoustic report accompanied the application and the Council's Environmental health Department are satisfied, subject to the receipt of the details of noise reduction measures. These details have been requested but if they are not received or do not satisfy the Environmental Health Officers, then a condition would be imposed to secure a noise report. On the other hand, if satisfactory information is received then a condition will be required to ensure compliance with the submitted details.

The use of the building for retail purposes is not the subject of this application and the principle is already allowed for under permitted development rights.

It is also noted that neither of two local residents live near the site.

CONSULTATIONS

Southern Water Planning
Head of Planning Policy & Cons
Engineering Services Manager
Engineers (Fluvial Flooding)
Environmental Health
Conservation Officer

Consultations responses received:

CONSERVATION OFFICER:

"From the information available to me it appears as if the units will all be free standing structures in the rear amenity space. Consequently, it is considered that they will not have a negative impact upon the building"

ENVIRONMENTAL HEALTH:

Planning Noise Advice Document: Sussex (dated March 2013) states:

"Preferably, the rating level of the plant/process, when measured in accordance with BS4142, should achieve a level of at least 10dB below existing background noise level at neighbouring

noise sensitive premises. It is considered that meeting this criterion would help avoid significant adverse noise impacts, in the interests of ensuring a good standard of amenity and protecting human health. Where this is not attainable, the noise report should explain why, and how best practicable means will be implemented to control noise in order to satisfy the LPA that the development is acceptable.

Therefore please ask the acoustic consultant to provide details of mitigation measures planned, with the associated reduction in noise levels at the nearest noise sensitive premises, in order that the rating level will be at least 10dB below existing background noise levels."

SOUTHERN WATER:

No objection.

Comments on Consultation responses:

Noted. As stated above, the additional information has been requested and the updated comments of Environmental Health Officers will be reported as an update at the meeting together with details of any additional conditions.

POLICY CONTEXT

Designations applicable to site:

Within Built-Up Area; and
Building of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Quality	
	D SP1 Design	
	HER DM2 Locally Listed Buildings or Structures of Character	
	QE DM1 Noise Pollution	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

SPD9	Buildings or Structures of Character
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 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 and Eastergate Neighbourhood Development Plan has now been made. However, there are no relevant policies regarding the determination of the application. It is acknowledged that there are design policies within the Plan but these all relate to new development or to new buildings.

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 are contained within Arun District Local Plan policy GEN7 which seeks to prevent development that would have an unacceptable adverse impact upon visual and residential amenities. Further scrutiny will be applied to the impact of the works on the character of the building due to its status as a heritage asset.

VISUAL IMPACT:

The proposed units will be positioned discreetly to the rear of the building and are modestly sized. They will therefore not visually impact upon the street scene. The units will be positioned in an array within close proximity of each other rather than in random positions and this will help prevent a cluttered appearance from arising. The units will not be mounted directly on the building and will not obscure any of its distinctive feature.

NOISE IMPACT:

The units will be positioned to the rear of the building, approximately 11 metres from the rear boundary which backs on to a small public park. The nearest residential dwellings are at Saxby Court, approximately 22 metres to the rear. Given the potential for the units to generate noise, it is imperative that the Council is satisfied that their presence will not detract from quiet recreation within the park or the residential amenities of occupants of nearby dwellings. As such, whilst the principle of the siting of the units is considered to be acceptable, further information detailing satisfactory noise reduction and mitigation measures is required and has been requested from the applicant. Should the information received not be satisfactory to Environmental Health officers, then a condition could be imposed to require this information post decision. Alternatively, if satisfactory information is received then a condition will be required to ensure compliance with the submitted details. Both of these options are acceptable approaches.

On the basis that satisfactory information is received, it is considered that the units can be accommodated without detracting from the amenities of users of the small park or the occupants of nearby dwellings.

SUMMARY:

It has been demonstrated that the proposed units would not detract from either the visual amenities of the surrounding area or of the building itself. It is considered that, subject to the receipt of satisfactory noise information, the units will not cause undue levels of noise generation.

It is therefore recommended that the 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 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 implemented.

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 shall not be implemented unless in accordance with the submitted KR Associates Noise Report (Version 1.2 09/09/14). The fan condensers and AC units shall thereafter be maintained in good working order such that future adherence to the mitigation measures set out within the report are maintained.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:-

9782-301;
9782-305;
9782-400 REV B (29/08/14);
9782-410 REV B (29/08/14);
9782-411 REV B (29/08/14);
9805-415 REV B (29/08/14);
9782-811; and
9782-815.

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.

- 4 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.