



Committee Manager : Carrie O'Connor (Ext 37614)

2 June 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, The Manor House, Church Street, Littlehampton**, on **Wednesday 15 June 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 18 May 2016 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

6. START TIMES

To consider the start times of meetings for the year 2016/17.

7. VISIT BY THE SITE INSPECTION PANEL – M/7/16/PL – DEMOLITION OF EXISTING GARAGE, POOL HOUSE & PART EAST WING OF EXISTING HOUSE & ERECTION OF 1 NO. DWELLING & GARAGE, LITTLE COOMBE, 46 SEA LANE, MIDDLETON ON SEA

This application had been deferred at the meeting on 18 May 2016 and the Committee is now requested to consider the report of the Site Inspection Panel.

8. VISIT BY THE SITE INSPECTION PANEL – EP/30/16/HH – DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY SIDE EXTENSION. INSERTION OF JULIETTE BALCONY TO FRONT. EXTENSION OF EXISTING SIDE DORMER TO CREATE EN-SUITE BATHROOM. ERECTION OF NEW FENCE TO FRONT OF PROPERTY, 10 HOMELANDS AVENUE, EAST PRESTON

This application had been deferred at the meeting on 18 May 2016 and the Committee is now requested to consider the report of the Site Inspection Panel.

9. FP/8/16/OUT – OUTLINE APPLICATION FOR 1 NO. BUNGALOW. RESUBMISSION OF FP/44/15/OUT, 84 PLANSHAM LANE, FELPHAM

This application is brought back to Committee for consideration due to a change to Government policy with regard to affordable housing contributions.

10. TREE APPLICATIONS

There are no applications to consider.

11. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **ALPHABETICAL** order.

12. *PLANNING APPEALS

To consider the attached report.

13. PROPOSED CHANGES TO PLANNING SCHEME OF DELEGATION

To consider the attached report.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Nikolas Antoniou (Ext 37799)
 Neil Crowther (Ext 37839)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

18 May 2016 at 2.30 p.m.

Present: Councillors Haymes (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Brooks, Charles, Dillon, Gammon, Maconachie, Mrs Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

620. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Wells.

621. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Haymes declared a personal interest in Agenda Item 8, Planning Application Y/5/16/PL, as Chairman of Yapton Parish Council. He stated that he had taken no part in the decision making process.

Councillor Bower and Mrs Bower declared a personal interest in Agenda Item 8, Planning Application EP/30/16/HH, as the site was on the same estate where they lived but they could not see it.

Development Control
Committee – 18.05.16.

622. MINUTES

The Minutes of the meetings held on 30 April 2016 (Special and Ordinary) and 20 April 2016 were signed as a correct record, subject to apologies being recorded for Councillors Maconachie, Mrs Maconachie and Wells for the meeting on 20 April 2016.

623. PLANNING APPLICATION A/144/15/PL, LAND AT WEST END NURSERY, ROUNDSTONE LANE, ANGMERING – HEADS OF TERMS

The Chairman agreed that this matter could be considered as a matter of urgency as it was felt prudent that the Committee should have sight of the Heads of Terms due to the change to the substantial sums involved.

The Principal Planning Officer circulated a summary of the Heads of Terms document in respect of Planning Application A/144/15/PL and explained that the detail of the application had been considered at the meeting on 30 March 2016, with the Heads of Terms being prepared and submitted to the meeting on 20 April. However, these were omitted from that agenda in error and, given the sum of developer contributions being sought, it was felt that Members should have the opportunity to consider the Heads of Terms, with officers seeking approval before conclusion of the S106 Agreement. The previous application for 195 units included obligations totalling £5,011,566 which equated to £25,700 per unit plus 39 affordable dwellings. Obligations were now £7,009,574 which equates to £28,494 per unit plus 49 affordable dwellings.

Following consideration, the Committee

RESOLVED

That the Heads of Terms be approved.

624. VISIT BY SITE INSPECTION PANEL – M/1/16/HH – FIRST FLOOR EXTENSION, 7 ANCTON DRIVE, MIDDLETON ON SEA

The Committee received a report on a visit of the Site Inspection Panel and, having taken account of the Panel's view that the proposal was acceptable,

RESOLVED

That the application be approved as detailed in the officer report.

625. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.)

Y/5/16/PL – Erection of 2 No. holiday cottages including provision for areas of hard & soft landscaping, parking, waste & cycle storage. Departure from the Development Plan, Land at Longacre, Maypole Lane, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/52/16/PL – New dwelling (amendment to R/14/14), 2 Broadmark Way, Rustington Having received a report on the matter, together with the officer's written report update detailing additional information received relating to surface water drainage and resultant amended condition, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/7/16/PL – Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling & garage, Little Coombe, 46 Sea Lane, Middleton on Sea Having received a report on the matter, together with the officer's written report update detailing that the S106 deed was no longer required, the Committee participated in some debate on the matter. Concerns were voiced that the proposal would detrimentally alter the street scene in an Area of Special Character and, furthermore, the modern design would not fit in with what was already there. As a result a site visit was requested and agreed and the Committee

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

LU/45/16/PL – 6 No. two bed & 3 No. one bed apartments with associated cycle & refuse storage, The Locomotive Inn, 5 Terminus Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing that the S106 deed was no longer required and resultant amended conditions sheet, Members were also advised that Condition 10 should be amended to an Informative and the Committee then

Subject to approval at the next Committee meeting

566

Development Control
Committee – 18.05.16.

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to Condition 10 being amended to an Informative.

LU/51/16/HH – Two storey rear extension & single storey side extension. Resubmission of LU/386/15/HH, 52 Highdown Drive, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/60/16/PL – Erection of 8 No. new flats in the curtilages of Nos. 118 & 120 Wick Street with vehicular access from Beaconsfield Road, 118-120 Wick Street, Littlehampton Having received a report on the matter, together with the officer's written report update detailing that the S106 deed was no longer required and resultant amended condition sheet, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

FP/37/16/HH – Single storey side extension, 21 Haywards Close, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/12/16/HH - Single storey front extension & Single storey rear/side extension (resubmission following EG/60/15/HH), 15 Orchard Way, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/20/16/HH - Single storey hipped roof extension to front elevation, 29 Lavinia Way, East Preston Having received a report on the matter, the Committee

Subject to approval at the next Committee meeting

567

Development Control
Committee – 18.05.16.

RESOLVED

That the application be approved as detailed in the report

EP/27/16/HH – Rear extension, side dormer & 6 rooflights, 25 Vermont Drive, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillors Bower and Mrs Bower had declared a personal interest and remained in the meeting and took part in the debate and vote. They further stated that the Residents' Association had objected to the proposal.)

EP/30/16/HH – Demolition of existing garage, construction of two storey side extension. Insertion of Juliette Balcony to front. Extension of existing side dormer to create en-suite bathroom. Erection of new fence to front of property, 10 Homelands Avenue, East Preston Having received a report on the matter, Members identified concerns with regard to the proposed alterations to the dwelling and their effect on the character of the area. A site inspection was requested and agreed and the Committee therefore

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.

BR/48/16/HH – Front bay window extension, 9 Ivydale Road, Bognor Regis Having received a report on the matter and verbal advice that this was a staff application, the Committee

RESOLVED

That the application be approved as detailed in the report.

626. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 5 appeals that had been heard.

Subject to approval at the next Committee meeting

568

Development Control
Committee – 18.05.16.

627. THANKS

The Chairman thanked Members and officers for their contribution to the working of the Committee over the last year and for the help and assistance they had given to him. The Committee in turn wished the Chairman well in his upcoming role as Chairman of the Council for 2016/17.

(The meeting concluded at 4.15 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

15TH JUNE 2016

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

EP/30/16/HH	Demolition of existing garage, construction of two storey side extension. Insertion of Juliette Balcony to front. Extension of existing side dormer to create En-suite bathroom. Erection of new fence to front of property. (Deferred For Commitee Site Visit)	10 Homelands Avenue East Preston
M/7/16/PL	Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling & garage. (Deferred For Commitee Site Visit)	Little Coombe 46 Sea Lane Middleton-on-Sea
FP/8/16/OUT	Outline application for 1No. bungalow. Resubmission of FP/44/15/OUT (Deferred For Further Negotiations)	84 Flansham Lane Felpham

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 24-MAY-2016

REF NO: EP/30/16/HH

LOCATION: 10 Homelands Avenue
East Preston

PROPOSAL: Demolition of existing garage, construction of two storey side extension. Insertion of Juliette Balcony to front. Extension of existing side dormer to create En-suite bathroom. Erection of new fence to front of property.

Present- Mrs Hall (Chairman), Haymes, Charles, Miss Rhodes.

Mr G Mathias was present representing East Preston Parish Council & Cllr Chapman as Ward Cllr..

Members of the panel assessed the planning merits of the case and voted 3 for the officers recommendation, 1 against.

REPORT UPDATE

Application No: EP/30/16/HH

Reason for the Update / Changes

Reason for Update/Changes:

Officers Comment: The plans Condition 2 has been amended to relate to the later plan reference 'e' which shows the front boundary fencing reduced to 1m height.

Note: The changes to recommendation, conditions and/or reasons are attached on the 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.

EP/30/16/HH

PLANNING APPLICATION REPORT

REF NO: EP/30/16/HH

LOCATION: 10 Homelands Avenue
East Preston

PROPOSAL: Demolition of existing garage, construction of two storey side extension. Insertion of Juliette Balcony to front. Extension of existing side dormer to create En-suite bathroom. Erection of new fence to front of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a 2 storey side extension measuring 3m wide by 9.3m deep and 6.4m high. It would be designed as a barn end with a front and rear facing dormer. The dormer in the other side roof slope would be increased in length by approximately 2 metres. The application originally included 1.8m high fencing, but this has subsequently been amended.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Newly erected 1.8m high timber fencing on site frontage. Hedging /fencing to side boundaries

SITE CHARACTERISTICS

Works are currently been carried out on site. The changes to the front elevation have taken place. The elevation is clad. Fencing is being installed on the site frontage.

CHARACTER OF LOCALITY

Predominantly residential characterised by mainly detached 2 storey dwellings of varying design set back a similar distance from the road frontage.

RELEVANT SITE HISTORY

EP/40/75

Erection of 2 houses

ApproveConditionally

27-06-1975

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - Contrary to the made East Preston Neighbourhood Plan. The proposal is contrary to point i in Policy 2 of the Neighbourhood Plan as it does not preserve the street scene and is contrary to section 4.18 of the Neighbourhood Plan which advocates preservation of the street scene is important to protect the character of the village. Similarly the high front fence and the sliding gate gave cause for concern as not in keeping with the street scene.

Homelands Avenue is an eclectic mix of properties but no property visible from the front of no 10 has grey weatherboarding as proposed, and indeed already installed, in this property. Weatherboarding is not a vernacular style for East Preston properties and its use would be contrary to section 4.12 of the Neighbourhood Plan which states, 'The materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings.' The spirit of this element of the Neighbourhood Plan would extend to adjacent buildings.

The proposed extension by reason of its size including two storey height and insufficient space to the southern boundary would result in a property appearing too large on its plot and would not be visually subservient to the host dwelling in conflict with policies GEN7(ii) and DEV19(i),(ii) of the Local Plan, policies D DM1 and D DM4 of the Emerging Local Plan and the National Planning Policy Framework.

The window in the rear extension facing east would increase the overlooking of gardens in South View and Appletrees.

Concerned at the drainage capability of the new driveway as the material used is allegedly non-permeable. The applicants responded to this by advising new soakaways had been installed.

The committee was also concerned about the amount of parking provided with the proposed development. The plans refer to a total of five bedrooms, although the applicant explained the ground floor Bedroom 3 would only ever be a study.

Although the applicant's family is currently young there is the scope for more cars at the property than parking spaces available. Homelands Avenue has no pavements; the property is located adjacent to an already-dangerous S-bend and on-street parking in this area would greatly exacerbate the danger. The applicants stated there was sufficient parking on site and there would be no need to park on the street.

The sliding, automatic gate would build in an additional danger as people wishing to enter the property will naturally be held up in the s-bend whilst they waited for the automatic gate to

open.

East Preston and Kingston Preservation Society - Contrary to Local Plan and Neighbourhood Plan. The character of the house and its setting would be transformed by the proposed alterations and its appearance would be alien to the character of the road in which it stands. Homelands Avenue is characterised by detached houses and bungalows with brick or rendered walls, standing in large enough plots to leave significant gaps between buildings. The front boundaries are marked by relatively low walls, fences and hedges on wide verges. The road is very definitely green. The house originally had brick walls with a tile hung front elevation. It is now clad with altered window openings. The alterations proposed are out of character given the dwelling width and use of different synthetic materials.

The front high fence replaces a low wall and hedge and would transform the street scene. The proposal is contrary to Policy 2 of East Preston Neighbourhood Plan.

The 2 storey extension replacing the garage is likely to harm the amenities of the neighbouring property no 8. It would be 1m from the boundary and if the boundary hedging was removed it would be overbearing.

Insufficient parking given loss of garage and additional bedrooms provided as a result of the development.

Angmering-on-Sea Residents Association - Objection. The proposal was begun before any planning notice was displayed. Loss of the garage may mean the owners will park on the privately owned and maintained Estate Roads, this is not permitted. To take away a parking facility puts pressure on the Association to ensure no unauthorized parking takes place on its roads. Such parking obstructs roads and neighbouring property access.

14 letters of Objection - The new extension is excessive to the plot size and very intrusive to properties in the vicinity. It is unbalanced. Wish to see obscure glass used in the back upstairs window. The size of the proposed dwelling will be too large for the plot and out of character to the houses that it sits amongst. The demolishing of the garage will put a strain on parking needs and parking is discouraged on the estate roadways due to the narrow roads which have to be shared with pedestrians too as there are no footpaths. The New England style is not in character with the garden estate and has been used in recent years to clad "party houses" on the estate and now seems to be acceptable to ADC planning, which is a pity. There are 17 properties in Homelands Avenue. Every property on the western side of the road has objected with one exception.

One other property being developed on Homelands Avenue has caused road safety issues as a result of trade vehicles parking on the road however this is not generally the case. The applicant opines that cladding is used widely on this estate but this is incorrect. A few properties on South Strand have been developed in this way but they are coastal properties. Numerous photographs of properties have been submitted by the applicant but many of these are not even on the estate. The proposed higher fence is not necessarily a hazard but is totally out of keeping with the street view. The electric gate would be a hazard on the bend of the road.

The applicant makes reference to number 3 and alleges the road facing garden is used to relax. The south facing garden fronts the tennis club drive and the house is very secluded and barely visible from the road and we do not use it to relax. The comment is totally untrue and without foundation.

The applicant has submitted a photograph of the short 5 metre stretch of wall which is the only part of the adjoining property which actually adjoins Homelands Avenue and refers to it as a "high fence" in order to justify the timber fence he has partially installed. It is not a fence but a stone wall of several decades standing and entirely in keeping with the street scene.

We have lived on this estate for 30 years and as the next door neighbour to the tennis club for over 20 of these and can assure you that it is a busy road with 40 cars or more an hour on occasion.

The applicant states he has a 2 month window before starting a new job but we fail to see the relevance of this comment. He has shown a blatant disregard for the planning process and flagrant disrespect for his neighbours by commencing unauthorised work to fit in with his own timetable.

Yellow notice was placed on site after significant alteration had taken place. Works commenced in early January.

Sunlight will be cut to garden and to rear of neighbouring house in afternoon and evening. Rear upstairs window will look directly into garden and house and be overly intrusive.

The proposal is for a 5 bedroom property not 4. Juliet balcony is too close to road. High fencing would detract from the appearance of the 'garden estate'. Whole of front garden area has been hard paved seemingly to create a leisure area of entertaining . Concern site will be used as a site for multiple group holidays already in existence.

Comments on Representations received:

The applicant is aware that any works undertaken at the site without planning permission are at his own risk of enforcement action. The application has been advertised in accordance with procedure. The works had commenced before the application was submitted.

The height of fencing proposed was considered excessive and this element of the application has been amended as per the substitute plans.

The extended side facing dormer window is conditioned to be obscure glazed to prevent adverse overlooking. The rear facing windows are positioned far enough from the boundary to ensure that any loss of privacy does not cause material harm. The side extension would be positioned adjacent to the side garden area of the adjoining dwelling and would be 1m from the boundary it is not considered to result in undue overbearing impacts.

The extended dwelling is not considered to be unacceptable in terms of its impact on the character and appearance of the area. The property still has parking available in the front garden area.

The proposal does result in 5 bedrooms. One at ground floor and 4 at first floor.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM4	D DM4 Extensions & Alterations to Existing Buildings
	NPPG	National Planning Practice Guidance

NEEP2	East Preston Neighbourhood Plan 2014 Policy 2
EPDS	East Preston Village Design Statement

South East Plan:

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	EPDS	East Preston Village Design Statement

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The site lies within Character Area 1 of East Preston Village Design Statement and Policy 2 of the Neighbourhood Plan is therefore relevant. The proposal accords with policy 2 since it preserves the street scene, there is no increase in density

and there is no unacceptable impact on the view from the beach.

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 conflict with policy DEV19 of Arun District Local Plan in so far as it is not considered that the extension and alterations are visually integrated with the appearance of the original dwelling. However it is considered to be Development Plan compliant 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.

HUMAN RIGHTS ACT

FOR APPROVAL

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(the 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 neutral impacts (negative, Neutral or positive) 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).

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed are in the Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application is for the addition of a 2 storey side extension, an increased side dormer and insertion of a Juliet balcony. The cladding of the building is not considered to be permitted development and therefore falls to be considered as part of the proposal. Alterations to the front fenestration details are also included in the application.

The extension would be constructed of materials to match the revised clad front elevation. The side extension has a width of 3m and a depth of 7m and height of 6.4m. It would be readily visible in the street scene, but would be set back from the front elevation by approximately 1m and would have a ridge height approximately 1m lower than the existing dwelling. It is therefore considered to have a subservient appearance to the existing dwelling. The design of the extension combined with use of dormers has retained the chalet style appearance of the existing dwelling. The extended side dormer would not increase the height of the existing and would not result in a dominant roof feature. The proposal will not adversely impact on the appearance of the dwelling or appear as a prominent and obtrusive feature in the street scene. The dwelling would retain the existing gap to the north site boundary and a 1m gap to the south. This is considered adequate to ensure the spacious character of the area is not compromised. The use of cladding has altered the appearance of the dwelling, but there is no one dominant material used within the locality. It is not considered that the alterations to the front elevation or the use of cladding would adversely affect the appearance or character of the area. It is considered the extensions are proportional and will appear well integrated with the amended dwelling in accordance with policies GEN7(ii) and DEV19 (i) & (ii) of the Local Plan and policy D DM4 of the Emerging Local Plan.

RESIDENTIAL AMENITY

The north side dormer window has been conditioned to be obscure glazed to prevent adverse overlooking resulting. The proposed side extension would be adjacent to the side elevation of no 10, but a gap of 1m to the boundary would be provided and 3m exists between no8 and the shared side boundary. This is considered sufficient to prevent adverse overbearing impacts resulting and no windows are proposed in the side elevations. The proposal is considered to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Local Plan.

SUMMARY

It is recommended permission is granted for subject to the below conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans 1021.02.e.

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.

- 2 The dormer window at first floor level on the north elevation of the building hereby approved shall at all times be glazed with obscured glass and fixed to be non opening below 1.8m above floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 3 No windows shall be constructed at first floor level in the side elevation of the extension hereby permitted which adjoins the side boundary with 8 Homelands Avenue without the prior permission of the Local Planning Authority on an application in that behalf.

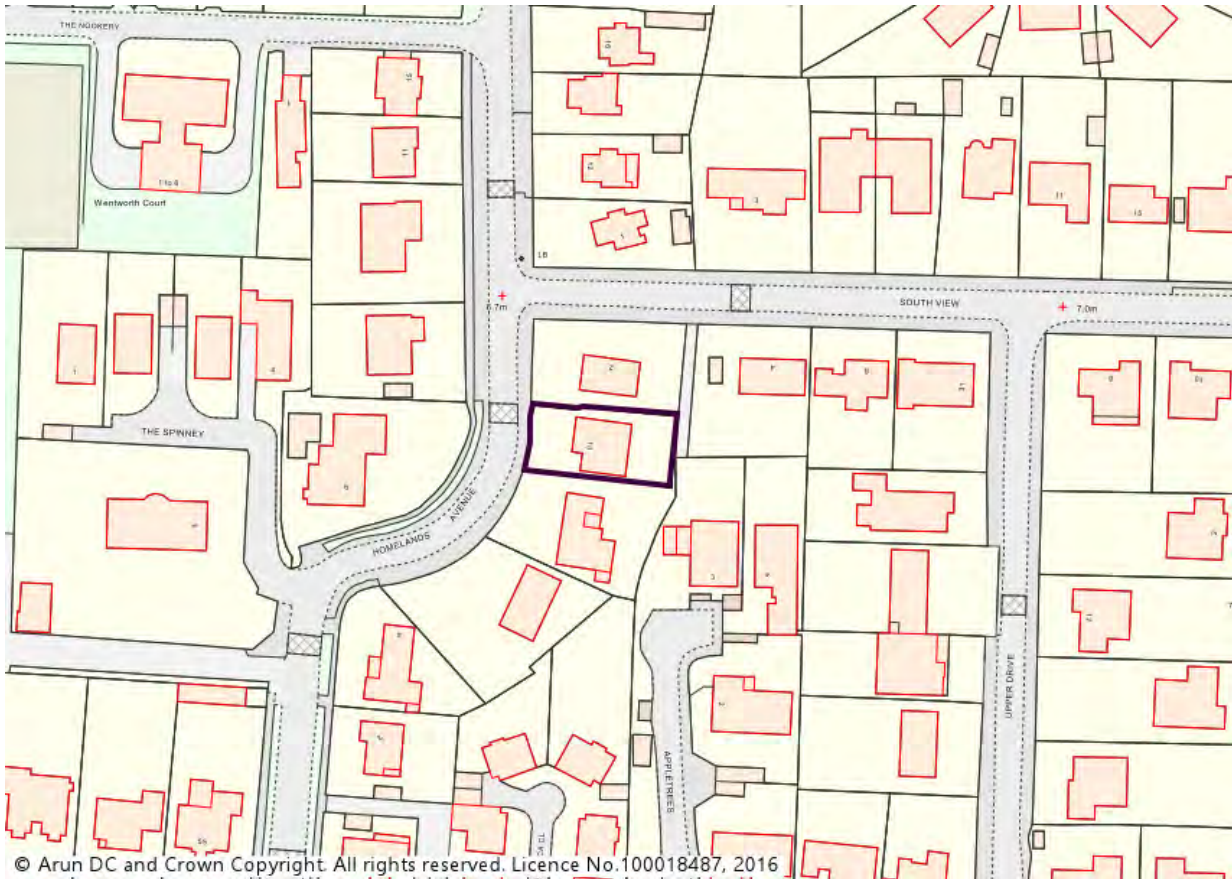
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

EP/30/16/HH - Location Plan as submitted with the application (Do not scale)



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Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 24-MAY-2016

REF NO: M/7/16/PL

LOCATION: Little Coombe
46 Sea Lane
Middleton-on-Sea

PROPOSAL: Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling & garage.

Present- Mrs Hall (Chairman), Haymes, Charles, Bower, Miss Rhodes.

Mr A Pendleton was present representing Middleton -On-Sea Parish Council & Cllr Mrs Oakley as Ward Cllr..

Members of the panel assessed the planning merits of the case and voted 4 for the officers recommendation, 1 against.

REPORT UPDATE

Application No: M/7/16/PL

Reason for the Update / Changes

Reason for Update/Changes: One additional letter of objection has been received reiterating the concerns expressed by other objectors.

Given the court decision on 11 May in West Berkshire Council and Reading Council v DCLG declaring legal and valid the Ministerial Statement dated 28 November 2014 this has resulted in the s106 deed no longer being required in this case.

The recommendation has accordingly been amended to delete reference to the affordable housing agreement

Officers Comment:

Note: The changes to recommendation are attached on the 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.

M/7/16/PL

PLANNING APPLICATION REPORT

REF NO: M/7/16/PL

LOCATION: Little Coombe
46 Sea Lane
Middleton-on-Sea

PROPOSAL: Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling & garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is to erect a 3 bedroom dwelling of modern design within the eastern side garden of 46 Sea Lane. The access to the existing dwelling would be shared with the new dwelling. The materials of the dwelling would comprise self weathering cedar boarding, clay tiles, brickwork, hardwood windows and shutters. The seaward roof surfaces would comprise photovoltaic tiles. The existing garage and pool house are to be demolished and 2 new garage buildings constructed, one to serve the existing dwelling measuring 7.4m by 4.5m with a height of 3.9m and

the other to serve the new dwelling would have a floor area of 7m by 5m with a height of 5.4m and a store room at first floor.

The proposed dwelling is designed as 2 interlocking cubes, has an internal floor area of 208.5 sqm and would have a height of 6.8m.

The proposal includes demolition of the east wing of the dwelling.

The application includes an Ecological Appraisal and a Preliminary Bat Survey.

SITE AREA	1,800 sq metres
RESIDENTIAL DEVELOPMENT DEN	12.5 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Site is slightly elevated above the level of Sea Lane by approximately 1m.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Trellis fencing and walling to south. Hedging and fencing to approximately 2m to side boundaries.
SITE CHARACTERISTICS	The application site comprises a detached dwelling of 2 storeys with gardens to the front, rear and side.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with predominantly detached properties of mainly 2 storey height within medium/large plots set back from the highway with gardens to the front, side and rear within a spacious low density suburban environment. Foreshore to south of site.

RELEVANT SITE HISTORY

M/19/92	Erection of a covered swimming pool	ApproveConditionally 27-04-1992
M/21/89	Formation of entrance porch	ApproveConditionally 13-03-1989
M/34/97	Renewal of unimplemented planning permission M/19/92 for erection of a covered swimming pool.	ApproveConditionally 10-06-1997
M/72/86	Conversion of exg garage & carport to bedroom & bathroom Erectn new garage & gamesroom Alts to exg bedroom & bathroom	ApproveConditionally 04-08-1986

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection -

- 1) Out of character with the street scene
- 2) Overall mass, height and scale is out of keeping with surrounding properties
- 3) Overdevelopment of the site
- 4) The application is sited within the Area of Special Character and subject to the requirements of the Village Design Statement.

Middleton on Sea Association - Objection

The proposal is within an Area of Special Character and is also subject to the requirements of the Village Design Statement.

This infill plot, within the present garden of 46 Sea Lane, would adversely affect the street scene, in density and design on an area of land that presently provides an open approach gateway to the greensward.

If allowed, this proposal would have a detrimental impact within this area of special character and, possibly, encourage further infill development that would seriously damage the appearance of the Estate.

The number of objections received to date from residents in the locality speaks for itself and, with the Local Plan Policies in place to protect this Area of Special Character.

23 letters of objection

- Contrary to Village Design Statement
- Out of Character with neighbouring properties. Would impinge on open nature of the estate and detract from the visual amenity of those walking along the Greensward.
- The design is not compatible with the area designated as an Area of Special Character.
- The design represents an in-fill of a single plot and is an overdevelopment.
- Proposed new garage has 2 floors. We are concerned that the first floor window will overlook our garden.
- Out of sink with the neighbouring properties and is a cramped infill which would impact adversely on Sea Lane and the view from the beach and the Greensward.
- A precedent for infill would be created
- The juxta-positioning of the two buildings in what would be a very small area make a very uncomplimentary building line to the corner of Sea Lane and the currently unhindered open view to the sea.
- The spaciousness of the Area is recognised as deriving from Captain Coldicott's low density, spacious, planned concept that remains today. This vision has been largely achieved, as reflected in the designation of Middleton on Sea Estate as an Area of Special Character. The proposal is contrary to this established character where a restrictive timeframe of development to a common standard has ensured a spacious and cohesive appearance. The houses in Sea Lane were the first to be built and reflect this low density, informality of layout, where properties are sited in large, mature gardens. This is recognised in the VDS [page 6] where guidance for future settlement pattern includes the retention of the existing pattern of low density properties set well back from the road. In stark contrast, the proposal to build a second house and garage adjacent to no 46 Sea Lane would constitute an overdevelopment of the plot. It would leave little undeveloped space and appear cramped.
- Such a high density, infill layout is out of keeping and could be described as garden grabbing, a practice that many authorities now consider an issue. Furthermore, the dimensions and height of Sea Lane houses are mostly compatible, being broad and shallow instead of narrow and tall.

It is therefore evident that not only the ultra modern style and design of the proposal are not in harmony with the local context, but that the form and scale are inappropriate and would not enhance local distinctiveness.

- The proposal is also not in keeping with the established spatial pattern of the street scene and does not relate sympathetically with the surrounding built environment.

It would have an adverse effect on an historic country lane, described as having a distinctively rural ambience, and where a grade 2 flint cottage and several Oliver Law designs contribute greatly to the location

- There is an increase in the footprint with the addition of two garages and a car port.

- The design is not in keeping with the existing street scene and would compromise the spacious layout of the area designated as an Area of Special Character. In addition, the very modern design would also be out of keeping with the designation of our area according to the planning guidance as detailed in the Village Design Statement. The property is angled unlike any other property fronting the sea.

- The proposed photovoltaic cells specified for the south facing roofs, pose a potential glare problem during certain months of the year when the sun's narrowed azimuth and low zenith allow for reflections into neighbouring windows; in particular, the west facing window of number 21 Sea Lane (omitted in drawing 25401dfecbc4c0 - "View from Beach") in the early evening, and also a glare effect in the early morning after sunrise, when the sun's rays will be reflected off the more southerly roof into the east window of the existing structure (no 46)

- Twitten access is not suitable for increased use, in particular vehicular activity

- The site is not suitable for larger scale development as there is limited parking within the property boundaries. Concern regarding HGVs and construction traffic

- Insufficient off road parking

- There is a flooding problem in the area. Increasing build-up footprints will only exacerbate this and increase the problem.

7 letters of support

- A brilliant design that brings high degree of quality and character. A skilled contemporary interpretation that relates perfectly. Clever and ingenious design.

- The modern feel will create an interesting mix with the existing and varied designs along the greensward

- An excellent design for a seaside location. Will enhance architectural variety of existing dwellings

- The Sea Lane Estate contains a wide range of styles and quality of houses reflective of the period of original construction or subsequent refurbishment and/or alteration and is not in a time warp as has been shown by recent major developments on the Estate. Like the design which would add to the appearance of the Middleton seafront.

Comments on Representations received:

It is not considered that there would be a materially adverse effect on residential amenity. Any overlooking from the garage building would be an adequate distance from site boundaries to ensure no material loss of privacy would result.

The proposed dwelling has a contemporary modern design and is considered to make a positive contribution to the appearance of the area. The size of the site is not considered to be significantly smaller than others in the locality and retains the spatial characteristics of the estate. It is not considered to adversely affect the street scene since it would be roughly aligned with the existing dwelling, set back from the road frontage and seafront and would retain space around it.

The routing of construction traffic is a private matter. Car parking provision is adequate and meets the maximum standards. Both properties would have a garage space and an additional parking/turning space. For decision making the Middleton on Sea Village Design Statement is

not part of the Development Plan. However, the proposal is in line with the advise contained in the Statement.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Engineers - No objection. Standard condition requested.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	AREA1	Areas of Special Character
	MDS	Middleton-on-Sea Village Design Statement by Middleton PC
	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM2	D DM2 Internal Space Standards
	EDDM3	D DM3 External Space Standards
	EDSP1	D SP1 Design
	EHDRM4	HER DM4 Areas of Special Character
	EHDRSP1	HER SP1 The Historic Environment
	NPPG	National Planning Practice Guidance

South East Plan:

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	MDS	Middleton-on-Sea Village Design Statement by Middleton PC

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Middleton does not have an adopted Neighbourhood Plan.

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.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the 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 neutral 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).

SECTION 106 DETAILS

This proposal to provide a 3 bedroom dwelling is subject to the Council's Affordable Policy which was approved on 18th August 2010 and officially came into force on that date. This requires a commuted sum towards the affordable housing of £6,125. A signed Agreement has been submitted as part of the application process.

CONCLUSIONS

PRINCIPLE

The application site lies within the built-up area boundary as defined in the Arun District Local Plan, where the principle of development is accepted subject to normal development control criteria being met.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, plot size and layout. Whilst the NPPF does then go on to suggest that Authorities should not impose architectural styles that would stifle innovation, the local character which is noted within local policy must be respected.

The site is located in a sensitive and prominent location within the Middleton Area of Special Character. The design and scale of the building, although modern in appearance, is considered to respect this character. The size of the proposed plot is readily comparable with others in the locality and the new dwelling would retain an acceptable curtilage. The footprint and scale of the dwelling would not exceed that of other neighbouring dwellings. A reasonable space would be retained around the dwelling to ensure that the spaciousness which contributes to the character of the area is not compromised.

Within Areas of Special Character, consideration should be given to the retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc which make positive contributions to the special character of the area and development should also make a positive contribution to the special character of the area, particularly with regard to the characteristics included in the descriptions for each area given in the Supplementary Planning Document Area of special Character - Description review Adopted September 2005. This proposal retains existing boundary screening, but does result in the loss of the perception of space derived from the side garden. However the open space is not for public use and is located behind a wide grass verge which is retained by the development which is visually set back from the road frontage. The side elevation of the proposed dwelling is 1.5m from the side boundary at its closest point and 6m from Sea Lane. Given the staggered design of the dwelling it would not appear overly dominant when viewed from the side and rear boundaries. The design reduces its bulk and prominence in relation to these boundaries and assists its visual assimilation into its setting.

The proposal provides a set back from the sea frontage of 20metres in conformity with adjoining development and the existing dwelling. The proposal therefore preserves a set back distance from both the road and seafront frontage and maintaining a sense of space..

Middleton on Sea also has its own Village Design Statement which contains a list of Design Guidelines. These refer to new developments not exceeding 2 storeys and materials matching existing buildings, roofs of thatch or traditional clay tiles with steep pitches and low eaves, flush skylights, non dominant dormer windows, inclusion of chimneys, retaining weatherboarding, painted external walls, timber or metal window frames. This proposal has low eaves heights, the materials include silver timber weatherboarding, slate roof, brick elevations and clay tiles and chimneys are included which would comply with these criteria. The development also demonstrates awareness of the local context in its use of materials, layout and form and any loss of existing landscaping would be supplemented by new planting. Slate was chosen because of the possibility of using slate style photovoltaics. The eaves height of 2.2m would reflect that of the existing dwelling.

RESIDENTIAL AMENITY

Arun District local Plan Policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Good design should contribute positively to making places better for people. In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because it would be sited an adequate distance from adjoining properties to preclude adverse overbearing or overlooking effects.

Policy GEN7 of the Arun District Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. Accordingly the Emerging Local Plan policies DDM2 and DDM3 have introduced internal and external space standards. On this basis, well designed and adequate

amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice contained in the National Planning Policy Framework. The proposal is compliant with the adopted standards. The internal space standards are virtually double the standard and the external space of approx.300 sqm is three times that required.

BIODIVERSITY AND PROTECTED SPECIES

Due to the location of the application site along the coast-line and Site of Nature Conservation Importance (SNCI) any submitted landscape scheme should not include plant species such as Hottentot fig *Carpobrotus edulis*. In addition the ecologist has recommended that the lawns to the rear (south of the property) are laid with a fine-leaved lawn turf or allow grasses and lawn species to naturally seed, thereby allowing local species to colonise that maybe better adapted to the harsh coastal environment and providing a natural feature to compliment the adjacent SNCI.

The dense ivy covered fence-line and adjacent pampus-grass has potential to support breeding birds such as wren. It is recommended that these features are removed from the site outside bird breeding period (i.e. between October and February). If however vegetation clearance is scheduled to take place during breeding period a breeding bird survey will be required to determine if any birds are breeding on site and if an active nest is located then the vegetation cannot be removed until the young have fully fledged and the nest becomes inactive.

Bats were not recorded on site (S. Harris, December 2015) however, it is recommended as good practise that roof tiles are removed with care and if bat droppings or a bat is seen work should cease immediately and advice sought.

Informatives are suggested relating to the recommendations of the submitted bat and ecology report.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

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 : site location, block, Landscaping and Car Parking, Existing House Demolitions, Ground Floor, First Floor, Proposed South and East elevations in context, Proposed North Elevation 1:100 and 1:200, East elevation and Section AA, West elevation, Roof Plan, Elevation detail (South), Section BB and South Elevation 1:100, Proposed South Elevation and Section Existing House Alteration, Proposed North Elevation and First Floor Existing House Alteration, Proposed East Elevation and Floor Plan Existing House Alteration, Existing House new Garage, First Floor Isometric and New Garage.

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 above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan. New

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval

of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the existing or proposed dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

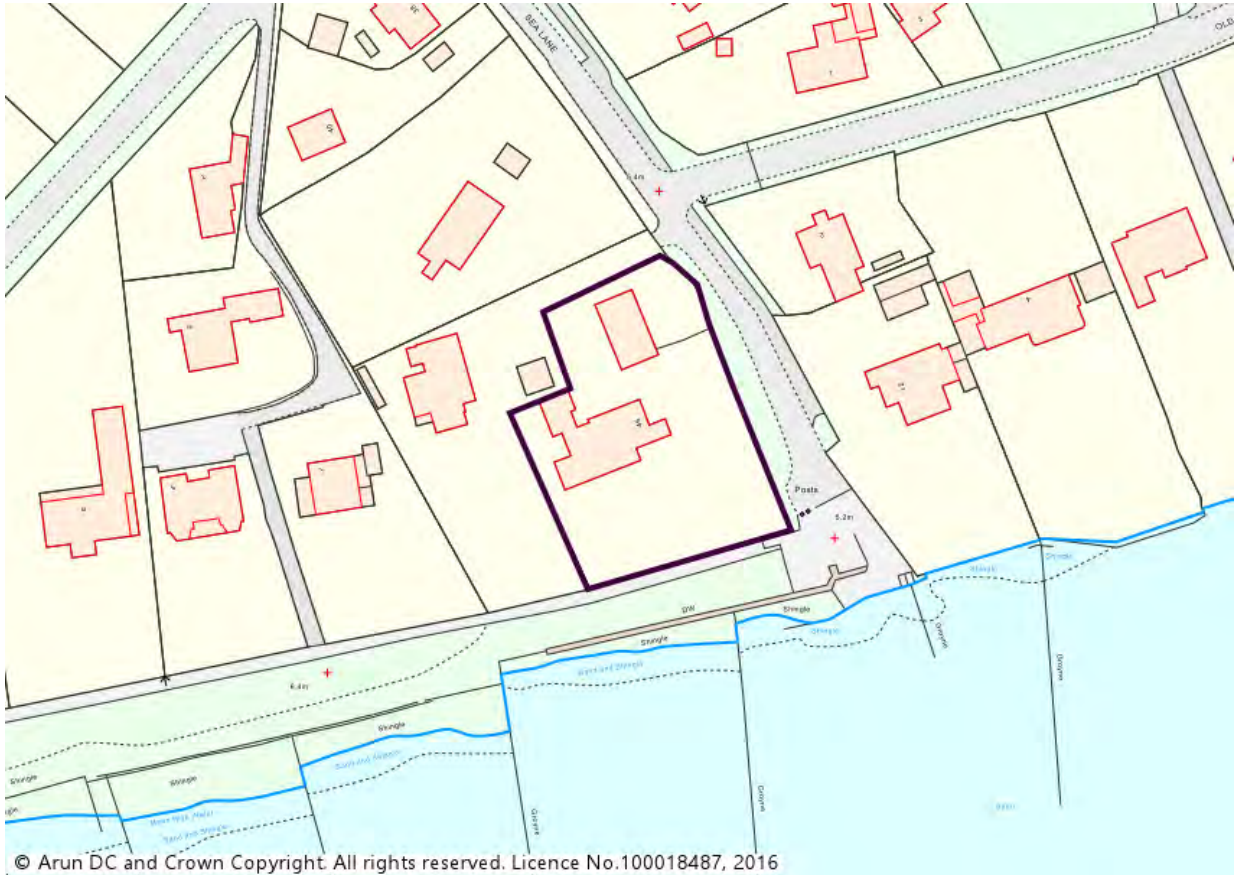
Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 8 **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.

- 9 **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.

- 10 **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. As good practice it is recommended that the roof tiles are removed with care in case an opportunistic bat uses the tiling during preparation for demolition. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

M/7/16/PL - Location Plan as submitted with the application (Do not scale)



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Report following a request for further information, negotiations or
consultation

REF NO: FP/8/16/OUT

LOCATION: 84 Flansham Lane
Felpham

PROPOSAL: Outline application for 1No. bungalow. Resubmission of FP/44/15/OUT

This application was previously heard at the 30th March 2016 Meeting. It was not previously deferred but has been brought back to the Committee to enable members to reconsider the application in light of the new rules regarding affordable housing contributions.

REPORT UPDATE

Application No: FP/8/16/OUT

Reason for the Update / Changes

Reason for Update/Changes:

At the meeting on the 30th March 2016, members resolved to approve this application subject to completion of a Section 106 legal agreement relating to a payment of £9,128 towards off-site affordable housing. The applicant had then been afforded a period of time until the 30th May 2016 to agree the Section 106 legal agreement.

However, on the 11th of May 2016, the Court of Appeal handed down judgment in the important case of R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government [2016] EWCA Civ 441. The case involved a challenge to the Government's policy on the provision of affordable housing on small sites of fewer than 10 units, and the vacant building credit, both of which were set out in a Written Ministerial Statement of 28 November 2014.

In essence, the Council is no longer able to seek affordable housing contributions on schemes of 10 or less dwellings. For this reason, the determination of this application is brought back in front of the Committee to enable the previous resolution to be amended to allow the application to be approved conditionally without a Section 106 legal agreement.

Officers Comment:

The report and recommendation has been amended by virtue of the deletion of the "Section 106 Details" header and the deletion of the Section 106 informative from the recommendation. Otherwise, the report remains the same.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

FP/8/16/OUT

PLANNING APPLICATION REPORT

REF NO: FP/8/16/OUT

LOCATION: 84 Flansham Lane
Felpham

PROPOSAL: Outline application for 1No. bungalow. Resubmission of FP/44/15/OUT

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

All matters except access are reserved and the submitted layout and elevations are for indicative purposes only.

The dwelling will be sited in part of No. 84s rear garden and will front onto Summerhill Drive. It will be single storey with no accommodation in the roof (the roof level velux window shown simply provides light to the bathroom). A private garden screened by the existing high hedge will be provided on the east side with two off-street parking spaces to the front of the dwelling and bin and cycle stores on the west.

SITE AREA	0.0292 hectares.
RESIDENTIAL DEVELOPMENT DEN	34 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Existing 3m high hedge fronting onto Summerhill Drive. There are immature trees on the site and semi-mature within the rear garden of 88 Flansham Lane.
BOUNDARY TREATMENT	The site is bordered to Summerhill Drive by a 1.6m high close boarded fence which continues to the boundary with 11 Summerhill Drive. The Summerhill Drive boundary is augmented by a 3m high hedge. The boundary with the side of 86's rear garden is a 1.8m high close boarded fence.
SITE CHARACTERISTICS	Part of 84 Flansham Lane's rear garden. The site is flat and covered with allotment style planted beds, a couple of greenhouses and a small concrete garage.
CHARACTER OF LOCALITY	<p>Part of Summerhill Drive which is a private residential street comprising a fairly uniform character of detached bungalows and 1.5 storey houses. The exception to this is the land opposite which forms a rear car park to commercial premises fronting Flansham Lane.</p> <p>The following was observed in respect of neighbouring properties:</p> <ul style="list-style-type: none"> * 11 Summerhill Drive is a single storey bungalow with a flat roofed garage on the affected side and no flank windows; * 86 Flansham Lane is a two storey dwelling with rear facing first floor windows including a bedroom; and * 84 Flansham Lane is a single storey bungalow with no windows above ground floor. <p>Summerhill Drive is a narrow road and part of a private estate. There are no on-street parking facilities.</p>

RELEVANT SITE HISTORY

FP/211/06/	Construction of private estate entrance feature in the form of a brick wall with flint panel and end pier 1.4m high.	ApproveConditionally 09-10-2006
FP/44/15/OUT	Application for Outline Planning Permission for a 2 bedroom 3 person disabled persons dwelling with parking	Refused 14-05-2015

REPRESENTATIONS

Representations received:

Felpham Parish Council

"FPC objects as there is insufficient information and cannot see any difference to the plans from the re-submission FP/44/15/OUT which was previously refused and objected by FPC."

Their comments on the previous application stated that:

"This is an outline so no details but the division of a garden in this way is out of keeping with the open layout of the area and presents a cramped form of development. NP policies have not been addressed at this stage but would need to be."

Three letters of objection including one from the Hurstwood Resident's Association:-

- * The site is 2 foot higher than 11 Summerhill Drive and this causes problems for the damp proof course in 11's garage. The height of the site should be lowered to match 11 Summerhill Drive;
- * The hedge to the front has not been plotted accurately as it does not straddle the site boundary. The hedge is privately maintained and any removal of part of it to create the access would be detrimental to the streetscene;
- * It is not clear whether the applicant owns the verge or has a legal right to create a new access onto Summerhill Drive;
- * Highway safety issues arising from proximity of access to a speed hump, its location opposite a private car park, use of the street by parked cars associated with the nearby playground and limited visibility at the junction of Summerhill Drive & Flansham Lane; and
- * No on-street parking available on Summerhill Drive;

Comments on Representations received:

Those objections relating to land ownership or access rights are not material planning considerations. The concerns of no. 11 are noted but this is a private matter and should be resolved separately. With regard to highway issues it should be noted that WSCC have raised no objection. 2 parking spaces is considered to meet the parking demand.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Arboriculturist
Southern Water Planning

Consultations responses received:

Southern Water - no comments received. Previously requested an informative.

West Sussex Highways - The proposal is for a single dwelling with access onto Summerhill

Drive, a private road, and onto Flansham Lane via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Flansham Lane. There are no Highway safety concerns arising from this proposal. Recommend cycle parking condition.

ADC Drainage Engineers - The application is for one property outside of the Lidsey Wastewater Treatment Works (WwTW) catchment area. If deemed necessary apply standard conditions ENGD2A. The applicant has stated surface water is to drain to soakaways.

ADC Arboricultural Officer - Object on the basis that the applicant has not provided any reports relating to the trees that could potentially be affected by the development process.

Comments on Consultation responses:

It is not necessary to impose the surface water drainage condition as the site is for 1 dwelling and lies outside of the Lidsey WwTW Catchment Area. Regarding the Arboricultural objection, it was clear from a site visit that there are no on-site trees of any note and it is not considered that the proposal will affect those growing in adjacent gardens. A part of the hedge will be removed but this is necessary for access and the bulk of the hedge will remain as screening for the dwelling and garden.

POLICY CONTEXT

Designations applicable to site:

Class A Road; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	DEV17	Affordable Housing
	NPPG	National Planning Practice Guidance
	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM3	D DM3 External Space Standards
	EDSP1	D SP1 Design
	EECCSP2	ECC SP2 Energy and climate change mitigation
	EENVDM4	ENV DM4 Protection of Trees
	EHDM1	H DM1 Housing Mix
	EHSP2	H SP2 Affordable Housing
	ESDSP2	SD SP2 Built -Up Area Boundary
	ETSP1	T SP1 Transport and Development
	EWDM3	W DM3 Sustainable Urban Drainage Systems

NEFPESD1	Felpham Neighbourhood Plan 2014 POLICY ESD1
NEFPESD4	Felpham Neighbourhood Plan 2014 POLICY ESD4
NEFPESD5	Felpham Neighbourhood Plan 2014 POLICY ESD5
NEFPESD8	Felpham Neighbourhood Plan 2014 POLICY ESD8
NEFPESD9	Felpham Neighbourhood Plan 2014 POLICY ESD9
NEFPESD11	Felpham Neighbourhood Plan 2014 POLICY ESD11

South East Plan:

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	XXX6	Interim Affordable Housing Policy

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. It is considered that the relevant Felpham Neighbourhood Plan policies are: ESD1, ESD4, ESD5, ESD8, ESD9 & ESD11.

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 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.

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.

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.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This application seeks outline permission with all matters reserved for the erection of a single storey bungalow in the rear garden of 84 Flansham Lane. The rear garden borders with Summerhill Drive, part of a private estate and the new dwelling will front onto this road. The new vehicular access will result in the loss of a 5m wide section of the existing hedge which is situated within the grassed verge to the front.

The site is in the built up area boundary where the principle of development is acceptable subject to other policies in the development plan. Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing: "Housing applications should be considered in the context of the presumption in favour of sustainable development". The Felpham Neighbourhood Plan does not contain housing allocations nor windfall type housing policies. The Plan does not seek to prevent new residential development but focusses on controlling design & character.

VISUAL AMENITY AND CHARACTER OF THE AREA:

Local Plan policy GEN7 (ii) requires new development to respond positively to the identified characteristics of a site to create developments which respect local characteristics. Central Government advice indicates that more intensive development is not always appropriate and design which is inappropriate in its context should not be accepted. New development should be well integrated with and complement the local area in terms of layout.

It was previously considered the proposal was out of character with the surrounding area by virtue of the shallow nature of the plot and the location of garden to the side. The applicant has provided details of an appeal decision concerning a site in Fareham which proposed a dwelling with a side garden. The Inspector addressed the lack of a rear garden by stating:

"The lack of space behind the house would not in my view be particularly noticeable when the dwelling is seen from The Hillway, and the garden to one side of the dwelling and the parking space to the other would together avoid it having a cramped appearance on the road frontage."

The site shares similarities with the appeal site in that they both have garden to one side and parking to the other. Although it would be preferable to have private rear garden, it is not considered that refusal on these grounds could be defended at an appeal particularly in light of the Fareham case. It is considered the plot depth cannot be out of character with the area.

The dwelling is set slightly further forward than the building line of 11-17 Summerhill Drive but in the

context of the position of the flank wall of 84 Flansham Lane, this is considered to be acceptable. The height of the dwelling is acceptable having regard to the single storey nature of the immediate streetscene.

RESIDENTIAL AMENITY:

It is not considered that residential amenity issues would arise from the proposal. The dwelling is a bungalow with no rooms above ground floor. Boundary treatments are such that none of the windows will overlook adjacent properties and the low rise nature of the dwelling will not adversely affect light to nearby properties. Although the side garden will be an unusual arrangement and will be end on to the flank wall of 11 Summerhill Drive, this is considered to be acceptable given that 11 has a windowless garage wall on the affected elevation.

PARKING PROVISION & ACCESS:

The site is in a private estate and fronts onto an un-adopted highway. WSCC do not consider that there are concerns with the small intensification of the junction with Flansham Lane. It is noted that Summerhill Drive is a low speed road (signposted 15mph) and it is not considered there will be safety issues arising from the location of the access close to a speed hump or opposite a private car park. The West Sussex Parking Demand Calculator indicates a likely demand of 2 spaces and the proposal meets this demand. A condition requiring secure cycle storage spaces will ensure occupiers have an alternative form of transport to the car.

Two representations made by local residents suggest the verge is not owned by the applicant but jointly with the other estate residents. Notice has been served on the Residents Association.

IMPACT ON TREES:

The proposal results in the loss of a small number of immature trees on the site and of a section of existing hedge along Summerhill Drive. The hedge may fall outside of the applicants ownership but this is not a material planning consideration as permission could be given despite it not being implementable.

Although the hedge has amenity value only a 5m wide section will be lost and the remaining sections (1 x 4.4m & 1 x 19.8m) are to be retained. This is considered to be acceptable.

The Arboricultural Officer did not previously object to the loss of on-site trees, the part of the hedge or to any impacts on trees on adjoining land. It clear that none of the trees within the adjoining land will be affected and there are no grounds to maintain the previous objection.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement for a single storey, 2 bed, 3 person dwelling is 61m² but the dwelling provides a gross internal area of 63.4m² and complies with the standard.

In respect of external standards it is necessary to have regard to policy D DM3 of the emerging Local Plan (publication version) which has been approved by the Council for development

management purposes. The requirement for the new dwelling is for a rear garden of at least 10m deep and 85m² in area. The garden is not to the rear but is 10m deep (wide) and has an area which only falls short of the requirement by 2.5m². This is considered to be acceptable. A condition will be added to ensure privacy of the garden by retention of the hedge. A condition is also proposed to prevent extensions or outbuildings from encroaching in to the proposed garden.

SUMMARY:

This application is acceptable having regard to relevant development plan policies and in respect of the concerns identified by the Parish Council and objectors. Although the garden area is to the side and is not a typical arrangement its presence serves to widen the frontage and as such the dwelling will not appear cramped in the streetscene. The hedge to the front will ensure that the side garden is a private space.

The application should be approved subject to conditions below and a S.106 agreement covering affordable housing (£9,128). If the S.106 has not been completed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

"The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy H SP2 of the Arun Local Plan 2011 - 2031 (Publication Version) and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010."

RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Drawing 1 - Location Plan (1:1250);
Drawing 2 - Block Plan (1:500);
Drawing 14234/2b - Site Block Plan of Proposed Dwelling (1:200); and
Drawing 14234/3b - Proposed Elevations and Floor Plan (1:100).

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 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 5 With the exception of the section to be removed to facilitate the new access, no part of the hedgerow currently growing on the Summerhill Drive frontage shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority and shall be retained in perpetuity thereafter. Any hedgerow removed without such consent or which becomes severely damaged or seriously diseased or dying in the future shall be replaced with a hedgerow of such size and species as may be agreed with the Local Planning Authority to ensure the boundary landscaping is retained in perpetuity.

Reason: To ensure the retention of screening vegetation important to the visual amenity of the streetscene and the privacy of the dwelling in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The proposed dwelling shall be constructed as a single-storey building with the main eaves line approximately level with the ground floor window-heads.

Reason: In the interests of the character and amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

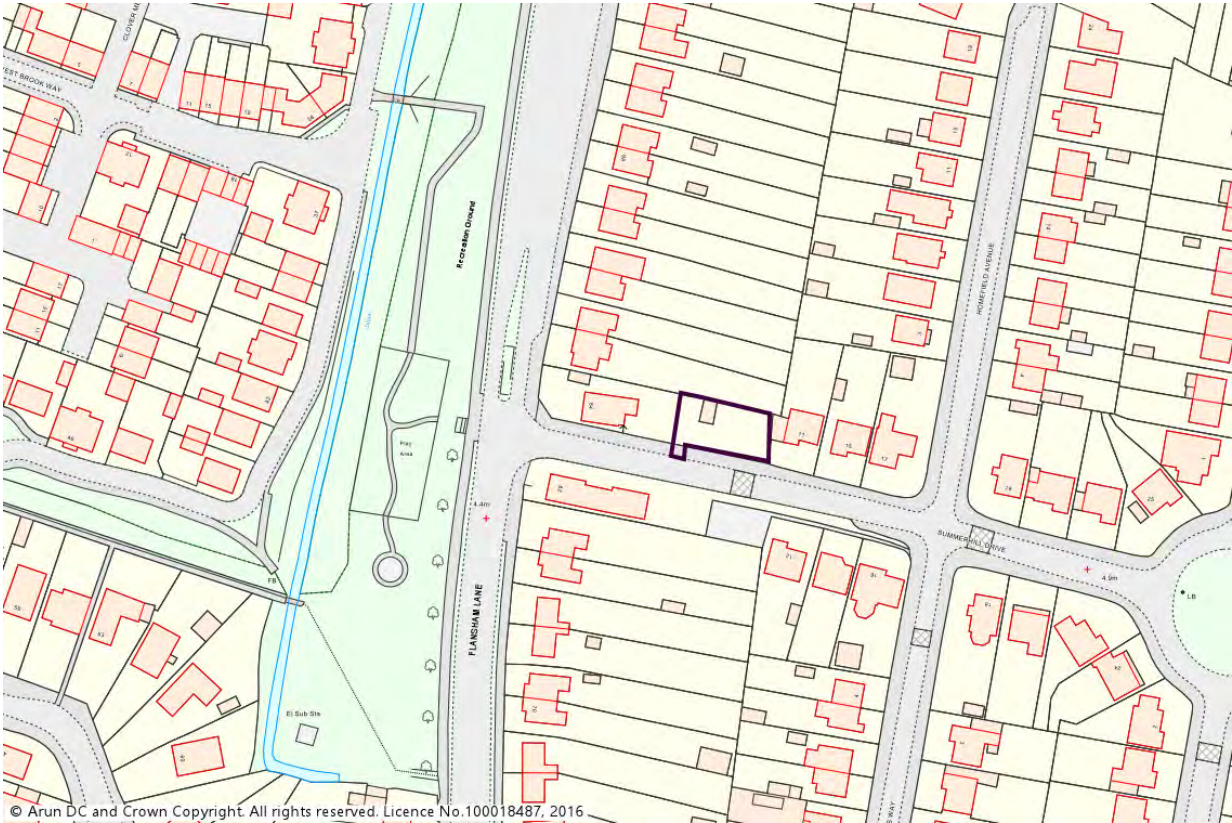
- 8 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 9 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning

FP/8/16/OUT

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.

FP/8/16/OUT - Location Plan as submitted with the application (Do not scale)



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AGENDA ITEM 11

DEVELOPMENT CONTROL COMMITTEE

15 June 2016

PLANNING APPLICATIONS

**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION
AT THE DEVELOPMENT CONTROL COMMITTEE**

NONE FOR THIS COMMITTEE

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT
THE DEVELOPMENT CONTROL COMMITTEE**

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/45/16/HH	Loft conversion	1 Belle Mead Close Woodgate PO20 3YD
Case Officer :	Mr R Temple	
Recommendation:	Approve Conditionally	

ALDWICK

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AW/78/16/HH	Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area	68 The Drive Aldwick PO21 4DS
Case Officer :	Mr D Easton	
Recommendation:	Approve Conditionally	

AW/93/16/HH	Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH	Tradewinds 7 Arun Way Aldwick Bay Estate PO21 4HF
Case Officer :	Simon Davis	
Recommendation:	Refuse	

AW/137/16/NMA	Application for a non-material amendment following a grant of AW/362/15/HH for relocation of single storey rear extension.	9 Balliol Close Aldwick PO21 5QE
Case Officer :	Mr R Temple	
Recommendation:	Approve	

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[BR/84/16/OUT](#) Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/16/OUT). 3 Southdown Road
Bognor Regis
PO21 2JS

Case Officer : Simon Davis
Recommendation: App Cond with S106

[BR/95/16/PL](#) Coffee kiosk to include tables & chairs (resubmission following BR/4/16/PL). South of Esplanade Grand
West of Foreshore Office
The Esplanade
Bognor Regis
PO21 1LX

Case Officer : Mr R Temple
Recommendation: Approve Conditionally

EASTERGATE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EG/32/16/HH	Two storey side extension (resubmission following EG/74/15/HH).	40 Orchard Way Barnham PO22 0HY

Case Officer : Mr R Temple
Recommendation: Approve Conditionally

KINGSTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
K/9/16/HH	First floor extension (resubmission following K/41/15/HH).	Bramble Down Middle Way East Preston BN16 1RY

Case Officer : Mrs A Gardner
Recommendation: Approve Conditionally

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/12/16/PL	Change of use from a C3 (Dwellinghouse) to Sui Generis (House in Multiple Occupation) for 7 or more.	68 East Ham Road Littlehampton BN17 7BE

Case Officer : Mr D Easton
Recommendation: Approve Conditionally

[LU/55/16/PL](#) Cover existing pebble dash front elevation with PVCu cladding/shiplap. This application affects the character and appearance of the Littlehampton (River Road) Conservation Area. Seaview
3 River Road
Littlehampton
BN17 5BN

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

[LU/61/16/HH](#) Rear extension & rebuilding of garage (resubmission following LU/329/15/HH). 15 Maltravers Drive
Littlehampton
BN17 5EY

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

PAGHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
P/32/16/HH	Loft conversion, extension & dormers to front & rear.	5 Pyrford Close Pagham PO21 3NL

Case Officer : Mr R Temple

Recommendation: Approve Conditionally

RUSTINGTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
R/37/16/PL	Refurbishment & change of use from ground floor car showroom (Sui Generis) & first floor flats (C3 dwellings) to A3 (Restaurant and Cafes)	1-5 Ash Lane Rustington BN16 3BU

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

YAPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[Y/19/16/OUT](#)

Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan

Land off Burndell Road
Yapton

Case Officer : Mr D Innes

Recommendation: App Cond sub to S106

PLANNING APPLICATION REPORT

REF NO: AL/45/16/HH
LOCATION: 1 Belle Mead Close
 Woodgate
 PO20 3YD

PROPOSAL: Loft conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The conversion of the loft area to habitable accommodation with the installation of front and rear dormers. Dormers each measure approximately 4.5m in width, depth of 2.6m and a height of 3m.
SITE AREA	Approximately 270 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is open with a paved driveway, north side boundary to Belle Mead Close wall + trellis approximately 2m in height, rear to Westergate Street wall + hedging approximately 2m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with integral garage and paved driveway, conservatory on rear. The property has brown brickwork, white window frames with a concrete tiled roof.
CHARACTER OF LOCALITY	Main road with residential properties comprising detached and semi-detached of various styles and designs.

RELEVANT SITE HISTORY

AL/38/11/	Loft conversion	ApproveConditionally 17-05-2011
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Exact same proposal for loft conversion approved in 2011 but had expired.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

The Parish Council objects to this application as it is out of keeping, and will have an adverse impact on the street scene.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed roof extension has been granted permission previously and the dormers are considered to retain a significant amount of the front and rear roof slope. Thus retaining its character. Furthermore the front dormer window roof extension could be carried out without the need for planning permission.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS

No surface water drainage comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Class A Road
Tree Preservation Order
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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)
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
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PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Felpham neighbourhood plan policy ESD1 applies to this proposal.

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 the Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities. It is also a material consideration that the same scheme was previously granted permission by AL/38/11. This was considered under the same existing Local Plan Policies as this application.

DESIGN AND VISUAL AMENITY

The dwelling is sited on a corner plot with Belle Mead Close to the north and to the rear Westergate Street. The application seeks to convert the loft into residential accommodation which will comprise the installation of two dormers on the front and two on the rear.

The proposed loft conversion will comprise two bedrooms, one with en-suite and a bathroom. The pitched roof dormers to the front and rear measure approximately 4.5m in width, depth of 2.6m and a height of 3m which is no higher than the existing roof height. The dormers are of an acceptable size and scale that are considered to be visually subservient to the main dwelling. To provide natural light into the landing and en-suite two windows are proposed on the north and south side of the dwelling. Although the dormers will be readily visible in the street scene, they are not considered to be of an obtrusive nature, nor would they harm the established character and appearance of the surrounding residential area. Materials to match existing will be ensured via condition.

NEIGHBOUR AMENITY

The rear dormers will overlook Westergate Street and the property to the west is sited approximately 35m away. The immediate property to the east No 4 Belle Meade Close is sited approximately 13m away and this property has an obscure glazed window at first floor level on the west side elevation facing the proposal. The neighbouring property to the south No 2 is sited approximately 3m away and the proposed landing window on the south side elevation of the proposal will, if approved, be conditioned to be obscure glazed and non-opening. It is not considered that the installation of the landing window on the south side elevation and rear dormers would create any harmful overlooking or loss of privacy to the occupiers of No 2.

Taking this into account it is not considered that the dormers would affect the residential amenities of any neighbouring property by way of adverse overlooking or loss of privacy.

It is therefore considered that the proposed extension is acceptable in visual and residential amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

PARKING

The proposal would create a 5 bedroom dwelling. Three spaces are provided on the driveway to the front and one in the garage. As such 4 off-street spaces are provided for the proposed 5 bed house which is in line with off street parking requirements for West Sussex County Council Parking Standards. Therefore it is not considered that should the proposal be constructed there would be a significant increase in on-street parking pressure.

The application is recommended for conditional permission.

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.

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:

DPA-01
DPA-02

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 The window on the south side elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening and the en-suite window on the north side elevation shall be obscure glazed.

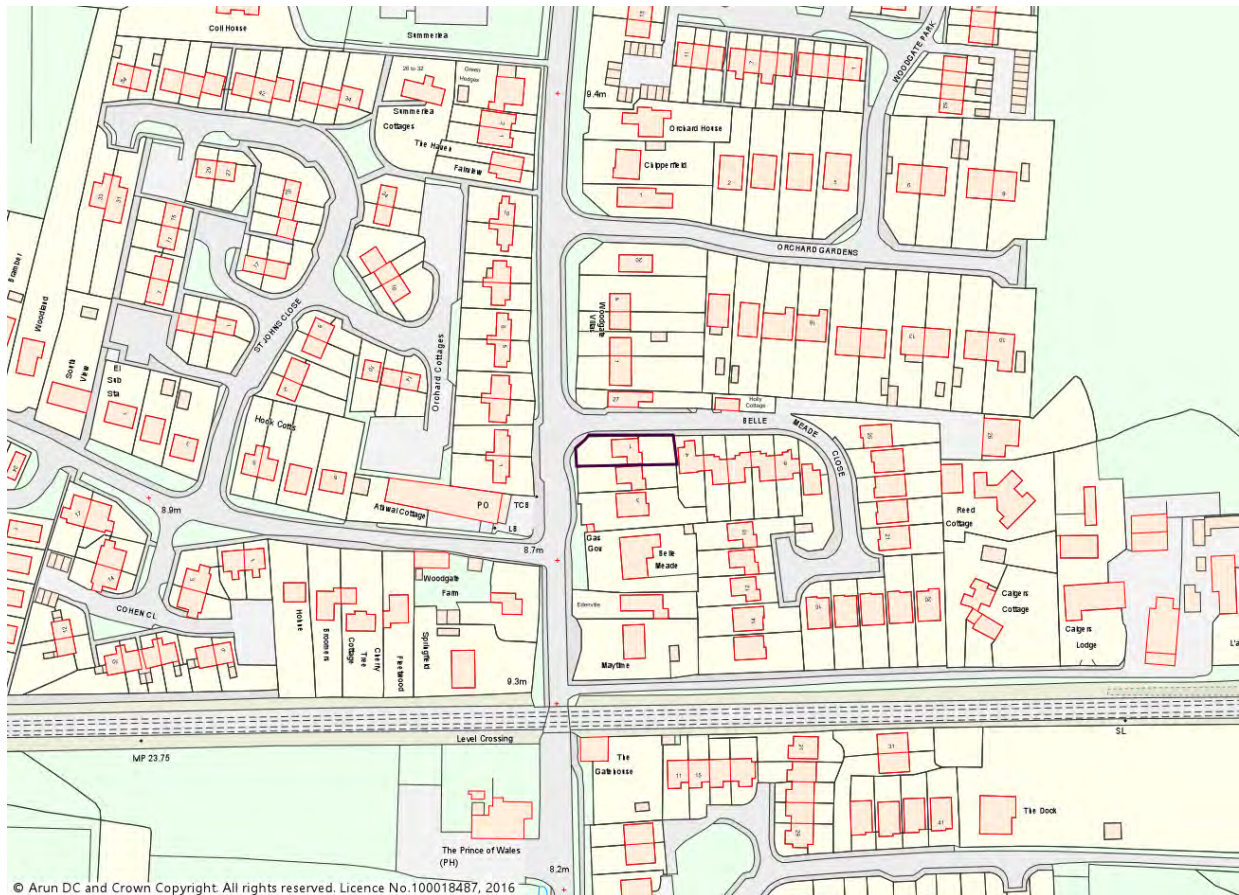
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 **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.

AL/45/16/HH Indicative Location Plan

(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AW/78/16/HH

LOCATION: 68 The Drive
Aldwick
PO21 4DS

PROPOSAL: Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to widen the driveway from 3.1m to 5.74m, an increase of 2.64m.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The front boundary previously consisted of a 1.8m high brick wall with iron gates. The side and rear boundaries of the site consist of a mixture of 1.8m high brick walls and close boarded fence with 4m high hedging on the eastern boundary.
SITE CHARACTERISTICS	The site is undergoing redevelopment and has been the subject of previous approvals. The existing access is constructed from Tarmac.
CHARACTER OF LOCALITY	Private estate within Craigweil House Conservation Area. Detached properties on large plots of various styles.

RELEVANT SITE HISTORY

AW/74/16/CLP	Lawful development certificate for proposed replacement of existing road kerb edging for length of property with new concrete edging to match existing shown to 'The Drive', reinstatement of splayed boundary wall to drive entrance to match existing, new automatic timber double gate effect sliding gate to drive opening, replace existing concrete paved driveway with new Indian Sandstone, alterations to existing side access gates, replace existing concrete paved patios & paths to rear with new Indian Sandstone,	PP Not Required 19-05-2016
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new set in the ground swimming pool & hot-tub with associated hardstanding in Indian sandstone, perimeter drainage to be in the form of a French drain with new soakaway for final discharge point, existing southern boundary altered by removal of existing timber fence & replacement of existing metal railings with new 2m high timber fencing with painted mural to outside face, hardstanding to be removed to suit new swimming pool & made good with new Indian sandstone & lawn areas, extension of existing boat house & new satellite dish & TV aerial.

AW/267/15/HH	Minor Amendments to previously approved application AW/344/14/HH for extensions & alterations - This application affects the character and appearance of the Craigweil House Conservation Area.	ApproveConditionally 05-01-2016
AW/344/14/HH	Increase existing single storey side extension, clad external elevations with insulation & render, remove existing clay tiled roof & recover, 3 No velux windows within the north facing front roof elevation, 32 No new windows, 7 No new doors, reconstruction of first floor balcony, new external steps at rear of side extension, gable roof extension to existing first floor living room & external garden swimming pool. This application affects the character and appearance of the Craigweil House Conservation Area.	ApproveConditionally 22-04-2015

Approvals previously granted under AW/344/14/PL and AW/267/15/HH.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Object under Policy AREA2 as they believe this application will have a detrimental effect on the protected grass verge owned by the Craigweil Private Estate Ltd.

8 No. letters of objection from 6 addresses:

- The verge is owned by Craigweil Private Estate Ltd.
- Verge is identified in the Conservation Area Statement.
- Conflicts with AREA1 and AREA2 of the Local Plan.
- A number of objections raised in relation to the details on the application form.
- Conflicts with Policy GEN7 (iv) of the Local Plan.
- Conflicts with Policy DEV19 (iii) & (v) of the Local Plan.
- Unacceptable impact upon the Listed Building to the west of the application site.
- A wall has been demolished at the site.
- Other objections were raised relating to matters which are not the subject of this application.

Conservation Area Advisory Committee:

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish noted. The impact of the proposal upon the character of the Conservation Area will be considered further in the conclusion to this report.

In response to the 8 No letters of objection:

- The applicant has completed Certificate B providing 21 days notification to the owner of the land. Therefore the ownership and the right being obtained to carry out works is a Civil matter and is not a material consideration in the determination of this application.
- The proposed widening of the drive and its compliance with AREA2 of the Local Plan will be considered in the conclusion to this report.
- The proposal will be assessed against AREA1 and AREA2 in the conclusion of this report.
- The form is considered to have been accurately completed in relation to the development to the best of their knowledge.
- The widening of the drive is not considered to give rise to unacceptably adverse harm to the residential amenity of neighbours contrary to GEN7(iv) of the Local Plan.
- DEV19 relates to extensions to residential buildings and is not relevant to this application.
- The widening of the existing drive is not considered to adversely impact the setting of the neighbouring Listed Building.
- The demolition of the wall has been the subject of an enforcement investigation and no breach of planning control has been identified.

Comments from the Conservation Area Advisory Committee noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal amounts to three areas of development:

1. A reconstructed front wall (in part)
2. Provision of a gate
3. Provision of hardstanding

These proposals have the potential to affect two heritage assets: the Craigweil House Conservation Area and the Craigweil House Area of Special Character. A heritage asset is

defined as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

The reconstructed wall allows for a substantially larger opening. The opening will increase from 3.1 to 5.74m, an increase of 2.64m. This opening will be enclosed with a 'timber double gate effect automatic sliding gate'. There is no clear information related to the proposed gates. As such it is not possible to fully assess the impact that they would have on the Conservation Area and Area of Special Character as its appearance is unknown. It is considered that such information should be provided as it fronts a highway and may require consent? The need for such a substantial opening for a residential curtilage is also questioned.

It is also noted, the wall will change appearance in terms of colour to reflect the main property. It is not clear if this is part of the application or required permission? Such a change will have an impact upon the local area. In addition, it is not clear why such a large opening is required. Further details should be provided regarding both the gate and wall.

However, based on the information currently available to me, it is considered that this much larger opening/gate will not enhance the heritage assets.

It is considered that the increase in hardstanding within the plot will have a neutral impact upon the local area. The increase in the area covering the verge area is also substantial and would, at best, have a neutral impact upon the local area.

If minded to approve details regarding the gate, the materials and detailing such as the kerb stones should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments from the Conservation Officer are noted. The erection of a gate is not included in this application, the proposed gate was the subject of a Certificate of Lawfulness approved under reference AW/74/16/CLP. The alteration to the wall adjacent to The Drive also does not form part of this application.

POLICY CONTEXT

Designation applicable to site:
Article 4 Direction
Tree Preservation Order
Conservation Area
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA2	Conservation Areas
	AREA1	Areas of Special Character
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):
 D DM1 Aspects of Form and Design Quality
 HER DM3 Conservation Areas
 SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD2	Conservation Areas
Supplementary Guidance:	SPD2A	Craigweil House, Aldwick, Conservation Area Statement
Supplementary Guidance:	SPD10	Aldwick Parish Design Statement

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Aldwick have not prepared a Neighbourhood Plan. However policy AREA2 of the Aldwick Parish Design Statement (June 2015) is 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 in the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. In this case policies relevant to the determination of this application would be GEN7, AREA1 and AREA2 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The proposal consist of the widening of the driveway from The Drive. The Drive is a private road and as such the widening of the access would normally not require consent. However, the site falls within a Conservation Area and is the subject of an Article 4 Direction removing permitted development rights for the proposed works.

The drive/access measures (approximately) between 2.61m and 3.07m wider than the existing drive/access, the drive immediately adjacent to the road is shown as measuring a maximum width of 11.5m before tapering to 7.5m in width 1m from The Drive and 5.8m in width 4.5m from The Drive. The proposed access is shown as being tarmacked to match the existing access which is considered to preserve the character of the Conservation Area.

The Conservation area features a number of properties with driveways of a similar width;

- 41 The Drive - approximately 8m in width
- 45 The Drive - approximately 6.61m in width

- 72 The Drive - approximately 12.36m in width (in out driveway)
- 74 The Drive - approximately 7.33m in width

Given the examples identified in close proximity to the site, the widening of the access is considered to preserve the character of the Conservation Area in accordance with policies AREA2 and GEN7(ii) of the Local Plan.

The alterations to the drive include the increase in width of the hard standing forward of the primary elevation by a maximum of 3.15m. This alteration to the hard standing would not be clearly visible within the street scene due to boundary screening adjacent to the road. This aspect is considered to preserve the character of the Conservation Area in accordance with policies AREA2 and GEN7(ii) of the Arun District Local Plan.

Policy AREA1 requires developments in Areas of Special Character to enhance the area. Given the test for a Conservation Area in AREA2 (preserve or enhance) it is considered acceptable for this development to have a neutral effect.

RESIDENTIAL AMENITY

The widening of the drive including alterations to the crossover is not considered to result in unacceptably adverse harm to residential amenity and accords with GEN7(iv) of the Local Plan.

SUMMARY

The proposed works are considered to accord with relevant development plan policy and as such it is recommended that permission is granted for the proposed development.

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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

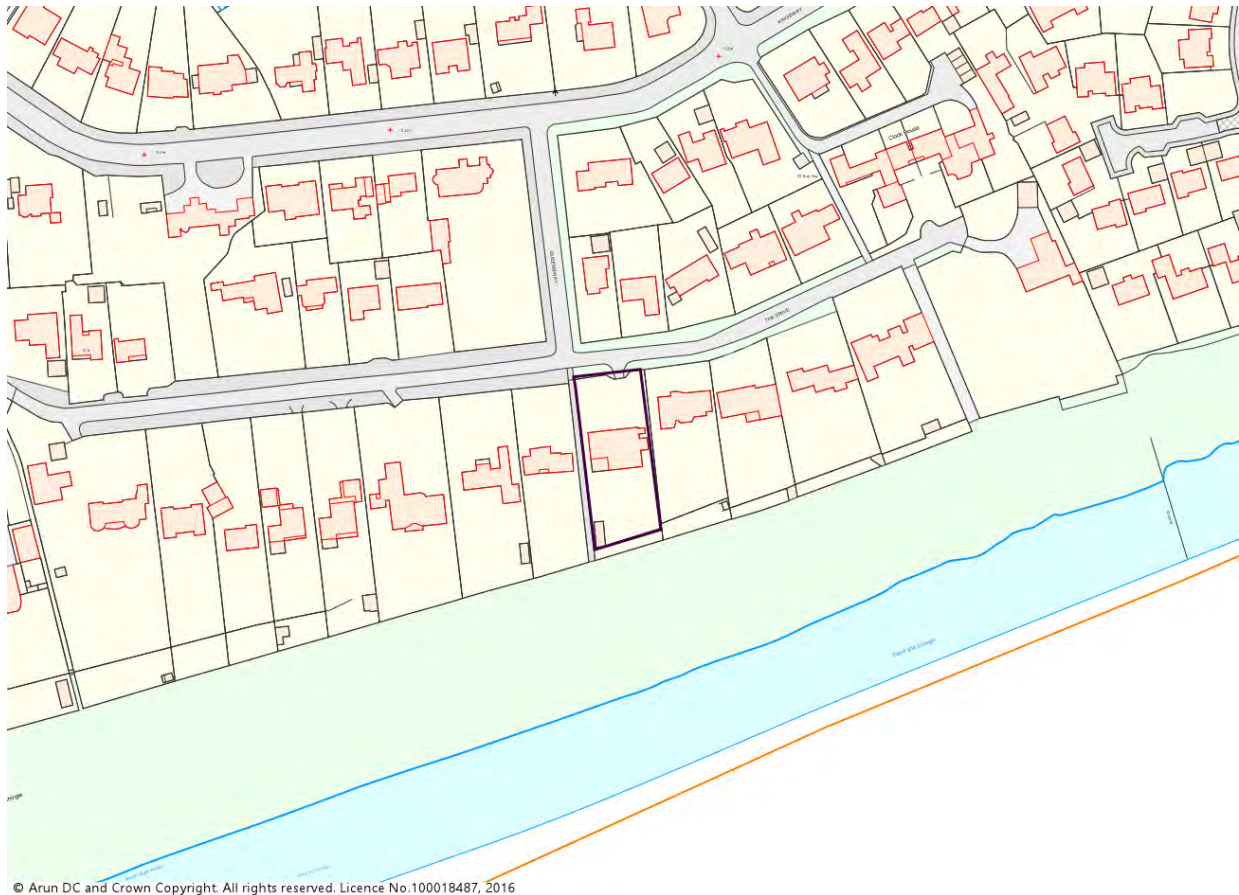
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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 plan: External Works - Existing & Proposed Site Plans - P-02 B

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 **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.

AW/78/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AW/93/16/HH

LOCATION: Tradewinds
7 Arun Way
Aldwick Bay Estate
PO21 4HF

PROPOSAL: Proposed garage replacing demolished water tank & garden room.
Resubmission of AW/122/15/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The pitched roof garage measures 9.1m by 6.71m with a height of 5.3m (2.1m to eaves). There is a toilet/shower room for use by the gardener in the garage. Two velux windows are proposed on the east roof slope and a circular port hole window in the south elevation. The garage is between 1m and 5.05m from the boundary wall.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat but the site is approximately 0.25m lower than the level of 8 Arun Way.
TREES	No trees.
BOUNDARY TREATMENT	Adjacent to a 2m high part wall part fence.
SITE CHARACTERISTICS	Large detached house in terracotta render of 2 storeys set in spacious grounds with main garden to rear. The property has boundaries with 8 Arun Way to the north, 9 to the west, 6 to the east and a private beach to the south. The site of the garage is currently occupied by a single storey monopitch terracotta coloured garden room.
CHARACTER OF LOCALITY	Residential street with detached dwellings of fairly uniform size aside from 7 which is around twice the size of others. All houses have large plots but the site is much larger than others in the area. The property adjacent to the North, no. 8 Arun Way, has an pitched roof garage approximately 5.05m high and approximately 9m in from the Arun Way boundary at the closest point.

RELEVANT SITE HISTORY

AW/304/15/HH	Formation of annexe for elderly relative & replacement of double garage.	ApproveConditionally
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		30-11-2015	
AW/222/15/HH	Double garage replacing demolished water storage tank & garden room (resubmission following AW/122/15/HH).	Refused 15-10-2015	
AW/126/15/HH	Alteration to rear/south elevation - revision to AW/332/13	ApproveConditionally 27-08-2015	
AW/122/15/HH	New double garage & games room to replace demolished water storage tank & greenhouse.	Refused 11-06-2015	
AW/295/14/HH	New boat house to replace existing wooden building	ApproveConditionally 28-01-2015	
AW/332/13/	Alterations to the exterior, alter elevations of the main house and construct lantern roof light.	ApproveConditionally 13-03-2014	
AW/6/09/	Proposed garage.	Refused 06-03-2009	
AW/88/06/	Proposed detached garage	Refused 28-06-2006	<i>Appealed</i>
			Appeal: Dismissed 30 03 2007

AW/122/15/HH was refused for the following reason:

"The proposed double garage with games room above would, by virtue of its height, size and siting in the corner of the site adjacent to Arun Way, will impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area. As such it is considered to be contrary to Policies GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version)."

AW/222/15/HH was refused but for a slightly different reason (noting that the height had been lowered/the first floor games room removed):

"The proposed double garage would, by virtue of its siting in the corner of the site adjacent to Arun Way, impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area. As such it is considered to be contrary to Policies GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version)."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Strongly object as the garage does not sympathetically relate to and is not visually integrated with the existing building in siting, design, form scale and materials; is not visually subservient to the main building; would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties and would compromise the established spatial character of the street. Members expressed concerns regarding the height of the building as shown on the street elevation and that part of the roof would project over the boundary line. Members agreed that the application is in direct conflict with DEV19 (i), (ii), (iii) and (v) of the Local Plan 2003 and with the Parish Design Statement Design Principles p 26.

4 letters of objection:

- (1) Supporting Statements still refer to a games room;
- (2) Applicant has not addressed the previous reason for refusal;
- (3) Will result in a significantly dominant feature to the detriment of the open aspect of this part of the estate and the setting of the adjacent Conservation Area;
- (4) The pitch of the roof is much steeper than on the main house;
- (5) The gabled roof design adds bulk and causes it to be over bearing and out of character;
- (6) The addition of a bathroom, insulation suggests future use as a dwelling;
- (7) The plans do not indicate the alterations to the boundary wall or the existing drive;
- (8) Regard should be had to the 2007 appeal decision concerning a garage at 4 Arun Way;
- (9) No credible argument has been offered to override the previous refusal reasons; and
- (10) The letters of support are all from persons not living near to the application site.

5 letters of support on the following grounds:

- * The garage will improve the property
- * The garage would not be out of keeping and would not spoil the visual effect; and
- * The property is outside of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding the Parish Council response, it should be noted that DEV19 is not relevant as it relates only to alterations/extensions and not to outbuildings.

The grounds of support are noted but are not considered to offer anything capable of overturning the previous refusal reason.

The following comments are offered in response to the grounds of objection:

- (1) Noted. However, the plans no longer show a games room above;
- (2) Noted - see analysis in the Conclusions section;
- (3) Noted - see analysis in the Conclusions section;
- (4) Noted. It is not considered that the pitch should automatically match that of the house;
- (5) Noted. The height was not previously considered to be an issue (AW/222/15/HH);
- (6) Noted. The applicant has stated the bathroom is solely for use by the gardener so they do not need to enter the house to freshen up after a shift;
- (7) Noted. It is not considered necessary to show the changes to the driveway as permitted development rights existing for hardstanding within the curtilage of a dwelling. Permission is not required to repair a wall;
- (8) Noted. See Other Material Considerations section below;

- (9) Noted; and
- (10) Noted, however they are still all valid letters of support.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - "The proposal is a slight revision of the previously refused planning application. Previous comments still apply: It is considered that the proposed garage structure has the potential to be visible from the street-scene, and therefore have a negative impact upon the conservation area. An alternative location should be considered."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order;
 Adjacent to a Conservation Area; and
 Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA2 GEN2 GEN7 GEN12	Conservation Areas Built-up Area Boundary The Form of New Development Parking in New Development
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Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality HER SP1 The Historic Environment HER DM3 Conservation Areas SD SP2 Built-Up Area Boundary T SP1 Transport and Development
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PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
Supplementary Guidance:	SPD2	Conservation Areas
Supplementary Guidance:	SPD10	Aldwick Parish Design Statement

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Aldwick have not developed a Neighbourhood Development Plan but have published a Design Guide.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

A previous appeal decision at 4 Arun Way West is a material consideration in the determination of this application. The appeal (APP/C3810/A/06/2026820) concerned a detached double garage to be sited forward of the dwelling in the north east corner of the plot. The garage measured 5.6m long by 6.5m wide by 4.5m high and would have been adjacent to the highway.

The Inspector specifically commented that the first 75m or so of Arun Way East (from its junction with The Fairway) is very much in the context of the Estate as a whole with screening provided by mature vegetation that allows only partial glimpses of the properties behind but that where the road doglegs east, the streetscene opens out and is uncharacteristic of the estate. The Inspector considered that the garage would aggravate the effect of this change in character. The Inspector dismissed the application on the basis of its size, siting and impact on the streetscene.

The streetscene has changed since the time of the previous appeal in that there are less trees along the western side of the road and as a result, the frontage of Tradewinds more closely resembles the character of the open section of the road to the east. It is noted that a 2009 application for a detached garage in the same position at 4 Arun Way West was refused under AW/6/09/. This was to be slightly lower and screened by planting.

The applicant has requested that regard be had to AW/304/15/HH which is considered to support the proposal. This application sought permission to replace an existing garage located adjacent to the front boundary and provide a link extension between it and the house. The replacement garage featured a hipped roof form. This was acceptable having regard to the fact the garage was already in place, that no. 6 had a similar arrangement to the front and that the extension would be located behind the garage and would be subservient to the house.

It is not considered that AW/304/15/HH sets a precedent as (a) there was already a garage forward of the dwelling and visible from the streetscene (noting that Tradewinds' outbuilding is hidden behind the boundary wall) and that, at its closest point, the garage is around 8m from the edge of the Arun Way road surface. It is noted that the garage at 6 Arun Way was also already visible in the streetscene and is some 25m from the edge of the Arun Way road surface. It is considered that the Tradewinds plot is more closely related to (and seen in the context of) 8 Arun Way which is also on the west side of Arun Way rather than those properties to the south of Arun Way.

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary and as such, the principle of a new garage outbuilding is considered to be acceptable subject to normal design criteria.

HISTORY OF THE PROPOSAL:

AW/122/15/HH proposed a 1.5 storey garage building 5.44m high and included a games room in the roof. It was to be 9.1m by 6.71m. The first floor included a Juliet balcony on the south elevation. It was to be sited between 1 and 4m from the boundary wall. The application was refused due to height and siting concerns.

AW/222/15/HH amended the height of the garage to bring it into line with the height of the existing

roof garage at 8 Arun Way, removing the first floor space and Juliet balcony but maintaining its siting as before. The application resolved height concerns but did not overcome the siting issue.

This application responds to the last application by pulling the south east corner a further 1m away from the boundary wall. The northern corner will still be 1m from the wall.

CHARACTER, VISUAL AMENITY & DESIGN:

Policy GEN7 states development will be permitted provided that (amongst other things) "demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness". AREA2 states "permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting".

It is not considered that the garage responds positively to the open nature of this part of the Aldwick Bay estate. The building is located within 1m of the boundary of the site with the road. Unlike the existing garden room, it will protrude well above the height of the boundary wall. The garage has been lowered from previous applications and will be the same height as the neighbours garage but it remains much closer to the highway boundary and also around 2.5m longer than the neighbouring structure.

It is considered that the previous appeal dismissal concerning a similar proposal at 4 Arun Way East is a material consideration in the determination of this application. That proposal was for a garage smaller in size & height but also sited adjacent to the highway boundary. It is considered that the impact of this proposal could be greater than that of no. 4.

As stated in the previous reports, the proposed building might be acceptable if it were located further into the site (i.e. to the west) - perhaps backing onto no. 8's garage. In the present position, closer to the road than the neighbouring garage, it is considered the garage will be detrimental to the open character of the streetscene. The proposal is considered to impact on the setting of the adjacent Conservation Area, the boundary of which is the opposite side of Arun Way. It is not considered the increased gap of one corner of the garage to the road is sufficient to overcome the previous reason for refusal.

RESIDENTIAL AMENITY:

It is not considered that the garage will have any adverse impact on the amenity of nearby residents. There are no windows facing no. 8 and those in the roof are at a high level. If the application were being approved a condition could be imposed to ensure that the garage is used for ancillary purposes to the existing house.

Although the addition of a small bathroom is unusual in the context of a garage, it is understood that this would be for the gardeners use and it is not considered that there is any reason to doubt this assertion or that the addition of a bathroom in a garage is otherwise unacceptable.

SUMMARY:

The garage has a height comparable to the neighbours garage. It is not considered that the siting

has been sufficiently improved to overcome the previous reason for refusal. The garage will, by virtue of its siting, still be detrimental to the streetscene and will erode the open nature of the area. It will have an adverse impact on the setting of the adjacent Conservation Area.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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

REFUSE

- 1 The garage would, by virtue of its siting in the corner of the site adjacent to Arun Way, impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area contrary to GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version).
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the

AW/93/16/HH

best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

AW/93/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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Recommendation Report for Non Material Amendment

REF NO: AW/137/16/NMA

LOCATION: 9 Balliol Close, Aldwick

PROPOSAL: Non material amendment to approved application AW/362/15/HH for relocation of proposed rear extension to opposite side of rear elevation.

DESCRIPTION OF APPLICATION

Non material amendment seeks to retain the appearance of the approved single storey rear extension but move it to the opposite side of the rear elevation.

SITE AREA

0.12 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of significance affected.

BOUNDARY TREATMENT

1.8m close boarded fence to all sides other than front boundary which is open.

SITE CHARACTERISTICS

Bungalow with gable end roof on inverse corner plot with open front garden and driveway, single storey garage to side, existing single storey side extension. Garden to side rear and front.

CHARACTER OF LOCALITY

Suburban residential location formed of detached and semi-detached bungalows set back from the road with garages to side and gardens to front.

RELEVANT SITE HISTORY

AW/362/15/HH Planning permission granted for "Single storey rear extension & side dormer to form rooms in roof and pitched roof over existing garage."

COMMENTS OF PLANNING HISTORY

The NMA is an amendment to AW/362/15/HH.

SUMMARY OF REPS RECEIVED

N/A

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

N/A

OFFICERS COMMENTS ON CONSULTATIONS

N/A

POLICY CONTEXT

Designations applicable to site:

Open plan condition
PD restriction
Within built up area boundary

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Aldwick does not have a NDP but does have an adopted Parish Design Statement.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV19	Extensions to existing residential buildings
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

DDM1	Aspects of Form & Design Quality
DDM4	Extensions & Alterations to Existing Buildings
DSP1	Design
TSP1	Transport & Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

SUPPLEMENTARY GUIDANCE

DEVELOPMENT PLAN 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

WHETHER THE PROPOSED REVISIONS ARE MATERIAL CHANGES

This is the key consideration in this proposal. The changes proposed are to relocate the approved rear extension to the opposite side of the rear elevation. The size, form and shape, including location of windows will remain the same.

These changes must be considered against what has been previously approved and therefore has planning permission. The permitted scheme remains largely as approved and the revision will result in a very limited and minor change to the appearance of the approved scheme. It is not considered that the application would have been refused or viewed differently in the original application if the rear extension was initially considered in this location. The overall scheme will not be seen to have changed appreciably and there will be no change in the impact on the street scene. The scale, massing, materials and overall design remain the same and as such, it is not considered that the proposed revisions are material.

The proposed revisions are therefore not considered to result in a material change to the previously approved scheme and as such it is recommended that a non-material amendment be granted.

HUMAN RIGHTS

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.

EQUALITIES

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

The relocation of the proposed single storey rear extension to the opposite side of the rear extension has been identified within drawings 06 Rev: C, 07 Rev: A, 08 Rev C and as such will be accepted as a Non Material Amendment to planning approval AW/362/15/HH.

Please note that these plans therefore become the approved plans for planning application AW/362/15/HH.

AW/137/16/NMA Indicative Location Plan

(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BR/84/16/OUT
LOCATION: 3 Southdown Road
 Bognor Regis
 PO21 2JS

PROPOSAL: Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/16/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The two dwellings will be semi-detached and arranged with a staggered building line but broadly in line with the building line of nos. 10-18 Southover Road. They will front to the north facing the access point and with rear gardens. The proposal includes a bin storage collection point, turning space and 6 car parking spaces. Cycle stores are provided in the rear gardens.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A couple of medium sized trees in the site (close to the boundary with 3 Southdown Road) one of which is a young Willow. The application proposes to retain one of these trees. There is a large tree in the rear garden of 18 Southover Road and another medium sized tree on highway land to the front of 18 Southover Road. There are then some small trees in other parts of 3 Southdown Road's garden.
BOUNDARY TREATMENT	* 2.5m high wall to the boundary with Southover Road, 18 Southover Road, 13 Burnham Avenue & the rears of properties fronting Burnham Avenue; * 1.8m high close boarded fence to no. 5 Southdown Road; * 1.8m high close boarded fence to no. 3 Southdown Road; and * 1.8m high close boarded fence to the side of 15 Burnham Avenue.
SITE CHARACTERISTICS	Part of the existing curtilage to 3 Southdown Road but has been separated from that property by a fence which currently runs almost the length of the site boundary. The

site is grassed lawn with a footpath across it and some planted beds. There is an access from Burnham Avenue between 13 and 15 which leads to a car port and garage structure.

CHARACTER OF LOCALITY

Residential area characterised by two storey terraced houses on Southover Road & nos. 3-13 Burnham Avenue, semi-detached houses at 15-27 Burnham Avenue and predominantly detached dwellings with large gardens in Southdown Road. 1 and 3 Southdown Road are particularly large plots. There is unrestricted on-street parking in Burnham Avenue but spaces are limited.

The following was noted in respect of neighbouring properties:

- * 3 Southdown Road (to the west) - Principal windows to both rear & side elevations;
- * 5 Southdown Road (to the southwest) - Principal windows to the rear elevation;
- * 13 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 15 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 18 Southover Road (to the east) - One flank facing first floor bathroom window and one rear facing first floor bedroom window located on the flank; and
- * 9 Southover Road (to the southeast) - No flank facing windows.

RELEVANT SITE HISTORY

BR/291/15/OUT	Outline application with some matters reserved for construction of a terrace of 3 No. 2-bed dwellings & associated works	Withdrawn 16-03-2016
BR/95/71	Garage and sun lounge	Approve 16-04-1971

The previous application for 3 dwellings was overdevelopment and the applicant withdrew it.

As noted below, local residents have commented that the new scheme is not an improvement over the previous. It is clear the reduction from 3 to 2 has a number of benefits being a less intensive development with more space for gardens, parking and less traffic entering & leaving the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"NO OBJECTION - Although Members have no objection to the development they do have grave concerns over the access from Burnham Avenue, in particular for emergency vehicles. The access to the site is restricted due to the number of parked cars on Burnham Avenue, parked right up to the entrance which will make manoeuvrability difficult. On street parking is a problem on this street. Members would like to see an alternative access being considered such as Southover Road or Southdown Road, before this application is granted."

In addition, 5 letters of objection on the grounds of:

- (1) Loss of light to nos. 3, 9 and 18 Southover Road;
- (2) Loss of privacy to nos. 5, 9 and 18 Southover Road;
- (3) Overdevelopment;
- (4) The changes do not improve upon the impacts arising from the initial scheme;
- (5) Parking problems;
- (6) Noise pollution;
- (7) Unsafe access point onto Burnham Avenue;
- (8) Dwellings are not in character with surrounding Architecture; and
- (9) Conflicts with Bognor Regis Neighbourhood Plan Policy 8a because there isn't safe access for vehicles, cyclists and pedestrians.

COMMENTS ON REPRESENTATIONS RECEIVED:

WSCC Highways raise no objection to the application and the proposal includes not only the widening of the access into the site (to 4.8m) but an extended access protection line across the access point.

The objections of local residents will be discussed in the Conclusions section. Regarding the comment about Bognor Regis Neighbourhood Plan Policy 8a, it should be noted that the remit of this policy is for development proposals for sites marked as Key Priority Sites (8c to 8j) and other forthcoming major developments. It is therefore not relevant to this small site.

It is not considered that the comment about noise pollution should be afforded any weight in this determination. This is an existing residential garden within a fairly high density residential area. It is not considered that noise from two residential dwellings will have such an adverse impact on neighbouring residential properties so as to result in any harm.

CONSULTATIONS

Natural England
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Natural England - "Natural England has no comments to make on this application."

WSCC Highways - "West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application no. BR/291/15/OUT. The application was for 3 x 2-bedroom terrace of dwellings. As part of BR/291/15 it was requested that the access be widened within the site to allow vehicles to pass

side by side. The applicant addressed this issue and no highways concerns were raised. However this application was withdrawn at district.

It is now proposed that a reduced scheme of 2 x 3-bedroom dwellings be constructed via an existing access point off the 'D' classified Burnham Avenue, which is subject to a 30 mph speed restriction.

The LHA comments to BR/291/15 of 23rd February 2016 should be read in conjunction with this report.

The access will be widened within the site to approximately 4.75m to accommodate two cars passing one another for the first 7m into the site. Two parallel parking bays on the west side of the internal access road will prohibit cars from passing side by side completely into the site. However, with the reduced scheme and thus reduced anticipated traffic movements the LHA would not wish to raise any concerns with this arrangement.

The WSCC Car Parking Demand Calculator envisions that the pair of semi-detached dwellings meets the demand of six spaces if three spaces were allocated per dwelling. However, considering the sustainable location of the site and levels of car ownership it is likely that some of the spaces will be available for visitor parking. There is sufficient car parking provided and the LHA would not wish to raise any concern on the parking or turning arrangements on site. The applicant has provided for secure and covered cycle storage in the rear gardens of the proposed dwellings, these should be kept in perpetuity.

The LHA are satisfied that the applicant has provided an internal layout to facilitate the best arrangement possible for parking and turning on site with a better use of space with this reduced scheme. It is not anticipated that the two dwellings will have an adverse impact on highway safety and there are no transport grounds to resist the application.

ADC Drainage Engineers - "The applicant states that surface water will be discharged to soakaways.

Please apply standard conditions ENGD2A."

ADC Arboriculturist - "This applicant has failed to submit any documentation/reports relating to the trees that could potentially be affected by the development process that has been proposed. (This includes off site trees where the root structure potentially protrudes into the development area. This does mean the applicant has failed to meet the BS 5837:2012Trees in relation to design, demolition and construction. As there are a number of trees that could potentially be affected by the proposed construction/demolition process, I would object to the proposed development process."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions included.

With respect to the comments of the Arboriculturist, it is not considered that either of the on-site trees are worthy of Tree Preservation Order status and a condition requiring tree protection measures will serve to protect the trees to be retained/trees outside the site from adverse impacts during construction.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM3	External Space Standards
	D SP1	Design
	ECC SP2	Energy and climate change mitigation
	ENV DM2	Pagham Harbour
	H DM1	Housing Mix
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development
	W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. There are not considered to be any relevant Neighbourhood Plan policies.

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 in the built-up area boundary where the principle of additional residential development is considered to be acceptable providing that the scheme complies with normal development control criteria such as visual/residential amenity and highway safety.

CHARACTER & DESIGN:

Local residents consider the proposal to represent overdevelopment and do not consider that the proposed dwellings are in character with surrounding architecture. It should be noted that the application does not seek approval of any appearance details and therefore, the illustrative front

elevation provided could be changed at a later date to better reflect the style of nearby houses.

It is not considered that there is any overriding design/style to nearby houses. The area is a mix of terraced, semi-detached and detached dwellings. Although the dwellings would be broadly on the same building line as those on Southover Road, they would not be read as part of that streetscene or indeed as part of the Burnham Avenue or Southdown Road streetscenes. It is considered acceptable for them to have their own design and style.

It is not considered that two dwellings represents overdevelopment of the site as 3 Southdown Road's plot is large enough to accommodate new development whilst maintaining spaciousness to the existing dwelling - and the resultant plot size will be a similar size to 1 Southdown Road. The proposed dwellings will be of a similar density to those along both Burnham Avenue and Southover Road.

Although back land development is generally considered to be out of character, in this case, it is not considered that the development of this garden will result in any harm to the character of the surrounding area or to the visual amenity of the streetscenes.

RESIDENTIAL AMENITY:

Local residents consider the proposal results in a loss of light to 3, 9 and 18 Southover Road; and a loss of privacy to 5, 9 and 18 Southover Road.

Dealing with the light issue first, the new dwellings are considered to be sited far enough away from the front of 9 Southover and the rear of 5 Southdown so as not to result in any detrimental loss of light. The dwellings will result in shading of 18 Southover's side elevation & rear garden during the afternoon/early evening but 18's garden is already considered to be shaded due to the 2.5m wall and large tree in the back garden. The front wall of the dwellings does respect the line of the rear wall of 18 Southover and there is no impact on a 45 degree line drawn from either 18's first floor rear facing flank window or their main rear elevation windows.

In terms of privacy & overlooking, although the front & rear windows overlook the gardens of nearby properties (namely the very rear half of 5 Southdown Road & the rear gardens of 13/15 Burnham Avenue), it is considered that this is mitigated by existing boundary treatments and that the dwellings will be sufficiently far enough away from nearby properties to maintain adequate levels of privacy. The following is a list of the interface distances to nearby dwellings:

- * 18m from the front to the rear of 13 Burnham Avenue's single storey rear extension (20m to the first floor rear of 13 Burnham Avenue);
- * 18m from the front to the closest first floor part of 15 Burnham Avenue (but 20m to the closest part with a first floor window);
- * 11m from the side to the side of 3 Southdown Road;
- * 3/4.5m from the side to the side of 18 Southover Road;
- * 21.5 from the south western corner of plot 2 to the north eastern corner of 5 Southdown Road (this is an oblique angle); and
- * 18m from the rear to the front of 9 Southover Road.

It is considered that subject to restrictions being imposed on flank windows in the new dwellings

(which will be imposed as a condition on a reserved matters application), the scheme will not result in any adverse overlooking of nearby windows.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not possible to assess the proposal against internal space standards in the Governments Technical Housing Standards (Nationally Described Space Standard). This is because the application is an outline and no floor plans have been provided.

In respect of external standards it is necessary to have regard to policy D DM3 of the emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has also been subject to testing on appeal. The requirements for the proposed dwellings is for a rear garden of at least 10m deep and 85m² in area. The size of the rear gardens is different due to the staggered building line but both exceed the 10m depth (Plot 1 - 11m / Plot 2 - 12.6m) and both exceed the area requirement (both 86m²).

HIGHWAYS & PARKING:

The dwellings would be accessed via a short driveway from the vehicle crossover on Burnham Avenue. Parking spaces are provided at a rate of 3 per dwelling and this is considered to provide scope for visitors as well as residents. This provision complies with the West Sussex Parking Demand Calculator. In addition to the car parking spaces, cycle parking stores are proposed.

It is noted that a couple of residents and the Town Council are concerned about the access onto Burnham Avenue. Whilst it is quite heavily parked, it was noted from (a) a site visit and (b) the Google Streetview imagery, that for the most part, access protection lines are respected. Therefore, there is no reason to doubt that the proposed access protection line will also be respected and thus the residents will be able to safely exit the site. The widening of the access road within the site will allow two vehicles to pass each other and avoid the potential for having to reverse out onto Burnham Avenue when entering the site.

There is a bin collection point within the site. It is not the intention that a bin lorry will access the site but it will pull up on Burnham Avenue as it does for existing properties.

SUMMARY:

This application represents an improvement on the previous scheme which had been considered to represent a cramped form of development. This scheme is less intensive with more space for gardens, parking and will result in a less intensive use of the existing access. It is considered that this application is acceptable having regard to relevant development plan policies and in respect of the concerns identified by the Parish Council and objectors.

It is recommended this application should be approved subject to the conditions below and the signed S.106 agreement covering a contribution towards the mitigation of impacts to Pagham Harbour.

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.

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.

SECTION 106 DETAILS

This decision will be accompanied by a Section 106 legal agreement relating to a payment of £2250 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Appearance;
- (b) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of

the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- * Dwg. 0899/DPA11 "Existing Location Plan";
- * Dwg. 0899/DPA12 "Proposed Block Plan";
- * Dwg. 0899/DPA13 "Proposed Context Plan";
- * Dwg. 0899/DPA14 "Proposed Site Plan"; and
- * Dwg. 0899/DPA15 "Indicative Front/North Elevation".

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 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 5 No development above damp proof course (DPC) level shall take place unless and until details for the storage of waste & recycling on the premises have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be made available prior to first occupation and retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority.

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in the interests of road safety and in accordance with the National Planning Policy Framework.

- 9 No part of the development shall be first occupied until the road and parking bays serving the development have been constructed, surfaced and drained in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide adequate on-site car parking space for the development in the interests of road safety and in accordance with the National Planning Policy Framework.

- 10 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: To provide adequate on-site turning space for the development in the interests of road safety and in accordance with the National Planning Policy Framework.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

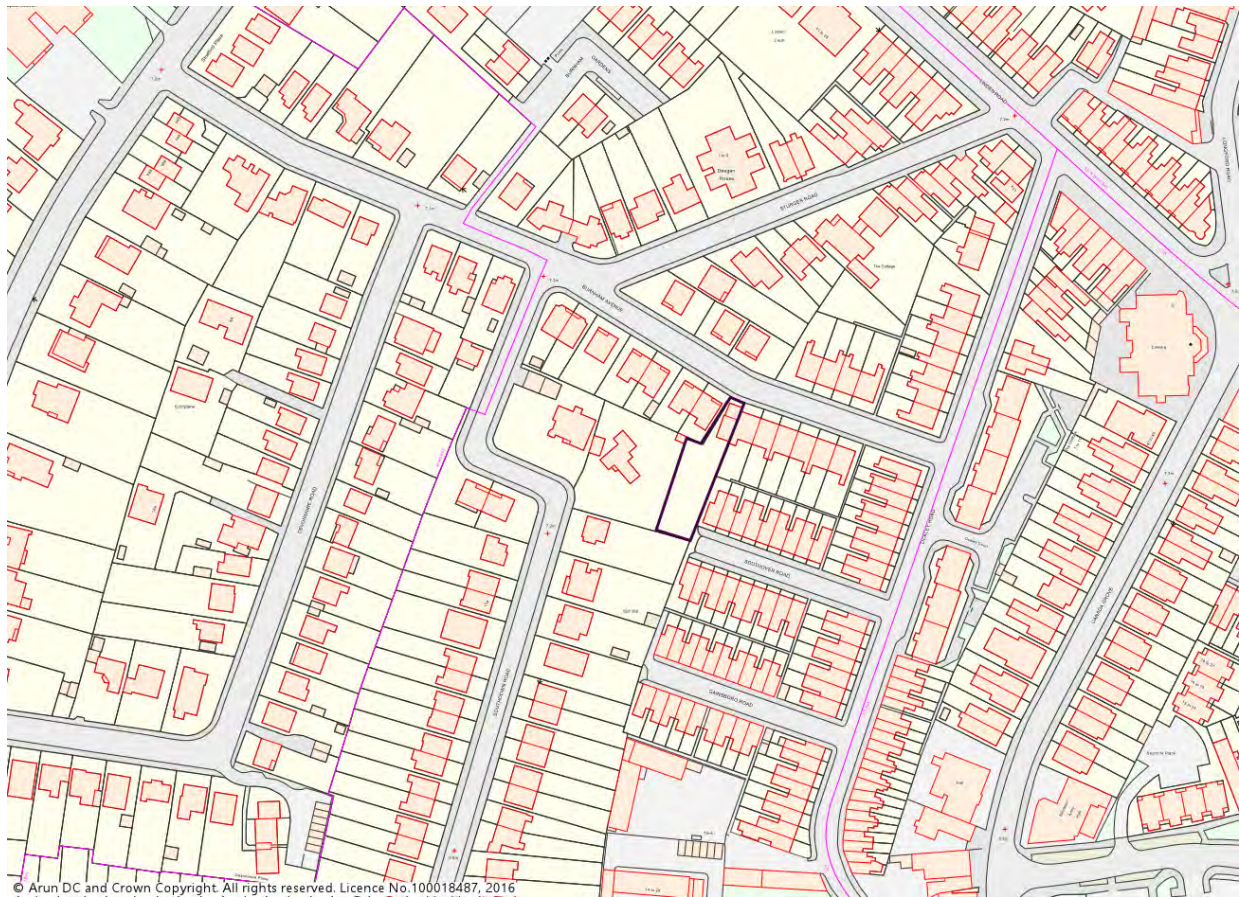
- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 13 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 14 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a payment of £2250 to mitigate the impacts on the Pagham Harbour Special Protection Area.
- 15 INFORMATIVE: The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to arrange for the Access Protection Line (APL) to be extended across the existing dropped kerb access point on to Burnham Avenue.
- 16 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 17 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.

BR/84/16/OUT Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	BR/95/16/PL
LOCATION:	South of Esplanade Grand West of Foreshore Office The Esplanade Bognor Regis PO21 1LX
PROPOSAL:	Coffee kiosk to include tables & chairs (resubmission following BR/4/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Single storey coffee kiosk, square in shape with a curved roof. It would be of a standard mobile refreshment unit style with red walls and black roof with company logo on top. Tables and chairs would be located either side with seating for up to 48 people. Tables, chairs and waste would be stored in the rear of the unit which does not form part of the service area. The application is a re-submission of the refused application BR/4/16/PL with additional information regarding pedestrian/vehicle space remaining on the promenade.
SITE AREA	74m ² .
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Promenade with railings on north section bounding the drop down to road level.
SITE CHARACTERISTICS	Promenade bounding beach to south and The Esplanade to north. Underground public conveniences with entrance from the promenade are located either side.
CHARACTER OF LOCALITY	Sea front promenade with various single buildings along it including refreshment kiosks and foreshore station. Steps down to The Esplanade which is set lower than the promenade. The buildings facing the promenade are generally 5 storeys or more including Esplanade Grande which faces the site.

RELEVANT SITE HISTORY

Temporary permission granted for a smaller refreshment kiosk in 2011 for one year.

Application for the same kiosk in the same location was submitted previously under ref: BR/4/16/PL

It was refused for the following reason:

"The kiosk by reason of its position and size would result in harm to the free flow of pedestrian movements on the promenade contrary to GEN7 (vii) of the Arun District Local Plan."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Objection.

Goes against Policy 7 of the Bognor Regis Neighbourhood Development Plan - Any development proposal on the seafront at these service points will be expected to maintain the visual integrity of the key views and vista defined in the Bognor Characterisation Study 2014 from the Town out to the sea and along the seafront.

The siting is wrong as it is the narrowest part of the seafront with pedestrians, cyclists and the train using the Prom. Members suggested if ADC approve this application consideration is given to siting the kiosk on the pebbles with the facade facing the Promenade making it more attractive visually, with the seating at the side and keeping the narrow part of the Promenade clear.

51 letters of public representation received: 29 letters of objection from 27 addresses, 22 letters of support.

The letters of objection include the reasons below:-

-Detrimental impact on the seafront street scene of the promenade and negative impact on the views outlined in the Bognor Characterisation Study.

-Noise and disturbance from use to residents of nearby properties. Blocking of the promenade for existing users.

-Poor siting of the kiosk and an alternative site should be found.

The letter of support included the reasons below:-

- Kiosk is needed to increase the vitality on the seafront for users

- Additional coffee services are welcome as there are no year round seafront coffee huts. The kiosk will boost tourism and create an economic gain for the town.

-Kiosk will contribute to the regeneration of Bognor Regis

COMMENTS ON REPRESENTATIONS RECEIVED:

The kiosk is not considered to be unattractive in design and would be in line with general street scene appearance of a seafront promenade. It is not overly large or obtrusive. As it is not located at the end of one of the road junctions facing out to the sea it is not considered to impinge on views from these roads. Bognor Regis NDP policy 7 seeks to protect these views via the Bognor Regis Characterisation Study which notes that these views should be protected. The views from flats along the seafront are not protected, nor does the NDP seek

to project these. A sufficient width of the promenade will be retained for the road train and other promenade users.

Environmental Health have raised no objection to potential disturbance created from the resultant use of the coffee kiosk. The promenade is already a busy and well used area and the additional activity associated with the coffee kiosk does not unacceptably increase the level of activity.

The Seafront Strategy aims to improve the amount of refreshments services available all year round. From an economic regeneration point of view all year round use is positive.

Additional information submitted with the application shows a retention of 4.9m width of the promenade when the kiosk is in full operation. This is a metre more than the width retained in front of the existing foreshore office and the Gloucester Road kiosk only retains a 3.7m width. As such it is not considered that the kiosk would provide a significant obstruction for promenade users to use the footpath.

CONSULTATIONS

Environmental Health

Economic Regeneration

Engineers (Coastal Protection)

Engineers (Fluvial Flooding)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH

No comments. Place INFORMEH7 (food hygiene) onto any approval given.

ECONOMIC REGENERATION

We are keen to see additional services such as this provided for both visitors and residents. The proposal fits well with the adopted seafront strategy and with 364 day opening will certainly help to provide those facilities. The previous experience of the operator should guarantee the high quality offer is maintained.

DRAINAGE ENGINEERS

No surface water drainage comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The informative will be included.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003): GEN2 Built-up Area Boundary
GEN7 The Form of New Development

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
SD SP2 Built-Up Area Boundary

Bognor Regis Neighbourhood Plan 2015 Policy 7 Promotion of tourism and beach service points

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

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. The Council's Bognor Regis Seafront Strategy must also be considered in this application.

CONCLUSIONS

PRINCIPLE

The site is within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is contained within the Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and policy 7 of the Neighbourhood Plan.

The Bognor Regis Seafront Strategy support a range of new amenities and structures along the seafront. The use is not unreasonable in this location. The Seafront Strategy aims to improve and increase the amount of refreshment services available all year round. From an economic regeneration point of view it is considered a positive aspect of the proposal for all year round use to be offered.

IMPACT ON PROMENADE AND ITS USERS

The last application (BR/4/16/PL) was refused on the grounds of potential blocking of the promenade for its existing users. Additional information submitted with this application shows a

retention of 4.9m width of the promenade when the kiosk is in full operation. This is a metre more than the width retained in front of the existing foreshore office and the Gloucester Road kiosk only retains a 3.7m width. As such it is not considered that the kiosk would provide a significant obstruction for promenade users to use the footpath and a continued objection on these grounds is not considered to be sustainable on appeal.

DESIGN AND VISUAL AMENITY

The proposal is the same as the previous application in terms of size and design. The kiosk is not unattractive in design and would be in line with general street scene of a seafront promenade. It is not overly large or obtrusive. As it is not located at the end of one of the road junctions facing out to the sea it does not impinge on views from these roads. Policy 7 of the Bognor Regis NDP seeks to protect views via the Bognor Characterisation Study which notes that these views should be protected. The proposal is acceptable in terms of design and visual amenity.

NEIGHBOUR AMENITY

The kiosk would be located across the road from the nearest properties (Esplanade Grande) and would be single storey. It is a modest sized proposal and not considered to create loss of light or visual intrusion to the residential amenities of these properties. Environmental Health have raised no objection to potential disturbance created from the use of the kiosk. The promenade is already a busy, well used area and the additional activity associated with the kiosk is not considered to increase activity levels unacceptably.

The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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.

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:

Buy A Plan; Coffee Cup, Bognor Regis Esplanade; Outside Seating Area with 48 covers; Coffee Cup Kiosk and Coffee Cup Dimensioned Photos and Approximate Dims for Bognor Regis Promenade.

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.

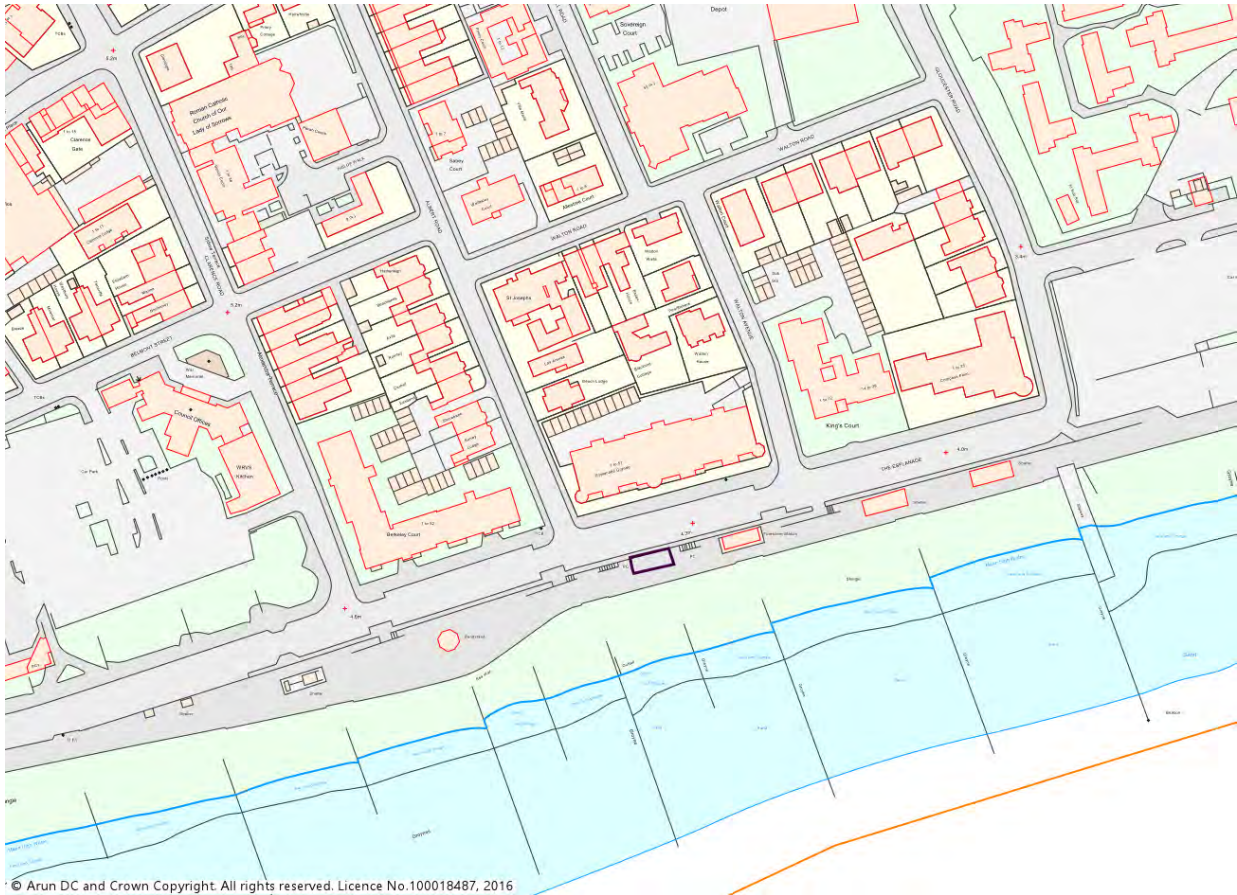
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 4 **INFORMATIVE:** The premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Anna Appleton, anna.appleton@srun.gov.uk Tel:01903 737676 for further information.

BR/95/16/PL Indicative Location Plan

(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT**REF NO:** EG/32/16/HH**LOCATION:** 40 Orchard Way
Barnham
PO22 0HY**PROPOSAL:** Two storey side extension (resubmission following EG/74/15/HH).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Two storey side extension set down from the main roof and back from the front and rear elevations with gable end roof to mimic slope of existing. Materials to match existing have been proposed.
SITE AREA	0.03 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m boundary fence to sides and rear, no boundary treatment to front.
SITE CHARACTERISTICS	End of terrace, two storey property with gable end roof on a corner plot- junction of Orchard Way and Woodside. Garden to side and rear, driveway to front for parking of two cars.
CHARACTER OF LOCALITY	Suburban residential area. South side of Orchard Way characterised by two storey terraced rows of properties. Wider area includes detached and semi-detached two storey dwellings and bungalows. In general, they are set back from the road, some with garages and off street parking. The road has an open character with, generally, either very small or low front boundary treatments.

RELEVANT SITE HISTORY

EG/74/15/HH	2 Storey Side Extension	Refused 16-02-2016
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None relevant.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Eastergate Parish Council
Objection.

The parish council refers to previous comments made in relation to application EG/74/15/HH and repeats those comments. It is noted that there has been some alteration but the council considers that the proposal remains an overdevelopment of the site contrary to policy ES6 of the Barnham and Eastergate Neighbourhood Plan. Although the front door and stairs appear to have been removed from the original application, clearly they could be replaced after development creating a property which has already been refused permission.

No public representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The scheme has been reduced in size and is now set back from the front and rear of the property and down from the roof. As such it is no longer considered to be an obtrusive overdevelopment of the site and would be subservient to the character of the main dwelling. Furthermore, it is considered to comply with Barnham and Eastergate policy ES6. This is owing to the proposal now retaining an open corner by set off from the boundary thus respecting the varied character of the area. A condition will be included to safeguard against the extension being used as a separate dwelling.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Please include informative to state that formal permission is needed from Southern Water to connect to the existing sewer.

DRAINAGE ENGINEER

Infiltration to be investigated.

Please apply standard conditions ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Southern Water informative will be added. Drainage condition will not be included as it would be unreasonable. Extensions with more roof area could be added under permitted development without the need for formal planning consent.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary
Lidsey Drainage Catchment Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character
POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development
POLICY GA4

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Barnham & Eastergate NDP policies ES5, ES6 and GA4 are relevant to the consideration of this application.

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 application is for a householder extension within the built up area boundary where the principle of development is acceptable. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan and Barnham and Eastergate NDP which in this case are considered to be policies GEN7 and DEV19 and ES5, ES6 and GA4 which seek to prevent development that would have an adverse impact upon visual and residential

amenities.

DESIGN AND VISUAL IMPACT

The proposed extension would be set down from the roof, front and rear elevations of the existing house and in from the side boundary. As such it is considered to be subservient to the main house and retains space at the side of the plot to not dominate the corner of the street scene. Furthermore, it is considered to comply with Barnham and Eastergate policy ES5 and ES6. This is owing to the proposal now retaining an open corner set off from the boundary thus respecting the varied character of the area. A condition will be included to safeguard against the extension being used as a separate dwelling.

Windows will be of similar style to the existing and materials to match existing have been proposed, these will be controlled via condition.

As such it is considered that the proposal is acceptable in terms of design and visual amenity.

NEIGHBOUR AMENITY

The proposal would be on a corner plot not directly adjacent to any neighbouring properties so would have little impact on neighbouring residential amenities.

PARKING

Whilst only 2 off-street parking spaces are available and the proposal would create a 5 bedroom house, the shortfall of 1 space (WSCC standards require 3 spaces) is not considered to add significantly to on-street parking pressure.

The application is recommended for conditional permission.

HUMAN RIGHTS ACT

FOR APPROVAL

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.

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:

001 A
002 B

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 40 Orchard Way, Barnham, West Sussex PO22 0HY as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

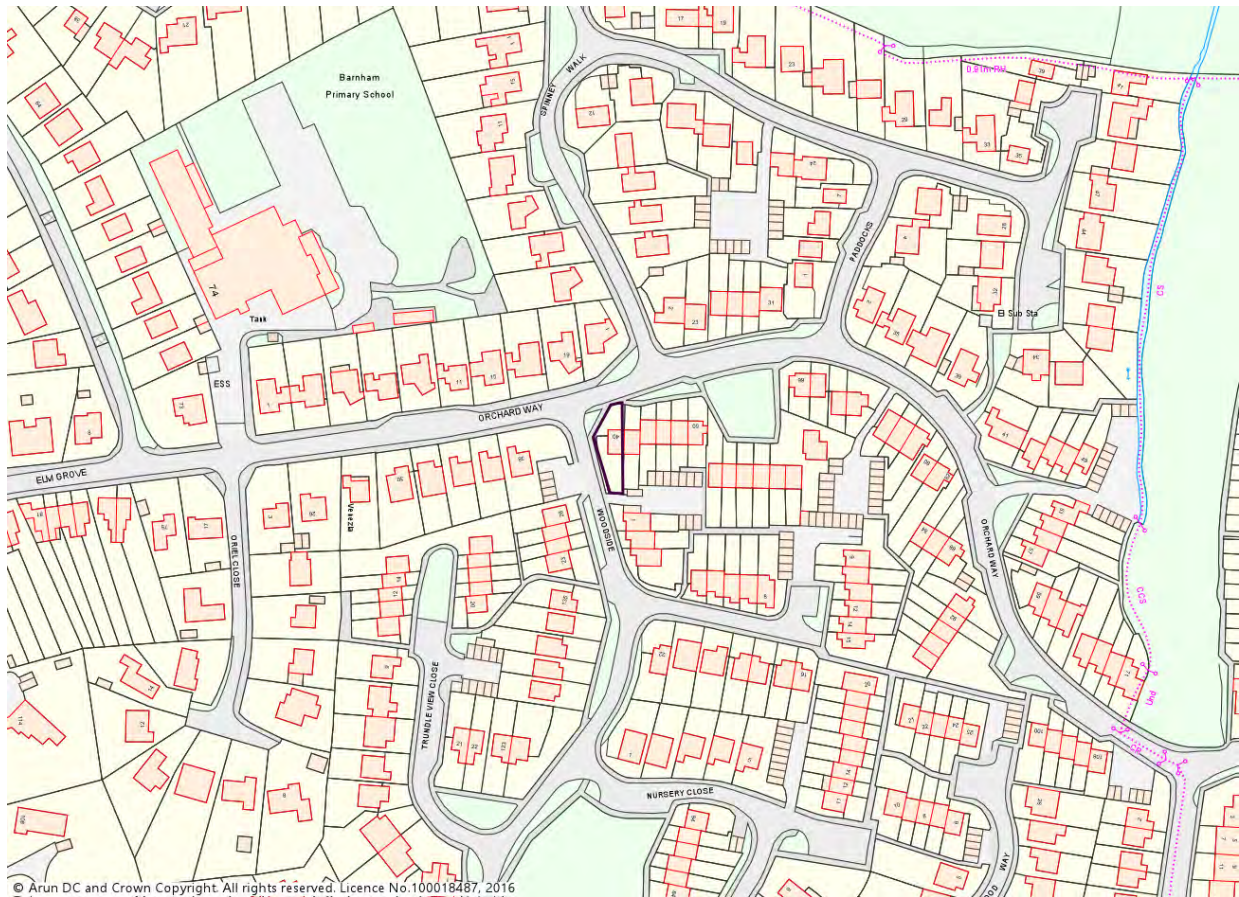
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a

result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

EG/32/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: K/9/16/HH

LOCATION: Bramble Down
Middle Way
East Preston
BN16 1RY

PROPOSAL: First floor extension (resubmission following K/41/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A replaced and extended first floor to main property, excluding garage. The shape of the roof would be altered from pitched to flat and the depth would increase. The length of floor area across the dwelling at first floor would decrease from 22m to 20.5m. The height of the roof would increase by 10cm. The proposal includes some infill ground floor extensions to the rear elevation to straighten off the building footprint and a replaced repositioned link to the existing pool.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Hedge to 2m high to side and in front of 1m high wall to front road . Fence to side boundary.
SITE CHARACTERISTICS	Detached chalet style dwelling with tile hanging, painted and brickwork elevations and curved tiled roof. Double garage with attached flat roofed garage to side and some flat roofed extensions.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying height and design in large plots set back from the site frontage behind a wide verge.

RELEVANT SITE HISTORY

K/41/15/HH	First floor extension	Refused 24-03-2016
K/6/94	Pitched roof to replace existing flat roof on	ApproveConditionally

	recent (1992) extension and bay window to kitchen	12-08-1994
K/7/92	Single storey extension to existing dwelling for garage, bedroom and bathroom	ApproveConditionally 07-04-1992
K/35/77	Covered swimming pool building with sauna changing & plant rooms	Permit'd Devel 13-12-1977
K/12/57	House & garage	Approve 16-10-1957

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection - 1. The design is out of character to the style of the existing property.

2. Detrimental to visual amenity of the neighbourhood as it is out character with the street scene. Whilst Middleway has a diverse range of architectural styles the most modernistic design is of a 1950/60 concept.

3. It is intrusive to neighbouring properties (privacy)

4. It is contrary to the Kingston Neighbourhood Plan Policy KPNP 7 Design & Development

East Preston and Kingston Preservation Society - Objection

This is effectively a new house. The proposal would produce an unattractive building which would bear no resemblance to the design of the present house or to the character of existing houses in Middleway. This proposal would conflict with policy GEN7 and policies 7. 1.i and 7. 2.iii of the Kingston Neighbourhood Plan because the design is poor and out of character with its surroundings.

6 letters of objection

- gross intrusion of privacy pursuant to the proposed new windows to front and rear.
- radically out of keeping with the surrounding properties.
- overdevelopment, over powering on adjoining properties, volume is significantly greater
- aesthetically poor and detrimental to visual amenity.
- Out of keeping with the character of the area
- Detrimental to the appearance of the street scene and visual amenity
- balcony could cause overlooking
- elevations are inaccurate as they don't reflect the space required for first floor and support over ground floor
- inappropriate design, scale and size
- out of character with Sea Lane to Driftstone Manor which are dormer bungalows with pitched roofs
- extensions and alterations are also proposed at ground floor
- previous reason for refusal is still relevant

COMMENTS ON REPRESENTATIONS RECEIVED:

The submitted plans are to scale. The support for the first floor and internal heights do not need to be indicated as part of a planning application. This would be covered by Building

Regulations. Many of the ground floor changes would not require planning permission. The proposed balcony on the rear elevation is not clear. Clarity has been sought from the applicant. The balcony is only indicated on the elevation plan and is not indicated on the layout plans. However, a balcony in the position and angled as indicated on the rear elevation would provide sufficient distance from rear (17m) and side (7m) boundaries to prevent materially adverse overlooking resulting.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003): GEN7 The Form of New Development
DEV19 Extensions to existing residential buildings

Publication Version of the Local Plan (October 2014): D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

D DM1 Aspects of Form and Design Quality

D SP1 Design

Kingston Neighbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policy 7 'Design and Development' of Kingston Neighbourhood Plan is considered 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 in the defined built up area where extensions to dwellings are acceptable in principle

provided the proposal accords with GEN7 and DEV19 of Local Plan. These set out the criteria against which applications for extensions will be assessed.

PLANNING HISTORY

The application follows refused application K/41/15/HH: 'Having regard to the height, width and design of the proposed first floor extension it would not be subservient to the host property and the development would be prominent and obtrusive in the street scene and detract from the visual amenities and character of the area in conflict with policies GEN7 and DEV19 of Arun District Local Plan and the NPPF.'

The refusal related to a larger first floor extension of identical design that stretched along the whole dwelling length at first floor level for 30 metres. This proposal has reduced the length by approximately a third.

VISUAL AMENITY AND CHARACTER OF THE AREA

The extension to a chalet style bungalow with limited accommodation in the roof is acceptable. The dwelling would have a new and extended first floor, but it would be no longer than the existing. There are currently 2 bedrooms and a playroom within the roof area. This would be altered to provide 4 bedrooms. The design of the main roof would be changed and the area increased, but there is already first floor accommodation. It is considered that the amended design would result in alterations that are subservient to the existing property. The height of the 2 storey house would be similar to the existing given the flat roofed design of the first floor. It would not appear as an overly prominent or alien feature in the street scene, it would bear some resemblance to flat roofed properties on the estate at Beach House, Gorse Avenue and Tig-na-mara in Middle Way to the east. Most surrounding developments has a pattern of lower ridge heights and more traditional pitched roofs, but not all of the properties. The proposal would have no adverse effect on visual amenities and character of the area in accordance with DEV19(i) and (ii) and GEN7.

The width of the roof above the eaves would be increased and the roof would be closer to the site frontage at a higher level than at present. However, a 3m gap is retained to the west and the dwelling is angled to the front boundary and at its closest point is set back 6m from the road frontage behind 2m high hedging and walling. The section of the dwelling closest to the side boundary (Seaview Avenue frontage) is being reduced in height. The increased width would not have an adverse impact on the visual amenities of the locality or adversely increase the prominence of the dwelling in the street scene given the position and height of the alterations to the detriment of the visual amenities of the locality in conflict with policy GEN7 of Arun District Local Plan.

The proposal would not conflict with policy KPNP7 of the Kingston Neighbourhood Plan in that it is sympathetic to the character and appearance of the locality in terms of its scale, massing and design features and is in-scale with adjacent buildings and takes account of the ridgeline of existing structures and is of a size that does not dominate the surroundings.

RESIDENTIAL AMENITY

The increase in height and bulk of the roof would have no adverse effect on residential amenities of adjoining properties by reason of overbearing or overlooking impacts given the distance to the side and rear site boundaries. The dwelling is 3m from the western boundary and the dwelling is set forward of the neighbouring property to the west. There are no windows in the side elevation of the

first floor facing onto adjacent gardens that would result in materially adverse overlooking and accordingly it is considered that there would be no material loss of privacy. The proposal has no adverse effect on residential amenity. The balcony indicated on the elevation plans is sufficiently distant from site boundaries to prevent adverse overlooking resulting.

CONCLUSION

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral 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).

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 Location, Block and Proposed First Floor Extension 3375/02 A.

K/9/16/HH

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 above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls of the extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The windows on the west elevation of the building at first floor level shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor in the west elevation of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 **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.

K/9/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/12/16/PL
LOCATION: 68 East Ham Road
 Littlehampton
 BN17 7BE

PROPOSAL: Change of use from a C3 (Dwellinghouse) to Sui Generis (House in Multiple Occupation) for 7 or more.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site features a low 0.5m high white rendered wall, with the rear and side boundaries consisting of 1.8m high walls and wooden fencing.
SITE CHARACTERISTICS	The site is occupied by a two storey dwelling constructed from brick with painted elevations and a tiled roof.
CHARACTER OF LOCALITY	The character of the locality is residential with properties being of a similar design and style.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Tuesday 3rd May 2016 and object to the application. This is a very densely populated residential area and the Committee felt that the application lacked sufficient off-road parking provision. The Committee also noted that if agreed the development would result in the loss of a large family home which are in short supply in Littlehampton. Overall, Members considered that the proposed change of use would have an adverse impact on the residential amenity of the neighbours, was an overdevelopment of the site and was therefore inappropriate.

5 No. objections from 3 addresses:

- Insufficient parking on the roads currently.
- Difficult to see clearly when crossing and application should be refused on highway safety.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Town Council are noted. Whilst, the absence of parking provision is noted it must be considered that the property is located in a sustainable location within close proximity to Littlehampton train station, as well as shop and bus services. Therefore the absence of parking provision is not considered to constitute justification for refusal. Furthermore there maybe single dwellinghouses where up to 6 adults are present which would create similar parking demands without the need to obtain planning permission.

The proposal does not feature any external alterations to the dwelling and as such is not considered to result in any additionally adverse harm to the visual amenity of the area. The increased occupancy is acknowledged as having the potential to give rise to additional noise and disturbance but this is not considered to be significant enough to justify refusal as the same could be said of dwellings occupied by 6 adults. The proposal is not considered to constitute overdevelopment of the site.

In response to the 5 No. letters of objection:

- The site is considered to be located in a sustainable location within close proximity to the station and within walking distance of shops and bus services. Therefore, the absence of off road parking is not considered to have an unacceptable affect on the character of the area.
- Lawful parking of vehicles on the highway is not considered to pose a highway safety risk.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

No Objections however the following comments are made.

The application does not show the rooms at 2nd floor it is believed that the attic has been converted and this would now constitute a 3 storey dwelling for the purposes of the housing act.

The application is for 7 person HMO but only 5 bedrooms are shown on the application.

Should this application be allowed there will be a need for a mandatory HMO licence to be in place if the attic is being used as part of the HMO and not just for storage or as was seen during an inspection for the owner/occupier to use as part of his business.

No grant of Planning or Building Regulations approval is inferred or implied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	H SP4	Houses in Multiple Occupation
	SD SP2	Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant

policies to the determination of this application.

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

Use of a House in Multiple Occupation (HMO) by 7 or more people is classified as a Sui Generis use. However, the use of the property as a HMO would require a licence to be granted by the Council's Environmental Health Department. Therefore, the number of individuals residing within and the manner of occupation of the HMO is considered to be adequately controlled by Environmental Health legislation.

Confirmation has been provided by the applicant stating that no more than 10 individuals will reside within the HMO at any one time a condition has been included to control the extent of the use at the site.

The emerging Local Plan policy H SP4: Houses in Multiple Occupation states:-

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where they:

- a. Do not adversely affect the character of the area
- b. Do not contribute to the over concentration of HMOs in a particular area
- c. Do not contribute to the generation of excessive parking demands or traffic in an area
- d. Provide adequate areas of open space"

The HMO being created has not changed the property externally so it is not considered the retention of the HMO adversely affects the area. There is also not considered to be an over concentration of HMOs in the area. The property is located within the built up area boundary in close proximity to the town centre. The site has an existing rear garden and as such open space is provided. As such the development is considered to be acceptable in principle.

NEIGHBOUR AMENITY

The change of use of the property as an HMO will lead to an increase in noise/use of the property. However, this is not considered to be such an increase that it would lead to significant harm to neighbouring residential amenity.

PARKING

The site is within a town centre location which is considered highly sustainable in terms of public transport. As such it is not considered that the use of the property as an HMO increases the demand for on street parking to an unreasonable level which could result in highways danger.

RESIDENTIAL AMENITY

Policy D DM2 of the Emerging Local Plan requires that in the case of HMO's the Council refer to the advice of Environmental Health. This has been done in this case and an informative is proposed to cover their observations.

BIN STORAGE

No details in relation to bin storage have been provided as part of this application and as such a condition has been included requiring the submission of this information for approval prior to the commencement of the use.

SUMMARY

It is recommended that planning permission is granted for the proposed development subject to the below 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 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Existing and Proposed Ground Floor Plan - 1876/01/01; and Existing and Proposed First Floor Plan - 1876/01/02.

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.

- 2 The House in Multiple Occupation (HMO) hereby approved shall be occupied at any one time by a maximum of 10 people.

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

- 3 Prior to the commencement of the use details of bin storage at the site shall be submitted to and approved by the Local Planning Authority and the details so approved shall be implemented and maintained in perpetuity.

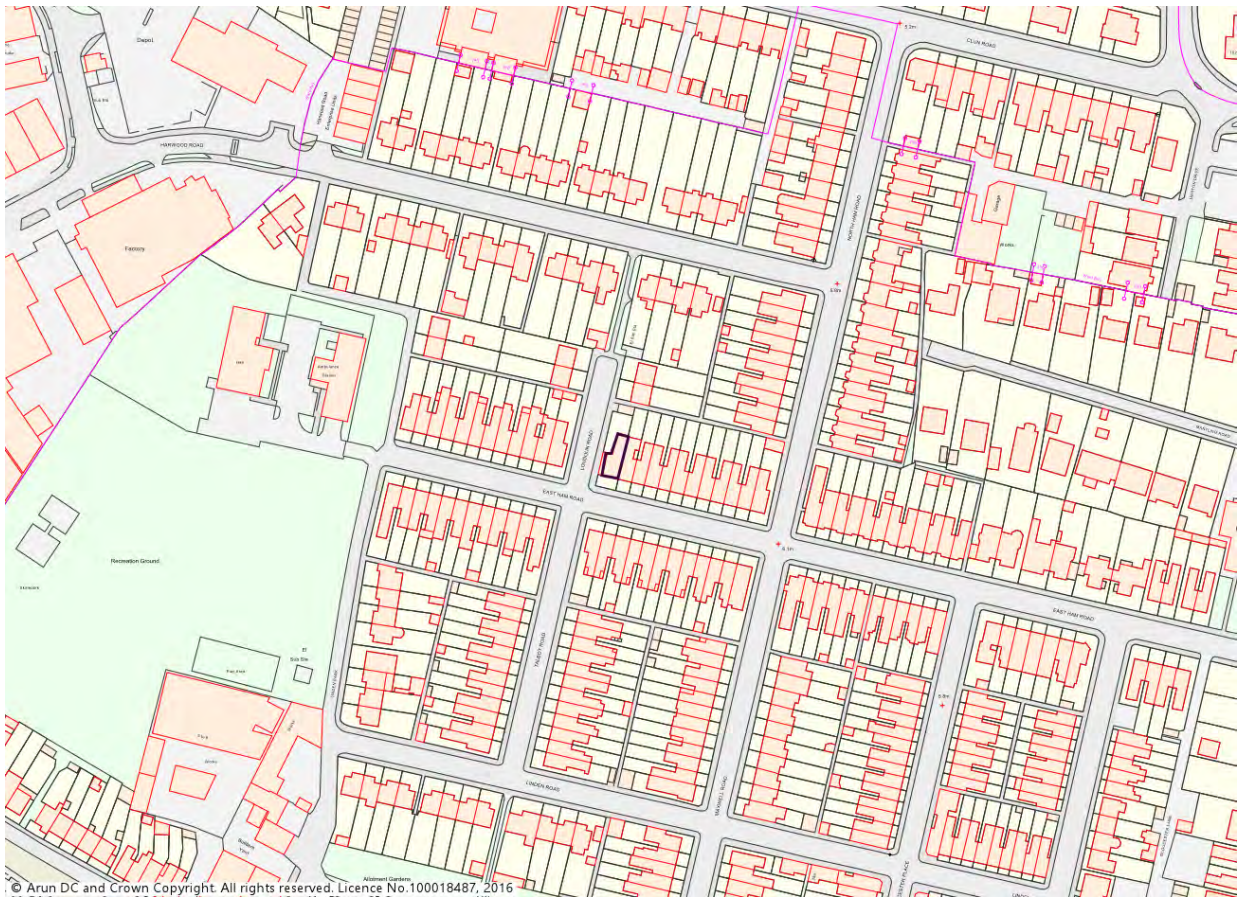
In the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: There is a requirement to obtain a mandatory HMO licence full details of this can be found on the Arun District Council website at <http://www.arun.gov.uk/hmo>.

- 5 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.

LU/12/16/PL Indicative Location Plan
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PLANNING APPLICATION REPORT

REF NO: LU/55/16/PL

LOCATION: Seaview
3 River Road
Littlehampton
BN17 5BN

PROPOSAL: Cover existing pebble dash front elevation with PVCu cladding/shiplap. This application affects the character and appearance of the Littlehampton (River Road) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front elevation of the property abuts the pavement.
SITE CHARACTERISTICS	The site is occupied by a detached two and a half storey building subdivided into 12 No. flats. The building features white pebble dash rendered elevations with a tiled roof and white PVCu windows. Tile hung dormer windows are present on the primary and side elevations.
CHARACTER OF LOCALITY	The site is situated in close proximity to Littlehampton High Street and the River Arun. The area is designated as a Conservation Area featuring properties of various designs and styles. The locality is predominantly residential and featuring buildings of various designs and styles as well as a number of Listed Buildings.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

"The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 4th April 2016 and object to the application on the grounds that the proposed cladding is not characteristic River Road and is out of keeping with the character and appearance of the conservation area."

Conservation Area Advisory Committee:

Objection - object to use of PVCu cladding recommend clay tile hanging.

1 No. letter of objection:

"Whilst the general state of this building does nothing to enhance the conservation area, the proposed uPVC cladding would be quite out of character with the building and the surrounding properties. Timber cladding might be acceptable."

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments from the Parish Council are noted. However, it is considered by the Local Planning Authority that the existing building in its current state is having a significantly detrimental impact upon the character and appearance of the Conservation Area. Examples of cladding are visible to the south of the site (albeit outside of the Conservation Area) and as such it is considered that the use of cladding would not have an unacceptable impact upon the character of the Conservation Area. The application proposes the use of uPVC cladding which is considered unacceptable in this location. Therefore, it is proposed that a condition will be included with any approval requiring the submission of samples for approval prior to the works being undertaken.

Conservation Area Advisory Committee comments noted.

In response to the 1 No. letter of objection:

- The uPVC cladding is acknowledged as being an inappropriate material in this location.
- A condition will be included requiring the submission of materials for approval prior to commencement of the works.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA2 GEN2 GEN7	Conservation Areas Built-up Area Boundary The Form of New Development
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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) HER DM3 Conservation Areas
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SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD2	Conservation Areas

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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 subject to appropriate materials been used.

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 application site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. In this instance the key policy considerations will be policies AREA1 and GEN7(ii) of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

Given the sites location within a Conservation Area it is necessary for any development to 'preserve or enhance' the character of the Conservation Area.

Examples of cladding are present to the south of the site (clearly visible from the application site) as well as elsewhere in the Conservation Area - examples can be found at 34-35 Mariners Quay, 1-4 Britania Quay (37 River Road) and 47 River Road (Riverside Wharf). Therefore, the use of cladding in this location is considered to preserve the character of the Conservation Area in accordance with policy AREA1. The proposed cladding of the first floor of the property is not deemed to have an unacceptably adverse impact upon the established character and appearance of the host building in accordance with policy GEN7(ii) of the Arun District Local Plan.

The application proposes the use of PVCu cladding on the primary elevation of the property at first floor level. This material is not present within the Conservation Area and as such is considered to have a detrimental impact upon the character of the host dwelling and the wider locality. As such, a condition has been included with this recommendation requiring that a sample of cladding proposed to be used is submitted to the Local Planning Authority for approval prior to the commencement of works. The cladding used should be similar in appearance and quality to that present elsewhere in the Conservation Area.

RESIDENTIAL AMENITY

The proposed cladding of the primary elevation is not considered to give rise to any detrimental harm to the residential amenity of neighbours. As such the proposal is considered to comply with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposal is considered to accord with relevant development plan policies and as such is recommended that permission is granted for the proposed works subject to the below 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 no impacts have been identified upon any 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 plan; Existing and proposed elevations - 03/03/2016 (excluding description of proposed materials)

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.

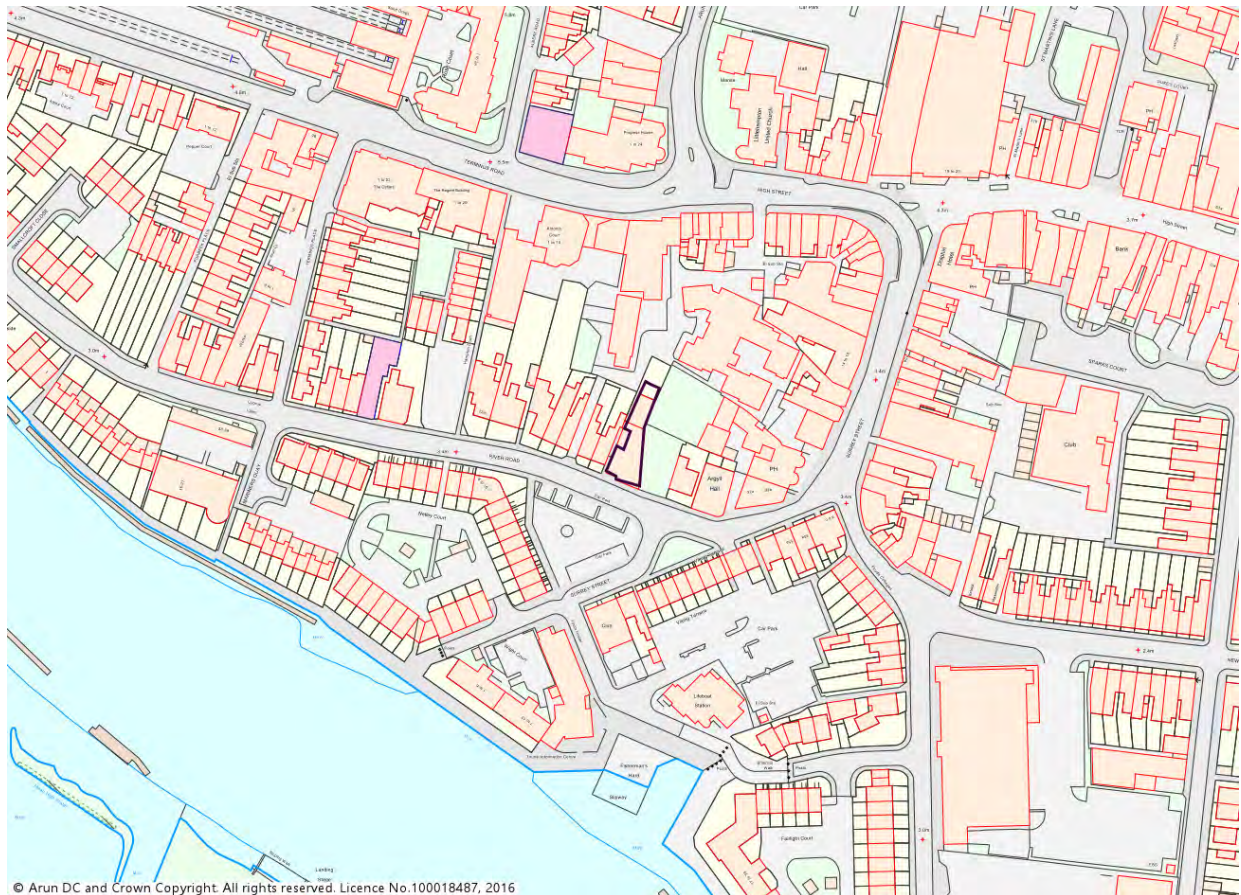
- 3 No development shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for the cladding of the external walls of the existing building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the cladding of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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.

LU/55/16/PL Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/61/16/HH
LOCATION: 15 Maltravers Drive
 Littlehampton
 BN17 5EY

PROPOSAL: Rear extension & rebuilding of garage (resubmission following LU/329/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of a two storey rear extension 7.4m in height, approximately 8.9m in depth and 5.6m in width. The single storey garage will measure 3.6m in width, 9m in depth and 2.64m in height.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by development.
BOUNDARY TREATMENT	The front boundary features a 0.2m high brick wall with rear and side boundaries consisting of close boarded fencing to a height of approximately 1.8m
SITE CHARACTERISTICS	Two and a half storey detached dwelling with render elevations and red tile hanging at first floor level on the primary elevation and on the roof. The site features a large single storey rear extension with a number of outbuildings being located to the north-east of the dwelling.
CHARACTER OF LOCALITY	<p>Area of special character designated in October 1995 characterised by pleasant, low density development where the height of buildings is generally two storeys.</p> <p>The properties of Maltravers Drive are set back from the road, many in deep, well landscaped plots. The buildings of this road are varied in design and appearance, but are consistent in their spacing with clear spacing at first floor level between dwelling houses.</p> <p>The materials in this area contribute to its special character. Predominantly brick and pebble-dash have been used and clay tiles for the roof, although other materials are visible enhancing the individual design of the properties.</p>

RELEVANT SITE HISTORY

LU/329/15/HH	Demolition of existing garage & out buildings, new rear extension & installation of lift.	Refused 17-12-2015
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Permission was previously refused (LU/329/15/HH) which sought permission for the construction of a two storey extension located to the side of the dwelling for the reason that it had an unacceptable impact upon the character of the host dwelling and the street scene.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 4th April 2016 and object to the application. The revised proposals conflict with GEN 7 and DEV19 of the Local Plan in that they constitute an over development of the site by reason of their scale and bulk and would have an adverse impact on the residential amenity of the neighbours by reason of loss of privacy and overshadowing. In addition the plans would have a detrimental impact on the unique character of the area. Maltravers Drive is designated as an Area of Special Character within the Local Plan and these proposals were not considered to be in keeping with the surroundings, are overbearing and represent an over development of the site.

7 No. letters of objection from 6 addresses:

- Proposal will result in overlooking.
- Proposal would result in overshadowing.
- Proposal out of character with the area.
- The proposal would be overbearing.
- The proposal has an unacceptable impact upon the street scene.
- The proposal would constitute overdevelopment of the site.
- Proposal conflicts with GEN7 and DEV19.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments from Littlehampton Town Council are noted. The points raised will be considered further in the conclusion to this report.

In response to the letters of objection the comments are noted and will be considered in the conclusion to this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

Area of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV19 GEN2 GEN7 AREA1	Extensions to existing residential buildings Built-up Area Boundary The Form of New Development Areas of Special Character
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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) SD SP2 Built-Up Area Boundary
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PLANNING POLICY GUIDANCE

NPPF NPPG	National Planning Policy Framework National Planning Practice Guidance
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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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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 falls within the built area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy. The main policy considerations in the determination of this application are AREA1, DEV19 and GEN7 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The proposal has been amended since LU/329/15/HH with the two storey element moved to the rear of the existing dwelling reducing its impact upon the character of the area and presence within the street scene. Unlike the previous application the two storey rear extension will not be visible when the site is viewed from the west but will have some presence when viewed from the north. The two storey extension will have greater presence in the street scene when viewed from the north of the site but a similar presence can be seen within the street scene to the rear of 9 Maltravers Drive. The single storey garage is not considered to have an adverse impact upon the street scene with examples of single storey development to the sides of 11, 13, 17, 19 and 21 Maltravers Drive.

The proposal is not considered to have an unacceptable impact upon the established character or

spatial pattern of the street scene or the character of the host dwelling and as such the proposal is deemed to be in accordance with policies GEN7(ii) and DEV19 (v) of the Local Plan.

The two storey element of the proposal by virtue of its design appears well integrated with the host dwelling with the eaves height of the extension matching that of the original dwelling. It is also intended to use materials which match in appearance those used in the construction of the existing dwelling house which is considered to further integrate the proposed development with the host dwelling. The proposal is considered to appear well integrated with the host dwelling in accordance with policy DEV19(i) of the Local Plan.

The application is within an Area of Special Character which is characterised by the spacing of the dwellings and the absence of development at first floor level to the sides of the original dwellings. With the relocation of the two storey element to the rear of the it is considered that this previous reason for refusal identified under LU/329/15/HH has been overcome. The proposed extension is considered to comply with policy AREA1 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The single storey flat roofed garage will be situated approximately 0.86m from the east boundary of the site with the two storey element situated approximately 4.5m from the east boundary and approximately 10m from the west boundary.

The proposed garage despite being located 0.86m from the eastern boundary will measure approximately 2.5m in height and given the presence of 1.8m high fencing it is not considered to result in unacceptable overbearing or overshadowing impacts upon the neighbours.

The eaves height of the two storey extension measures 5.2m high with the ridge height measuring approximately 7.5m. The two storey extension proposes a hipped roof which given the distance to the boundary is considered to reduce the overbearing impacts of the proposal upon neighbours. The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken from the rear first floor window of 17 Maltravers Drive closest to the shared boundary with 15 Maltravers Drive and the proposal has been found to accord with this rule. Therefore, it is considered that the proposed extension will not result in unacceptably adverse overbearing or overshadowing impacts.

The two storey extension features high level windows on the east elevation which given their location will prevent unacceptable overlooking of 17 Maltravers Drive. Two windows are proposed on the west elevation of the two storey extension one of which has the potential to give rise to unacceptable overlooking of 13 Maltravers Drive. It is acknowledged that the windows will be situated 10m from the western boundary of the site with a single storey pitched outbuilding located on this boundary to the rear of 13 Maltravers Drive. Despite this it is considered that the northern most window on the west elevation of the proposal could potentially result in unacceptable overlooking of 13 Maltravers Drive and a condition has been included with the recommendation requiring this window be obscurely glazed and non-opening. On this basis it is considered the proposal will not result in unacceptably adverse overlooking of neighbours and as such the proposal accords with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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

A positive impact has been identified on those with disabilities.

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: Site Plan & Location Plan - 1150-005 C; Ground Floor Plan - 1150-008; First Floor Plan - 1150-008; and Proposed Elevations - 1150-009 C

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

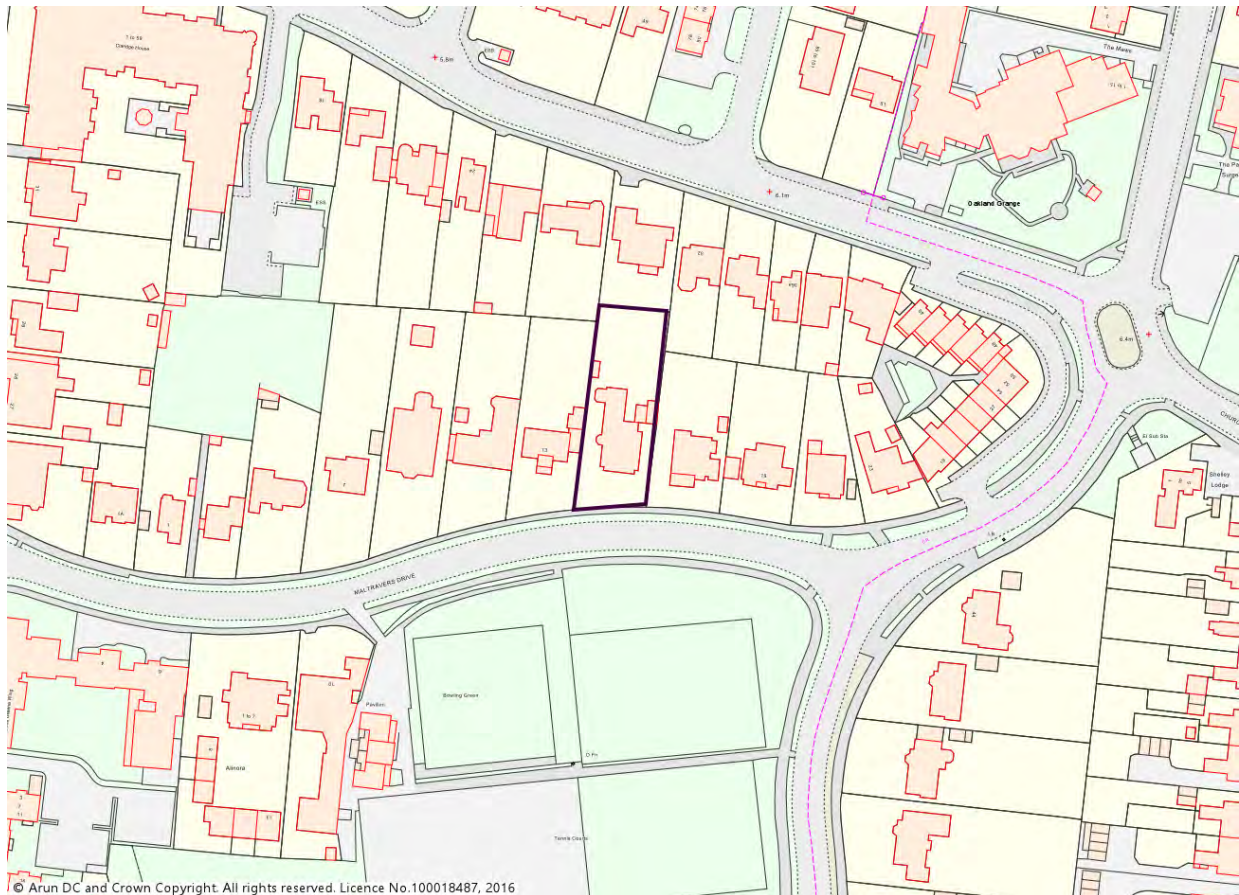
- 4 The northern most window on the western elevation of the proposed two storey extension shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the room in which the window is installed.

Reason: In the interests of amenity and in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 **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.

LU/61/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: P/32/16/HH
LOCATION: 5 Pyrford Close
 Pagham
 PO21 3NL

PROPOSAL: Loft conversion, extension & dormers to front & rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Side extension flush from existing ridge of roof, eaves and walls, two dormers to front and dormer extension to rear.
SITE AREA	0.04 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	1.8m fence to side. 1.8m fence to rear with hedge.
SITE CHARACTERISTICS	Semi-detached bungalow. Garden and drive to front. Garage to side, garden to rear.
CHARACTER OF LOCALITY	Cul-de-sac of semi-detached bungalows set back from road with parking and gardens to front.

RELEVANT SITE HISTORY

P/9/62	Garage	Permit'd Devel 09-03-1962
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The side garage was constructed in the 1960s under permitted development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

OBJECT:- Plans were contrary to policy GEN 7 from ADC's Local Plan 2003. The plans would lead to an unacceptable alteration of the streetscape as all other properties were single storey dwellings in the vicinity. Considered to be overdevelopment given it would increase the number of bedrooms from 2 to 6. 2 parking spaces would be lost by the removal of the garage and driveway whilst it was reasonable to assume an increase in vehicle numbers if a further 4 bedrooms were added. The proposal was also contrary to the following policies in the Village Design Statement for Pagham as adopted by Arun District Council:

- Small scale, height and design sympathetic to setting
- Avoid inappropriate or unnecessary blocking of views or overlooking
- Avoid cramped, un-neighbourly proximity.

5 letters of objection from 5 different addresses:-

- Detrimental impact on appearance of the host property, adjoining dwelling and streetscene owing to large side extension and front dormers

-Insufficient parking for a 6 bedroom house, meaning overspill onto the road

-Detrimental and overbearing impact on the rear garden and loss of light to side window of number 7 Pyrford Close.

COMMENTS ON REPRESENTATIONS RECEIVED:

The character of a semi-detached bungalow would be retained and the front dormers are not considered to dominate the appearance of the front roof to an extent that the character of the property would be damaged. The garden is to be partly paved creating 2 additional spaces. Four spaces would be provided in line with WSCC parking standards. The side extension would be in line with number 7 Pyrford Close and it is not considered to be overbearing or visually intrusive on the garden of that property. The side window serves a bedroom and that room has a second source of light so it not considered to result in a significant loss of sun of daylight to that property.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Pagham has an adopted Parish Design Statement which will be considered in this application.

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 conflict with relevant Development Plan policies in that the side extension is not subservient to the main dwelling

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 the works would not cause demonstrable harm to the character or appearance of the property or that of the area.

CONCLUSIONS

DESIGN AND VISUAL IMPACT

The proposal retains the appearance of the property as a semi-detached bungalow. Although the side extension would not be set down from the main roof and is not subservient, it is stepping in 1m from the boundary and is in scale with the property and respects its character. This is in line with development criteria in Policy 7 (Nytimber) of the Parish Design Statement, DEV19 and GEN7 of the Local Plan. The front dormers are not considered to dominate the front roof and given the front roof is set well back from the road, they are not considered to disrupt the appearance of the streetscene. The rear dormer is not visible from the street and is considered acceptable. Materials to match existing will be controlled via condition.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

The side extension is the same height as the existing property. Although it would reach to the common side boundary with number 7, it would be set 2.75m away from the side wall of no 7 which has an existing rear extension. This is considered to further nullify the potential impact of the side extension and overall proposal on the neighbouring residential amenities of no 7, especially its direct rear garden amenity space. The side extension is not considered to result in significant loss of light to no 7 where the facing window serves a bedroom with another source of light. The rear dormer is not considered to be overbearing or visually intrusive as it is set within the roofscape of the existing property and its windows are not considered to increase the existing level of communal overlooking to a detrimental level. This view is taken as there is an existing rear dormer window at number 3 Pyrford Close and a rear dormer would be inserted in the rear roof of the existing property without the need for formal planning permission. The front dormers are not considered large enough to have an overbearing or visually intrusive impact on neighbouring properties. No side windows are proposed and a condition removing permitted development (PD) rights for side window will be included as any inserted under PD could lead to overlooking to no 7 given how close the new side elevation would be. The proposal is acceptable in terms of impact on residential amenity.

PARKING

The proposal creates a 6 bed bungalow which requires 4 off street parking spaces under WSCC parking requirements. The applicant proposes creating a larger front drive to accommodate parking for two more vehicles off-street. The proposal is not considered to create undue parking pressure

on the surrounding streets through on street parking generation.

The proposal is recommended for conditional approval.

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 the following impacts (negative, Neutral or positive) 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 assessment of the proposal is considered to have a neutral impact.

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:

1620503/1A
1620503/2
UK Maps Centre

P/32/16/HH

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows shall be constructed in the south-west (side) elevation of the extension hereby permitted which adjoins the side boundary with 7 Pyrford Road, Pagham without the prior permission of the Local Planning Authority on an application in that behalf.

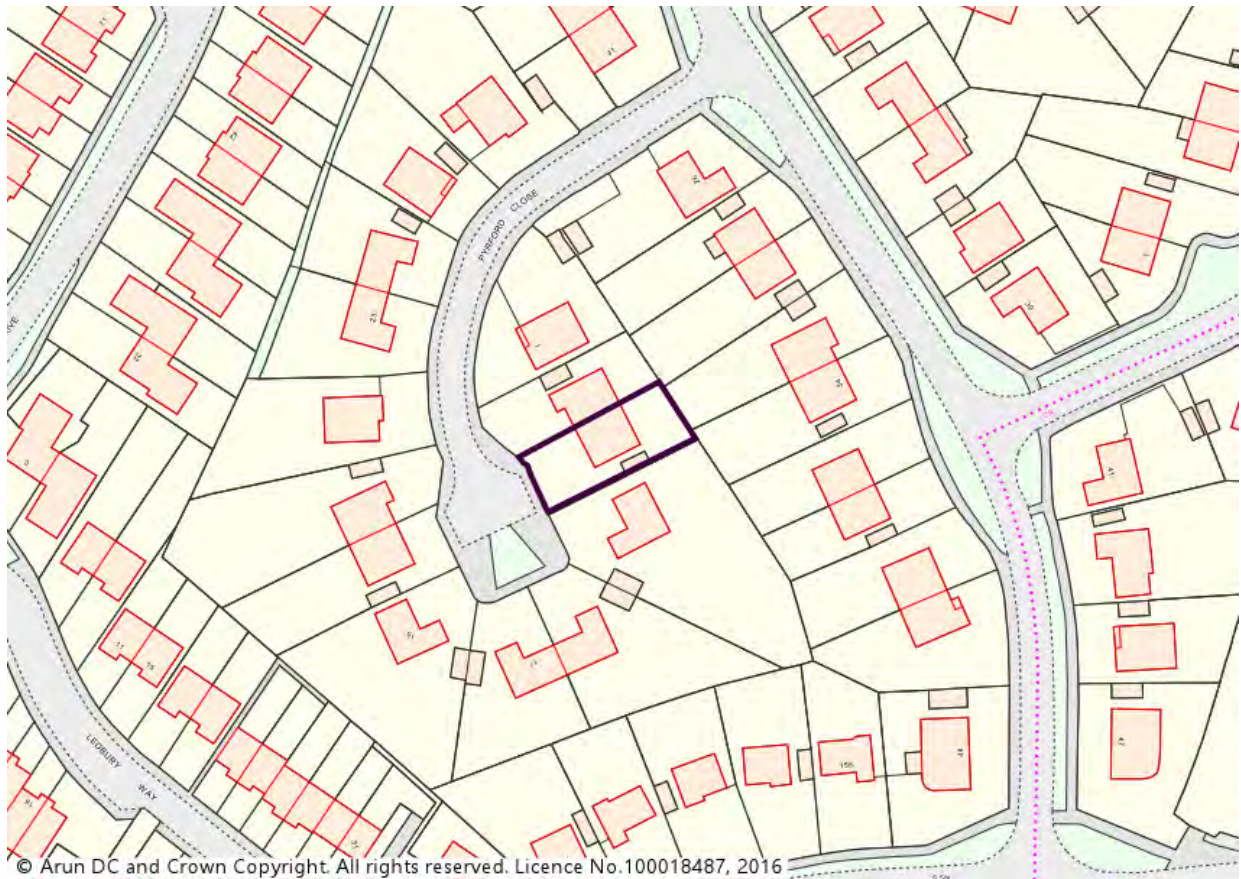
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 INFORMATIVE: The applicant must be made aware that a separate permission is required from West Sussex County Council to create the extended dropped kerb of additional driveway space.

- 6 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

P/32/16/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT**REF NO:** R/37/16/PL**LOCATION:** 1-5
Ash Lane
Rustington
BN16 3BU**PROPOSAL:** Refurbishment & change of use from ground floor car showroom (Sui Generis) & first floor flats (C3 dwellings) to A3 (Restaurant and Cafes)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks permission for the change of use from ground floor car showroom (Sui Generis) & first floor flats (C3 dwellings) to A3 (Restaurant & Cafe) with associated external seating area.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Predominantly flat.
SITE CHARACTERISTICS	The site falls within the principle shopping area and is currently operated as a car show room at ground floor level with residential flats above. The show room features a forecourt forward of the primary elevation adjacent to Ash Lane. The building is constructed from brick and features a flat roof.
CHARACTER OF LOCALITY	On the edge of Rustington village centre where there is a mixture of residential and commercial. To the south and east of the application site are retail units with residential accommodation above. To the north of the application site is a block of residential flats.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

My Council has considered this application and wishes to support it on the following grounds:-

- (i) The proposed refurbishment and change of use from a C3 (dwellings) to A3 (restaurant

and cafes) would enhance the retail shopping experience, and the redesign of the building would add to the ambiance of the Village, that would be aesthetically pleasing to the surrounding area

(ii) The proposal would increase the opportunity of additional local employment within the Village.

17 No. letters of support:

- 1] The existing 2 No. car parks and spaces in front of the shops will provide ample parking.
- 2] Proposal will regenerate the area.
- 3] This is a great opportunity to revitalise the village area.
- 4] Improvement over the existing car salesroom.
- 5] Proposal would add diversity and choice to the village.

5 No. letters of Objection:

- 1] I would be unhappy to live next door to a restaurant open until late at night.
- 2] I don't want this type of place here in this pretty, clean and genteel haven away from the bustle of big chains of food establishments.
- 3] Noise would disturb the residents in the close area.
- 4] Proposal would be detrimental to other shops in Rustington.
- 5] Public leaving at night would result in disturbance.
- 6] No parking is provided on site and as such people may park on the double yellow lines outside of our flats.
- 7] During construction vehicles may park illegally outside of our flats.
- 8] There are currently 18 outlets which sell food in Rustington.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council noted.

17 letters of support noted.

In response to the 5 No. letters of objection:

- 1] The impact of the proposed change of use upon the residential amenity of neighbours will be considered further in the conclusion to this report.
- 2] The application does not specify any end user and as such the proposal under consideration is the change of use to A3 (Restaurant and Cafe).
- 3-5] These matters will be considered further in the conclusion to this report.
- 6-7] Parking on double yellow lines is illegal and is controlled. There is also two car parks available within walking distance of the application site.
- 8] Impact of the proposal upon the principle shopping area will be considered further in the conclusion to this report.

CONSULTATIONS

Economic Regeneration

Environmental Health

Sussex Police-Community Safety

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

Extensive consultation with Environmental Health has taken place and final comments confirm that the proposals are acceptable to this Department, specifically:

1. That the outside seating area will be defined by the site line to the existing canopy with no tables or chairs to be located beyond this, either towards the road or towards the northern boundary. This will serve to restrict the number of customers with the intent to reduce noise generated.

2. a. no food/drink will be served outside after 21.30 and the external area closed to customers at 22.00 to allow for drinking up / finishing up time.

b. the external area to be closed to customers at 22.00 and the tables and chairs to be put away as soon as practicable.

c. No patio heaters to be used in the outside areas after 21.30.

d. No music to be allowed outside at any time.

e. The restaurant to close for service at 23.00 with the unit to be completely closed by 23.30.

This type of premises in this quiet area is, however, something of an unknown quantity. Whether, or not noise either from music which spills out of the main premises, from voices from those seated outside, or from staff clearing away tables, chairs, etc at the end of service becomes problematic, depends largely on how well the premises is managed. The fact that the applicant may own double glazed flats opposite this development, or that the area above shops here may be used for purposes other than as habitable accommodation at this time, does not affect the statutory rights of any occupier who may be adversely affected by this business. I would therefore request that perhaps in this case then you would consider a Temporary Approval appropriate, with a view to extension of this where no problems/situation that cannot be otherwise resolved, have arisen after a period of one year.

Sussex Police:

I have concerns that should this application be granted it could impact upon the amenity of local residents. These being;

·The close proximity to a large residential area, additional footfall, noise of vehicle movements due to the proposed late opening hours which are until midnight Monday - Friday, 23.30 on Sundays & Public Holidays.

·The proposed external seating area has the potential to create noise issues to the surrounding residents until very late into the evening given the late opening hours.

·Parking, there is no provision for parking at the proposed site and the Design and Access Statement proposes that the immediate surrounding parking is used. This could lead to inappropriate and illegal parking at the immediate vicinity of the development which has the potential to lead to disharmony amongst the local residents.

Full comments available on the Arun District Council website.

Economic Regeneration:

No comments received.

WSCC Highways:
Awaiting comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments from Environmental Health noted and conditions and informative included. However, a 1 year temporary condition is not considered appropriate or reasonable given the investment required to implement this change of use at the site. If at any future time unacceptable noise and disturbance was to materialise this could be the subject of Environmental Health enforcement action.

In response to the comments of Sussex Police:

- The hours of operation are intended to be limited until 23.30 following consultation with the Council's Environmental Health Department.
- The external seating area is intended to be controlled through condition and will not be used beyond 22.00 in order to reduce the impact upon nearby residents. This limitation has been agreed by the Council's Environmental Health Department.
- It is noted that there is no provision for car parking on the site. However, the premises sits within the principle shopping area and is situated within close proximity to 2 car parks as well as additional car parking to the south of the application site.
- A condition has been included with the approval requiring submission of details regarding the extraction and ventilation equipment at the site prior to the commencement of the use.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA19 DEV26 GEN2 GEN7 GEN32 GEN34	Primary Shopping Frontages Criteria for Retail Development Built-up Area Boundary The Form of New Development Noise Pollution Air Pollution
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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) RET DM1 Retail Development RET SP1 Hierarchy of Centres SD SP2 Built-Up Area Boundary
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

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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

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Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Rustington Neighbourhood Plan has been made but no policies are considered relevant to the determination of this application.

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 application site falls within the built area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy. The key considerations in the determination of this application are policies AREA19, DEV26, GEN7, GEN32 and GEN34 of the Arun District Local Plan and the National Planning Policy Framework.

The application site falls within the principle shopping area as identified in policy AREA19 of the Arun District Local Plan and as such in accordance with paragraph 2.34 this location is identified as being appropriate to serve a complementary function by adding to the services and facilities provided by the primary shopping area. It is considered that the proposed A3 use would comply with policy AREA19 and would complement the retail uses nearby.

Given the sites location within the principle shopping area the location is considered to provide adequate means of access to the site by members of the public. 2 car parks are situated within close proximity to the application site with additional parking located to the south (forward of the existing retail uses) and good public transport links. In the absence of on site parking provision a condition has also been included with the recommendation requiring the submission of cycle storage facilities on site. It is considered that the proposed location and change of use is sustainable serving an economic, social and environmental role in accordance with the National Planning Policy Framework.

HIGHWAYS

Comments from County Highways are awaited and will be reported to Committee in the form of a report update.

DESIGN AND VISUAL AMENITY

The alteration to the external appearance of the building would consist of the rendering of the first floor on the primary elevation; the installation of bi-fold doors at ground floor level; and two sets of sliding doors at first floor level with Juliet balconies featuring glazed balustrading. On the southern elevation replacement glazing will be installed at ground floor level with full windows proposed at first floor level and further glazed balustrading.

The windows and rolled doors on the western elevation of the building are shown as being removed with a staircase being proposed to provide access/egress to the first floor. On the

northern elevation a ground floor window is intended to be removed with the ground floor windows intended to be obscurely glazed.

The proposed alterations to the building are considered to have a positive impact upon the design and appearance of the building and are considered to be in keeping with the character of the locality.

The proposal by virtue of its design and appearance is considered to comply with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

Policy DEV26 requires that applications are accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste. Whilst the application includes details of bin storage no details have been provided regarding the extraction equipment and as such a condition has been included with the recommendation requiring the submission, approval and implementation of details prior to the commencement of the use. The inclusion of this condition regarding the extraction of odours and fumes is considered adequate to ensure compliance of the development with policy GEN34 of the Arun District Local Plan.

The proposed premises features bi-fold doors at ground floor level on the primary elevation and juliet balconies at first floor level. It was identified by Environmental Health that this had the potential to give rise to noise which may adversely impact upon the residential amenity of neighbours. Therefore, a condition has been included with the recommendation requiring that details of measures to control noise emanating from the site are submitted prior to the commencement of the use in accordance with policy GEN32 of the Arun District Local Plan.

The proposed outdoor seating area has been similarly identified by Environmental Health as having the potential to impact on neighbours. Therefore, details have been agreed in relation to the restriction of hours for the use of this seating area limiting its use to no later than 22.30. This limitation will be imposed as a condition and is considered appropriate to ensure that neighbours are not adversely impacted by the proposed use of the premises as a restaurant.

The conditions included in this recommendation are considered sufficient to ensure that the proposed development does not give rise to unacceptable harm to the residential amenity of neighbours in accordance with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

It is recommended that permission is granted for the proposed development subject to the below 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 (the 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 neutral 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).

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: Location & Block Plan - dwg. 8015 101 A; and Proposed Floors & Elevations - dwg. 8015 104 C

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 The use hereby permitted shall not be commenced until full details of the proposed ventilation extract system to discharge odours, fumes and noise from the cooking process has been submitted to and approved by the Local Planning Authority, the associated equipment installed and be in full working order to the satisfaction of the Local Planning Authority.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policies GEN7 and GEN34.

- 4 The extraction equipment installed in pursuance to Condition No. 3 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

R/37/16/PL

Reason: That the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun District Local Plan policies GEN7, GEN34 and DEV26.

- 5 The use hereby permitted shall be open to the public Monday - Sunday 08.00 - 23.30, with no food served after 23.00 daily.

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

- 6 No food or drink shall be consumed outside of the building other than within the Customer Seating Area as defined on drawing no. 8015 104 C.

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

- 7 No food or drink will be served in the outdoor customer seating area as defined on drawing no. 8015 104 C after 21.30 Monday to Sunday with this area closing to customers by 22.00

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

- 8 Before the development hereby permitted commences, a scheme shall be submitted and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The agreed measures will be implemented and adhered to thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 9 Deliveries by commercial vehicles shall only be made to or from the site between 08.30 hours and 18.00 hours Monday to Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

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

- 10 Prior to the implementation of the use hereby approved details for cycle storage at the site shall be submitted to and approved by the Local Planning Authority and implemented and maintained in perpetuity.

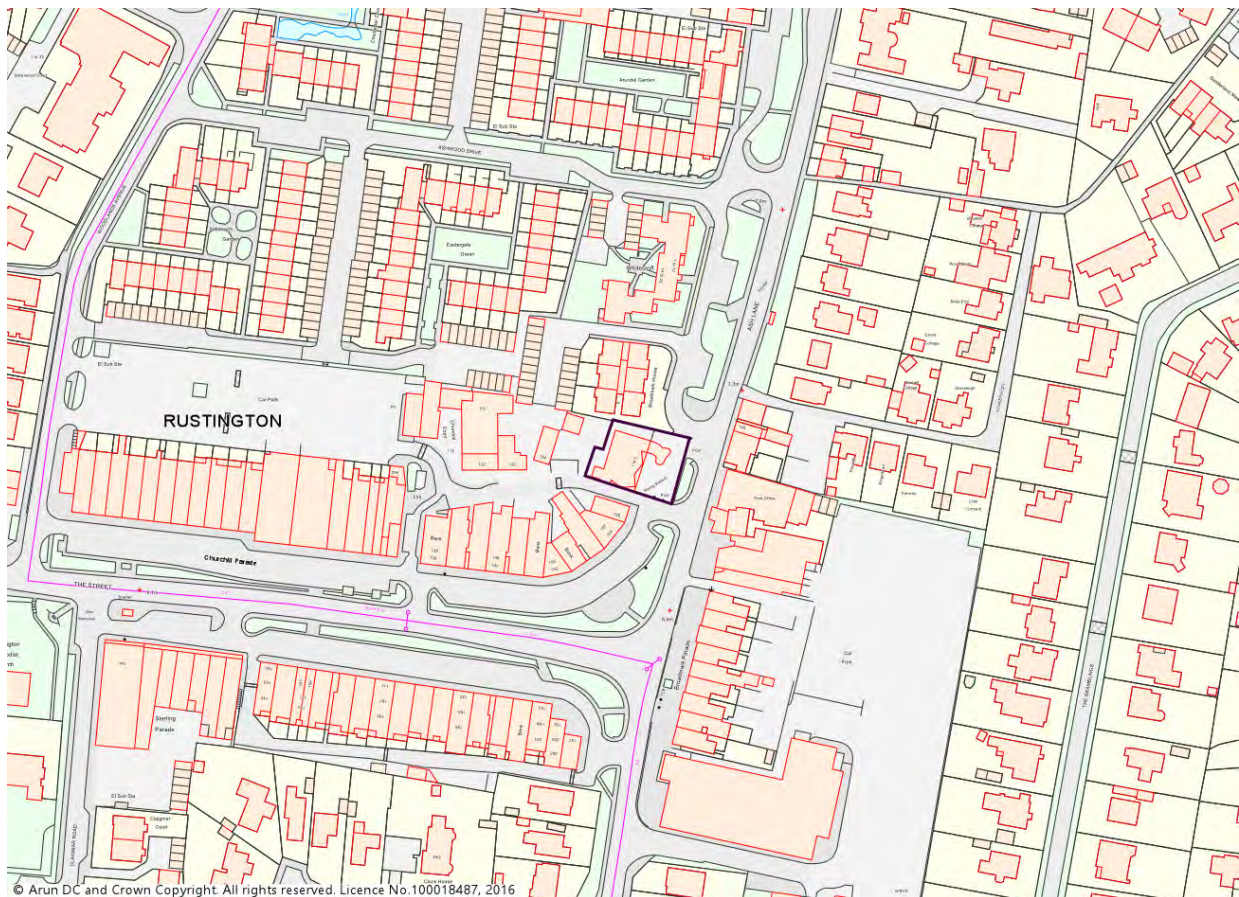
Reason: In the interests of amenity in accordance with Arun District Local Plan policy GEN7.

- 11 **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.

- 12 **INFORMATIVE:** The premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Carol Reynolds, Tel 01903 737678, E Mail carol.reynolds@arun.gov.uk for further information.

R/37/16/PL Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: Y/19/16/OUT

LOCATION: Land off Burndell Road
Yapton

PROPOSAL: Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The outline application proposes a development of up to 108 residential dwellings; vehicular access from Burndell Road; public open space; ancillary works and infrastructure. All matters are reserved except for access.

The included Masterplan indicates a layout of 106 units but the mix of dwellings could be amended to change 2 x 2 bedroom dwellings to 4 x 1 bedroom dwellings to provide a total of 108 units. The supporting application documents relate to a 108 unit scheme.

- 1bed flats - 10%, 2bed houses - 32%, 3bed houses - 46%, 4bed houses - 8% and 5 bed houses - 4%.

- 30% of these units will be affordable with a mix and tenure agreed by the Housing and Enabling Manager.

- Public Open Space is provided as a 0.5ha formal area and a further 0.52ha informal area. The illustrative masterplan indicates that the formal open space will be located on the New Barn Lane frontage with informal open space to complete the road frontage and along the boundary of the site.

- A new access point for the proposal is located in the SE corner at the corner of New Barn Lane and the Public Footpath.

- The illustrative Masterplan indicates 157 allocated parking spaces and 30 unallocated spaces within the red line site boundary.

The site is generally square in shape.

SITE AREA	3.868ha
RESIDENTIAL DEVELOPMENT DENSITY	28dph
TOPOGRAPHY	Predominantly flat.
TREES	There are existing trees and hedgerows on the boundaries of the site. Lombardy Poplars on the eastern boundary and a small number of mature Oak on the southern boundary. There is substantial overgrowth along the public footpath where the proposed access will link from Burndell Road.
BOUNDARY TREATMENT	The red line application site includes hedgerows and trees around the periphery of the site.
SITE CHARACTERISTICS	<p>The site comprises an almost square site to the south of Burndell Road and Fellows Gardens a new development that has almost been completed. The site is an open field and has been used as arable farm land. Access to the site will be through the narrow frontage from Burndell Road to the north of the site between Maple Cottage to the west of the access and Burndell Yard to the east. Burndell Yard is occupied by a small architectural salvage and scrap metal merchant.</p> <p>To the south of the site is open countryside. To the west there is existing 2 storey housing along the full western boundary (properties located within the three cul-de-sacs - Park Road, Park Drive and Fairholme Drive) and allotments to the south west of the proposed site; to the east there is currently an adjoining field which is located within Ford Parish, an outline scheme for 45 units has been approved with a s106.</p>
CHARACTER OF LOCALITY	The site is located in an area where residential development exists on two of the site boundaries (north and west). To the east planning permission has been granted for 45 dwellings, which will create residential development on three of the site boundaries. The fourth boundary, to the south, is in agricultural use.

RELEVANT SITE HISTORY

There is no relevant planning history on the application site. However, there is some relevant history on adjoining sites.

F/9/14/PL - Application for outline planning permission with some matters reserved for 45 dwellings and new access. Refused 14-07-2014. The planning application was refused for a number of reasons including built up area boundaries, landscape impacts, access and infrastructure.

F/7/15/OUT Grant Permission subject to s106. The application sought approval for 45 dwellings on land south of Burndell Road; approval is also sought for means of access into the site from Burndell Road.

Y/30/13 Outline application with some matters reserved for 34 dwellings including 30% (10 No) affordable, with access and ancillary works. (Resubmission following Y/10/13/). Approved Conditionally and s106 9-12-2013.

Y/23/14/RES Approval of Reserved Matters following Outline Planning Permission Y/30/13 for 34No dwellings, including 10No. affordable with access and ancillary works. Approved Conditionally 26-06-2014.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Climping Parish Council

YAPTON PARISH COUNCIL - Object

The proposal fails to meet key policy criteria set out in the NPPF, saved policies within the 2003 Arun LP, policies within the draft 2014 emerging LP and is not supported by the evidence base gathered during the Local Plan consultation process, notably the revised 2012 SHLAA and the 2013 Sustainability Assessment. It disregards the made Yapton Neighbourhood Plan and its relevant policies.

The site is a departure from the made Yapton Neighbourhood Plan - as it is outside the designated built up area boundary, YNDP Policy BB1. Nor is it an allocated site - the site was firmly rejected during the NDP process by the community, NPG and the examiner.

Site is currently agricultural land.

The access will have a significant and detrimental impact on the listed building 'Wayside' and its setting which is contrary to YNDP and NPPF.

The PC notes that while the applicant notified 583 residents of this proposal they did not engage with the PC.

Housing Need - The PC recognises ADC housing need but states Yapton is a wholly inappropriate location for a housing development of this size and scale. Yapton has an allocation of 100 units and buffer of 20% as recommended for areas lacking an up to date adopted LP.

Sustainability - The proposal will add to other new developments at Emerald Gardens, Fellows Gardens and adjoining site in Ford Parish a total of 257 new homes within 350m of each other. This will place further stress on village facilities, shops, doctors surgery and the primary school. The density is too high for a rural area, lack of open space, and landscaping.

The PC has concerns about drainage for surface and foul water. The site is susceptible to flooding due to high water table. Foul drainage - there is insufficient capacity.

Transport - Transport Statement is out of date. There is no regard to traffic flows along Burndell Road since the opening of the Bognor Regis Relief Road.

The PC sees no merit in the application and requests that the application be refused.

CLYMPING PC - Objects to this application for the following reasons:

1. The application is contrary to policies in the Development Plan which Council supports. It is also contrary to the Yapton Neighbourhood Plan and Council trusts that the Neighbourhood Plan policies will be fully respected.

2. There is a lack of suitable infrastructure including a lack of availability of medical and educational facilities that does not appear to have been considered. This will impact on the residents of Clymping.

3. The impact on local roads is unacceptable. Proposed access from the site onto Burndell Road/Yapton Road is hazardous and additional traffic movements will increase the congestion at the Yapton Road/A259 junction and the 'rat running' along Horsemere Green Lane.

4. The traffic assessment is out of date and does not take into account changes in vehicular movements in the locality following the opening of the Bognor Northern Relief Road in 2016.

44 separate representations have been received all objecting to the proposal. The following is a summary of the points made.

- The site is not allocated within the Neighbourhood Plan or the emerging Arun Local Plan.
- The site was rejected as part of the Neighbourhood Plan.
- The village is being turned in to a town, undermining the local community who produced the neighbourhood plan.
- Conflicts with NPPF and NPPG
- Conflicts with E11 of Yapton NDP and GEN11 of Arun LP
- Arun DC was to contribute 575 homes per year - recent developments have far exceeded that figure. The proposal is greater than the whole allocation included in the Neighbourhood Plan.
- The site lies outside the built up area boundary.
- Loss of village identity.
- Yapton has already met its obligations in providing new housing.
- This will increase local traffic on an already busy road.
- Adds a further junction within a short distance of other junctions with the increase of accidents. There will be a total of (an estimated) 790 vehicles joining or leaving Burndell road within an 80 yard section of Burndell road.
- There will be serious congestion and safety issues if this is agreed.
- Road links to the village are congested during rush hour period.
- Traffic assessment does not take account of BRRR.
- The Yapton infrastructure remains largely as it was in the sixties. The drainage system is unsuitable.
- Creates a burden on foul drainage and water drainage systems which may lead to flooding.
- Yapton Primary will reach capacity in 2017.
- Doctors Surgery is oversubscribed - waiting list is 3+ weeks.

- The land is in agricultural use, identified as high quality Grade 2 and 3a.
- Housing should be directed to Brownfield sites. This is a greenfield site.
- Access road will add noise, traffic fumes and light pollution to nearby residents.
- Access road will border back gardens - potential crime risk.
- The density is too high.
- Loss of wildlife habitat. The wildlife survey has failed to pick up the existence of a number of species.
- Loss of privacy.
- There is a lack of availability of medical and education facilities - this will impact on the residents of Clymping.
- There is no employment in Yapton which will mean that the village will become a dormitory village.
- Southern Water has stated that there is no capacity in the present infrastructure.
- The site slopes down to Fellows Gardens and the objector is concerned that this will cause localised drainage issues flooding to the rear gardens, the development should be moved back from Fellows Gardens.
- There is open space to the south of the development site
- In the event the application is approved will the council mitigate the increased traffic by building a cycle path from Yapton to the local secondary school.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points of objection raised by the two Parish Councils and the local residents are noted. In the main report the points raised are considered and assessed in line with the NPPF and planning policy. Particular reference is made to the principle of developing the site for residential use, transport, village infrastructure, flood risk/drainage and residential amenity.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Parks and Landscapes
Economic Regeneration
Sussex Police-Community Safety
Planning and Housing Strategy
Engineering Services Manager
Engineers (structural)
Head of Planning Policy & Cons
Engineers (Fluvial Flooding)
Southern Water Planning
NHS Coastal West Sussex CCG
Ecology Advisor
Archaeology Advisor
Network Rail

CONSULTATION RESPONSES RECEIVED:

GREENSPACE

The Council's SPG guidelines apply, the number of houses on this proposal being 108 this would trigger the need for onsite LEAP, 3 LAPs, landscaped open space as a minimum. The detailing of this to be approved by the LPA. Detail of maintenance provision to be provided along with who will be responsible for these and commuted sum payments required towards the maintenance of open spaces where these are provided on site if they are to be under the control of the Local Authority. Section 106 monies in addition for infrastructure to be concluded. We would seek confirmation of the area of proposed on site Public Open Space and note that the layout submitted has detailed much of this to being a corridor to the periphery of the site with very little to the central development. The layout therefore appears cramped and quite hard. We would require confirmation of the total extent of public open space being provided within this development as our guideline would be looking for 0.622ha as useable open space a minimum. The location of the indicated play areas appear to have been considered so as to allow them to be visible from neighbouring dwellings however all in close proximity to the south of the development, with no provision to the wider development.

Landscape/Tree protection

A Landscape Visual Impact Assessment, and Landscape Design Statement have been submitted with the application however as a reserved matter or condition of any consideration should be the provision of a full landscape scheme submitted for approval, detailing species choice, position, densities and size at time of planting.

The site does not fall within a Conservation Area and there are presently no trees within the site under TPO, tree cover in the locale is situated to the boundary of this development with the majority site presently agricultural field.

SUSSEX POLICE

No Objections. The proposal meets the adopted principles and approaches to achieve community safety and reduce opportunities for crime and disorder.

ADC DRAINAGE ENGINEER

Surface water will be discharged to SUDS in large shallow crate storage. If the entire site cannot drain to soakaways then restricted discharge to a watercourse may be acceptable for the remainder of the site.

Conditions proposed that include drainage design - Standard conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A.

WSCC - Flood Risk

No Objection. The proposed site is a Low Risk for surface water flood risk. Ground Water flood - Low Risk.

WSCC do not have any records of historic flooding within the confines of the proposed site, but the main road (Burndell Road) north west of the the site has experienced historic flooding. No development should take place within 5m of any watercourse.

SUDS

The Flood Risk Assessment included with the application confirms a combination of permeable paving, below ground attenuation, a detention pond to restrict run off, which in principle would meet the requirements of the NPPF, PPG and associated guidance. Drainage designs should demonstrate that the surface water run off should be 1 in 100 year plus 30%. Conditions are included covering maintenance and management of the SUDS system.

WSCC

S106 Contributions to include:

£20,000 for cycle improvements

£40,000 for Bus infrastructure Improvements

£6000 for Traffic Regulation Order (extension to prevent indiscriminate parking in the junction with Burndell Road).

Fire & Rescue

4 hydrants required and a s106 developer contribution. Calculated using the housing mix formula

Education Contribution

There is no capacity in the school catchment and accordingly contributions would need to be requested. If approved a formula based on the housing mix would be inserted into the s106 to seek contributions for Primary, Secondary and sixth form education for the total school infrastructure contribution to be calculated once the housing mix is confirmed.

Library - contribution sought using formula.

WSCC Highways

The principle of having a simple junction is acceptable based on the modelling provided by the applicant. The improvement to footway widths on the south side of Burndell Road is welcomed by WSCC Highways. A footway will be provided between the site access and Fellows Gardens for improved connectivity.

The Highway authority initially requested that the applicant demonstrate that traffic flows through Yapton have reduced since the opening of the Bognor Regis Relief Road (BRRR). Key junctions such as Oyster Catcher and Comet Corner have been assessed. The assessment shows that flows on some roads forming part of those junctions will increase marginally and that some flow will reduce marginally (flows include where shown, those generated by the development proposal) However the changes are so small to be imperceptible on a day to day basis. Assessing this alongside the NPPF, the HA considers that the additional impact is not severe.

Additional information has been requested and this has since been provided by the applicant's Highways Engineer. This will be assessed and an update provided to Committee. The principle is acceptable in highways terms for this outline application. The details being assessed by WSCC are summarised below:

1. Revised road layout on Burndell Road to be shown on a standard plan (and CAD + CAD files to be sent to WSCC to review alongside Design Check).
2. The design standards used to inform the curvature, widening and lane widths on Burndell Road to be stated (As well as Design Manual for Roads and Bridges (DMRB), Manual for Streets 2 (MfS2) paragraph 8.6.3 can assist here as this sets out the criteria to be assessed).
3. Provision of footway alongside south side of Burndell Road between site access and Fellows Gardens (to include pedestrian visibility splay where it meets site access and possibly re-alignment to get suitable visibility).
4. Further swept-path/Autotrack diagrams to be provided showing cars negotiating the junction with Burndell Road.
5. Pedestrian visibility splays to be shown when the crossing points are proposed (guidance/standards used to be stated).
6. Revisions to Travel Plan to be assessed.

ADC Structural Engineer

No comments of a structural nature.

Environment Agency

There is headroom at the Lidsey WWTW catchment, however the sewer network is subject to surface water and groundwater entering the system. This overloads the sewers causing sewage surcharge and pollution.

EA is working with Southern Water to better understand the issues but are unable to determine the extent to which a mains connection would exacerbate the existing situation. It is for Southern Water as operator to determine whether Lidsey WWTW is able to accommodate this development.

Economic Development

No comment but ask that the applicant signs up to the Developer & Partner Charter and produce a Work and Skills Plan.

SOUTHERN WATER

Comments awaited

NHS

Comments Awaited

HOUSING & ENABLING MANAGER

The Council's Housing Strategy and Enabling Manager has no objection to the applicants Affordable Housing Statement which complies with the current council requirements for preferred mix of dwelling sizes. Any disposal of affordable housing dwellings will need to be to either one of the council's preferred registered partners or another affordable housing provider approved by

the council's Housing Strategy and Enabling Manager. The affordable housing tenure mix can be agreed with the council but should preferably include a minimum of 50% rented housing, with other tenures compliant with the National Planning Policy Framework (NPPF) latest definitions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Additional comments and conditions from WSCC Highways have been sought. The proposed site access has been through a Stage 1 Road Safety Audit and designer's Response and there is no safety objection to the design.

The application site access is suitable for cars and vans entering the application site.

Views are awaited from Southern Water and NHS.

An update on these matters will be provided to planning Committee Members.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA11	Local Gaps
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN11	Inland Flooding
	DEV17	Affordable Housing
	GEN12	Parking in New Development
	GEN18	Crime Prevention
	GEN20	Provision of Public Open Space within New Development
	GEN25	Water Resources
	GEN29	Nature and Conservation Across the District
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):	INF SP1	Infrastructure provision and implementation
	H SP2	Affordable Housing
	SD SP1	Sustainable Development
	D DM1	Aspects of Form and Design Quality
	OSR DM1	Open Space, Sport and Recreation
	H DM1	Housing Mix

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement

Yapton neighbourhood plan 2014 Policy H2
Yapton neighbourhood plan 2014 Policy PK1

Dwelling size
Parking standards for new residential
development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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 does not comply with the Development Plan in that it proposes residential development outside the village development boundary, however there are material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

Planning Policy Guidance Update 11 February 2016

For applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

CONCLUSIONS

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of residential development would normally be considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced. Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The proposed site is also outside of the built up area of Yapton village in a location that has not been allocated for housing. The Yapton Neighbourhood Plan identifies two sites to meet its housing requirements for the parish SA1 Land to the north of Yapton Primary and SA2 land at Cinders Lane. However, the Council is currently unable to demonstrate an adequate supply of housing land as required by paragraph 49 of the NPPF. The suspension of the Examination into the Local Plan on the grounds that the Council's Objectively Assessed Housing Need should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will need to identify more suitable land supply to meet additional housing requirement. The OAN figure has been increased to 845 units p.a as of 3 February 2016.

The Proposal does not comply with the development plan but there are material considerations that would justify a recommendation to approve this site as it would not be contrary to the core principle within the NPPF.

This position has been further endorsed by the updated guidance quoted in the material considerations section, above, and recent appeal decisions which confirm that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a neighbourhood plan out of date.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area given that the site has existing built development on the north and west boundaries and an approved residential development of 45 units to the east. Yapton has existing shops, services, existing major routes for good public transport links and the site would be physically and visually connected to the existing built up area.

A number of objections refer to the lack of infrastructure, no capacity at schools and waiting times for Doctor's appointment. As with other major residential proposals there is a requirement for the developer to enter into a s106 agreement where in the event of limited education space the developer makes a contribution. WSCC has indicated that there is no capacity and there will be a need for the developer to provide for education. A standard formula for calculating the payment based on the confirmed housing mix will be included in the s106 if approved. NHS has been consulted comments awaited.

Highways and transport infrastructure is also required as set out in the consultation response. The pre-application advice was that the principle of new development would be supported despite being located on a greenfield outside the built up area.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government advice further indicates that more intensive development is not always appropriate and that design

which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The proposal is for outline planning permission and an indicative masterplan layout has been prepared. In general terms the number of units, the density and the layout is appropriate. The pre-application layout has been amended following advice from officers where if the proposal were to be accepted it would be a consideration on how this proposal linked to the neighbouring development to the east. The eastern edge of the layout has been altered to create a shared greenspace, fronted by dwellings from both developments, between this application layout and that included on the Brookworth Homes layout to the east. There is scope for pedestrian and possible vehicular links between the two layouts in addition to the shared greenspace between the developments.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents of the proposed dwellings; however the development of this open area would result in loss of amenity to neighbouring residential as these residents will no longer have the benefit of views of open countryside and the retention of trees and further planting on the boundary would reduce the impact on the amenities of these properties.

There are a number of letters from neighbouring properties, particularly from new residents to Fellows Gardens who moved in to their new homes at the end of 2015 start of 2016. Their property search had not indicated any development proposals as the application had not been submitted until 7 March 2016. A number of concerns are raised by Fellows Gardens residents and other objectors and these are addressed in this report, such as drainage, highways, and village

infrastructure. In relation to residential amenity, the illustrative layout introduces an upgraded vehicular access to WSCC highways standards alongside the existing Public Right of Way that runs parallel to the western boundary. The location of dwellings and the size of gardens is acceptable and there is sufficient distance between properties on Fellows Gardens and the proposed dwellings.

The layout does not affect established trees on the boundaries and if approved there will be a requirement for protection of trees and the submission of landscaping scheme.

The proposal causes no significant loss of amenity and no loss that would warrant a refusal of this proposal.

AFFORDABLE HOUSING

The Council's Affordable Housing Policy requirements would require 30% affordable housing to be provided on-site as part of the development.

The Council's Housing Strategy and Enabling Manager has no objection to the applicants Affordable Housing Statement which complies with the current council requirements for preferred mix of dwelling sizes. Any disposal of affordable housing dwellings will need to be to either one of the council's preferred registered partners or another affordable housing provider approved by the council's Housing Strategy and Enabling Manager. The affordable housing tenure mix can be agreed with the council but should preferably include a minimum of 50% rented housing, with other tenures compliant with the National Planning Policy Framework (NPPF) latest definitions.

HIGHWAYS, TRANSPORT AND PARKING

Planning policies allow for the safe movement of pedestrians and vehicles. The general layout accords with the principles set out in Manual for Streets. It is noted that Public Footpath 167 runs north south along the western boundary.

As this is an outline application WSCC cannot comment on the internal site layout as this would be a Reserved Matter.

The Highways Authority has confirmed that the principle of having a simple junction is acceptable based upon the modelling provided. further detail of the curvature and width has been requested and submitted by the applicant. An update report will be circulated in advance of the committee meeting to update members on the highway details. WSCC highways will also attend the meeting.

The proposed highways works also includes a new footway on the south side of Burndell Road between the proposed access and Fellowes Gardens which is welcomed. As the land necessary for these improvements appears to be in highways ownership and is already shown altered to provide the realignment of Burndell Road (if all the safety requirements can be achieved) there does not appear to be a reason why this cannot be achieved.

Some additional points of technical detail had been submitted to WSCC at the time of completing the report for further assessment as listed in the consultations section above. An update report will be provided.

FLOOD RISK AND DRAINAGE

Paragraph 103 of the National Planning Policy Framework states: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems".

Policy GEN9 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained and does not cause flood risk to existing properties. The site is within flood zone 1 which is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. Although it should note that due to a high water table, the locality is susceptible to surface water flooding from ground water. However flood risk for the locality is identified as being low and the principle of developing in this area is therefore acceptable.

Surface Water Drainage:

The surface water flood risk is low and ground water flood risk is also low. The proposal states that surface water drainage is to be discharged to a sustainable drainage system. The applicants will need to undertake percolation testing to support the design of any surface water drainage design to ensure that it can be achieved, given the existing problems with the ground water level within the locality. The Councils Drainage Engineers have confirmed that this information can be secured by condition and will be dealt with as a reserved matter. There are silted up ditches to the west side of the site along the PRow and along the southern boundary these channels will need to be reinstated and thereafter maintained. There is also a ditch between the Gleeson site and the Brookworth Homes site.

The northern part of the site could not drain to the adjacent ditch and will utilise large shallow grate soakaway arrangements. If the entire site cannot drain to soakaways then restricted discharge to a watercourse may be accepted for the remainder of the site.

The drainage engineer has confirmed that there will be conditions added to any outline permission that will include that the development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction will be permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to

determine the highest winter groundwater table in support of the design. An objector was concerned that the trial pits had been dug during the summer months and there would be a need to carry these out during the winter period. This is a requirement of a condition.

Ditches will require easements for access and maintenance. Maintenance details for the surface water drainage system should also be provided.

A number of objections refer to concerns regarding flooding at the site or the potential flooding as a result of this site being developed. The Drainage Engineers at Arun and WSCC have provided their separate detailed responses and neither object to the proposal. The effect of assessing the current situation and designing a SUDS scheme which provides 1 in 100 year capacity plus 30% buffer improves existing drainage in an area. The soakaway drainage and detention ponds within the proposal slows the flow to watercourses. In addition it was identified by the Drainage Engineer that the existing ditches on the periphery of the application site have silted up. Desilting in addition to a designed SUDS scheme supported by a requirement for ongoing maintenance fully addresses the objectors drainage concerns in relation to surface water and ground water flooding.

FOUL DRAINAGE

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off site sewers or improvements to existing sewers will be required.

If approved the developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure.

GREENSPACE

With the number of houses on this proposal being 108 this would trigger the need for onsite LEAP, 3 LAPs, landscaped open space (inc informal rec) as a minimum. The detailing of this to be approved by the LPA. The illustrative masterplan shows a LEAP, 2 LAPS as well as landscaped open space equating to 0.768ha. There is sufficient space within the central open space for an additional LAP. The Council requirement would be 0.622ha the proposal exceeds the requirement. The proposal therefore meets Local Plan Policy GEN20 and emerging policy OSR DM1.

NOISE/LIGHT POLLUTION

Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition.

IMPACT ON TREES

There are no Tree Preservation Orders on the trees around the periphery of the site. No trees are shown to be removed. A tree retention plan has been submitted along with the aboricultural impact

assessment. It indicates that only pruning to facilitate the access will be required. The development layout has taken account of the trees and hedgerows and integrated these into the design. The Council's Tree Officer has recommended conditions to include tree protection during construction.

ECOLOGY

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. The lighting scheme for the site will need to take into consideration the presence of bats.

Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

SUMMARY

This application proposal has led to objections from Yapton and Clymping Parish Councils, it has also led to a number of objections from local residents. The points raised are acknowledged but given the lack of 5 year housing land supply this has implications on the weight that can be given to the Local Plan and Neighbourhood Plan Policies and their relevance. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission. It is considered that this application is acceptable on the basis that it creates a residential development in a sustainable location near to services, main routes which offer public transport opportunities. The addition of this residential development on local infrastructure can be accommodated as demonstrated in this report. There will be a requirement to upgrade foul drainage as there is currently no capacity. The developer would also be required to make contributions for education, library and fire & rescue services. The NHS have been consulted and should their comments seek a contribution this will be added to the list below.

The developer has also agreed to a housing mix and tenure as set by the Strategic Housing and Enabling Manager which delivers 27 affordable housing units to the area.

The recognised undersupply of housing within the area means that there is an urgent need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing target.

It is considered that the application should be approved subject to conditions and a s106 covering:

- Open Space and Structural Landscaping;
- Amenity Spaces;
- Management and Maintenance Commuted Sum;
- Affordable Housing;
- Education Contributions;
- Fire and Rescue contribution;
- Library Contribution; and

- Public Right of Way improvement contributions.

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 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 neutral 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).

SECTION 106 DETAILS

The s106 will need to include:

- Open Space and Structural Landscaping;
- Amenity Spaces;
- Management and Maintenance Commuted Sum;
- Affordable Housing;
- Education Contributions;
- Fire and Rescue contribution;
- Library Contribution;
- Allotments contributions;
- Public Right of Way improvement contributions; and
- NHS Contribution

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2

years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

xxxx

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C753 Chapter 32.

- 7 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 8 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of

top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

- 11 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 12 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 13 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

- 14 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

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

- 15 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

- 17 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the

approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

- 18 No development shall take place until a street lighting scheme has been submitted and approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the local planning authority to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

- 19 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

- 20 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

- 21 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 22 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

23 **INFORMATIVE:**

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

24 **INFORMATIVE:**

Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

25 **INFORMATIVE:**

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

26 **INFORMATIVE:**

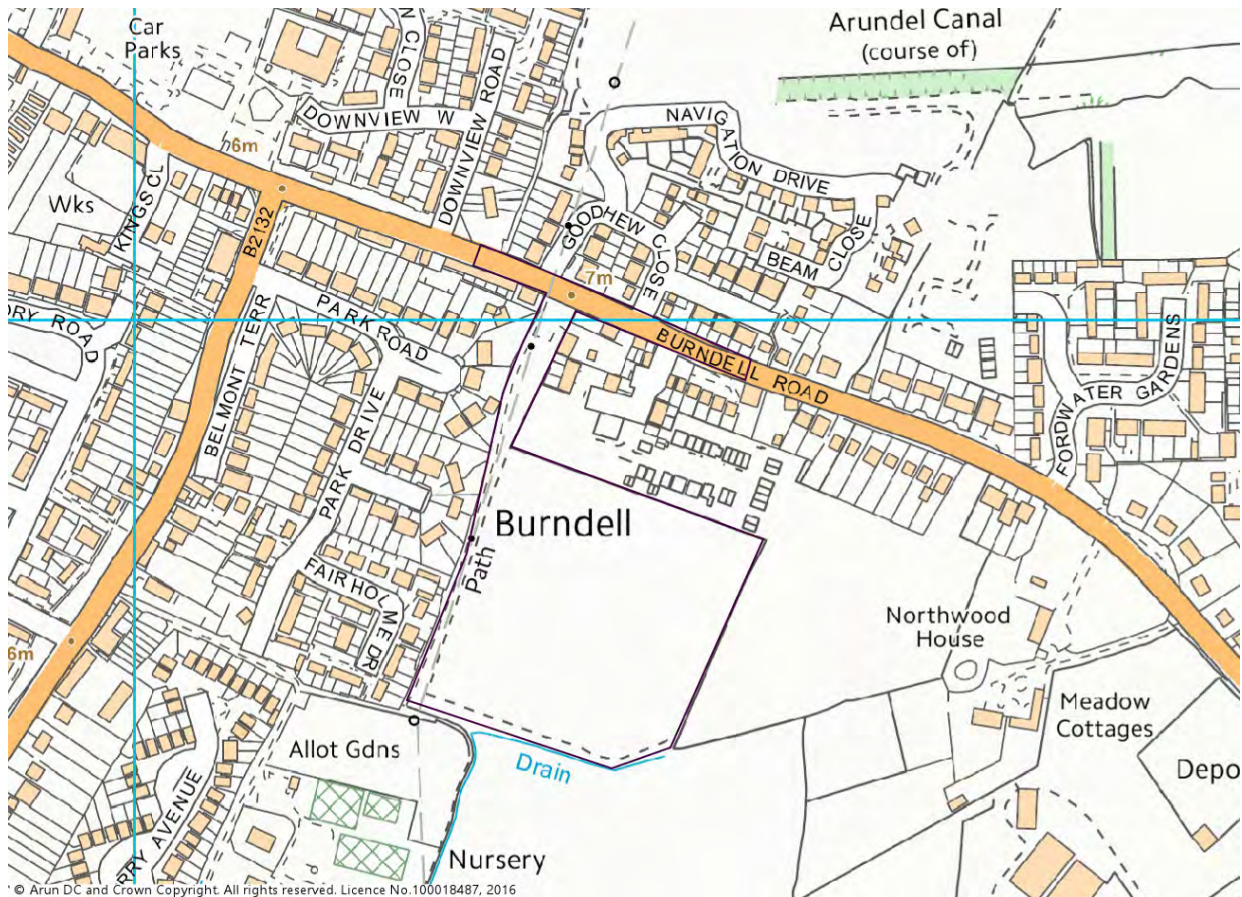
The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Y/19/16/OUT Indicative Location Plan

(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 12

DEVELOPMENT CONTROL COMMITTEE

15 June 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT

Received: 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AB/136/15/PL

Received: 04-04-2016

39 Tarrant Street Arundel

Part change of use to create 1 No. new dwelling. This application affects the character & appearance of the Arundel Conservator Area.

Written Representations

PINS Ref: APP/C3810/W/16/3143205

AL/106/15/OUT

Received: 28-04-2016

Land west of Oaktrees Fontwell Avenue Eastergate

Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/16/3143757

AL/120/15/PL

Received: 11-05-2016

The Dairy Sack Lane Aldingbourne

Demolition of existing barns & structures, removal of concrete & hard standing, construction of 3No. live/work units and associated gardens, parking & creation of a new area of pasture land. Departure from the Development Plan. Resubmission following AL/83/15/PL.

Written Representations

PINS Ref: APP/C3810/W/16/3148035

BE/47/15/PL

Received: 25-02-2016

Land to the rear of The Royal Oak Public House Chichester Road Bersted

Erection of 1 No. convenience foodstore. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/15/3140815

BE/9/16/A

Received: 26-04-2016

Southern Cross Trading Estate 5 Oldlands Way Bersted

5 No. non-illuminated fascia signs, 2 No. internally illuminated fascia signs, 3 No. non-illuminated poster frames & 1 No. non-illuminated forecourt sign on various elevations.

Written Representations

PINS Ref: APP/C3810/Z/16/3148665

BR/163/15/PL

Received: 24-05-2016

Royal Norfolk Mews West Street Bognor Regis

Phase II development of Norfolk Mews to provide 4 new dwellings (a terrace of 3 & a detached dwelling), associated car parking for 8 cars & landscaping. Access will be through the existing access of West Street - This application affects the character and appearance of The Steyne & Waterloo Square Conservation Area

Written Representations

PINS Ref: APP/C3810/W/16/3148376

BR/201/15/PL

Received: 08-04-2016

56 Linden Road Bognor Regis

Demolition of existing property & erection of 6 No. flats.

Written Representations

PINS Ref: APP/C3810/W/16/3144734

BR/211/15/PO

Received: 07-04-2016

43 Rock Gardens Bognor Regis

Application to discharge planning obligation dated 19/4/84 reference BR/1078/83, restricting the occupation of the flat to persons of 65 years of age or over.

Written Representations

PINS Ref: APP/C3810/Q/16/3142811

BR/262/15/PL

Received: 08-04-2016

32 Victoria Drive Bognor Regis

Conversion of existing garage to create 1 No. one bedroomed flat (resubmission following BR/144/15/PL).

Written Representations

PINS Ref: APP/C3810/W/16/3144398

EP/163/15/DOC

Received: 17-05-2016

12 Tamarisk Way East Preston

Application for approval of matters reserved by condition imposed under EP/4/15/HH relating to condition 3 for schedule 1 materials & finishes to be used for roof.

Written Representations

PINS Ref: APP/C3810/D/16/3148367

FG/26/15/OUT

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/W/15/3132939

FG/84/15/PL

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/W/15/3135188

LU/55/15/OUT

Received: 10-05-2016

Land South of The Littlehampton Academy Littlehampton
Application for outline planning permission with some matters reserved for 68 No. dwellings (resubmission following LU/51/14/

Informal Hearing

PINS Ref: APP/C3810/W/16/3147195

R/151/15/PL

Received: 25-02-2016

Willow Court 52-58 Woodlands Avenue Rustington
Relocation of bin store from internal to external & relocation of cycle store.

Written Representations

PINS Ref: APP/C3810/W/16/3142198

WA/22/15/OUT

Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell
Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

Public Inquiry

01-11-2016

PINS Ref: APP/C3810/V/16/3143095

Y/60/14/OUT

Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton
Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry

07-07-2015

PINS Ref: APP/C3810/A/14/2228260

ENF/236/14/

Received: 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring
Alleged unauthorised change of use.

Public Inquiry

PINS Ref: APP/C3810/C/15/3103251

ENF/199/15/ <i>Received: 03-11-2015</i>	Eastlands Littlehampton Road Ferring West Sussex Alleged unauthorised breach of Condition 1 of FG/41/14/PL <i>Informal Hearing</i> 14-06-2016 PINS Ref: APP/C3810/C/15/3135180
ENF/378/15/ <i>Received: 20-11-2015</i>	36 Fitzalan Road Arundel West Sussex Alleged unauthorised building works <i>Written Representations</i> PINS Ref: APP/C3810/C/15/3138921
ENF/192/14/ <i>Received: 30-11-2015</i>	Eastlands Littlehampton Road Ferring Alleged unauthorised car ports and gazebo <i>Informal Hearing</i> 14-06-2016 PINS Ref: APP/C3810/C/15/3132558

LOCATION: Slaters Cottage 3 The Street East Preston

SUBJECT: Demolition of house & erection of 2 No. dwellings (resubmission following EP/15/15/PL).

Planning Application Reference: EP/146/15/PL

Appeal Decision: Allowed+Conditions

Date: 25 May 2016

Appeal Procedure: Written Representations

Application Decision: NON DET APPEAL

Date: 11 February 2016

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The Inspector understood that additional consultation over a significant length of time will be needed in respect of the Council's proposed housing requirement. Given this factor, she gave the emerging Local Plan very little weight and determined the appeal against the policies of the Arun District Local Plan (LP) 2003, the East Preston Neighbourhood Plan (EPNP) and the National Planning Policy Framework (the Framework).

Further it was noted since the appeal was submitted, an appeal for the demolition of the existing house and replacement with 2 semi-detached houses on the appeal site had been allowed.

Main Issue

The main issue was the effect of the proposed development on the character and appearance of the area.

The cottage is of a traditional construction with flint walls and was built in around 1850. There are modern parts to the cottage, such as the windows and a single storey rear extension. The front elevation is adjacent to the road. The EPNP refers to the area as Character Area Three which is defined as the older part of the village. However, the building is not listed and it is not located in a Conservation Area. The principle of demolition of the existing dwelling and development of the site for two semi-detached dwellings on the site had already been established. However, the scheme differed in respect of the replacement dwellings.

The Inspector noted that Heritage England (HE) declined to list the building, referring to its standard construction and lack of any special architectural interest or innovation. HE acknowledged that it was part of a group but that it did not warrant listing on this basis. The EPNP includes a proposal for a number of the buildings in the area to be included within the Council's Local List of Heritage Assets. This included the appeal building, albeit that the Council have not yet included it on the list. The EPNP refers to the building as being a rare example of this type of cottage in the village. The building is the subject of an Article 4 direction which prevents its demolition without planning permission for a suitable replacement scheme. The Inspector therefore considered that the appeal building was a non-designated heritage asset.

A Structural Condition and Viability for Restoration report was submitted as part of the planning application. This indicated that due to a number of limitations and structural issues, it would not be viable to repair the building. The Council commissioned a report from independent structural engineer to assess the contents of this report and the building and concluded that options for the renovation of the property have not been fully explored.

The potential to address significant difficulties with the building by changes to the internal layout of the cottage were not detailed and no plans were provided in order to be able to make a comparison to the demolition and whether changes were practical. In terms of whether the site could be capable of providing an access without demolition, the Council's suggested option would rely on being able to purchase land or share access with the adjoining owners of The Old Forge which the Inspector considered was unlikely to be a practical option. The Council's independent structural engineer agreed that the overall direction of the appellant's structural report was acceptable, noting that refurbishment costs may be lower. However, the basis for the alternative figures was not referred to. The assessment was based on an external viewing of the front and side elevations which are visible from the road. The Council and other parties referred to photographs of the building when it was for sale suggesting it was in a reasonable condition when sold. However, it was not certain when these pictures were taken. As the decoration was in place at the time it would not be possible to ascertain the structural condition of the cottage from these. Based on the evidence before the Inspector she was satisfied that the proposal to demolish the existing building was justified.

The plans indicate that the dwellings would have design features including flint and decorative brickwork that would not appear out of context with the detail of surrounding buildings and the use of suitable materials could be secured by an appropriate condition. The proposed scheme was not considered cramped within the plot and would have a sense of spaciousness similar to other properties close by. The scale of Plot 1 would be similar to the surrounding buildings and it would not appear overly prominent in the street scene and would nevertheless have a presence which would be reminiscent of the existing building.

Paragraph 135 of the Framework sets out that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The building is in a poor condition and there are considerable limitations to the potential for a viable conversion. The Inspector considered the proposed dwellings would complement the historic character of the area and would be viewed as small village houses. The proposed scheme would be of a high quality design and it would maintain the traditional fabric of the village and the character of the road. These factors would outweigh the loss of the significance of the building.

The development was not considered to adversely affect the setting of the adjacent listed building or the most important views of the listed building from Sea Road. The loss of No 3 was not considered significantly change this experience. The proposed scheme would be separated from Preston Cottage by another building and it would be set back from the road.

The proposal was not considered to be in conflict saved Policy GEN7 of the LP or policies 1 and 4 of the EPNP which seek to support new housing development provided that amongst other things, the scale, density, massing, height, layout and materials and proposals that sustain and enhance the historic character of the area. It would not be contrary to the Framework where it relates to the need for high quality design and conserving and enhancing the historic environment.

The Inspector concluded that the Council are unable to demonstrate a five year supply of housing and the proposal made a very small contribution to the supply of housing within the area. The contribution towards affordable housing in the area would be of significant benefit. These factors weighed in favour of the appeal scheme. She also found that the proposed development would not cause harm to the character and appearance of the area.

APPLICATION FOR COSTS MADE/REASON
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None

COSTS AWARDED

N/A

Background Papers: EP/146/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

Appeal Decision

Site visit made on 18 April 2016

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 May 2016

Appeal Ref: APP/C3810/W/15/3142013

Slaters Cottage, 3 The Street, East Preston, West Sussex BN16 1JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Sally Gardiner against Arun District Council.
 - The application Ref EP/146/15/PL is dated 3 November 2015.
 - The development proposed is the demolition of the existing house and replacement with 1 No. detached house adjacent to The Street and 1 No. bungalow towards the rear of the site.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and replacement with 1 No. detached house adjacent to The Street and 1 No. bungalow towards the rear of the site at Slaters Cottage, 3 The Street, East Preston, West Sussex BN16 1JJ in accordance with the terms of the application, Ref EP/146/15/PL, dated 3 November 2015, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. **The Council's delegated officer** report indicates that had it been in a position to determine the application, it would have been refused for reasons relating to the demolition of the existing property and the effect of the proposal on the character and appearance of the area.
 3. The proposal is accompanied by a copy of a signed section 106 Unilateral Undertaking (UU) dated 18 November 2015 in relation to contributions towards affordable housing. I return to this matter below.
 4. The Council refers to Policy HERSP1 of the emerging Local Plan. The plan has been the subject of consultation and the Examination has begun. However, I understand that additional consultation over a significant length of time will be **need in respect of the Council's proposed housing** requirement. Given this factor, I give the emerging Local Plan very little weight. I have therefore determined the appeal against the policies of the Arun District Local Plan (LP) 2003, the East Preston Neighbourhood Plan (EPNP) and the National Planning Policy Framework (the Framework).
 5. Interested parties have referred to saved Policy GEN22 of the LP. This seeks to prevent the loss of buildings and structures of interest and importance which are attractive in their own right or which contribute to the character and
-

appearance of the area. However, I consider this policy would not be consistent with the need for a balanced judgement as set out in paragraph 135 of the Framework. I have therefore given this very little weight.

6. Since the appeal was submitted, an appeal for the demolition of the existing house and replacement with 2 semi-detached houses¹ on the appeal site has been allowed. The appellant has commented on that appeal decision. The Council were provided with an opportunity to comment on the relevance of that appeal decision to their case.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

8. The appeal site is located within an area which has a mixed residential character and it is close to a range of other uses including shops and restaurants. I accept that there are a number of older style buildings. However, there are also modern houses close by and a considerable range of designs of properties. The types of material also differ, although a number of the older style buildings incorporate flint walls.
9. The cottage is of a traditional construction with flint walls and was built in around 1850. There are modern parts to the cottage, such as the windows and a single storey rear extension. The front elevation is adjacent to the road. The EPNP refers to the area as Character Area Three which is defined as the older part of the village. However, the building is not listed and it is not located in a Conservation Area.
10. The principle of demolition of the existing dwelling and development of the site for two semi-detached dwellings on the site has already been established. The Council consider that the principle of two dwellings on the appeal site is acceptable. I have considered the Inspector's findings and recognise the need for consistency in these matters. However, the scheme before me differs slightly in respect of the replacement dwellings.
11. Turning the matter of the demolition of the building, I note that Heritage England (HE) declined to list the building, referring to its standard construction and lack of any special architectural interest or innovation. HE acknowledged that it was part of a group but that it did not warrant listing on this basis.
12. The EPNP includes a proposal for a number of the buildings in the area to be **included within the Council's Local List of Heritage Assets. This includes the appeal building**, albeit I understand that the Council have not yet included it on the list. The EPNP refers to the building as being a rare example of this type of cottage in the village and the building is shown in old photographs. The building is the subject of an Article 4 direction which prevents its demolition without planning permission for a suitable replacement scheme. I therefore consider that the appeal building is a non-designated heritage asset.
13. A Structural Condition and Viability for Restoration report was submitted as part of the planning application². This indicates that due to a number of

¹ APP/C3180/W/15/3132499

² Rackhams Chartered Surveyors, June 2015

- limitations and structural issues, it would not be viable to repair the building. The Council commissioned a report from independent structural engineer to assess the contents of this report and the building. The Council now considers that options for the renovation of the property have not been fully explored.
14. The Council refers to the potential to address significant difficulties with the building by changes to the internal layout of the cottage for example. However, there is very little detail and no plans are provided in order to be able to make a comparison to the demolition and whether these are practical solutions. In terms of whether the site could be capable of providing an access without demolition, **the Council's suggested option would rely on** being able to purchase land or share access with the adjoining owners of The Old Forge (also known as Forge House). I consider this is unlikely to be a practical option. **The Council's independent structural engineer agreed that the overall direction of the appellant's structural report was acceptable**, noting that refurbishment costs may be lower. However, the basis for the alternative figures is not referred to.
 15. **I note that the Council's assessment was based on an external viewing of the** front and side elevations which are visible from the road. The Council and other parties refer to photographs of the building when it was for sale suggesting it was in a reasonable condition when sold. However, I cannot be certain when these pictures were taken. As the decoration was in place at the time it would not be possible to ascertain the structural condition of the cottage from these. Based on the evidence before me, I am satisfied that the proposal to demolish the existing building is justified.
 16. The plans indicate that the dwellings would have design features including flint and decorative brickwork that would not appear out of context with the detail of surrounding buildings. I accept that there are concerns that the proposal could result in the use of different materials which would be alien to the area. However, I am satisfied that the use of suitable materials could be secured by an appropriate condition. There would be space around the buildings and although the garden of Plot 1 would be slightly smaller than Plot 2, it would not be significantly so. The proposed scheme would not appear cramped within the plot and would have a sense of spaciousness similar to other properties close by. Access would be to the west of Plot 1 adjacent to The Old Forge and access from The Street is not uncommon.
 17. Plot 1 would be a house which would be positioned slightly away from the road. This would be different to the existing cottage. However, it would have a similar building line to adjoining properties including the nearby listed building. The scale of Plot 1 would also be similar to the surrounding buildings. It would not appear overly prominent in the street scene, but would nevertheless have a presence which would be reminiscent of the existing building.
 18. The pitch roof of Plot 1 would be lower in height than The Old Forge. Due to its design and separation from the boundary it would not have a negative effect on this property. The roof would have low eaves which would not be dominant against the adjacent single storey restaurant building. Plot 2 would have similar detailed design features to Plot 1. It would be located towards the rear of the plot and would not be highly visible in the streetscene. To the north of this building would be the modern two storey development of The Meadows

- and single storey buildings at No 124 North Lane. The layout of buildings in the immediate area is irregular. Plot 2 would therefore be seen in this context.
19. Paragraph 135 of the Framework sets out that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I accept that the proposal would result in the total loss of the building. However, the building is in a poor condition and there are considerable limitations to the potential for a viable conversion. I consider that the proposed dwellings would complement the historic character of the area and due to their design would be viewed as small village houses. The proposed scheme would be of a high quality design and it would maintain the traditional fabric of the village and the character of the road. These factors would outweigh the loss of the significance of the building.
20. I have had special regard to the setting of the nearby listed building of Preston Cottage. This building is located a corner plot of The Street and Sea Road and is a dominant feature in the street scene. It has flint walls visible on its front elevation which faces The Street. I accept that No 3 is part of the wider setting of the listed building. However, it does not affect the most important views of the listed building from Sea Road and makes only a small contribution to the way in which Preston Cottage is experienced. The loss of No 3 would therefore not significantly change this experience. The proposed scheme would be separated from Preston Cottage by another building and it would be set back from the road. I therefore consider there would be no harmful impact on the setting of Preston Cottage.
21. The proposal would not be in conflict saved Policy GEN7 of the LP. This requires new development to display high quality design and layout and which responds positively to identified characteristics and resources of the site. It would not be in conflict with Policies 1 and 4 of the EPNP which seek to support new housing development provided that amongst other things, the scale, density, massing, height, layout and materials and proposals that sustain and enhance the historic character of the area. It would not be contrary to the Framework where it relates to the need for high quality design and conserving and enhancing the historic environment.

Other matters

22. I have considered the UU in the light of the statutory tests contained in paragraph 204 of the National Planning Policy Framework. The contribution **would be in accordance with the Council's adopted Interim Housing Policy** which is supported by evidence of the need for affordable housing, viability and a methodology for calculating contributions. The UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. I have taking it into account in coming to my decision.
23. Local businesses have raised concerns that the proposal would cause disruption to businesses and result in the loss of customers. However, I have not been provided with evidence to demonstrate that this would be the case. The period for demolition and construction of the proposed scheme would also be temporary.

24. Concerns have been raised in respect of the amount of parking to be provided within the scheme. The Council and the Highways Authority do not object to the proposal and based on the evidence before me, I see no reason to disagree with this matter.

Conditions

25. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. For the avoidance of doubt and in the interests of proper planning, a condition is necessary specifying the approved plans. For the sake of consistency, I have also attached a condition relating to the demolition of the building.

26. The Council have suggested a number of conditions that would be before the commencement of development. I have amended the order of the conditions to reflect this. In order to protect the character and appearance of the area, conditions are needed in relation to materials and joinery to be used in the construction of the dwellings. Conditions are also needed in relation the submission of a landscaping scheme and details of boundary treatments. In respect of drainage and the reduction of flood risk, a condition is also needed in relation to a surface water drainage scheme.

27. The Council have suggested a condition relating to a sample of the flint walling being erected on site before the walling is commenced. I agree that this would be necessary in the interests of the character and appearance of the area. In order to protect the living conditions of the adjoining occupiers at The Old Forge, a condition is needed in relation to the provision of obscured glazing on the west elevation. In the interests of highway safety and securing alternative methods of transport, a condition is needed for cycle parking provision. The Council have suggested a condition relating to the removal of permitted development rights for extensions or alterations to the dwellings and I consider this would be necessary.

Conclusion

28. The Council are unable to demonstrate a five year supply of housing and the proposal make very small contribution to the supply of housing within the area. The contribution towards affordable housing in the area would be of significant benefit. These factors weigh in favour of the appeal scheme. I have also found that the proposed development would not cause harm to the character and appearance of the area.

29. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule, the appeal should be allowed.

L Gibbons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2.01 Rev A; 2.02 Rev B; 2.03 Rev C; 2.04 Rev B and 2.05 Rev A.
- 3) The existing building shall not be demolished until a formal legal contract for the erection of the dwellings hereby approved has been made, agreed and signed.
- 4) No development shall be carried out until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority. **A 'statement of detail'** shall be submitted setting out details of proposed windows and doors, details of the depths of recess/reveals from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. **The materials and 'statement of details'** so approved shall be used in the construction of the buildings.
- 5) No development shall take place until details of all new joinery has been submitted to and approved in writing by the Local Planning Authority and the new joinery shall be constructed in accordance with the approved details.
- 6) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the soft landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which, within a period of five years from the completion of development, die or are removed or become seriously damaged or disease, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 7) No development shall take place until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.
- 8) Development shall not commence until full details of the proposed surface water drainage scheme had been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems are set out in Approved Document H of the Building Regulations and the recommendations of the SUDS manual produced by CIRIA. Winter groundwater monitoring to established highest annual groundwater levels and percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration

drainage.

No building shall be occupied until the completed surface water drainage system serving the properties have been implemented in accordance with the agreed details and shall be maintained in good working order in perpetuity.

- 9) Any flint walling shall conform to a sample panel of flint work which shall be erected on the site and approved in writing by the Local Planning Authority before work to walling is commenced.
- 10) The rooflights and first floor bathroom windows on the west elevation of Plot 1 shall at all times be glazed with obscured glass.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.
- 12) The buildings shall not be occupied until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority and the facilities so approved have been provided on site. The areas of land that so provided shall not thereafter be used for any purpose other than the parking of cycles.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 15 JUNE 2016

Decision Paper

Subject : Development Control Committee – Scheme of Delegation

Report by : Nikolas Antoniou

Report date: 18 May 2016

EXECUTIVE SUMMARY

To consider making amendments to the following parts of the Constitution:

- Part 4, Section 2, Paragraphs 5.5 and 5.7 and
- Part 8, Section 7, Paragraph 11.

Going forward it is accepted that the Council will have less resources available to deliver services. It is therefore necessary to review current working practices. It is the view of Officers often acknowledged by those Members that sit on Development Control Committee that there are many items on agendas which whilst important to the individuals involved, are not of significant District importance and should more appropriately remain as an application to be determined under the delegation of decision making powers to Officers.

The changes outlined in this report would result in a reduction of over 50% of the number of items going to Committee, the benefits of which are summarised below and set out in detail in Appendix 'A' attached. Other minor changes to the scheme of delegation including changes to Planning Performance Agreements and the issuing and service of Directions, Notices and Orders and finally, the regular review of Development Control matters to the Development Control Committee are also proposed to assist with the delivery of Planning services.

RECOMMENDATIONS

It is recommended that the Constitution be amended as follows:

Recommendation (1)

To make amendments to the following part of the Constitution: Part 4, Section 2, Officer Scheme of Delegation to Director of Planning and Economic Regeneration Paragraphs 5.5. and 5.7 - additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~:

DEVELOPMENT CONTROL & MANAGEMENT

5.5 Except in the circumstances set out in Paragraph 5.3-~~5.1~~ the determination of all matters for permission, consent, approval, agreement, opinion, **the issuing of directions, notices or orders**, authorisation to decline to determine and the setting of discretionary fees, whether by formal application or by correspondence under the terms of the following primary legislation:

- Town and Country Planning Act 1990 (as amended),
- Planning (Listed Building & Conservation Area) Act 1990 (as amended),
- Planning (Hazardous Substances) Act 1990 (as amended) ,
- Environment Act 1995 (hedgerows),
- Anti-Social Behaviour Act 2003 (High Hedges)
- Localism Act 2011
- **Housing and Planning Act 2016**
- Town and Country Planning (General Permitted Development) Order ~~1995~~ **2015.**
- ~~or~~ Any circular, direction or regulation (as secondary legislation) pertaining to the above together with any request for a consultation response from a Council or other body (inc Traffic Commissioners). ~~shall be delegated to a designated officer¹~~

and also

~~5.7~~ The following shall also be delegated to a designated officer²:

- The development, management, making and implementation of a Planning Performance Agreement **including the agreement to accept payments for the purpose of covering the cost of any necessary additional and/or specialist work involved in progressing the above and/or back filling internal resources used for progressing the above. Authority to expend such payments as received for any or all of the above purposes.**

¹. A designated officer would include the Head of service down to and including team leaders to be recorded by letter from the Director Planning and Economic Regeneration to the designated officer a copy to be supplied and retained by Human Resources or the Head of Legal and Administration and Monitoring Officer

² **Major and Minor are defined in the Arun District Council's Local Validation Requirements list a copy of which is published on the Council's website.**

- Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.
- The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports
- **Where** the application is from a Member or officer, **such** application **is** to be determined by the Director for Planning and Economic Regeneration in consultation with the Chairman of Development Control Committee

The Director of Planning and Economic Regeneration may further delegate any of the above functions to a designated officer¹:

5.5.1. Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee:

- ~~Any application which prior to its determination is subject to at least 5 or more written representations, each from a different person, or a petition of signatories from at least 5 different persons residing at different addresses, which are in conflict with the recommendation of officers.~~
- Any **Major or Minor**² application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers.
- Any application submitted by, or on behalf of the Council, ~~any elected Member or any current member of staff.~~
- Any 'Major' or 'Minor'² application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads.

~~5.7 The following shall also be delegated to a designated officer~~

- ~~The development, management, making and implementation of a Planning Performance Agreement~~
- ~~Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter Submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.~~

- ~~The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports~~

Recommendation (2)

To make amendments to the following part of the Constitution: Part 8, Section 7 Planning Services Local Code of Conduct, by deleting the whole of Paragraph 11 as shown by strikethrough below

11 ~~REGULAR REVIEW OF DECISIONS~~

~~11.1 The relevant Committee will undertake an annual review of planning decisions which will include examples of:-~~

- ~~major/minor developments~~
- ~~departures from the Development Plan~~
- ~~upheld appeals~~
- ~~Listed Building works~~
- ~~developments in Conservation Areas~~
- ~~enforcement cases~~

~~11.2 The Development Control Committee (and others if necessary) will formally consider the review and decide whether it gives rise to the need to review any policies or practices.~~

1.0 BACKGROUND:

- 1.1 Over the last twelve month period approximately 150 applications were Committee items. Of these, 19 were major applications, 43 minor applications, 25 other applications and 63 householder applications. Of these 150, Members only overturned 7 applications meaning that in 95% of cases Members agreed with the Officer recommendation.
- 1.2 Looking specifically at householder applications, only 3% were overturned which meant on 97% of occasions Members agreed with Officers. Overall the performance for the last year shows correctly that Members follow the advice of professional Officers rarely coming to different conclusions.

2.0 PROPOSAL(S):

- 2.1 It has been clear for some time that too many small-scale applications are being presented to Members. This has a negative impact upon the time available for

Members to consider the pros and cons of significant District-wide applications. The Council's need to reduce its resource base across all areas means that all Departments are looking critically at the way things are done. Appendix 'A' highlights that in looking at the Scheme of Delegation, we have looked critically at the process.

- 2.2 The proposal is for a revised Scheme of Delegation which has fewer trigger points and removes certain application types completely from Committee consideration.
- 2.3 The following changes are proposed:
- 2.4 All householder applications are to remain delegated. The analysis set out in Appendix 'A' shows that with Members agreeing in 97% of cases with Officer recommendations results in the customer waiting significantly longer for a planning decision. The Council's performance as measured by the Government is also adversely affected.
- 2.5 As with the householder applications, it is proposed that all "other" applications remain delegated as these are also very minor in nature and many of the performance and customer service issues are the same as those for householder applications
- 2.6 The five letter representation trigger point is to be deleted as it is a crude threshold that simply focuses on the numbers of representations received rather than the planning merits of the case. Representations will still be taken into account in the Officers evaluation of the merits of an application but the number will not themselves be used as a trigger point for committee.

- 2.7 Parish/Town Council Call In is to be restricted to minor/major applications. This will ensure that the Parish Councils focus their attentions on the significant applications in their area which are likely to have the greatest impact for the community. It is accepted that some may be concerned that this reduces their say, however, the statistics prove without doubt that Members follow the recommendations set out in reports which themselves take account of Parish/Town representation comments. The Council would like Parish Councils to become better equipped to make more focused representations on minor and major applications and would provide annual training for representatives of the Parishes through a recognised training provider to enhance skill sets. It is also felt that with fewer representations there is greater scope for Parish Councils and Planning Officers to have more dialogue on those applications which can be triggered to committee.

- 2.8 It has been noted that the current Constitution gives delegated powers to the Director of Planning & Economic Regeneration in consultation with the Chairman of the Development Control Committee to determine applications received from Officers and Members and at the same time requires all such applications to be

determined by the Development Control Committee. The wording of section 5.5.2 has been amended to remove the reference to the latter.

2.9 The proposals also include changes to the wording of three further areas as set out above in recommendations 2-4 and set out in full in Appendix 'A'

3.0 IMPLICATIONS:

3.1 The full implications of these changes are set out in detail in Appendix 'A'.

4.0 REASON FOR THE DECISION:

4.1 This report and Appendix 'A' demonstrate without doubt that the Committee is not operating efficiently or effectively with so many small applications on the Agenda. The proposed changes outlined above would result in a reduction of Committee items of over 50% per year. The proposed changes would take place without any detriment to the customer who would receive a better service but the same decision would be reached.

4.2 For the Council there are significant efficiency gains. These include improved performance and a significant reduction in workload for a shrinking pool of Planning Officers. Few items would have to be presented and heard by the Committee and administratively there would be smaller agenda with a reduction in public speaking.

4.3 The Recommendations allow for improved working and clarity enabling the more efficient working. A final version of the proposed changes to the Constitution is set out in Appendix A (pages 8 and 9) to this report.

Background Papers:

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WORKING PARTY BRIEFING NOTE

DEVELOPMENT CONTROL COMMITTEE – SCHEME OF DELEGATION

PURPOSE

Further to the cabinet working party of the 5 April this briefing note reviews in particular the trigger points for applications to be determined by the Development Control Committee (DCC)

Going forward it is generally accepted that the Council will have to do more with less. As part of this exercise it is necessary to review current working practices. It is the view of Officers often acknowledged by those Members that sit of Development Control Committee that there are many items on agendas which are not of significant importance to the District and should more appropriately be delegated to Officers.

The impacts of the current Scheme of Delegation are two fold:

- 1) A large number of small applications go to committee because of either a Parish/Town Council objections or 5 letters of objection and in the majority of cases Members agree with the officers recommendation. The delay of the committee cycle harms performance statistics and ultimately results in a poorer service to the customers who have to wait longer for the same decision. The process is not efficient.
- 2) The Agendas are as a result needlessly long involving significant officer time in the preparation and presentation of items, meetings and Member input being significantly longer than they need to be.

This Working Party Briefing Note concludes that in order to be fit for purpose changes must be made to the existing scheme of delegation so that only those applications that require the strategic decision making of elected Members go before them at committee.

EXISTING SCHEME OF DELEGATION

Below is the extract of the existing DCC scheme of delegation. The two trigger points as outlined above which result in a large number of committee items are the Parish/Town Council call in and 5 letter of representation:

5.5.1. Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee.

- *Any application which prior to its determination is subject to at least 5 or more written representations, each from a different person, or a petition of signatories from at least 5 different persons residing at different addresses, which are in conflict with the recommendation of officers.*
- *Any application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting,*

which has been received within the consultation period and which is in conflict with the recommendation of Officers.

- *Any application submitted by, or on behalf of the Council, any elected Member or any current member of staff.*
- *Any 'Major' or 'Minor' application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads*

REVIEW OF ARUN DCC AGENDAS APRIL 2015 TO MARCH 2016

In order to highlight/substantiate issues the committee agendas for a 12 month period have been analysed. In the last financial year 150 applications were committee items the breakdown of which is as follows:

- Major 19
- Minor 43
- Other 25
- Householder 63

Of the 150 applications determined by DCC only 7 applications were overturned. This means that in 95% of cases Members agreed with the recommendations of their professional officers. Of the 63 householder applications only two were overturned which represents 3%, Members therefore agreeing with officer recommendations 97% of the time. Householder applications and other applications together total 88 applications representing 58% of the agenda items.

This analysis correctly shows that Members follow the advice of their professional officers and very rarely come to differing conclusions.

COMPARISON - NEIGHBOURING WEST SUSSEX DISTRICT COUNCILS

Arun is not the first authority to revisit the scheme of delegation and it is only proper to consider how neighbouring authorities operate their schemes of delegation and how this impacts upon performance. The most consistent and strongest performer of the authorities in West Sussex is Mid Sussex. It is notable that it is one of three, that doesn't operate the 4/5 letter of representation trigger to committee. Many of the agenda items at Arun are as a result of 5 or more representation letters.

Another area which assists in authorities performing better is the exclusion of certain application types from committee agendas. Many exclude householder applications on the basis they are the least significant in terms of wider public interest and their relatively large numbers can make committee agendas needlessly long. Mid Sussex D.C. excludes householder applications from the scheme of delegation contributing no doubt to its better performance.

THE FUTURE – CHANGES TO SCHEME OF DELEGATION

Going forward we need to ensure that only applications of significance which require a public debate and the decision of the elected Members should go to committee. Smaller scale applications of limited wider public benefit/importance should be dealt with via delegated authority. Having reviewed the content of Agendas above it is clear that over half (58%) of items are small in scale and do not need to be decided by Members. A reduction in the size of the agenda would have the following positive benefits

- Enable more applications to be decided more quickly through delegated powers resulting in better customer service
- Improve performance returns reducing the likelihood of failing authority status
- Reduce Officer time in preparing committee agendas/presentation
- Reduce the size of agendas and associated administration such as the recording and organising of public speaking.
- With less items Members will have more time to consider the merits of larger applications that are more befitting of their input

PROPOSED CHANGES

Going forward it is not considered that changing the existing thresholds within the scheme of delegation would result in any meaningful changes/improvements. For example, increasing the number of representation letters required to trigger a referral to committee may only result in a slightly less number going as objectors would likely arrange for the necessary number of letters to be secured to trigger a committee referral.

In order to become more efficient and effective and for a lower number of applications to go to Development Control Committee, thereby reflecting a smaller organisation and resource base, more radical changes are required with a far greater amount of delegation.

1) Householder Applications – 100% Delegation

The single biggest and most effective change would be the removal of householder planning applications from the Development Control Committee. Such applications can often make up half of an agenda and many appear as a result of a Parish/Town Council objection or less frequently as a result of 5 representation letters.

These applications generally have less impact on the community and Planning Officers and their Team Leaders are suitably qualified to make the correct planning decision taking into account

representations. The above analysis has demonstrated that in 97% of cases Members agreed with Officers recommendations which meant that those applications had on reflection unnecessarily been triggered to the Development Control Committee and the Applicant (the Council's customer) received the decision they would of otherwise received but had been delayed (often 4 weeks plus) resulting in poorer customer service. Another factor is that while Town/Parish Council's objected, in only relatively few instances was the strength of feeling so strong that they registered to speak at the Development Control Committee. The general lack of attendance by the Parish/Town Councils to speak in support of their objections should be noted.

Officers are however mindful that the removal of householder applications from Development Control Committee, is likely to spark objection from parishes. However, as part of efficiency drives other Local Planning Authorities such as Mid Sussex have done the same and while initially resisted, changes such as this have to be accepted if the organisation is going to survive in the longer term.

The benefits of this approach is much reduced agendas, quicker decisions for customers and better performance, clear and simple process to administer, avoids the risk of inconsistencies in approach and no one Member/Officer is accountable.

2) Other Applications – 100% Delegation

Building on (1) above it is considered that the "other" category of planning applications which includes for example advertisement consent, listed building & conservation area consents etc., could also be delegated. Again these applications generally have less impact on the community and are not applications of significance that need to be determined by Members of the Development Control Committee. Many of the reasons outlined above in respect of householder applications apply equally leading to delayed decisions and poorer customer service.

3) Representation Trigger Threshold to be removed

At present the use of representation letters as a trigger for an application to be heard at committee is a crude threshold that simply focuses on the numbers rather than the planning merits/significance of the case and whether it warrants being determined by Members of the Development Control Committee. The proposal is to drop the representation letter threshold for all types of application.

4) Parish Council – Call in restricted to major/minor

Following the exclusion of householder applications from committee as outlined in (1) above and the exclusion of other applications as outlined in (2) the powers for Parish Councils to call in applications will be accordingly reduced and should be restricted to major/minor application types. This will ensure that both Members of Parish Councils and subsequently Members of the Development Control Committee focus on the more significant applications in their area which are likely to have the greatest impact for the community.

Through these changes the District Council would like Parish Councils to become better equipped to make more focused representations on major/minor applications and will provide annual training for representatives through a recognised training provider to enhance the skill set of the parishes. The cost for this would be borne by the District Council.

PROPOSED MODIFIED SCHEME OF DELEGATION

The proposed changes to the scheme of delegation are highlighted in **bold** and shown by strikethrough below

5.5.1. *Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee:*

- ~~Any application which prior to its determination is subject to at least 5 or more written representations, each from a different person, or a petition of signatories from at least 5 different persons residing at different addresses, which are in conflict with the recommendation of officers.~~
- Any **major or minor** application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers.
- Any application submitted by, or on behalf of the Council, ~~any elected Member or any current member of staff.~~
- Any 'Major' or 'Minor' application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads

*Note – key changes

- Reference to representation trigger deleted
- Town & Parish Council major or minor trigger only

CONCLUSIONS ON CHANGES TO THE SCHEME OF DELEGATION

Given that resources are going to be severely reduced there needs to be a fundamental review of the scheme of delegation and its thresholds. Members can relax in the knowledge that only on a handful of occasions over the last year have they come to a differing conclusion to officers. There can be confidence in allowing more delegation.

The proposed changes outlined above, based upon last years figures should result in a reduction in the number of applications going to committee of just over 50%. Such a reduction would result in significant efficiency gains. Members would be able to focus their attentions on fewer more significant applications that affect the District more widely and hold more in depth debates.

For the Council as a whole it would as outlined result in a host of efficiency gains. Many customers would receive decisions on smaller applications far quicker and in over 95% of cases the decision would have been the same had Members determined the applications. Performance would improve. There would be a significant reduction in workload for Officers not having to present so many items,

prepare such large presentations and administratively smaller agendas and far less public speaking to organise.

These changes are commensurate with a smaller authority and shrinking resources and if implemented will enable the same if not improved service/performance to be offered.

OTHER CHANGES

5) Planning Performance Agreements - Payments

Very large strategic applications require considerable resource across many disciplines in order to reach conclusions/recommendations. In many instances the Council does not have sufficient in-house expertise and through agreement Applicants offer to make payments as part of Planning Performance Agreements for the purpose of assisting in the processing of these applications. Delegation is sought that any payments made for these purposes can be spent on the areas identified without having to seek further authority to spend. This change would streamline processes and avoid unnecessary approval being sought for expenditure already identified in a signed agreement.

The proposed wording changes are set out below.

5.7. The following shall also be delegated to a designated officer:

- The development, management, making and implementation of a Planning Performance Agreement ***including the agreement to accept payments for the purpose of covering the cost of any necessary additional and/or specialist work involved in progressing the above and/or back filling internal resources used for progressing the above. Authority to expend such payments as received for any or all of the above purposes.***

6) The issuing and service of directions, notices and orders

In the current scheme of delegation at section 5.5, officers are able to undertake a number of different activities and issue decisions. However, the recent wish to create article 4 directions in East Preston and Rustington established that this couldn't be authorised under section 5.5. therefore, the additional words in bold set out below are recommended for inclusion. This section also covers Local development orders and any notices that might need to be served.

*5.5 Except in the circumstances set out in Paragraph 5.5.1 the determination of all matters for permission; consent; approval; agreement; opinion; **the issuing of directions, notices or orders;** authorisation to decline to determine and the setting of discretionary fees, whether by formal application or by correspondence under the terms of the following primary legislation:*

- *Town and Country Planning Act 1990 (as amended),*
- *Planning (Listed Building & Conservation Area) Act 1990 (as amended),*

- *Planning (Hazardous Substances) Act 1990 (as amended) ,*
- *Environment Act 1995 (hedgerows),*
- *Anti-Social Behaviour Act 2003 (High Hedges)*
- *Localism Act 2011*
- **Housing and Planning Act 2016**
- *Town and Country Planning (General Permitted Development) Order 1995 where the application is from a Member or officer. Such application to be determined by the Director for Planning and Economic Regeneration in consultation with the Chairman of Development Control Committee or any circular, direction or regulation (as secondary legislation) pertaining to the above together with any request for a consultation response from a Council or other body (inc Traffic Commissioners), shall be delegated to a designated officer*

7) Regular review of Development Control matters to Development Control Committee

An audit report noted that the constitution had not been updated to reflect the fact that the Development Control Committee no longer received a regular report on enforcement because all members were now sent e-mails setting out the cases received and closed. This needs to be reflected in the role of the Committee. The matter actually appears in the Planning Services Local Code of Conduct. This whole code of conduct needs reviewing. However, for the present it is recommended that section 11 (see below) be removed pending such a review.

11.1 The relevant Committee will undertake an annual review of planning decisions which will include examples of:-

- *major/minor developments*
- *departures from the Development Plan*
- *upheld appeals*
- *Listed Building works*
- *developments in Conservation Areas*
- *enforcement cases*

11.2 The Development Control Committee (and others if necessary) will formally consider the review and decide whether it gives rise to the need to review any policies or practices.

PROPOSED FINAL VERSION OF CHANGES TO THE CONSTITUTION:

Constitution: Part 4, Section 2 Paragraphs 5.5. and 5.7:

DEVELOPMENT CONTROL & MANAGEMENT

5.5 Except in the circumstances set out in Paragraph 5.5.1 the determination of all matters for permission, consent, approval, agreement, opinion, the issuing of directions, notices or orders, authorisation to decline to determine and the setting of discretionary fees, whether by formal application or by correspondence under the terms of the following primary legislation:

- Town and Country Planning Act 1990 (as amended),
 - Planning (Listed Building & Conservation Area) Act 1990 (as amended),
 - Planning (Hazardous Substances) Act 1990 (as amended) ,
 - Environment Act 1995 (hedgerows),
 - Anti-Social Behaviour Act 2003 (High Hedges)
 - Localism Act 2011
 - Housing and Planning Act 2016
 - Town and Country Planning (General Permitted Development) Order 2015.
 - Any circular, direction or regulation (as secondary legislation) pertaining to the above together with any request for a consultation response from a Council or other body (inc Traffic Commissioners)
- and also
- The development, management, making and implementation of a Planning Performance Agreement including the agreement to accept payments for the purpose of covering the cost of any necessary additional and/or specialist work involved in progressing the above and/or back filling internal resources used for progressing the above. Authority to expend such payments as received for any or all of the above purposes.
 - Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.
 - The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports
 - Where the application is from a Member or officer, such application is to be determined by the Director for Planning and Economic Regeneration in consultation with the Chairman of Development Control Committee

The Director of Planning and Economic Regeneration may further delegate any of the above functions to a designated officer¹:

- 5.5.1 Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee:

- Any Major or Minor² application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers.
- Any application submitted by, or on behalf of the Council,
- Any 'Major' or 'Minor' application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads.

Footnotes:

¹ A designated officer would include the Head of service down to and including team leaders to be recorded by letter from the Director Planning and Economic Regeneration to the designated officer a copy to be supplied and retained by Human Resources or the Head of Legal and Administration and Monitoring Officer

² Major and Minor are defined in the Arun District Council's Local Validation Requirements list a copy of which is published on the Council's website.