

Susan Leeson

From: John Shephard [REDACTED]
Sent: 31 October 2012 15:17
To: Susan Leeson
Cc: [REDACTED] Richard Hollands
Subject: 1127 : 17 Elm Grove South Barnham (Application EG/59/12)

***** confidentiality notice *****

This message is private and confidential. If you have received this message in error, please notify us and remove it from your system.

Dear Mrs Leeson

Further to my email and letter dated 30th October 2012, my clients have now drawn my attention to the objection registered by Eastergate PC.

I am informed that the applicant's agent has now spoken with Mr Sleet, the Clerk to the Parish Council, and the EPC position may be reviewed at their next meeting tomorrow.

We have already addressed the issues of noise impact and parking. Permeable paving will ensure that surface water run-off is managed in accordance with Sustainable Urban Drainage (SUDS) techniques.

In respect of highways issues I would confirm:

- a. There is an existing dropped kerb;
- b. The applicants are able to construct a new vehicular access under PD rights; and
- c. Until the use as a Place of Worship is commenced, the educational use benefits from PD for hardstanding.

Finally, I would confirm that there is no need for an application for a Material Change of Use as both the existing lawful use and the proposed use fall within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

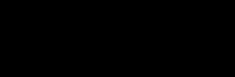
I have copied this email to Mr Sleet in order to clarify the applicant's position.

Kind regards
John Shephard

J & J DESIGN

Town Planning and
Building Design Consultants

1a KING EDWARD ROAD
BEDFORD MK41 9SF



J & J DESIGN

J.R. & J.E.G. Shephard

Town Planning and
Building Design Consultants

1a KING EDWARD ROAD
BEDFORD MK41 9SF



Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex
BN17 5LF

30 October 2012

Your ref: EG/59/12

Our ref: 1127/JRS/lr

BY EMAIL AND POST

For the attention of Karl Roberts
Assistant Director of Planning & Economic Regeneration

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
PROPOSED PERMEABLE HARDSTANDING AIR CONDITIONING UNIT/ENCLOSURE
HANDRAIL AND EXTERNAL LIGHTING
17 ELM GROVE SOUTH BARNHAM
FOR BOGNOR GOSPEL HALL TRUST**

I refer to the above application and write on behalf of the applicants following a telephone conversation between the Case Officer Mrs S Leeson and the Agent Mr R Hollands on Monday 29th October 2012.

I have previously advised on the project and have now familiarised myself with the current application, together with the preceding correspondence with the Council's Planning Enforcement Officer and also the consultation responses on the Council's website. I would comments as follows:

1. Scope of this Application

It must be clearly understood that this application seeks planning permission for specific items of operational development. In particular, the application does not include the following:

- a. The use of the existing building;
- b. The formation of a new vehicular access.

In respect of (a) above, there is no material change of use as the Council have agreed both in the LDC decision EG/36/11/CLE and in subsequent correspondence that both the original use and the proposed use as Place of Worship fall within Use Class D1.

In accordance with Article 3(1) of the Town and Country Planning (Use Classes) Order 1987, as amended, the use shall not be taken to involve development of the land.

It therefore follows that issues such as the hours of use, numbers of persons attending and potential impacts from singing are not material to this application.

In respect of (b) above, our clients rely on 'Permitted Development' under Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended. We are advised that Elm Grove South is a non-classified public highway.

2. Land Ownership

The application is correctly submitted under Certificate A, indicating that the applicants are the sole owners of the application site. The applicants have no connection with adjoining landowners including the owners of the adjoining school.

It must also be stated clearly that a material change of use does NOT occur automatically upon the subdivision of a planning unit (see Section 55 (2) (f) of the 1990 Act).

3. Adequacy of Off Road Parking

We are unable to follow the reasoning of this objection, which we understand is based on the following assumption:

- a. Insufficient access width south of the building;
- b. Insufficient quantum of parking spaces within the site; and
- c. Inability of visitors to park on the public highway.

Physical measurements indicate 2.7m minimum clear width between the building and boundary fence. As the majority of private cars have a width less than 2.0m and a standard parking space has a width of 2.4m, we consider that there is adequate access width. Indeed this is confirmed by the 'Manual for Streets' Fig 7.1 which indicates that 2m750 is adequate for a commercial vehicle. We are unaware of any Highways objection in this respect.

The applicants are satisfied that 10 parking spaces can be provided and this will be adequate, having due regard to several families living within easy walking distance. It is accepted that this level of provision is below the **maximum** standards of the Council. However, given that the land-use is not at issue we respectfully submit that the quantum of parking spaces is not a valid reason to resist new hardstanding. Rather the objectives of the applicants to maximise the off-street parking provision should be supported.

We are unaware of any reason why visitors cannot legally park on the public highway, away from local parking restrictions. Again this cannot be a valid objection given that the land-use is not at issue. Indeed a refusal of this application will force all visitors to park on the public highway.

4. Amenity Considerations

We are surprised that the Case Officer advises that she awaits Environmental Health comments regarding "vehicle noise and singing".

Singing is a direct consequence of the use as a Place of Worship. As this is a Class D1 Use and does not require planning permission, this is NOT a material consideration. The applicants do not propose external services on the hardstanding.

Vehicle noise is accepted as a material consideration but due to the limited hours of use (maximum twice on Sundays, once on Monday evenings and periodically on Friday evenings) and low vehicle speeds, we respectfully submit that suitable close boarded boundary fencing will be adequate to contain vehicle noise.

The Council have details of the proposed air-conditioning units including noise ratings. We believe from experience elsewhere that the screen fencing and location on the eastern elevation will together ensure that there is no unacceptable impact on neighbours' amenity from this source.

No objections have been raised regarding external lighting. This will be only used when the hall is in use. This can be controlled by a suitable planning condition.

5. Conclusions

- The current application seeks approval for specific items of operational development. It does not include the land-use or the new vehicular access.
- The applicants are the land owners and have no connection with the adjoining school.
- The applicants consider that there is adequate width to allow private cars to access the rear hardstanding, which will support adequate space for 10 private cars in total. The applicants objective to maximise off-street parking provision is worthy of support.
- Whilst neighbours amenities is a material consideration, singing will result from the land-use which is not at issue. Vehicle noise impacts will be limited and can be mitigated by suitable close boarded fencing. Lighting can be controlled by condition.

For all these reasons, we respectfully submit that the current application is worthy of support.

However, if your Officers have any further substantive comments on the current proposals please advise the Agent Mr Richard Hollands or myself as soon as possible.

Yours faithfully
J & J DESIGN

