

MID SUSSEX DISTRICT COUNCIL

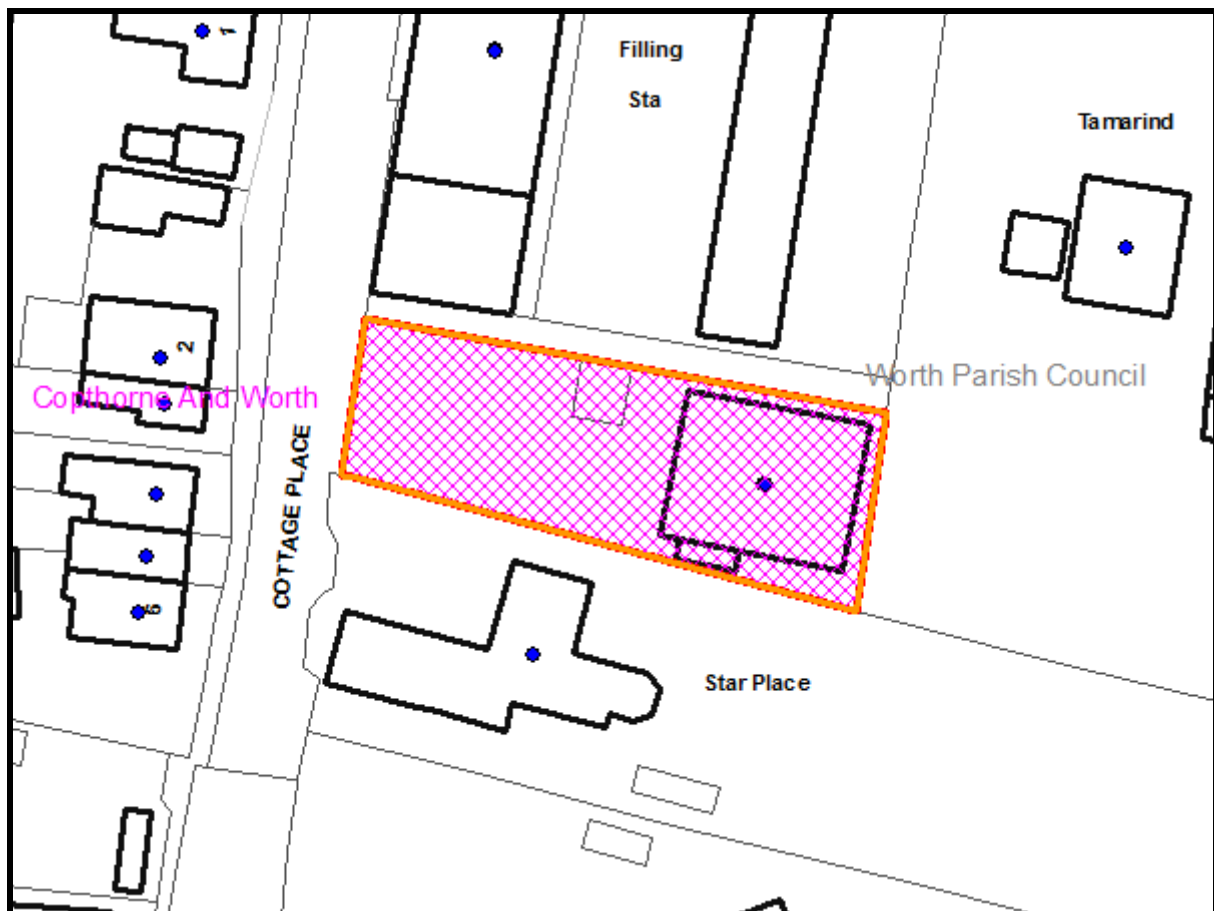
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2639



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**ARMSTRONG BODYSHOP LTD ARMSTRONG AUTO SERVICES
COPTHORNE COMMON ROAD COPTHORNE
REMOVE EXISTING DOUBLE ENTRANCE GATES AND ADJACENT
FENCING FOR THE ERECTION OF NEW 2.4M HIGH GREEN POWDER
COATED STEEL PALISADE DOUBLE ENTRANCE GATES AND
ADJACENT FENCING.
MR LEIGH ARMSTRONG**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.
Restraint / Aerodrome Safeguarding (CAA) / Radar Safeguarding
(NATS) /

ODPM CODE: Minor Other

8 WEEK DATE: 9th September 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the removal of the existing double entrance gates and adjacent fencing and the erection of a 2.4 metre high green powder coated steel palisade double entrance gate and adjacent fencing at Armstrong Auto Services which is located off the southern side of Copthorne Common Road, outside the built up area boundary of Copthorne.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

The proposed fencing and gates would be located to the front of an existing commercial property and would be seen in this context. It would also be seen against existing high boundary treatments. It is therefore considered that given the character of the application property and the existing boundary treatments that proposal would address the character and scale of the locality.

The proposed fencing and gates would be visible from the properties on Cottage Place however given its form and scale it is not considered to cause harm to the amenities of the neighbouring properties.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP12 and DP26, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

WORTH PARISH COUNCIL OBSERVATIONS

No objection.

Introduction

The application seeks planning permission for the erection of 2.4 metres high green powder coated steel palisade double entrance gates and fencing to replace the existing fencing and gate at Armstrong Auto Services located off the southern side of Copthorne Common Road.

Relevant Planning History

WP/086/93 - Proposed automatic car wash with plantroom and replacement toilet/store. granted

WP/095/93 - 1 No. illuminated fascia sign. Granted

WP/165/99 - Replacement workshops. Granted

01/02327/FUL - Extension of existing car repair workshop to provide parts storage area. Granted

12/01922/FUL - Proposed additional use to allow the operation of a vehicle hire franchise (Sui generis use) in addition to existing vehicle repair bodyshop (class B2 use). Granted

Site and Surroundings

The application property consists of a large single storey commercial building to the eastern side of the site with a separate office building adjacent to the front elevation. To the west of the buildings is an existing concrete parking area with double five bar gates which access onto Cottage Place, and then onto the southern side of Copthorne Common Road.

The application property is bordered to the north and south with high boundary fences and walls. The fence line to the north of the property is also perceived to have a greater height as it is constructed on the higher ground level of the filling station to the north.

The locality has a rural character with mainly residential properties of varying forms, scales and materials, positioned close to the highway with low front boundary fences and hedges.

Application Details

The proposed fencing and gates would be positioned along the western boundary of the property and would have a length of 15.3 metres. The fencing and the gates would have height of 2.4 metres and would be constructed in green powder coated steel.

This proposed fencing and gates would replace the existing fencing and double five bar gates.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP1 - Sustainable Economic Development
DP12 - Protection and Enhancement of Countryside
DP14 - Sustainable Rural Development and Rural Economy
DP26 - Character and Design

COPTHORNE NEIGHBOURHOOD PLAN

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation of this finished on the 30th April 2017. The plan is a material consideration in the determination of planning decisions but carries little weight. No relevant policies.

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 38, 80, 84, 124, 127 and 180 are considered to be relevant to this application.

Assessment

Principal of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes 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."

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Copthorne Neighbourhood Plan.

Mid Sussex District Plan policy DP12 seeks to protect the intrinsic character and beauty of the countryside, with development permitted provided that it maintains or where possible, enhances the quality of the rural and landscape character of the district. Development would have to be necessary for the purposes of agriculture or supported by a specific policy in the District Plan or Neighbourhood Plan.

District Plan policies DP1 and DP14 support the sustainable growth and the vitality of existing businesses. The site has been broken into a number of times in the past few years, along with an increased number of trespassers. The proposed fencing and gates would increase the security of the site, which would allow the continued vitality of this existing rural business. It is therefore considered that the proposal would be in accordance with DP1 and DP14 and consequently in accordance with DP12 of the Mid Sussex District Plan and acceptable in principle.

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The majority of the locality consists of residential properties, which have a distinctly different character to the application property and the adjacent filling station. The proposed fencing and gates would be located to the front of an existing commercial property and would be seen in this context. It would also be seen against existing high boundary treatments. It is therefore considered that given the character of the application property and the existing boundary treatments that proposal would address the character and scale of the locality.

The proposed fencing and gates would be visible from the properties on Cottage Place however given its form and scale it is not considered to cause harm to the amenities of the neighbouring properties.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area, and would not cause harm to the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, and DP26, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed and Existing Plan incl Site	AMSTNG-03	-	01.07.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

No objection