



Committee Manager : Carrie O'Connor (Ext 37614)

28 July 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 10 August 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 13 July 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. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

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

8. *PLANNING APPEALS

To consider the attached report.

9. DIVERSION OF FOOTPATH NO. 139 AT NORTH BERSTED

This report seeks Committee approval to the making of an Order to divert Footpath No. 139 at North Bersted.

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

13 July 2016 at 2.30 p.m.

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

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the relevant minutes:- Councillor Wells, Minutes 91 (from Planning Application BR/54/16/PL to Minute 93; Councillors Gammon and Miss Rhodes, Minutes 91 (from Planning Application AL/41/16/PL) to Minute 93.]

Councillors Ambler, Bicknell and Mrs Daniells were in attendance for part of the meeting.

87. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Maconachie and Mrs Pendleton.

88. 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.

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Councillor Mrs Maconachie declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL, as both the speakers were known to her.

Councillor Wells declared a pecuniary interest in Agenda Item 8, Planning Application BR/54/16/PL as his company carried out work for the applicant. He stated that he would leave the meeting during its consideration.

Councillor Hitchins declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL as Chairman of the Bognor Regis Regeneration Subcommittee.

Councillor Brooks declared a personal interest in Agenda Item 8, Planning Application BR/54/16/PL, as a member of the Bognor Regis Regeneration Board as they had made representation in support of the application, and as a member of Bognor Regis Town Council.

Councillor Dillon declared a personal interest in Agenda Item 8, Planning Applications BR/54/16/PL and BR/107/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee – he stated that he was not present at the meeting when they were discussed.

89. MINUTES

The Minutes of the meeting held on 15 June 2016 were approved by the Committee and signed by the Chairman as a correct record.

90. VISIT BY SITE INSPECTION PANEL – AW/78/16/HH – WIDENING OF EXISTING DRIVE INCLUDING ALTERATIONS TO CROSS-OVER, ETC, 68 THE DRIVE, ALDWICK

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that Members found no problem with the widening of the drive and gateway and were reassured with the condition protecting the tree roots.

Following consideration, the Committee

RESOLVED

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

91. PLANNING APPLICATIONS

Y/34/16/PL – Application for Variation of Condition No. 5 following a grant of Y/7/15/PL to enable the use of PVCu windows, Residential Accommodation, The Olive Tree, North End Road, Yapton Having received a report on the matter, the Committee was advised by the Planning Team Leader that the Council did not have a policy with regard to plastic windows in Conservation Areas – there were restrictions for putting them in listed buildings. In this instance, it was the view of officers that the plastic sliding sash windows were of sufficient quality so as not to adversely affect the Conservation Area. Following consideration, Members

RESOLVED

That the application be approved as detailed in the report.

LU/100/16/PL – New 2 bedroom semi-detached dwelling, 12 Wick Farm Road, Littlehampton Having received a report on the matter, the Committee was advised by the Planning Team Leader that, although no comments had been received from County Highways, officers were of the view the proposal could be approved. The Committee therefore

RESOLVED

That the application be approved as detailed in the report.

FG/69/16/OUT – Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT), 44 Ferringham Lane, Ferring Having received a report on the matter, the Committee was reminded by the Planning Team Leader that this proposal was in outline form for access and layout only and they were the only matters for determination today. Extensive negotiations had been undertaken with the applicant and it was felt that the proposed layout was sympathetic to the site. With regard to the access, the drive leading to the site was 50m long by 3.3m wide and the applicants had suggested a traffic light system to aid vehicles entering and leaving. It was acknowledged that the width was substandard and before any approval could be implemented the applicant would have to provide a 4m wide vehicular access (any land ownership disputes with the neighbouring properties on either side of the drive were civil and not planning matters to be resolved by the relevant parties). A condition would be placed on any approval to that effect and must be complied with prior to any development taking place.

In considering the matter, Members expressed serious concerns with regard to the access and the lack of detail relating to the proposed traffic light system. The proposed layout within the site was deemed to be acceptable but the access was felt

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to be inadequate. Having been proposed and duly seconded, the Committee did not accept the officer recommendation to approve and therefore

RESOLVED

That the application be refused for the following reason:-

The proposal fails to adequately demonstrate that a 4m wide access drive is achievable or that satisfactory tracking for large vehicles has been proven or that land is available for the construction of a traffic light system and it has not been satisfactorily demonstrated that such a system can operate without harm to highway safety and traffic flows in the locality contrary to Policy GEN7(vii) of the Arun District Local Plan 2007 and the National Planning Policy Framework.

EG/42/16/OUT – Outline application with some matters reserved for the demolition of Hunters Chase & erection of 2 No. 4 bed link-detached dwellings (resubmission following EG/50/15/OUT). This application is a Departure from the Development Plan, Hunters Chase, Fontwell Avenue, Eastergate Having received a report on the matter, together with the officer's written report update detailing additional consultation responses and letters of objection received, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Wells had declared a pecuniary interest and left the meeting and took no part in the debate or vote.

Councillors Mrs Maconachie, Hitchins, Brooks and Dillon had declared a personal interest and remained in the meeting and took part in the debate and vote.)

BR/54/16/PL – Development of land to east of The University of Chichester, Bognor Regis Campus, to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 bed spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan, University of Chichester, Upper Bognor Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing:-

- Additional consultation responses received from WSCC Highways, Environmental Health & Environment Officer
- Amendment to description to reduce number of student bed spaces from 171 to 136
- Amendment to the wording of condition 14 relating to lighting
- Additional conditions as requested by WSCC Highways, Environmental Health and Ecology
- Additional informative relating to the submission of a Listed Building application
- Revised condition 2 relating to revised plans

the Committee was advised by the Case Officer that this was an application for the major expansion of the University. It included a new teaching building, described as the Engineering & Digital Technology Park, and an amended first phase of student accommodation to allow the University to offer student accommodation to all first year students who required it. The student accommodation had been reduced from 171 bed spaces initially submitted to 136 bed spaces following amendments to the application.

With the use of slides, the Case Officer gave a presentation on the detail of the application. Members were informed that the link between the existing Campus and the proposal would require a separate Listed Building application as it involved the removal of part of the curtilage wall on either side of the allotment garden and rebuilding of the collapsed wall on the east side of the curtilage. The application had been submitted but still had to be validated.

The Committee welcomed the application and acknowledged that it would greatly benefit the town. Some reservations were expressed with regard to flooding issues; insufficient on site car parking provision; and traffic congestion on the A259 immediately adjacent to the site.

Following consideration, the Committee

RESOLVED

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

BR/107/16/PL – Retrospective application for the change of use from single dwelling (C3 Dwelling Houses) to HMO (Sui Generis), 15 Devonshire Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing four letters of objection received regarding anti-social behaviour, the Committee was advised by the Planning Team Leader that an HMO

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(House in Multiple Occupation) for less than 7 did not require planning permission – as this proposal was for more than 7 it did require planning permission.

In discussing the matter, Members expressed strong concerns that this HMO would have an adverse impact on the amenity of the street scene, together with the fact that it was felt there was insufficient parking available at the site for the number of occupants at the property. Having been proposed and duly seconded, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The HMO by reason of the number of occupants and the lack of parking would be out of keeping with the residential area and harmful to the character of the area contrary to Policies GEN7 and GEN12 of the Arun District Local Plan 2003 and HSP4 of the emerging Neighbourhood Plan (publication version 2011-2013).

AL/41/16/PL – Replacement of 1 No. dwelling, Church Farm, Oving Road, Aldingbourne Having received a report on the matter, the Committee supported the proposal but, as a concern had been raised as to the quality of the flint to be used, it was agreed that an additional condition be added to the approval to ensure that suitable flint materials were provided for the development. The Committee therefore

RESOLVED

That the application be approved as detailed in the report and subject to an additional condition as follows:-

No development above damp proof course (DPC) level shall be carried out until a sample panel of the flint (including the proposed texture, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for 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.

92. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 1 appeal that had been heard.

93. ARUN HORTICULTURE SECTOR: LOCAL DEVELOPMENT ORDER –
RESPONSES TO STATUTORY CONSULTATION

The Director of Planning & Economic Regeneration stated that the horticultural industry was important to the economy of the District and this LDO would provide some freedoms from planning control without harming the rural amenity.

Following a statutory consultation with regard to a draft Local Development Order (LDO) for horticultural development, the Committee received a report from the Director of Planning & Economic Regeneration which detailed the changes that had been made to that document in response to the feedback received. He advised that one response had been omitted from the table included with the report – it was from a Mr Perry and related to the digester at Pagham and his concerns around traffic, noise and landscaping impact. The comments had been forwarded to the consultants to form a view as to whether any further changes would be required and they had responded by confirming that no further changes were required.

Members were advised that the main issues raised were in respect of the proposals for draft LDO areas 1 (Barnham), 4 (Woodgate) and 8 (Binsted). Consequently draft LDO area 1 had been removed because of concerns over the potential cumulative increase in traffic volume, as detailed in the report. Draft LDO area 4 had been reduced in size and draft LDO area 8 had been removed having taken into account the County Council's observations regarding the sensitivity of existing accesses to the proposed sites. The proposed permitted development rights had been simplified by removing reference to different zones.

Following a brief discussion and comments which were responded to at the meeting by the Director of Planning & Economic Regeneration, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Director of Planning & Economic Regeneration be given delegated authority to make any minor changes to the final documents;
- (2) the Arun Horticulture Local Development Order, as amended, be adopted and published; and
- (3) copies of the required documents be sent to the Secretary of State for Communities and Local Government.

(The meeting concluded at 4.55 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

10 August 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/34/16/PL	Retention of pond & associated groundworks.	Crunchy Cottage Park Lane Aldingbourne PO20 3TJ
Case Officer :	Mr R Leal	
Recommendation:	Approve Conditionally	

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/100/16/PL	Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping.	120 Aldwick Road BOGNOR REGIS PO21 2PB
Case Officer :	Simon Davis	
Recommendation:	Approve Conditionally	

CLIMPING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
CM/13/16/PL	New agricultural building.	Hobbs New Barn Gravetts Lane Climping BN17 5RE
Case Officer :	Mrs A Gardner	
Recommendation:	Approve Conditionally	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[FG/12/16/PL](#) Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Cafe. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier.

50 Ferring Street
Ferring
BN12 5JP

Case Officer : Mr D Easton
Recommendation: Approve Conditionally

[FG/95/16/PL](#) Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise

Land between Lansdowne Nursery
Highdown Vineyard
Littlehampton Road
Ferring
BN12 6PG

Case Officer : Mrs A Gardner
Recommendation: Approve Conditionally

KINGSTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
K/11/16/PL	Demolition of existing dwelling & erection of new dwelling house	Spring Tide Gorse Avenue Kingston BN16 1SF

Case Officer : Mrs A Gardner
Recommendation: Approve Conditionally

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/131/16/PL	3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan.	Land adjoining Knightscroft Toddington Lane Littlehampton BN17 7PP

Case Officer : Mr D Easton
Recommendation: Approve Conditionally

WALBERTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
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[WA/25/16/PL](#)

Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions.

1 & 2 Stafford Cottages
Yapton Lane
Walberton
BN18 0AR

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

PLANNING APPLICATION REPORT

REF NO: AL/34/16/PL
LOCATION: Crunchy Cottage
Park Lane
Aldingbourne
PO20 3TJ

PROPOSAL: Retention of pond & associated groundworks.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for the formation of an informal pond feature on land to the rear (west) of this dwelling and its original curtilage. The pond has for the most part already been formed and has an irregular shape that is akin to a figure of eight shape. Some wooden walkways and decking have been formed at the top (north of the pond and along the east side), leading down to a low wooden bridge which crosses an existing stream that runs along the rear boundary of the existing dwelling. There are also 2 further low wooden bridges across the stream to the north of this.

The application is supported by a Planning Statement and a Design and Access Statement. The Planning Statement includes the following:

'The lawful use of the land. In this regard attached to this statement is a letter and plan from Paul Willard. He was a previous occupier of Keymer Cottage, the property to the north. In his letter he makes clear that the subject land formed part of the garden to Keymer Cottage and had been used as garden for many years, up to the land being sold to Andrew Smith. The previous condition and appearance of the land is illustrated in the photograph on the cover page.

Accordingly whilst the dwelling with which the land has been associated with has changed, the actual historical use of the land - as garden land- has not changed. Therefore, no change of use has occurred'.

The second issue related to the works to be subject to the application. The detailed 'Garden Masterplan' from Acres Wild dated July 2015 shows all of the works subject to the

application.

This annotates the original two bridges.

Moreover, in response made by the Parish Council to a current application for the replacement dwelling, I can confirm that the alignment of the stream has not been altered.'

The Planning Statement considers that no material change of use has occurred and that the creation of a pond, walkway and additional bridges is considered to be entirely appropriate for land in use as garden. Also that with regard to visual impact, as soon as the grass has grown and new planting has become established the site will become well screened and there will be no adverse impact on the wider countryside.

SITE AREA

The site area of the land concerned is approximately 0.23 hectares.

TOPOGRAPHY

The topography of the application is generally flat, although in addition to excavating the 1.2m deep lake, some limited and relatively low mounding has been formed to the north and south of the pond. This mounding is likely to have been created from excavated material when forming the pond.

TREES

There are a number of large specimen trees on the site. These are located towards the boundaries and do not appear to have been affected by the formation of the pond.

BOUNDARY TREATMENT

The boundary of the site is formed by trees and established hedgerows and also the existing stream. Boundary treatments provide good to substantial screening.

SITE CHARACTERISTICS

The site is now as described earlier in this report. There is little of the previous low level grassed area remaining and at the time of visit the site appeared to be undergoing planting or seeding since it had a largely soil/mud surface appearance. Small areas of grass remain on the fringes of the site.

The site is located within the open countryside and until recently was a field parcel which did not appear a part of the residential curtilage of Crunchy Cottage. Aerial photography in 2012 shows the parcel as being cultivated for grass or hay.

The land had therefore a farmed, non-residential and non-recreational appearance and had the appearance of a field parcel within the open countryside in terms of its appearance and general character.

CHARACTER OF LOCALITY

The site is located within the open countryside and therefore within an area of rural character. There is sporadic development in the locality and it is very rural in character.

RELEVANT SITE HISTORY

AL/11/16/PL	1 No. replacement dwelling.	ApproveConditionally 20-04-2016
AL/113/15/HH	Construction of informal pond in rear garden	Refused 01-02-2016
AL/36/15/DOC	Application for approval of matters reserved by condition imposed under AL/12/15/HH relating to condition No. 5 - Schedule of materials & samples.	DOC Approved 05-05-2015
AL/19/15/DOC	Application for approval of matters reserved by condition imposed under AL/63/13/ relating to Condition No.3 - Materials schedule and Samples.	DOC Approved 24-04-2015
AL/12/15/HH	Demolition of existing summerhouse & stable. New detached garage/storage building. Re-submission following AL/63/14/HH	ApproveConditionally 01-04-2015
AL/63/14/HH	Demolition of existing summerhouse, stables & 2 No extensions & new rear extension & new detached garage/storage building to converted residential barn.	Refused 18-11-2014
AL/63/13/	Erection of extension and associated works.	ApproveConditionally 29-10-2013
AL/50/03/	Removal of substandard pitched roof over bedroom and provision of first floor extension, extending thatch to give principal bedroom with en-suite, new conservatory with balcony, internal alterations and replacement of double garage with new double garage for use as dark room and office	ApproveConditionally 15-08-2003
AL/49/82	New garage with new access	ApproveConditionally

AL/14/52	Conversion of barn into dwelling house and garage	07-07-1982 Approve 10-12-1952
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The location plans submitted with AL/63/14/HH and AL/12/15/HH shows the same application site boundaries as the current application and therefore included the site of the informal pond. Although these previous applications related to the dwelling and made no proposals for the land to the rear (west).

The location plan submitted with AL/63/13/ showed the parcel to the rear of the dwelling and curtilage edged in blue and therefore under the same ownership but not part of the application.

A pre-application submission PAA/65/13/ did not include the rear parcel within the red edge on its location plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council objects on the following grounds:

The site that this ornamental pond has been constructed in is not garden, and a change of use from agricultural land to garden should be considered. This site has an ancient watercourse running through it and as such should not be diverted into a pond as habitat will be lost. The Parish Council objects to the construction of an ornamental pond in this rural setting and would like to see the land returned to its original state - agricultural with the stream or rife back in its original position.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and see Conclusions section of this report.

CONSULTATIONS

Environment Agency
Engineers (Fluvial Flooding)
Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

The Councils Drainage Engineer comments:

The plans do not show all ditches, proposed soakaway or any connections from the pond. Land drainage consent may be required outside of planning. Please contact our department for more information.

COMMENTS ON CONSULTATION RESPONSES:

Noted and this can be addressed by an informative.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	C SP1	Countryside
	QE SP1	Quality of the Environment
	D DM1	Aspects of Form and Design Quality

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 is no Made Neighbourhood Development Plan for Aldingbourne. There is an Emerging Neighbourhood Plan (2016 - 2036), but this is a pre-submission stage and has not been Examined. Consultation under Regulation 14 has been carried out and the consultation period ran for 6 weeks from the 2nd February 2016 and has now ended.

Emerging Neighbourhood Development Plan (NDP) policies therefore carry little weight as material considerations in the Development Plan for the area.

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."

Although the development is in the open countryside and therefore not strictly in accord with policy, the proposal is considered to comply with relevant Development Plan policies in other respects 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 outside the built-up area where development is not normally considered to be acceptable under policies GEN3 and C SP1 unless it is in accordance with a policy referring to a specific use or type of development. In this case, the development does not accord with policies GEN7 and QE SP1 and would therefore normally be unacceptable in principle.

However the limited impact and the nature of the site mean that impact on the open countryside is minimal. In addition there is also existing development nearby. Whilst the area is largely rural and undeveloped, the immediate area contains some development and what is proposed is limited in terms of impact, since it is not generally visible and the site is not in a prominent location. The site is a limited parcel of land and the works will not result in detriment to the appearance of the open countryside generally.

Arun planning policy does not contain any policies specifically limiting additional development in the form of this type of works located within the open countryside and it is considered the main criteria against which the application must be assessed are contained within the Adopted and

the Emerging Arun District Local Plan which in this case are policies GEN7, QE SP1 and D DM1 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in a limited change to the appearance of this land.

The works will not be generally visible and are generally limited in scale and impact. There is little if any impact on the surrounding area or on visual amenity in general.

It is therefore considered that the works are acceptable and comply with policies GEN7 of the Arun District Local Plan and policies QE SP1 and D DM1 in the Arun Local Plan 2011-2031, Publication Version.

RESIDENTIAL AMENITY

The proposal does not result in detriment to the amenity of surrounding occupiers by way of privacy loss or dominance in outlook.

PARKING

The dwelling presently has in excess of 4 or 5 car parking spaces. The level of provision for parking remains in accord with parking standards.

OTHER

This application has not sought planning permission for a change of use of this land and this application seeks retrospective permission only for the construction of an informal pond and associated works in what is referred to as the garden of Crunchy Cottage. However, whilst this land may have become owned by the owner of Crunchy Cottage, it has not previously been a part of its residential curtilage. It is quite evident from the planning history that the land has been either acquired or been considered by the applicant only in the last 2 to 3 years to be a part of the garden of Crunchy Cottage.

The pond land was quite clearly until recently not residential and it is evident that its use was more akin to agricultural, since it is quite clear from a 2012 aerial survey that the land was not laid to grass or planted in the manner of a garden area and it had had a mown paddock type appearance from which grass or hay might have been being taken.

Incorporation of this land into the residential curtilage of Crunchy Cottage would therefore result in a material change of use for which planning permission must be obtained. The applicant's agents has been previously advised of the situation, but maintains that there is no change of use since the land has been part of the garden of the dwelling for a number of years. In this context the application is supported by a letter and plan from a previous owner.

However, it is considered that a change of use which requires planning permission has taken place. The letter is not sufficient evidence, particularly as the Councils records contradict the claim that the land has been part of the garden of Crunchy Cottage for many years. If the applicant considers that there is sufficient evidence exists then an application for a Certificate of lawfulness could be submitted.

This application can however be determined as it stands in relation to the physical development. The absence of a request to change the use of the land in this application does not prevent a decision being made on the physical development. The issue of the change of use and the need for planning permission for this or a Certificate of Lawfulness can be drawn to the applicants attention by means of an informative.

CONCLUSION

The proposal is considered to be acceptable in policy terms and to give rise to little detriments to visual amenity or the open countryside.

It is therefore recommended that planning permission be granted subject to the following conditions and informatives.

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

In assessing this proposal the 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 drawings:

Garden Masterplan, Dated July 2015 - Received with Application
Informal Pond Section, Undated - Received with Application

Reason: For the avoidance of doubt and in the interests of amenity and the environment and in accordance with policy GEN7 of the Arun District Local Plan, 2003 and policies D DM1 and QE SP1 of the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 3 **INFORMATIVE:** The applicant is advised that this planning permission only extends to include the physical works to which this application relates.

This application has not sought planning permission for a change of use of this land and this application seeks retrospective permission only for the construction of an informal pond and associated works in what is referred to as the garden of Crunchy Cottage. However, whilst this land may have become owned by the owner of Crunchy Cottage, it has not previously been a part of its residential curtilage. It appears from the planning history and photographic evidence that the land has been either acquired or been considered by the applicant only in the last 2 to 3 years to be a part of the curtilage of Crunchy Cottage.

Incorporation of this land into the residential curtilage of Crunchy Cottage therefore has resulted in a material change of use for which planning permission must be obtained. The applicant's agent maintains that there is no change of use since the land has been part of the garden of the dwelling for a number of years. In this context the application is supported by a letter and plan from a previous owner.

However, it is considered that a change of use which requires planning permission has taken place. The letter is not sufficient evidence, particularly as the Council's records contradict the claim that the land has been part of the garden of Crunchy Cottage for many years.

A further planning application or an application for a Certificate of Lawfulness is therefore required.

- 4 **INFORMATIVE:** The Council's Drainage Engineer has comments that the application does not show all ditches, proposed soakaways or any connections from the pond and that Land Drainage Consent may be required separate from the planning application process and that the applicant must contact the Council's Drainage & Coastal Engineer as follows:

Drainage & Coastal Engineer,
Engineering Services,
Arun District Council,
Second Floor,
Arun Civic Centre,
Maltravers Road,
Littlehampton,
BN17 5LF

Main Switchboard: 01903 737500

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning

AL/34/16/PL

(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/34/16/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: BR/100/16/PL
LOCATION: 120 Aldwick Road
BOGNOR REGIS
PO21 2PB

PROPOSAL: Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The breakdown of accommodation is as follows:

- * 36 bedrooms over ground and first floor (34 double rooms, 1 single room and 1 single accessible room);
- * 70 bedspaces in total;
- * 11 kitchens in total over ground and first;
- * 1 Team Accommodation Manager's flat at second floor;
- * 2 internal communal areas on ground and first floor;
- * 120m² of external amenity space;
- * Designated bin store for refuse and recycling;
- * Designated cycle store for in excess of 40 secure cycle hoops in existing garage; and
- * Reduction in car parking to provide 2 spaces (one wheelchair space) and a minibus space.

Alterations to the building/site consist of:

- * Replacing all windows with double glazing windows;
- * Replacement of curtain glazing on the two and a half storey element of the building, with rendered finish and new window openings;
- * Installation of new windows, including windows with obscure glazing, as highlighted on the proposed elevations;
- * Replacing fascias, soffits and barge boards, gutter and flat roof linings;
- * Windows on the eastern elevation will have restricted openings;
- * Installation of trickle vents to reduce the need for windows to be opened;

- * All en-suite shower rooms will include automatic mechanical ventilation which will further reduce the need for windows to be opened;
- * All new internal walls will include full fill acoustic insulation Isowool to reduce noise transference between rooms;
- * The new external wall will be constructed in accordance with Building Regulation requirements which include the transference of noise under Part E (Resistance to Sound); and
- * Replenished boundary fencing.

It should also be noted that Butlin's are allocating 35 car parking spaces on their resort and that staff will therefore travel to/from the resort either via the shuttle minibus, by cycle or by public transport.

SITE AREA	0.22 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary is hedged. The rear boundary is a close boarded fence atop a brick wall approximately 2m in height.
SITE CHARACTERISTICS	<p>Large detached building, predominantly two storeys in height but with some single storey parts and a third floor element in the form of a brick built tower on the front. Parking areas & landscaping to front and a semi-enclosed square shaped amenity area adjacent to the rear boundary.</p> <p>Previously used as a care home for disabled people. The submitted existing floor plans show a number of existing rooms capable of being used as bedrooms (the building is not being enlarged).</p> <p>It was clear from a site visit to Ashley House on 20/01/14 (as part of AW/336/13) that the then occupancy levels of 14-16 were as a result of a number of issues with the building (too few bathrooms; bedrooms not big enough to cater for wheelchairs; first floor accommodation not capable of being used; and the building was not energy efficient). It is for these reasons that the previous occupancy levels were so low.</p>

CHARACTER OF LOCALITY	Predominantly residential street with mixed character of semi-detached and terraced properties. Mostly two storeys but with 3 storey flats on the opposite side of Aldwick Road. There are some commercial properties a short walk to the east.
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RELEVANT SITE HISTORY

BR/81/15/PL	Partial demolition of the existing care home and erection of 28 flats together with associated works.	Withdrawn 07-07-2015
PAA/149/14/	Change of use from residential care home (class C2) to staff accommodation (sui generis)	Refuse Pre App 14-01-2015
AW/336/13/	Change of use from a hotel (C1 Hotel) to a residential care home (C2 Residential Institution) incorporating a new internal lift with a small external lift overrun.	ApproveConditionally 13-03-2014
BR/163/90	New entrance porch and stairway to existing first floor flat	ApproveConditionally 18-06-1990

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council: No Objection.

Aldwick Parish Council: Objection:

Object on the grounds that the number of units/occupiers proposed cannot be accommodated in a manner which provides a satisfactory standard of amenities and facilities in relation to:

- a) internal floor space;
- b) adequate access for all occupiers to external amenity space for the storage/collection of refuse, drying of clothes, sitting out etc.
- c) provision has not been made for adequate sound insulation to prevent possible noise disturbance to neighbouring properties and independent units within the building itself.

Members do not believe that that the development provides a range of smaller units with appropriate standards of amenity and facilities nor does it ensure that the amenities of neighbouring occupiers and the character of the neighbourhood are protected. We consider that this is an over-intensity of occupancy bearing in mind that the development allows for some 70 people. Members believe the development is in direct conflict with DEV23 of the Local Plan 2003.

Regarding Policy H SP4 of the Emerging Local Plan: Houses in Multiple Occupation, Members believe that the application adversely affects the character of the area; that it contributes to the over concentration of HMOs in the area; that it contributes to the generation of excessive parking demand and traffic in the area and that it does not provide adequate areas of open space.

Members are in consultation with West Sussex County Council as concerns have been raised over the existing density of parking and encroachment on grass verges on Aldwick Road. Members do not believe that the development is consistent with other local plan policies specifically the Aldwick Parish Council Design Statement.

Although the development is not in Aldwick itself, it directly faces Aldwick and will have a detrimental effect on Aldwick residents in that area. (Page 64 Development Criteria for Roads in the Aldwick Road area):

Item 7: Existing pattern should be maintained e.g. setback and density.

Item 9: Over-development of the area by infilling and converting large properties into flats should be avoided.

163 letters of objection have been received and these raise the following issues:

1. Over-intensification of people on a small site;
2. Increase of Occupancy from 16-70;
3. Risk of more proposals of this nature by Butlin's;
4. Increase in traffic congestion as a result of shuttle bus, service/maintenance vehicles & refuse vehicles;
5. Insufficient car parking spaces leading to increase in cars parked on the grass verges to the detriment of elderly/young/disabled pedestrians;
6. Change in character from a green village to a more commercial urban environment;
7. Noise pollution particularly during unsocial hours;
8. Lack of amenity space will result in problems at West Park/Marine Gardens etc;
9. It is unrealistic to believe that residents can be controlled in the manner proposed;
10. Harm arising from the proposed use to this old building;
11. Impact on amenity of nearby care homes;
12. Butlin's should retain their staff on site and shouldn't be allowed to use the space vacated by staff for more facilities;
13. Increase in litter particularly from smokers;
14. Decrease to local house prices;
15. Increase in young people hanging around, drinking, smoking and using drugs (particularly as alcohol & drugs will be banned on the site);
16. Increased risk of traffic accidents;
17. Why was a previous pre-application advice request for staff accommodation (45 residents) turned down and a subsequent one (70 residents) given support?;
18. Residents in Felpham have problems with Butlin's staff with constant requests for Police intervention - why would this be any different?;
19. Having to walk past large groups of people smoking/drinking can be intimidating;
20. Why has the application been kept quiet? / Why wasn't Aldwick Parish consulted?;
21. Impact on local pubs;
22. Overflowing rubbish on the frontage leading to pest & odour issues;
23. 1 warden will not be enough to control 70 staff;

24. Ashley House should be demolished to make way for affordable houses or redeveloped as flats;
25. No details supplied for the bin & cycle stores;
26. No sense of ownership by residents of the building;
27. Butlin's can't control their staff hence reallocating them elsewhere; and
28. Increase in water usage, waste water & sewage.

1 letter of support has been received stating that:

As a resident living opposite Ashley House, I fully support this application. Butlins provided an open evening for residents to fully explain their plans and answer any queries such as security and parking issues in a fully satisfactory manner.

In response to the above, the agent and applicant have submitted letters summarised below:

Applicant:

- * Bourne Leisure (Butlin's) are committed to maintaining a positive relationship with the community;
- * A Management Plan has been specifically prepared for Ashley House;
- * The full-time on-site Manager will ensure the safety & welfare of all residents;
- * All staff living on the site will be from the "Specialised" team and are highly skilled;
- * All staff living on the site will sign an Accommodation Agreement. Staff that breach the agreement 3 times will be required to leave the accommodation;
- * CCTV will be installed and strict rules will be used to mitigate noise;
- * A dedicated Resort Safety Team will assist the Accommodation Manager;
- * In the unlikely event that staff have a car, then they will be given a space on the Resort; and
- * Staff have bicycles available for use and a hybrid shuttle bus will take them to/from the Resort.

Additional comments made by the Agent are as follows:

- * Any grant of permission will be personal to Bourne Leisure (Butlin's) and the use would then revert back to a residential institution (C2) use;
- * Although previous occupation levels were low, this was due to the underuse of the building - indeed, there are currently 33 bedrooms as well as kitchens and bathrooms. Internal alterations to provide more. The current C2 is unrestricted and the building could, without planning permission, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres. rooms could be carried out without planning permission;
- * Residential use is more consistent with surrounding uses than the other potential permitted uses;
- * Team members will be required to park their vehicles (should they own them) on the Butlin's Campus, where they will have up to 35 designated parking spaces;
- * Current vehicle ownership levels for team members are very low at 0.09 vehicles per member, as there are 45 vehicles for 470 Team Members;
- * Additional noise mitigation measures are proposed such as designating the internal courtyard for smoking purposes during the quiet time; and
- * The applicant would accept a condition requiring the implementation of the Sussex Police security measures.

COMMENTS ON REPRESENTATIONS RECEIVED:

Bognor Regis Town Council: Noted.

Aldwick Parish Council:

It is not clear what the concern is with internal floor space but it should be noted that the Governments internal space standards are not designed to apply to hostel type accommodation. Likewise, the Council's external space standards are designed to be applied to dwellings and residential flatted developments. Refuse bins are being provided. In terms of sound insulation, Butlin's have stated that the alterations to the external elevations will comply with Building Control standards in respect of resistance to sound and that all new internal walls will include full fill acoustic insulation (Isowool). It is not possible to apply these treatments to existing walls. The building does not share a party wall with the neighbouring properties. Environmental Health have not objected on noise grounds.

In respect of intensification, it is noted that the building was previously underused and there are currently 33 bedrooms as well as other rooms that could be converted into bedrooms without the need for an application. Previous low occupancy levels were a result of a number of deficiencies with the building which either will not apply to Butlin's staff or will be resolved by Butlin's.

DEV23 is not a saved policy and cannot be applied to this determination. The comments made in respect of Policy H SP4 will be analysed in the Conclusions section of this report.

With regard to the Aldwick Parish Council Design Statement, it is considered that item 7 refers to density in terms of the number of buildings within an area not the amount of people per building. Re item 9, there are already flats in the area, this application does not propose a new building and Ashley House previously accommodated multiple people. The site is not in Aldwick.

Objectors:

1. Please see comments above under Aldwick Parish Council;
2. As 1;
3. This application will not set a precedent and any future similar applications will be determined according to their own merits;
4. It is not considered that the additional movements associated with the shuttle bus, service/maintenance and vehicles will be materially greater than the movements that could result from a fully utilised Use Class C2 Ashley House. It should also be noted that the proposal reduces the number of on-site car parking spaces from 4 to 2. Furthermore, there will be no deliveries of personal items to the site;
5. This is discussed in the Conclusions section but in short, parking spaces will be available for staff on the Butlin's Resort;
6. It is not considered that this part of Aldwick Road has a village character to it. Furthermore, the proposal is residential not commercial;
7. This is discussed in the Conclusions section;
8. It is unreasonable to prevent residential occupiers using nearby public parks for recreation;
9. Noted;
10. This is discussed in the Conclusions section;
11. This is discussed in the Conclusions section;

12. The development of the Butlin's site is supported by the Economic Regeneration Team and is considered to represent an investment in the future of Bognor Regis.
13. Smoking/normals bins will be provided and Butlin's are keen to maintain a positive relationship with the community. It is not considered that they will allow the frontage of the building to become untidy as this would harm their corporate image. Wider litter dropping is a national problem and will not be caused solely by Butlin's staff members;
14. This is not a material planning consideration;
15. There is no evidence to suggest that Butlin's staff are type of people to hang around on street corners, drink in public places, smoke or use drugs.
16. This is discussed in the Conclusions section but in short it is not considered that the additional movements associated with the proposed use will be materially greater than the movements that could result from a fully utilised Use Class C2 Ashley House - and therefore no material difference in the potential for traffic accidents;
17. The original pre-application enquiry related to a unnamed staff accommodation use whereas the 2nd one was submitted on behalf of Butlin's. Although it was considered that the proposal would result in an intensification of activity on the site, officers recognised the need for Butlin's to find alternative accommodation for their staff and noted the various measures Butlin's were proposing to reduce the impact. A balanced view was taken and support to the scheme given;
18. Noted;
19. Agreed. However, there is no evidence that this would occur as a result of this proposal;
20. The application was advertised as per normal practices with an advert in the paper, a consultation to Bognor Regis Town Council and 2 site notices. In addition, Butlin's conducted their own community consultation prior to submission. Aldwick Parish were not consulted as the site falls entirely within the Bognor Regis Town Council area;
21. The impact on pubs is not clear other than a potential increase in customers;
22. The proposal includes provision for sufficient refuse and recycling storage;
23. Noted. Butlin's disagree but do add that the Butlin's Resort Safety Team will also be available at all times to assist the Warden should the need arise;
24. Noted;
25. The bin store is shown on the Site Plan and Elevations Drawing. The cycle store is to be located within the existing garage;
26. Noted;
27. There is no evidence to support this view; and
28. Although there will be an increase in water usage and foul drainage, this increase should be assessed against the impact on local services that a fully utilised Ashley House could have. It should also be noted that there will be no increase in developed area and therefore no increase in surface water runoff.

Supporter: Comments noted.

Applicant (Butlins): Comments noted.

Agent (City Planning): Comments noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

Engineers (Drainage)
Engineering Services Manager
Conservation Officer
Sussex Police-Community Safety
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Sussex Police - No objection. Recommend that the applicant implement a series of measures designed to reduce the fear or and opportunity for crime.

WSCC Highways - No objection subject to conditions regarding Access, Visibility, Construction Management and a Travel Plan. Full comments set out below:

"Pre-Application advice was sought from the LHA in February 2016 for the change of use to class C2 HMO. A site visit was undertaken and it was advised that the principle of development was acceptable subject to further information on the access and a travel plan for members of Butlins members of staff. In summary the proposals are acceptable from the LHA's perspective.

Access and Visibility

The property is on the Aldwick Road (B2166) which is subject to a 30mph speed limit. This road links into the centre of Bognor Regis. The site has previously been used as a care home under use category C2. The site will be accessed from Aldwick Road. As part of the proposals the applicant proposes to improve the accesses construction and relocate to the east by 0.5m, this has been demonstrated on the submitted site layout plan. Given the minor amendments to the access, it is considered that the works can be undertaken with a simple crossover licence.

As part of the supporting information under BR/81/15 a Stage 1 Road Safety Audit (RSA) was undertaken. The previous RSA identified one problem with the parking layout which requested that the applicant provided a swept path diagram demonstrating how parked cars could manoeuvre within the car park to enable them to turn and exit in the forward gear. As agreed at the pre-application stage a diagram has been provided in support of this application demonstrating this is achievable for a mini bus. It is considered that no further RSA needs to be undertaken.

The road is a residential road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. Visibility splays, taken from a setback of 2.4m can extend 43 metres splays. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, there is not an extensive demand for on-street parking particularly during peak movement time.

A review of the existing access indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the restricted visibility has been detrimental to highway safety when accommodating a comparable level of daily traffic as would be generated by the change of use.

Trip Generation

Specific trip generation outputs have not been provided. The TRICS (Trip Rate Information Computer System) programme does not include HMO survey sites within the site allocations. However given the sustainable transport measures proposed by the applicant the number of vehicular movements associated with the proposed usage is likely to be less intensive than the previous C2 usage. In addition there are no known capacity and congestion issues within the immediate vicinity of the site, from a capacity perspective we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF.

Sustainability

The TS does consider access to services by other non-car modes. Bognor Regis train station and town centre is within reasonable walking and cycling distance. In closer proximity to the site Aldwick does have a parade of shops which provides a small supermarket and other retail outlets. Finally there is a bus stop a short walking distance to the west which links to Bognor centre and further eastwards. There are continuous footways for pedestrians and whilst cyclists would have to use the carriageway, traffic conditions are not considered such to dissuade trips by this mode. A Travel Plan Strategy Statement has been provided. The following comments would be provided on the plan:

A Travel Plan Statement (TPS) is appropriate for this site, as opposed to a full Travel Plan with vehicle trip rate targets and TRICS SAM monitoring. The TPS largely accords with our requirements; however, before we are able to approve the document the following comments should be considered:

6.3 - 6.5 Walkit.com does not cover West Sussex towns (see comments on 6.13 below)

6.6 It noted that the applicant will be providing 30 bicycles on site for the use of staff residents. The County Council welcomes this excellent initiative. The applicant may also be interested to know that the County Council has negotiated a number of bike shop discounts on behalf of developers and further details can be found on our web site:

<https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/cycle-to-work-scheme/>

6.6 The County Council offers one-to-one adult cycle training courses, which can be delivered at mutually convenient times and locations. The applicant should consider promoting this training to staff residents, which would complement the provision of bicycles at the site, and should help to maximise their use. The applicant should also consider either fully or partly subsidising training courses for staff residents (course costs currently range from £31 to £41 for Level 1 - 3 training). Further details and course costs are available at <https://www.westsussex.gov.uk/roads-and-travel/road-safety/one-to-one-adult-cycle-training/> and by contacting our Cycle Training Manager dean.pocock@westsussex.gov.uk

6.6 The West Sussex Cycle Journey planner should be promoted in welcome packs and across the site. The link to our cycle journey planner is <http://cyclejourneyplanner.westsussex.gov.uk/> and can also be accessed via the WSCC website: <https://www.westsussex.gov.uk/leisure-recreation-and-community/walking-horse-riding-and-cycling-routes/cycle-journey-planner/>. Free artwork is available to promote the cycle journey planner (see comments on 6.13 below).

6.13 The web sites listed in this section should be reviewed as some (including Transport Direct and Travelwise.org.uk) are now defunct. The County Council's new multi-modal journey planning

website, which provides route information for all land-based modes (including car sharing) and enables journey times, carbon savings, and calories burned to be compared, should also be promoted to staff residents. Further details are available at <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/plan-your-journey/>. A free 'widget' is also available for inclusion on developers' websites <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plan-resources/#free-travel-widget-for-your-website>

6.13 The County Council has produced a leaflet about our car sharing scheme, which is available on our web site and can be downloaded for inclusion in welcome packs and on any website(s) associated with the development. A video explaining how the scheme works is also available. The url is: www.westsussex.gov.uk/carsharing. Where possible staff residents should be encouraged to car share when, for instance, travelling to and from their home towns at weekends or at the beginning and end of the season.

6.13 The County Council has developed a suite of posters to assist in the promotion of active and sustainable modes of travel. The artwork may be used free of charge and can be downloaded from our web site: <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plan-resources/>

7.4 We require questionnaire surveys to be conducted at least annually for a period of at least 5 years. Given the expected seasonal variations it may be necessary to undertake bi-annual surveys.

Parking and Layout

With the addition of the proposed shuttle bus for team members there will be 3 parking spaces provided at the site, two disabled spaces and one mini bus parking space. Sufficient turning space is available within the site to allow vehicles to turn and enter Aldwick Road in the forward gear.

There are waiting restrictions in operation along Aldwick Road. The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

Conclusion

The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF (para 32), and that there are no transport grounds to resist the proposal."

ADC Environmental Health (Pollution Control) - No objection:

"I have now had a chance to have a look at the planning application and in particular the potential for noise from the proposed new use of the site. I have studied both the acoustic assessment and the site management plan for the occupation of the site. I note that the acoustic report suggests a number of mitigation measures including restrictions on the use of the amenity space between 22.00 and 07.00, restricted window openings on some east facing rooms and restriction

on the times of the shuttle bus to 23.30 for the latest drop off, and the use of an electric / hybrid vehicle. In addition there are further controls suggested within the site management plan relating to the management of staff and preventing annoyance and disturbance. I am satisfied with the control measures put forward within the acoustic report and the site management plan and provided these are adhered to I would not raise any objection to the development."

ADC Environmental Health (HMO Officer) - "No comments I note applicant has supplied my letter following discussions with their agents regarding the use of the property as an HMO"

ADC Economic Development - Support. Pleased with the substantial investment Butlin's has made in its facilities and are keen to see this continue. We are aware of the issues this brings with maximising land use on what is a physically constrained site. We consider this would be an excellent solution to the problem of staff accommodation and a good use for this particular outdated building.

ADC Drainage Engineers - "No surface water drainage comments".

ADC Conservation Officer - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all recommended conditions imposed.

With respect to the comments of WSCC Highways on the submitted Travel Plan, Highways have asked that a Travel Plan condition be imposed and this will allow for the existing Plan to be revised in line with their comments.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class B Road; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality
	D DM3 External Space Standards
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

HER SP1 The Historic Environment
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM2 Pagham Harbour
H SP4 Houses in Multiple Occupation
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM3 Air Pollution
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

Bognor Regis Neighbourhood Plan 2015 Policy 1 Delivery of the Vision

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
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.

Policy 1 "Delivery of the Vision" is the only relevant Bognor Regis Neighbourhood Plan policy. This states that:

"Development Proposals concerned with extensions and alterations of Designated and Non-designated Heritage Assets and Major Developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan Objectives and our Vision for Bognor Regis. Proposals must identify the significance of any affected heritage asset and assess any harm and benefit. These should be included within the design and access statement if one is required."

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 as the mitigation measures put forward by Butlin's mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

An important material consideration in this case is the fall back position. Ashley House has unrestricted C2 class use and the building could, without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres. Although the previous occupation levels were low (14-16), this was due to the underuse of the building which has 33 bedrooms, the majority of which could accommodate 2 beds. There are a number of other rooms which could be converted into bedrooms.

CONCLUSIONS

PRINCIPLE:

The site is within an urban residential area where the principle of development is considered to be acceptable. The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access. The proposal is acceptable in principle given its location in a sustainable location on a main road and within a short walk from a local shopping parade.

NATIONAL PLANNING POLICY FRAMEWORK:

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless: (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or (b) specific policies in this Framework indicate development should be restricted.

Paragraph 7 sets out three dimensions to sustainable development: economic, social and environmental. These roles are described as follows:

- * economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- * social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- * environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

The reuse of the building is sustainable development in that: (1) it is located within a highly sustainable urban edge of centre location; (2) measures are proposed to restrict private car movements & instead utilise public transport or low energy forms of transport; (3) the new residents will contribute to the local economy by using local shops, facilities & services; and (4) the local community will be diversified through the introduction of younger people.

Paragraph 49 of the NPPF echoes the above and states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development". Furthermore, paragraph 50 states that:

"To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)"

The NPPF also states at paragraph 51 that:

"Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers."

DEVELOPMENT PLAN POLICIES RELEVANT TO THE USE:

Policy GEN7 seeks to protect amenity and create attractive places. The amendments to the building are positive and whilst the use would be more significant than currently/previously it is not considered that the proposal conflicts with this policy.

There are no saved policies within the Adopted Local Plan which relate to houses in multiple occupation (HMO's). Policy H SP4 of the emerging Local Plan (2011 - 2031) states that applications for HMO's 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; and
- d. Provide adequate areas of open space.

Although there is the potential for the proposed use to have an impact on the character of this predominantly residential area by reason of increased activity, refuse, noise & disturbance, regard should be had to the permitted fall back position. The particular circumstances of the occupier (Butlin's) and the mitigation measures they have proposed are considered to be such, that the proposed use will not adversely affect the character of the area to the same degree that a generic HMO use may do.

It is not considered that there is already a large concentration of HMO's in this area. Indeed, the surrounding land use is predominantly residential - houses and flats. Criteria (c) and (d) will be analysed elsewhere in this report.

Notwithstanding the above, it is noted that Policy H SP4 is not part of an adopted plan and that policies within the emerging plan can only be afforded very limited weight at this time.

DESIGN, APPEARANCE & VISUAL AMENITY:

Ashley House is considered to be an undesignated heritage asset in that it is red brick building with an attractive crenelated tower feature but is neither nationally or locally listed and is not in a Conservation Area. The right hand section (which includes the tower) first appears on historical mapping in the period 1897-1898 and is named as "Arthurs Home (Convalescent)". The more modern left hand parts were added later.

Paragraph 135 of the NPPF states with regard to non-designated heritage assets that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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 has already been harmed by the addition of the modern elements and that the alterations seek to improve these elements replacing the existing curtain glazing with render and to modernise the windows in the interests of improved acoustic insulation with double glazed units. Concern was raised at the pre-application stage with regard to the style of the new windows and the applicant has amended the drawings to provide a simpler glazing fenestration.

It is not considered that the alterations are so substantial that there will be a significant harmful impact on the heritage asset. It is therefore considered that the additions are acceptable and no objections are raised with regard to the visual aspects of the scheme.

RESIDENTIAL AMENITY:

Paragraph 17 of the NPPF states that Development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 states that new development should be prevented from causing nearby land uses from being adversely affected by unacceptable levels of air or noise pollution.

In respect of the Adopted Local Plan, policy GEN7 (iv) indicates that development will be permitted if it takes into account the impact on adjoining occupiers, land, use or property. Policies GEN32-34 then seek to prevent new development from resulting in adverse impacts on neighbouring land uses in respect of noise, light and air pollution.

A number of local residents have raised concerns over the potential for noise disturbance to nearby residential properties and care homes particularly during unsocial hours. Concerns have also been raised regarding odour pollution from the proposed bin store.

With regard to the bin store, it is not considered that this will result in amenity issues as sufficient space has been provided and the bins will be subject to the same collection regime as existing residential properties.

The Council requires all new residential developments to allocate 240 litres of refuse and 240 litres of recycling space per resident. It is also recommended that if any communal provision is located near or adjacent to the highway, it should be suitably enclosed and landscaped.

The plans show an enclosed & covered (to a height of 2.3/2.5m) bin store situated on the site frontage with landscaping to the front. It will comprise of three 4200l refuse bins and two 2400l recycling bins. This provision is sufficient for the needs of the site and the enclosed nature of the bin store will minimise any odour pollution and minimise the risk of ingress by pests.

In respect of noise pollution, the application includes a number of measures designed to mitigate the activity levels and noise disturbance associated with the use. These include the following:

- * New team members who live on resort to sign an Accommodation Agreement which sets out rules and regulations concerning the use of accommodation. A 'three strikes and you are out' rule will then apply to violations of this Agreement;
- * Setting of a quiet time between 22:00 hours and 07:00 hours including no loud music and no

gathering of residents in groups;

- * No use of the amenity space between 22:00 hours and 07:00 hours;
- * Access from the main front entrance only;
- * Restricted window openings on some east facing rooms;
- * No personal deliveries will be made to Ashley House;
- * Restriction on the times of the shuttle bus with the last drop-off no later than 23:30 hours;
- * The Shuttle bus engine to be turned off during pick-up & drop-off;
- * The use of a low noise electric/hybrid shuttle bus vehicle;
- * The on-site accommodation of a Team Accommodation Manager/Warden;
- * Replacing all windows with double glazing windows;
- * Installation of trickle vents to reduce the need for windows to be opened;
- * All en-suite shower rooms will include automatic mechanical ventilation which will further reduce the need for windows to be opened;
- * All new internal walls will include full fill acoustic insulation Isowool to reduce noise transference between rooms; and
- * The new external wall will be constructed in accordance with Building Regulation requirements which include the transference of noise under Part E (Resistance to Sound).

The above either form part of a proposed condition or are otherwise ingrained in the plans put forward in respect of the change of use.

Environmental Health Officers state that providing that the measures are fully implemented, that they have no objection to the application. Environmental Health are the Council's technical experts on pollution issues and in the absence of any contrary evidence, it is considered that no objection should be raised to this application on grounds of pollution.

The scheme proposes to obscure glaze a number of existing windows either to bathrooms or on the first floor eastern & western elevations. This will be subject of a condition. A condition is proposed in respect of external lighting and the permission will be made personal to Bourne Leisure (Butlin's). Should they cease to occupy the building the use will revert back to Class C2.

HIGHWAYS & PARKING:

Local Plan policy GEN12 sets out the Council's position on parking standards. In respect of impact on the highway, the NPPF is highly relevant. Paragraph 32 states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Advice from West Sussex Highways is that the impact of the change of use will not have a severe impact on the highway network. West Sussex Highways have instead concentrated on improving and mitigating the impacts of the scheme by requesting changes to the Travel Plan document (and requesting that a Travel Plan condition be added) and by requesting the imposition of a Construction Management Plan condition.

In respect of trip generation (vehicle movements), WSCC Highways comment that: "However given the sustainable transport measures proposed by the applicant the number of vehicular movements associated with the proposed usage is likely to be less intensive than the previous C2 usage. In addition there are no known capacity and congestion issues within the immediate vicinity

of the site, from a capacity perspective we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF".

In respect of the specific movements associated with the shuttle bus, service/maintenance vehicles and refuse vehicles, it is not considered that these additional movements will be materially greater than the movements that could result from a fully utilised Use Class C2 Ashley House. It is noted that the proposal reduces the number of on-site car parking spaces from 4 to 2 and that there will be no deliveries of personal items to the site.

WSCC raise no particular concerns in respect of highway safety/accidents. It is not considered there will be any material difference in the potential for traffic accidents when compared to the previous use.

In respect of parking, WSCC parking standards for Houses in Multiple Occupation as contained within the 'Revised County Parking Standards and Transport Contributions Methodology' set out a requirement for 0.5 spaces per room/unit. Butlin's have stated that up to 35 car parking spaces will be made available to staff members on the Butlin's Resort and that staff members will travel between the sites either by bicycle (which will be available on both the Ashley House and Butlin's sites), by the hybrid shuttle bus or using public transport. This therefore complies with the standard. This 35 space parking provision therefore complies with the County Council standards.

Current vehicle ownership levels for staff members are very low at 0.09 vehicles per member and that there are only 45 vehicles for 470 staff members.

EXTERNAL SPACE STANDARDS:

Policy D DM3 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014) sets out external space standards for new residential dwellings and flats. This states that there must be 4m² of space for every 1 bedroom and 5 m² for every 2 bedroom flat.

It is not considered that the accommodation proposed meets the definition of a flat and that therefore, these standards should not be applied. The proposal includes a shared communal outdoor space of 120m². This equates to 1.7m² worth of space per bedspace. The site is within walking distance of Marine Park Gardens (273m), West Park (400m) and the beach (340m). In addition, staff members spend most of their days on the Butlin's Resort and therefore have access to recreational facilities there.

INTERNAL SPACE STANDARDS

The Governments Technical Housing Standards (Nationally Described Space Standard) do not provide any relevant standards for Houses in Multiple Occupation. Instead, it is considered that regard should be had to Arun's Environmental Health Private Housing Standards. These reference the following two documents: LACORS Promoting Quality regulation (LGA) 2009 and Chichester and Arun Landlord Accreditation Scheme Standards 2013. The Chichester and Arun Landlord Accreditation Scheme Standards 2013 provide several standards but none refer to situations where a bedroom includes a bathroom but shares other facilities.

Therefore, it is not possible to assess the amount of internal space. The Councils HMO officer has

stated he has no objections and it seems likely that it will be obtain a HMO license.

SUMMARY:

As set out earlier, paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless: (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or (b) specific policies in this Framework indicate development should be restricted.

It is not considered that there are any policies within the NPPF that would restrict this development proposal. Furthermore, the analysis above demonstrates that there are no significantly adverse impacts associated with the proposed change of use that would outweigh the benefits that the scheme will bring in respect of sustainability.

It should be noted that there is a fall back position to consider in this determination. Ashley House has an unrestricted C2 class use and the building could, without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres. Although previous occupation levels were low (14-16), this was due to the underuse of the building. The building currently has 33 bedrooms, the majority of which could accommodate 2 beds. There are a number of other rooms which could be converted into bedrooms.

It is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect 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:

LOCATION & BLOCK PLAN REF F085/1.001 REV 02;
EXISTING SITE PLAN REF F085/1.000 REV 01;
PROPOSED SITE PLAN REF F085/2.000 REV 02;
EXISTING FLOOR PLANS AND EXISTING STREET SCENE REF 085/0.101 REV 02;
EXISTING ELEVATIONS REF EX01 Rev 02;
PROPOSED GROUND FLOOR PLAN REF 085/2.100 REV 03;
PROPOSED FIRST & SECOND FLOOR PLANS 085/2.101 REV 03; and
PROPOSED ELEVATIONS 085/2.200 REV 04.

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 When the premises cease to be occupied by Bourne Leisure (Butlins), the use hereby permitted shall cease and the permitted use shall revert to Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: In granting permission, the Local Planning Authority has had regard to the particular circumstances relating to the proposal and to the proposed mitigation measures proposed by Butlin's in accordance with policy GEN7 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 and samples of such materials and finishes to be used for external walls (and roofs) of the proposed alterations have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the alterations.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to maintain and enhance the character of this existing building in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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.

- 6 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 7 No development shall take place, including any works of demolition, 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), and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 The development permitted by this planning permission shall only be carried out in accordance with the submitted Acoustic Assessment Report (by RBA Acoustics) and the Ashley House Management Plan (by Butlins) and the following noise mitigation measures detailed within these documents:

1. New team members who live on resort to sign an Accommodation Agreement which sets out rules and regulations concerning the use of accommodation;
2. Setting of a quiet time between 22:00 hours and 07:00 hours including no loud music and no gathering of residents in groups;
3. No use of the amenity space between 22:00 hours and 07:00 hours;

4. Access from the main front entrance only;
5. Restricted window openings on some east facing rooms (as detailed within Section 6.0 of the Acoustic Assessment Report);
6. No personal deliveries will be made to Ashley House;
7. Restriction on the times of the shuttle bus with the last drop-off no later than 23:30 hours
8. The Shuttle bus engine to be turned off during pick-up & drop-off;
9. The use of a low noise electric/hybrid shuttle bus vehicle; and
10. The on-site accommodation of a Team Accommodation Manager/Warden.

The mitigation measures shall be fully implemented prior to occupation and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

Reason: In the interests of the amenities of the area and of neighbouring residential properties in accordance with policies GEN7, GEN32, GEN33 & GEN34 of the Arun District Local Plan.

- 9 No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and of neighbouring residential properties in accordance with policies GEN7 & GEN33 of the Arun District Local Plan.

- 10 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 11 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 12 The development hereby permitted shall incorporate those measures to minimise the risk of crime as set out in the letter from the Sussex Police Crime Prevention Design Adviser issued on 26 May 2016. These measures shall then be retained permanently and maintained in good working order.

Reason: In the interests of reducing the fear of and opportunity for crime in accordance with Policy GEN7 of the Arun Local Plan and the National Planning Policy Framework.

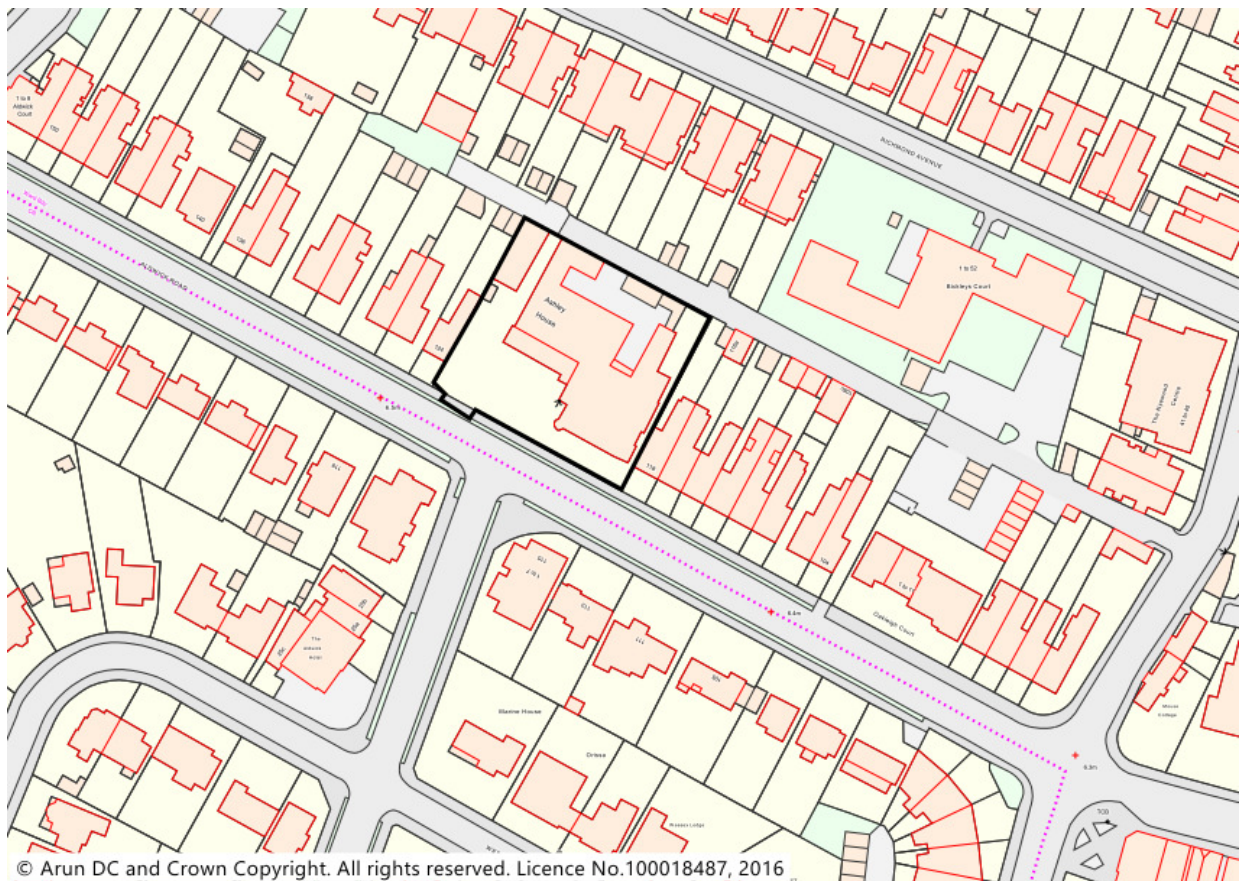
- 13 The windows shown as being Obscure Glazed (OG) on the Proposed Elevations drawing Ref 085/2.200 Rev 04 shall at all times be glazed with obscured glass.

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

- 14 **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.
- 15 **INFORMATIVE:** The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

BR/100/16/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: CM/13/16/PL
LOCATION: Hobbs New Barn
 Gravetts Lane
 Climping
 BN17 5RE

PROPOSAL: New agricultural building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a storage building 30m by 33m in area with a ridge 9.84m high and an eaves 8m high. It would be constructed of profiled juniper green cladding and roofing sheets. The building is to be used to store grain, farm machinery and other ancillary agricultural products and materials. A concrete apron of 2.887m wide to the east, 9.1m to the north, 11.2m to the west and 15m to the south is included to contain grain spillage and allow safe vehicle movement.
SITE AREA	0.25 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Hedging to approx 2-4m surrounding field. Higher to boundary with A259 and access road.
SITE CHARACTERISTICS	Detached modern agricultural barns to north, portal framed. Clad in green and grey metal sheeting. Proposed barn is currently part of field. Access is existing to side of other buildings.
CHARACTER OF LOCALITY	Predominantly rural. Industrial buidings to south.

RELEVANT SITE HISTORY

CM/21/15/WS	Construction & Operation of a Waste Transfer Station & Materials Recycling Facility at Baird's Business Park. This is a County Matter & will be determined by West Sussex County Council.	No Objection 27-11-2015
CM/11/14/PD	Prior notification for Change of use under	No Objection

CM/13/16/PL

	Class M (Flexible Uses) from agricultural to B1 (Business)	19-06-2014
CM/15/13/AG	Prior notification for agricultural straw store	No Objection 12-11-2013
CM/2/11/	Change of use of existing factory unit 7 from B1/B8 to a waste transfer and recycling station. This is a County Matter application & will be determined by West Sussex County Council.	No Objection 22-03-2011
CM/1/10/	Extension of existing factory floor space.	ApproveConditionally 31-03-2010
CM/18/09/	Extend existing grain store	ApproveConditionally 20-10-2009
CM/21/08/AG	Prior notification for portal framed building	No Objection 04-08-2008
CM/8/04/	Change of use of part of barn from B8 to sui generis use for display & storage of fireplaces, ceiling cornices & roses.	ApproveConditionally 02-06-2004

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection -

- Contrary to the emerging Local Plan and the saved policies of the 2003 Local Plan.
- Within the gap between settlements/Strategic Gap
- Contrary to Clymping Neighbourhood Plan policy CPN 10 Protection of high grade agricultural land.
- Pattern of creeping business development underway within this sensitive rural landscape. Following completion of a barn of the same size in 2009, use was changed in 2014 to flexible M business use necessitating further barn development to meet ongoing grain storage needs; see CM/21/08/AG, CM/18/09, then CM 11/14 and now CM/13/16/PL.

Extract from the Clymping Neighbourhood Plan:

Policy CPN 10 Protection of high grade Agricultural Land:

Development will not be permitted on the best and most versatile agricultural land, defined for the purposes of this policy as land graded 1, 2 or 3A in the national farmland grading scheme unless special circumstances can be demonstrated which may include there is an overriding need for the development in the proposed location and development on the site is demonstrated as the most sustainable option the development conforms to other statutory national and local planning policies

9.14 The policy seeks to protect valuable agricultural land classified as Excellent quality (Grade 1), Very good quality (Grade 2) and Good quality (Grade 3a) which contribute to the

sustainability of the area given the importance of farming to the economy of Clymping and the surrounding farmland to the village's setting.

9.15 In order to demonstrate there are exceptional circumstances whereby development is acceptable on higher grade land it will be necessary to provide evidence of options for the location of the development and the reasons these are not acceptable.

9.16 Planning applications for development of agricultural land may need to include an updated survey of land quality in accordance with current guidelines.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not considered that the proposal is contrary to policy. The building is reasonably required for agriculture of an appropriate size and suitably located. It is not considered to compromise the integrity of the gap.

Whilst this is the third barn to be proposed in the area, and the largest, the applicant has exercised permitted development rights and converted existing buildings to business use. He cannot be penalised for maximising his farm income and diversifying in accordance with government guidelines. It would not be reasonable to withhold permission on this basis.

Policy CPN10 of the Neighbourhood Plan relating to agricultural land classifications is similar to Local Plan policy AREA12 'Agricultural Land Quality' which is not a policy which has been 'saved' under the provisions of the Planning and Compulsory Purchase Act 2004 and has expired. However, it is included in emerging policy SO DM1. The proposal is considered to accord with these policies since the use of the building would be for agriculture and there is an overriding need for its location in the position sought. It is appropriately sited adjacent to existing buildings.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

County Highways - Awaited

Environment Agency - Awaited

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA10	Strategic Gaps
	GEN2	Built-up Area Boundary

GEN3	Protection of the Countryside
GEN7	The Form of New Development
DEV6	Agricultural Buildings

Publication Version of the Local Plan (October 2014):	EMP DM1	Employment land: Development Management
	GI SP1	Green Infrastructure and Development
	SD SP2	Built-Up Area Boundary
	SD SP3	Gaps Between Settlements
	C SP1	Countryside
	SO DM1	Soils

Clymping Neighbourhood Plan 2015 Policy CPN10	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views

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.

Climping Neighbourhood Plan policies CPN7 'Protection of Open Views', CPN10 'Protection of High Grade Agricultural Land, CPN14 Traffic and the Environment' are 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 lies outside the built up area boundary where development which meets the operational needs of agriculture is considered acceptable. The site is in agricultural use and the building would be used for agricultural storage.

Furthermore, paragraph 28 of the NPPF states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses.

IMPACT ON VISUAL AND RESIDENTIAL AMENITY AND CHARACTER OF THE AREA

The site is in a Strategic Gap which is covered by AREA10 of the Local Plan and SDSP3 and

GISP1 of the emerging Local Plan. These policies seek to ensure development does not undermine the physical or visual separation of settlements, the integrity of the gap is not compromised, there is no opportunity to locate elsewhere, the character of the undeveloped coastline is maintained and green infrastructure functions of the gap are maintained.

Whilst the size of the building is significant it is located close to other buildings and would not undermine the visual separation of the gap or compromise its integrity. The farm is located within the gap and the opportunity to site the building with less impact elsewhere in the gap is limited. The proposal retains and utilises existing mature hedging for both screening and as green infrastructure. It is partly screened by landscaping to the north. Relatively recent tree planting has taken place to the north and west and is becoming established. The materials and colour of the building also assist in its assimilation into the landscape. They would be the same as those used on nearby buildings. The building is a typical utilitarian type associated with modern farming practices. The proposed building is considered to be in compliance with Gap policies.

Policy DEV6 of the Local Plan and EMP DM1 of the emerging plan state that agricultural buildings will be permitted provided their scale, siting, design and materials minimise the visual impact on the landscape and new buildings are grouped with others to minimise their impact on the landscape.

The proposal is considered to accord with these criteria.

AGRICULTURAL JUSTIFICATION

The building is required for agricultural storage of grain, farm machinery and other agricultural products and materials. In 2014 the applicant successfully proposed to convert 2 recently erected agricultural storage buildings to business use as permitted development under Class M flexible uses of the Town and Country Planning (General Permitted Development Order) 2013. The buildings extended to 500 sq m each and the 1000sqm now proposed is required to compensate for this loss. These building have long term leases and have been altered to facilitate their current use with the installation of a spray foam insulator which is an ideal habitat for vermin and they are therefore no longer suitable for grain storage. Previous conversions of agricultural buildings to business use cannot be used as a reason for withholding permission in the case. The income generated from the lawful letting of the two buildings is £65,000 which has gone some way to recovering the loss from lower agricultural commodity prices. It provides stable assured revenue into the business underpinning the farms viability.

The applicant confirms there are no other buildings on the farm which could be used for storage, others are fully utilised. Crop yields are increasing on a 5 year average basis. Crop diversity is also increasing. The farm currently grows 5 varieties of wheat, 2 of oil seed rape, 3 varieties of seed peas and oats, plus linseed. All require separate storage. The height of the building is necessary to allow for the safe tipping of farm trailers, straw and hay stacking and to include storage of the combine harvester which is approximately 5m high. The size of the building is reasonably required for agriculture, is similar in height to other farm buildings in the area and is not in an isolated position. Farm machinery is currently stored outside during the winter.

RESIDENTIAL AMENITY

The site is not close to residential properties and noise generation would not adversely impact on residential amenity.

HIGHWAY SAFETY

County Highways have been consulted on previous applications on this site and considered that the access onto the A259 is acceptable and already serves other light industrial units. Visibility from onto the A259, is good and clear. Comments relating to this consultation are awaited.

CONCLUSION

The application is recommended for approval subject to conditions. The possibility of imposing a condition with the following wording has been considered

'The building hereby approved shall be used as a farm machinery workshop and for storage of agricultural machinery, crops, fertilisers and chemicals associated with the agricultural use of the land by The Baird Farming Partnership and for no other purpose and shall be removed from the site within 3 months of the uses ceasing.

Reason: In the interests of the visual amenities and character of the area in accordance with policies GEN3 and GEN7 of Arun District Local Plan.'

It has not been included following the appeal decision for Roundstone Farm (A/128/14/PL) when the Inspector concluded such a condition was unnecessary, unreasonable and imprecise and went on to award costs against the Council for refusing permission on this basis.

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 0926/DPA02 and 0926/DPA01.

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.

CM/13/16/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: FG/12/16/PL
LOCATION: 50 Ferring Street
 Ferring
 BN12 5JP

PROPOSAL: Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Cafe. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Addition of mezzanine level to provide additional B1 office accommodation. Variation of Planning Condition 7 of planning approval FG/26/10/ to extend the hours of operation, minor alterations to the existing buildings and the addition of a parking barrier at the entrance to the car park.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the rear and side boundaries of the site consisting of a mixture of 2m high brick wall and fencing.
SITE CHARACTERISTICS	Mixed use building subdivided into a number of different uses, these included a coffee shop and various retail uses as well as providing offices for Kingsley Roofing. Parking spaces are provided to the front with a car park situated to the east of the site. The northern most portion of the car park is used for open storage.
CHARACTER OF LOCALITY	The site is on the edge of the main shopping area in Ferring with residential properties to the east.

RELEVANT SITE HISTORY

FG/79/11/	Change of use of former vehicle servicing reception & part of workshop area into a green/eco educational training centre for Northbrook College, comprising of training room, workshop area & kitchen/toilet facilities	ApproveConditionally 02-09-2011
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FG/26/10/	Change of use of large vehicle maintenance workshop at rear of premises into offices with ancillary ground floor storage	ApproveConditionally 27-04-2010
FG/141/09/	Change of use from car showroom (Sui Generis) into one A1 unit & two A2 units.	ApproveConditionally 14-01-2010

Permission (FG/141/09) was granted for the change of use from a car showroom (Sui Generis) into one A1 unit and two A2 units. FG/26/10/ gave permission for the change of use of the large vehicle maintenance workshop at the rear of the premises into offices with ancillary ground floor storage.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Whilst Ferring Parish Council supports local businesses, we reiterate strong objections to this proposal on the following grounds:

1) The provision of 25 car parking spaces for Kingsley Roofing & Kingsley Specialist Roofing is clearly inadequate for the proposed personnel of 65 by 2020. The Planning Statement under 6.4.4 says 'alternative parking facilities are available in the village'.

Parking is at a premium within the village centre. If the proposal is approved, there is potential for 40 additional cars parked within the village roads. The village centre cannot sustain additional parking as this will cause difficulties for local residents wishing to visit village amenities. It is important to recognise that village centre amenities provide the facility that encourages wellbeing projects that are supported by Arun District Council.

Arun District Council has recently approved the renovation of a number of flats and a further three retail units within the vicinity that offers very little parking facilities.

2) Concerns are raised that the installation of an electronic barrier to the car park will be located on a bend/junction of Sea Lane. Personnel will have to stop and open the barrier, potentially causing queues and danger to other vehicles/pedestrians. The sight line at this point is greatly reduced due to the junction and bend in the road.

3) Our final concern is extended operation and delivery hours of up to six hours per day with the addition of Sundays and Bank Holidays.

The Planning Statement says 'that the current hours are overly restrictive on the business', this indicates that this is an expanding business based in an unsuitable location of a village centre.

This is a quiet residential location which is not appropriate for industrial premises. Approving the application will inevitably cause congestion, noise, disturbance and disruption to neighbouring residents.

42 No. letters of objection:

- 1] Proposal will result in an unacceptable level of congestion and on-street parking.
- 2] The proposed barrier will result in queuing to access the site.

- 3] The parking barrier is out of character with the area and is detrimental to visual amenity.
- 4] The use of the site is considered to be out of character with the village.
- 5] Insufficient room for lorries to turn round in the site so they have to reverse out onto the busy road - this raises traffic safety issues.
- 6] The proposed opening hours are considered excessive.
- 7] The proposed development is considered to be overdevelopment.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted:

1) Parking provision proposed at has been considered by WSCC who raise no objection. It was calculated that based upon the TRICS data provided in Appendix 3 of the applicants Transport Statement that the commercial element of the scheme (which is stated to be for existing commercial users at the site) would carrying a demand of 28 spaces - with 25 being provided by the car park to the east. The same calculation for the retail element suggests that 11 spaces is sufficient. The proposal results in a shortfall of 3 spaces compared to the accumulation assessment of 39.

This shortfall in conjunction with the use of the site by those who are visiting neighbouring properties is deemed acceptable especially given the proposed cycle parking provision proposed by the applicant and conditioned by WSCC.

2) The parking barrier was considered by WSCC who did not raise an in-principle objection. Although it was advised that the barrier should open prior to the commencement of the working day and remain open throughout the day to prevent vehicles waiting on the highway. A condition has been included to reflect WSCC comments. It should be noted that WSCC stated "...visibility is available to users given the location of the bollards adjacent to the highway".

3) A condition has been included relating to the hours of operation. This restricts the use of the car park to members of staff only and prevents unloading, loading, operation of machinery or deliveries taking place at the site before 08.00 and after 18.00 Monday to Friday; before 09.00 of after 13.00 on Saturdays; and not at any time on Sundays or Bank Holidays. This will prevent the use operating during anti-social hours.

In response to the 42 No. letter of objections:

- 1] WSCC have raised no objection to the parking provision at the site. Therefore, an objection based on congestion or vehicles parking on the road cannot be substantiated.
- 2] A condition is recommended relating to the parking barrier to ensure that vehicles waiting to enter the site will not pose a risk to highway safety.
- 3-4] The impact of the parking barrier and use of the site upon visual amenity and the character of this location will be considered further in the conclusion to this report.
- 5] The following condition requested by WSCC has been included in this recommendation: "No part of the development shall be first occupied until the vehicle parking, turning, loading and unloading spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority after consultation with the Highway Authority. Thereafter, these areas should be used for their intended purposes at all times and not for any other use."
- 6] The impact of opening hours will be considered in the conclusion to this report.
- 7] This will be considered in the conclusion to this report.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Economic Regeneration

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Strategic Planning Consultation - 3rd March 2015:

Summary position of WSCC as Highway Authority (CHA).

Additional information is required to enable further consideration of the proposal.

Site location and access.

The site is located in Ferring at the junction of Ferring Street and Sea Lane. The site is currently divided into offices, trade, retail and cafe uses. It is accessed directly off both aforementioned roads, utilising car parking spaces in front of the retail/showroom/cafe elements and also via a car park (the latter appearing to be used by a roofing contractor).

Parking.

Car parking - From site inspection, existing parking provision appears to total approximately 30 spaces, split between the two car parks. The proposal shows 36 spaces.

Cycle parking - None shown. To be provided in secure and covered accommodation.

Proposal.

The development seeks to rationalise some of the existing accommodation to make a larger retail area in the north-western part of the building; reduce the size of the cafe (A3) and creating an A1 retail element and adding offices and meeting rooms in a mezzanine extension above the warehousing/storage. The plans show a florist to the rear of the altered Unit 2 (cafe). Actual floor areas (existing and proposed) are difficult to determine from the submitted information.

Traffic generation.

No traffic data has been provided by the applicant. It cannot as yet be established whether additional traffic activity (vehicular/pedestrian) will arise as a consequence of the development. The applicant should provide further information, including supporting TRICS data. A short Transport Statement (TS) would suffice on this occasion.

Road safety.

No personal injury accidents appear to have occurred in the last five years at the junction of Ferring Street/Sea Lane in the direct vicinity of the application site. Records do not show those accidents of a damage-only nature or those not reported to the police.

Travel Planning/sustainable access.

A detailed Travel Plan Statement should be provided for assessment by the CHA.

Additional information required.

The following information is required to enable further consideration of the proposal:

1. Clarification of floor areas (existing and proposed) - The information currently provided with the application is not clear. As such, the applicant should provide a clear breakdown of all existing

and proposed floor areas - including an account of each element's use class. Depending on size of new parts of the development and if an intensification of use is apparent, then a Stage 1 Road Safety Audit may be necessary.

2. Proposed offices - Are these for an existing use already on-site (and will be conditioned as such) or for standalone/new purposes?
3. Transport Statement (TS) - A TS should be provided setting out existing and proposed traffic flow information (and be supported by TRICS data).
4. Access barrier, Sea Lane - information about how this is proposed to operate is required.
5. Parking - Clarification of existing and proposed parking numbers and how spaces will be distributed for the different uses on-site.
6. Cycle parking - To be provided in a secure and covered enclosure.
7. Travel Plan Statement - A detailed Travel Plan Statement is required, setting out measures to promote sustainable travel etc.

Please re-consult when the information is available.

WSCC Strategic Planning Consultation - 20th May 2016

This is the second WSCC response to the application following consideration of the Transport Report April 2016 prepared by Reeves Transport Planning Ltd. and a further site visit.

Summary position of WSCC as Highway Authority.

No highway objection is raised to the proposal subject to appropriate conditions being attached to any planning consent granted (see foot of this report).

Site location and access.

The site is located in Ferring at the junction of Ferring Street and Sea Lane. The site is currently divided into offices, trade, retail and cafe uses. It is accessed directly off both aforementioned roads, utilising car parking spaces in front of the retail/showroom/cafe elements and also via a car park (the latter appearing to be used by a roofing contractor).

Proposal.

The proposed development seeks to rationalise some of the existing accommodation to make a larger retail area in the north-western part of the building; reduce the size of the cafe (A3) and creating an A1 retail element and adding offices and meeting rooms in a mezzanine extension above the warehousing/storage. The plans also show a florist to the rear of the altered Unit 2 (cafe).

Traffic generation.

Traffic data has been provided by the applicant. From examination of the information provided, it is demonstrated that additional traffic activity (vehicular and pedestrian) will arise as a consequence of the proposed development. In terms of trips, the commercial part of the development has the potential to generate an additional 3 movements in the AM peak period and 4 additional in the PM peak period. Over a 12 hour period, this amounts to an additional 54 trips. For the retail uses, the AM peak is shown to generate an additional 14 trips and 17 in the PM peak. Over a 12 hour period, this amounts to an additional 199 trips. The applicant has advised that the retail element does not generate 'anything like that suggested by TRICS' and that the retail spaces currently attract roughly 80-100 customers per day. Based solely on the TRICS

assessment, the Highway Authority does not consider the additional traffic activity to be severe. In the worst case (the PM peak period), the additional 17 trips would amount to approximately 1 additional trip every 3.5 minutes. With regard to how this relates to parking provision, please see comments below.

Parking.

Car parking - From site inspection, existing parking provision appears to total approximately 30 spaces, split between the two car parks. The proposal shows 36 spaces. The West Sussex Parking Guidance indicates maximum parking numbers. Based on assessment of this, the development suggests that 58 car parking spaces should be provided.

In the Transport Statement, the Transport Consultant has stated that parking provision is based on the existing and predicted demand as advised by the applicant, with the main discrepancy between the applicant and WSCC guidance being the retail element of the proposal. The applicant has advised that many customers are local people visiting neighbouring shops and the village green (implying that some wouldn't travel by car). As such, they consider that the demand for parking will remain consistent with the current situation.

In further support of this claim, the Transport Consultant quotes comments made by WSCC in response to a commercial development in the neighbouring Adur-Worthing District. At that time, WSCC stated that parking guidance for commercial developments was being reviewed because they were somewhat generic and didn't always accurately reflect the location of nature of the development on the site. Like the proposed development at 50 Ferring Street, proposed parking provision at the Adur-Worthing site, when compared to the WSCC Parking Guidance, also fell short by approximately 20 spaces (similar to this proposal).

Assessing this in more detail, the Highway Authority has undertaken a parking accumulation study based on the arrivals and departures shown in the TRICS data. This exercise has the effect of predicting the likely demand for parking over the period modelled - in this case, over a typical working day (07:00-19:00hrs).

The TRICS data is contained in Appendix 3 of the Transport Statement. Working through this and, in essence, adding and subtracting the arrivals and departures for each hour modelled, this suggests that for the commercial element of the scheme (which is stated to be for existing commercial users at the site), 28 parking spaces should be sufficient. Doing the same for the retail element, this suggests that 11 spaces should suffice (total 39).

The applicant provides 36 spaces, resulting in a very small shortfall of 3 spaces when compared to the accumulation assessment of 39. On this basis, and given that visitors to the site (predominantly those visiting the retail elements) would likely be linking trips with other facilities at or close to the location where other car parking exists and that some could travel by bicycle (particularly as new cycle facilities are proposed by the applicant), the Highway Authority considers that the car parking provision is acceptable on this occasion.

Cycle parking - None currently shown. However, the applicant has confirmed that this will be provided in secure and covered accommodation and to the highest possible standard (see paragraph 7.4 of the Transport Report produced by Reeves Transport Planning). A condition to secure this should be attached to any planning consent.

On-site parking and turning.

Specifically for the commercial element (the retail element would continue to permit reversing on or off the public highway by way of its design), sufficient on-site parking and turning space for commercial vehicles should be provided on the site. A condition to secure this is recommended.

Road safety.

No personal injury accidents appear to have occurred in the last five years at the junction of Ferring Street/Sea Lane in the direct vicinity of the application site. Records do not show those accidents of a damage-only nature or those not reported to the police.

Access barrier at the entrance to the commercial car park.

The applicant states that this will be provided under permitted development rights. However, the Highway Authority recommend that anything shown should either open automatically as vehicles approach it or be left open (as it has been on during both site visits to the site) to minimise obstructions on the adjacent highway when vehicles are waiting to (predominately) enter the site. Furthermore, the Highway Authority would not wish to see any other changes to this entrance as visibility is available to users given the location of the bollards adjacent to the highway. If possible, the LPA is requested to attach a planning condition to secure an appropriate arrangement to reflect the Highway Authority's recommendations.

Travel Planning/sustainable access.

A detailed Travel Plan Statement should be provided for the development to promote sustainable travel to and from the site. A planning condition should be attached to any consent to secure this

Conclusion.

If the LPA is minded to approve the development, the following conditions should be attached:

1. Access gate (details required, access provided prior to commencement)

The development shall not be occupied until the access gate (and method of control thereof) to the rear car park has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety.

2. Prevention of Surface Water Draining onto Public Highway (details to be provided)

No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

3. Car parking spaces (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

4. Cycle parking (details to be provided)

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 after consultation with the Highway Authority.

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

5. Lorry and van parking, turning, loading and unloading (details to be provided for the commercial element of the scheme)

No part of the development shall be first occupied until the vehicle parking, turning, loading and unloading spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: To provide adequate on-site car parking, turning, loading and unloading space for the development and in the interest of road safety.

6. Construction Management Plan (details to be provided)

No development shall take place, including any works of demolition, 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.

7. Travel Plan Statement (to be approved)

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Informatives.

1. Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works might be the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

2. Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the WSCC Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

Economic Development - 19th April 2016

Economic Development has been working with Kingsley Roofing for some time and are aware of the current restraints surrounding the site. This application seeks to overcome those and make better use of the site. We are pleased to see the growth of a local company and the increase in jobs that this proposal would facilitate.

Economic Development support this application.

Environmental Health - 17th March 2016 (No Objection)

EHN1 please alter to read: Before the development commences, the applicant shall submit an acoustic report, prepared in accordance with the provisions of BS4142, to predict noise levels at the nearest noise sensitive location. This should address the possibility of noise from plant and equipment and vehicle movement. In order to expedite further comment on such a submission, then it is recommended that you also provide detail how any problem thus identified will be mitigated.

EHL2: External Lighting....as far as 'Lighting installations' and omit for Zone E...

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7, GEN32 and 33

COMMENTS ON CONSULTATION RESPONSES:

Comments from WSCC Strategic Planning noted and conditions and informatives included in recommendation. The comments from Economic Development are noted.

Environmental Health comments are noted. Condition EHL2 has been included in the recommendation. Condition EHN1 is not considered necessary given the inclusion of suitable conditions relating to hours of operation for the unloading, loading, operation of machinery or deliveries at the site which will be in line with the existing approval.

POLICY CONTEXT

Designation applicable to site:
 PD Restriction
 Tree Preservation Area
 Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN33	Light Pollution
	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
	EMP DM1	Employment land: Development Management
	SD SP2	Built-Up Area Boundary

PLANNING POLICY GUIDANCE

Supplementary Guidance:	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
	SPD3	Parking Standards

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 Ferring 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 has no materially adverse effect on visual amenities of the locality or residential amenities of adjoining properties, nor would it have an adverse impact upon the 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 accordance with relevant development plan policies. The key policies in determining this application are considered to be GEN7 and GEN12 of the Arun District Local Plan and the NPPF.

DESIGN AND VISUAL AMENITY

The proposal will see the building subdivided into 5 separate uses as defined on drawing FG/FS/03 (Proposed Floor Plans - Schedule of Accommodation). These uses are intended to be as follows;

Unit 1 - A1 Retail

Unit 2 - A3 Cafe and A1 florist

Unit 3 - A1 Retail

Unit 4 - B1 Office/Light Industrial and B8 Storage and Distribution

Unit 5 - B1 Office

The retail provision site will exceed that currently offered but is considered to be in keeping with the established commercial character of the locality. The application provides retail units of various sizes as well as office accommodation which is considered to accord with EMP DM1 (4) & (5) of the Emerging Local Plan.

The site is at the edge of the village centre with retail/commercial uses located to the north and south of the site. The proposal is considered to accord with EMP SP1(e) of the Emerging Local Plan which seeks to protect and enhance existing employment sites to meet the needs of business.

The proposal predominantly consists of internal alterations to the layout and configuration of the site with subdivision of existing units. External alterations will be minimal with the only notable changes being the installation of a new door in lieu of a window and the installation of a fire door. Due to limited the extent of the external alterations it is considered the proposal will not adversely impact upon the character of the host building or the wider locality.

The proposal includes the addition of an automated parking barrier at the site entrance. The barrier by virtue of its design is not considered to have an unacceptably adverse impact upon the established character and appearance of the site. Whilst no similar equipment is present in the street scene it is considered that, given the established commercial use of the site and that of the wider area, it will not have a detrimental impact upon the immediate locality.

The development is considered to accord with policy GEN7(ii) of the Local Plan as it respects the identified characteristics of the site.

PARKING AND HIGHWAYS

The application proposes 36 car parking spaces, 11 of which will be exclusively for customer use. The parking provision has been considered by WSCC Strategic Planning and they have raised no objection to it. It was noted by WSCC that assessment of West Sussex Parking Guidance suggests that 58 spaces should be provided. However, the WSCC response makes reference to a previous consultation response in Adur-Worthing where the proposal was similar and it was stated that parking guidance for commercial developments was being reviewed because it was generic and didn't always accurately reflect the location or nature of development on the site. Like the development at 50 Ferring Street, proposed parking provision at the Adur-Worthing site, when compared to the WSCC Guidance, fell short by approximately 20 spaces a similar shortfall to this

proposal.

Further assessment was carried out by WSCC through a parking accumulation study based on the arrivals and departures shown in TRICS data. This exercise has the effect of predicting the likely demand for parking over the period modelled - in this case, over a typical working day (07:00-19:00hrs). This parking accumulation study suggested that for the commercial element (which is stated to be for existing commercial users), 28 parking spaces would be sufficient. Doing the same for the retail element suggested 11 spaces should suffice. This assessment resulted in identifying a total requirement of 39 parking spaces.

With the scheme making provision for 36 spaces, a shortfall of 3 spaces arises. It must be considered that some of those visiting the site may do so in conjunction with visits to other facilities nearby where parking facilities are available. It must also be noted that the site is in close proximity to two bus stops and is well serviced by the 700 bus as well as travelling by bicycle (with new cycle facilities proposed by the applicant to be secured through condition). WSCC considered that car parking provision in this scheme although lower than prescribed is acceptable and raised no objection.

Details of turning facilities have not been submitted with this application and WSCC have raised concerns in relating to this. A condition is proposed requiring the submission of these details for approval by the Local Planning Authority in consultation with WSCC prior to the commencement of the use. It is considered this condition will safeguard highway safety in this location.

WSCC Strategic Planning have commented on the barrier and its potential impact on highway safety. It was recommended in the WSCC response that the barrier should either open automatically as vehicles approach it or be left to minimise obstructions on the adjacent highway when vehicles are waiting to enter the site. A condition is included to ensure the barrier remains open during permitted hours and does not pose an obstruction or give rise to any highway safety concerns.

RESIDENTIAL AMENITY

The mezzanine floor has the potential to give rise to unacceptably adverse overlooking of 17 Sea Lane. The existing building features 3 no. high level windows on the east elevation which face directly onto the private rear garden of 17 Sea Lane. The proposed mezzanine floor makes these windows accessible and creates unacceptable overlooking and a condition has been included requiring that windows are obscurely glazed and non-opening below 1.7m in order to protect the residential amenity of neighbours and prevent unacceptable overlooking.

The proposal includes the extension to hours of operation from those imposed by Condition 7 of FG/26/10/ which prevents the use of the car park to the east of the site for unloading, loading, the operation of machinery, vehicles and plant except between the hours of 8.00 and 18.00 on Mondays to Fridays inclusive; 9.00 and 13.00 on Saturdays; and not at any time on Sundays or Public Holidays. The application seeks the use of the car park to the east between the hours of 6.00 and 22.00 Monday - Friday which is not considered to have an unacceptably adverse impact upon the residential amenity of neighbours. There is sufficient separation with the neighbouring dwelling so that disturbance of cars entering the site and parking at this time is not considered to cause unacceptable harm. This is especially so given the limited number of vehicles which are likely to be entering/leaving the site outside of the normal working day.

The application proposes an extension of delivery times to 7.00 to 19.00 Monday to Friday. It is considered that deliveries 07.00 - 08.00 and 18.00 - 19.00 would have an unacceptably adverse impact upon residential amenity of nearby occupiers given the use of this part of the site and the deliveries likely to be taking place.

It is considered that the use of the site as storage and distribution by Kingsley Roofing and the use of the external storage area beyond which the time which are already permitted would be detrimental to the residential amenity of nearby occupiers causing unacceptable disturbance. There is considerable enforcement history supporting the adverse impact by way of noise and disturbance on the neighbour that this use can give rise to. A condition has been included requiring no unloading, loading or the operation of machinery, vehicles and plant occurs at the site beyond the times already permitted by FG/26/10/. This restriction is considered necessary given the enforcement history relating to this element of the approved use.

The application seeks hours of operation for the retail element of the proposal of 07.00 - 22.00 Monday to Saturday and 09.00 - 16.00 Sundays and Bank Holidays. The hours of operation proposed for Sundays and Bank Holidays are considered acceptable, but the retail element of the site being open to members of the public until 22.00 is considered excessive given the location of the site with residential uses in close proximity. Whilst, it is acknowledged that the Co-Op (74-78 Ferring Street) to the north operates from 07.00 - 23.00 this is considered to fulfil and provide a very different service and function in the community. It is considered that the use of 74-78 Ferring Street as an A1 retail unit is historical and as such is not the subject of any conditions in relation to opening hours. The Co-Op has not been the subject of a recent application when operating hours restrictions could have been considered.

It must be considered that the site is located on the edge of the village centre in close proximity to residential dwellings and it is considered that the hours of operation proposed would have detrimental impacts upon residential amenities of the locality. It is considered necessary to impose hours of operation for the retail element of the site of 08.00 - 18.00 Monday to Saturday and 09.00 - 16.00 on Sundays and Bank Holidays.

The A3 use is not one which has been previously considered via an application. It is shown that the A3 use would feature a kitchen with servery suggesting that food will be prepared for sale and consumption. The application hasn't been accompanied by details relating to extraction to prevent odour nuisance having an adverse impact upon residential amenity of nearby occupiers. A condition is included requiring details for approval prior to the implementation of the proposals.

It is considered that the proposal subject to the conditions proposed would accord with policy GEN7(iv) of the Arun District Local Plan and the NPPF.

SUMMARY

As identified above the 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

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 plans: Roof plan & parking layout - Drg no. FG/FS/05; Proposed south elevations - Drg. no. FG/FS/04; Proposed floor plans - Drg. no. FG/FS/03; and Proposed floor plans - schedule of accommodation - Drg. no. FG/FS/03.

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 Parking spaces 12 - 36 as identified on Drg. no FG/FS/05 shall be available for staff parking between the hours of 06.00 and 22.00 Monday to Friday only.

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

- 4 The retail uses as specified in the planning application shall be open to the public between the hours of 08.00 - 18.00 Monday to Saturday and 09.00 - 16.00 Sundays and Bank Holidays.

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

- 5 No unloading, loading, operation of machinery or deliveries to the site shall take place except between the hours of:-

8.00am and 6.00pm Monday to Friday;
9.00am and 1.00pm Saturday; and
not at any time on Sundays or Public Holidays.

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

- 6 The proposed first floor windows on the eastern elevation of the dwelling shall at all time be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

- 7 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

- 8 The parking barrier hereby approved shall be open at all times between the hours of 06.00 and 22.00 Monday to Friday.

Reason: In the interests of road safety.

- 9 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

- 10 No part of the development shall be first occupied until the car parking (and, where applicable, turning) has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated parking purpose only.

Reason: To provide car-parking space for the use.

- 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 after consultation with the Highway Authority.

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

- 12 No part of the development shall be first occupied until the vehicle parking, turning, loading and unloading spaces have been constructed in accordance with plans and details

submitted to and approved by the Local Planning Authority after consultation with the Highway Authority. Thereafter, these areas should be used for their intended purposes at all times and not for any other use.

Reason: To provide adequate on-site car parking, turning, loading and unloading space for the development and in the interest of road safety.

- 13 No development shall take place, including any works of demolition, 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.

- 14 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 15 The A3 use hereby permitted shall not be commenced until details of equipment to discharge odours and fumes from the cooking process have been submitted to and approved by the Local Planning Authority and installed and 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, DEV26 and GEN34.

- 16 The extraction equipment installed in pursuance to Condition No. 15 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.

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.

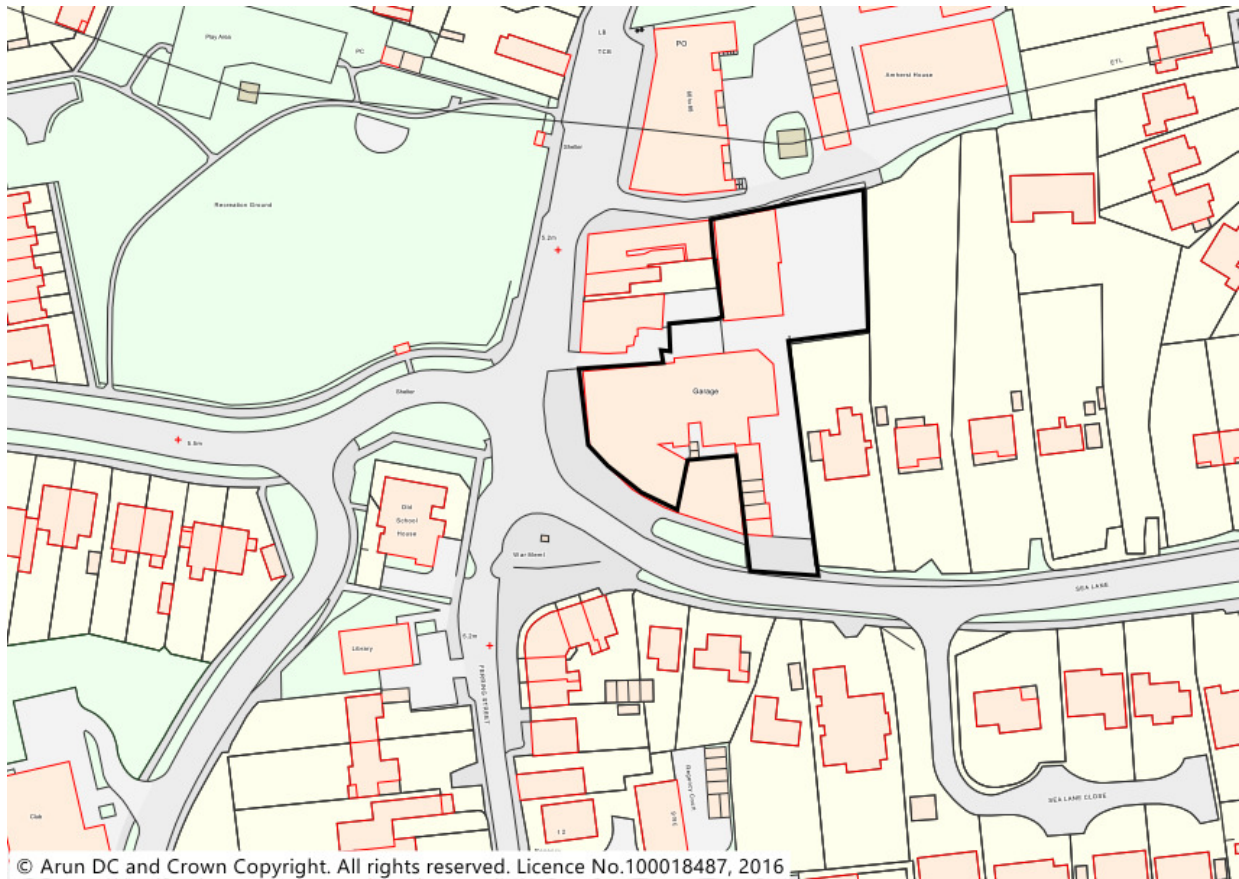
- 17 **INFORMATIVE:** The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works might be the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 18 **INFORMATIVE:** The applicant is advised that the erection of temporary directional signage should be agreed with the WSCC Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 19 **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.

FG/12/16/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:	FG/95/16/PL
LOCATION:	Land between Lansdowne Nursery & Highdown Vineyard Littlehampton Road Ferring BN12 6PG
PROPOSAL:	Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal includes 2 poly tunnels 30.8m long with a combined width of 13.8m and a height of 3.6m. The welfare office and store would have floor areas of 10m by 5m with a height of 3.4m. They would have timber weatherboard elevations, a sedum living roof and painted timber windows and doors. 3 outdoor growing beds and a sheltered outdoor bed to the east of the poly tunnels. The outdoor beds provide areas for growing and hardening plants and will be served by a central path and gravel/woodchip access between plant rows for watering, inspection and maintenance. New hedging/supplementary planting will be provided around the site boundaries. 11 trees are indicated on the southern part of the site. The access road/loading yard will be hard paved with a permeable granular sub base suitable for lorry movement.
SITE AREA	1.4 hectares
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to approx. 1-2m height
SITE CHARACTERISTICS	Field devoid of structures.
CHARACTER OF LOCALITY	Predominantly rural. Equestrian Centre to north, Vineyard to east and nursery to west

RELEVANT SITE HISTORY

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - it is recognised that this agricultural land and the proposed use is supported in this location, but have concerns over the erection of the poly tunnels. The proposed size will fundamentally affect the landscape and impact on the surrounding area. At over 3.5m in height the proposed polytunnels will alter the visual impact of the site.

One support - Sounds ideal for this area.

COMMENTS ON REPRESENTATIONS RECEIVED:

This proposal relates to use of the land for tree growing and includes the provision of associated single storey buildings and poly tunnels. It is a rural business and use of the land for this purpose in this position accords with policy 7 of the Ferring Neighbourhood Plan. The business already exists, albeit in Walberton and needs to relocate to a larger site. The proposal minimises its impact on the landscape with the tree planting/landscaping to site boundaries proposed. The buildings are located on the lower slope of Highdown where their impact is minimised. Glasshouses are present at Lansdowne Nursery to the west. A landscape appraisal has been submitted with the application which concludes that while the proposals will be visible they are seen in the context of similar horticultural development and are well assimilated into their surroundings and do not significantly alter the landscape character.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

County Highways - The proposal to create a horticultural enterprise at the existing land between Lansdowne Nursery and Highdown Vineyard, in Ferring has been considered by WSCC as the Local Highway Authority. No objection is raised subject to any conditions attached.

The business is currently located in Walberton however the business has grown and in order for them to expand they are seeking alternative space to do this. The site in Ferring is already within an area of horticultural use, and access into the site is already in place off the A259.

The site would allow for 3 car parking spaces and will provide a turning area so all vehicles can enter, turn and exit in forward gear onto the public highway. As the site is already operating the applicants are confident in their estimated trip rates; which would be 1 HGV per week, and 3 car trips per day made by staff to the site. There may be occasional visits from buyers, but the premises will not be open to the public and as such this would not increase, providing they continue to sell to professionals in the trade.

WSCC consider the site to be appropriate for the use and the provision of car parking acceptable based on the information provided.

Drainage Engineer - The applicant states that surface water will be discharged to a soakaway/SuDS. Apply standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Gaps between Settlements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN33	Light Pollution
	DEV3	Horticulture

Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality
	SD SP2 Built-Up Area Boundary
	C SP1 Countryside
	D SP1 Design
	SD SP3 Gaps Between Settlements
	HOR DM1 Horticulture
	SD SP1 Sustainable Development

Ferring Neighbourhood Plan 2014 Policy 7	Land north of Littlehampton Road, encouraging of existing rural businesses
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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.

Ferring Neighbourhood Plan contains policy 7 'Land North of Littlehampton Road, encouragement of existing rural businesses' which is relevant to 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 site lies outside the built up area boundary where development which meets the operational

needs of agriculture/horticulture is considered acceptable in principle. The site is located between an established nursery and an established vineyard.

Furthermore, paragraph 28 of the NPPF states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses.

BACKGROUND AND JUSTIFICATION FOR THE PROPOSAL

The applicants have been supplying high quality plants to Landscape professionals, garden designers and private clients for 4 years. They have successfully filled a gap that might otherwise have been occupied by imported plants from abroad.

Following a number of successful projects, including RHS awards their plants and design, demand for their ornamental plants and trees has grown to a turnover in excess of £800,000 per year and they have a need to consolidate and expand their business. The space they currently rent at Japonica Nursery is insufficient to meet the future needs of the business and is also reliant on the good will of the Japonica Nursery (a direct competitor) who rents them the land. This arrangement was not intended as a permanent solution as it restricts the growth of the Japonica Nursery, with the applicants at risk of eviction at short notice. The site meets the current and future needs of the applicants and is close to their homes and those of their employees.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The site lies in the countryside and within an area defined as Settlement Gap in the Emerging Local Plan policy SDSP3 and as an area of encouragement for existing rural businesses within the Neighbourhood Plan Policy 7. These policies seek to ensure development in these areas does not undermine the physical or visual separation of settlements, that the integrity of the gap is not compromised, there is no opportunity to locate elsewhere, the character of the undeveloped coastline is maintained and green infrastructure functions of the gap are maintained.

Whilst buildings will be introduced into an undeveloped open agricultural area they would be similarly located to buildings on adjoining sites and their coverage would not undermine the visual separation of the gap or compromise its integrity. They have a low profile and over half of the site, would remain open. The rising area to the north, furthest from the A259 is the most apparent visually and this area would be devoid of structures. It would be used for the onward growth of larger plants and specimen trees, forming a copse like appearance, similar to that on the North side between the vineyard and stables. The proposal retains and utilises existing hedging and supplements and increases screening and green infrastructure. The timber weatherboarding to the building elevations and sedum living roof would assist in their assimilation into the landscape. The design of the buildings and poly tunnels are typical of buildings associated with modern nursery practices.

Policy DEV3 of the Local Plan and HOR DM1 of the emerging plan state that polytunnel buildings will be permitted provided there is no adverse impact on the surrounding environment and landscape, long views across substantially open land are retained, adequate water resources and surface water drainage can be provided.

The proposal is considered to accord with these criteria. The buildings are of an acceptable height and would be located close to others in the wider landscape and would benefit from tree/hedge screening. The development would not therefore appear as a prominent or isolated feature in the locality and the size and design of the buildings would be appropriate for its use and visually in keeping with its rural location. Adequate water resources are available and the proposal includes the management of surface water drainage.

With regard to lighting impacts, generally very little artificial lighting is required. No growing lights are proposed and the plants will be reliant on sun light. Staff use hand held lighting for most tasks on the growing beds. Additional external lighting will be controlled by condition.

IMPACT ON HIGHWAY SAFETY

County Highways have no objection to the proposal in terms of highway safety. The access onto the A259 is existing and used by the nursery to the west and the equestrian centre to the north

RESIDENTIAL AMENITY

The site is not located close to residential properties and noise generation would not therefore adversely impact on residential amenity.

CONCLUSION

It is therefore recommended that the application is approved 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 ; Drawing 1, Drawing 2, Drawing 3, Drawing 4 and Drawing 5.

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 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan Drawing 3. All planting comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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.

- 4 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 5 The business shall not operate until the vehicle parking spaces/turning facilities have been provided and constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

- 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.

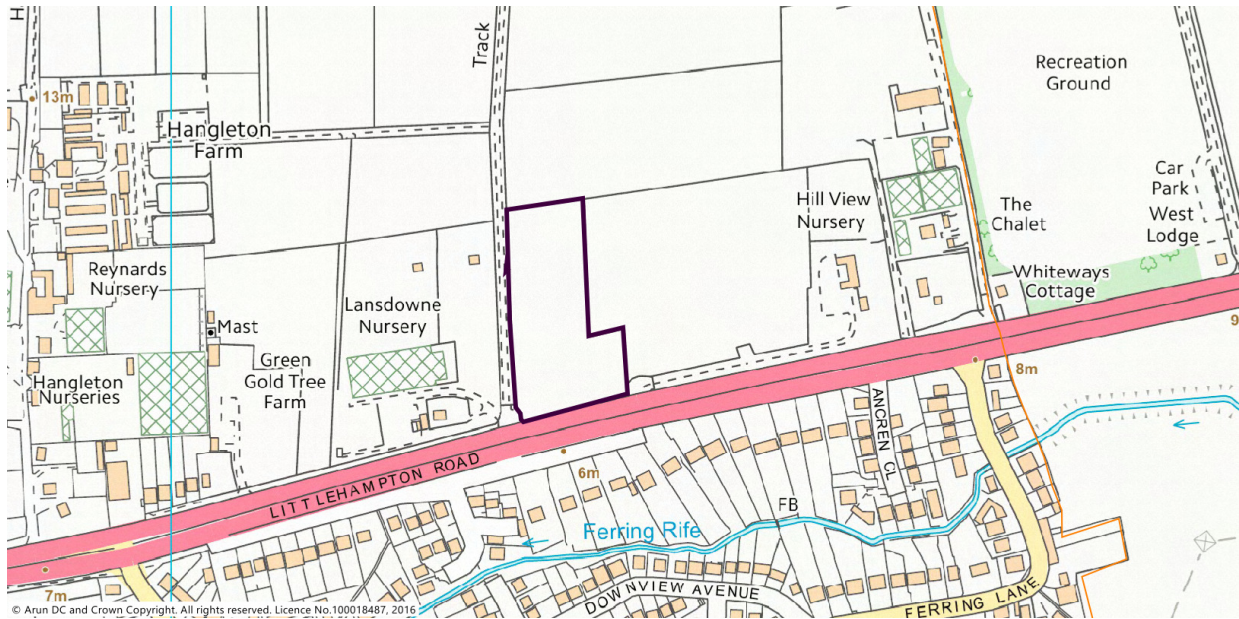
No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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 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.

FG/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:** K/11/16/PL**LOCATION:** Spring Tide
Gorse Avenue
Kingston
BN16 1SF**PROPOSAL:** Demolition of existing dwelling & erection of new dwelling house**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Demolition of the existing 2 storey pitched roof dwelling and replace in a similar position and the addition of a double garage on the road frontage. The new dwelling would have a flat and gently patinated zinc sloping roof and would be of modernist design constructed of render, powder coated aluminium windows and canopy. The dwelling would be 20m long, 14m wide and 8.5m high. The double garage has floor area of 6.4m by 8m and a height of 2.3m. The house has been designed to be fully wheel chair accessible to all floors to accommodate the applicant's disabled son.
SITE AREA	1,116 sq m
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected.
BOUNDARY TREATMENT	Close boarded timber fencing/trellis to 1.8m high to greensward and internal side boundary. To front and side boundary 2m high fencing.
SITE CHARACTERISTICS	Detached 2 storey dwelling with painted rendered elevations and plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential characterised by large detached properties of varying design with gardens to front and rear

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Kingston Parish Council

Objection - 1. It is an overdevelopment of the site

2. Visually out of scale to the existing property and overbearing to neighbouring properties

3. Detrimental to visual amenity of the street scene along Gorse Avenue. Particularly concerned by loss of the green verge and that there is no front garden along Gorse Avenue. The width of the front of the property is open with hardstanding, laid out for parking and the property is then blocked off by garages and a storage building.

4. Overall height of the new build is higher than the existing.

5. Intrusive to privacy of neighbouring properties to west but notes windows to the west are shown on the plan with opaque glass - this should be the subject of a condition if approved.

6. Contrary to Kingston Neighbourhood Plan Policy KPNP 7 Design & Development sections 1 (i and iii) and 2(iii). The relevant sections from the Kingston Neighbourhood Plan are reproduced here:

KPNP 7 DESIGN & DEVELOPMENT

1. Planning Permission will normally be approved for development within the Built-up Area Boundary, subject to compliance with other policies of the plan, providing:

i. The design and location of the development is appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, design features, and specifically does not encroach upon any roadway or twitter so as to alter the outstanding landscape, coastline, historic build and archaeological environment; iii. It is in-scale with adjacent buildings, takes account of the ridgeline of existing structures and is of a size that does not dominate the surroundings, or the wider Parish;

2. Any new development proposals, including self-building, rebuilding or alterations, will be supported, unless:

iii . It involves alterations and extensions which do not retain and enhance the condition and character of the existing building, then the proposals must:

- o Not erode the spatial character and pattern of the area
- o Not alter frontages to the detriment of the street scene
- o Enhance the building and its surroundings, maintaining form and style
- o Use materials which reflect the current character of the building
- o Remain in-keeping with the original scale and proportion of the original building
- o Ensure that important features of the original building are not lost.

East Preston and Kingston Preservation Society - Objection. Incompatible with Local Plan and Kingston Neighbourhood Plan.

Road frontage comprises two garages and the hardstanding in front of them, leading to the road. There is no front garden and no grass verge. This urban frontage contrasts with the grass verges, hedges and front gardens of other houses in the road. An urban frontage would be inserted into a green suburban road. This feature renders the proposed development in breach of Policy GEN7 of the Local Plan, because it does not respond positively to the characteristics of the area, and of Policy 7 of the Kingston Neighbourhood Plan, because this feature of the development is unsympathetic to the parish's character, replaces a front garden with impermeable surfaces and alters the frontage to the detriment of the street scene.

The design of the house, especially southern facade, with zinc and glass predominant materials, creates a building wholly out of character with surrounding buildings. The Street Scene showing the south front, not the street front - shows how alien the house appears among older houses on the sea front. Its impact would increased because it stands in front of its neighbours. Architect claims the house is inspired by Runnymede (Wells Coates) and Sea

Lane House Marcel Breuer)- it is difficult to see any influence of these two architects in the design of the building.

The incompatibility between the proposed and its neighbours and other houses on the Kingston Gorse Estate renders the application contrary to GEN7 of the Local Plan, and Policy 7 of the Kingston Neighbourhood plan, because the design does not respond positively to the character of the area, is not sympathetic to the parish's character in terms especially of design features and materials.

One objection from neighbour - Overdevelopment - The existing true site footprint =123m2. This gives a land ratio of 12%. The new site footprint is 370m2 resulting in an excessive land build ratio of 35% excluding hardstanding areas which would diminish the permeable surface further.

Visually overbearing lump which cannot be considered as visual amenity. Immense depth of the development is not in keeping. Too much use of glass/cladding which is out of character. Surrounding neighbouring properties have pitched roofs, with similar height dimensions. This development has hijacked these dimensions and taken the main slab roof up to similar dimensions, overpowering adjacent properties. The new parapet height datum on the east side is 2m higher than the adjacent property and out of scale. The huge extent of glass to the South elevation bears no correlation to existing fenestration height, sizes and proportions.

Intrusive to Neighbouring Property/Privacy - existing dwelling has 2 small ground floor windows and 2 first floor windows 10.7m from the boundary in the extension in the east elevation. This proposal extends the eastern elevation length, raises ground floor window heights and introduces large windows which will overlook the neighbouring property.

Proposal is contrary to sections 1 and 2 of Kingston Neighbourhood Plan.

Application plans utilising artistic license which are inaccurate and a misrepresentation. Flooding has been used as an excuse to raise building heights. Permeable surfaces are being reduced. Properties noted to be in close proximity are some distance away. Excess number of solar panels on the new garage roof will be extremely unsightly.

COMMENTS ON REPRESENTATIONS RECEIVED:

The amended proposal is considered in keeping with the area and the design is similar to others in the locality. The character of the area is derived from the mix of dwelling type and appearance. The height of the dwelling is no greater than those adjoining. Obscure glazing is conditioned to windows and balconies on side elevations to prevent adverse overlooking and loss of privacy.

The application has been amended and the length of the dwelling has been reduced. It is 2.5m shorter on the east elevation and has been reduced along the west boundary from 23m to 16m. It is not considered that it is uncharacteristically bulky or occupies too much of the site.

Raised floor heights are an accepted method for planning against flooding - see Coastal Engineer comments below. Sustainable design features reflect government guidance and emerging policies.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environment Agency

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The proposal is for fewer than two properties outside of the Lidsey WwTW catchment area, no surface water drainage comments.

Coastal Engineer - Whilst the proposal is located nearer to the shoreline than adjacent property, it is sited on the footprint of the existing building with a slight extension to the north. The proposal is for 3 bedrooms (2 x ground and 1 x 1st floor) - it is doubted that there is an increase in resident density. The FRA states that the site is in FZ3 - this is true only for the southeast corner of the site; the remainder is FZ1. It is also interesting to note that the site is not covered at all by the "Risk of Flooding from Rivers and Sea" mapping. The proposal supporting documentation implies disabled dwelling; I have no adverse comment on access/egress grounds (flood related).

The Shoreline Management Plan (SMP2) policy for the area is to 'Hold the Line' and the Coastal Defence Strategy says to 'Hold the Line - sustain' meaning that the effects of climate change should be allowed for in future management with groynes being repaired / replaced as appropriate (subject to funding being available)

The Council has a management agreement with the Estate and we regularly monitor and maintain the defences. The site is afforded the protection of 2 bays of timber breastwork (approx. 25m seaward of the southern boundary) as well as substantial shingle beach seaward of the breastwork.

The proposals show a freeboard of 800mm of floor levels above general ground levels (ground level accuracy being supported by a nearby OS mapping spot height). I have no objection to the proposal on coastal erosion/flooding grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN7	The Form of New Development
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design

Kingston Neighbourhood Plan 2014 Policy KPNP2	BUILT-UP AREA BOUNDARY
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. Policies KDNP 2 (Built Up Area Boundary) and KDNP 7 (Design) of Kingston Neighbourhood Plan are 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 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

A replacement of a dwelling within the built up area is acceptable subject to there being no adverse effect on residential or visual amenity.

VISUAL AND AMENITY AND CHARACTER OF THE AREA

The application has been amended following negotiation. The garage on the frontage has been reduced to a double and much of the length of the dwelling has been deleted, 7 metres from the west elevation and 2.5m from the east.

The proposal represents sustainable development in accordance with the NPPF. There is no dominant architectural form along Coastal Road. Building styles vary from modernist to mock tudor. The modernist style dwelling would reflect other flat roofed properties in the locality and the dwelling would be no higher than its neighbours. The new build incorporates design features which give the property a modern character through the use of aluminium and white render. The house sits on an 800mm flint plinth with white render panels which would reflect the materials of the existing dwelling and those neighbouring. Zinc is included to provide texture and weatherproof resistance to the prevailing winds. Footprint and massing would be comparable with adjoining properties and an acceptable gap to side boundaries would be retained. The gap to the west boundary is maintained, but this is adjacent to a public right of access to the beach. The gap to the west elevation has increased by 0.5m. The dwelling would be in keeping and it would not sit at odds with the general pattern of development or detract from the appearance of the street scene any more than the existing dwelling. The existing dwelling does not conform with the general pattern of development since it is sited close to the southern seafront boundary and not the road frontage as is the case with neighbouring properties. The proposed dwelling is sited in the same way as is the existing dwelling.

The site coverage is increased by the proposal and the design is significantly different, but it is considered that the revised scheme is acceptable and does not have a materially adverse impact on visual amenities or character of the area.

The boundary of the existing dwelling adjacent to Gorse Avenue is fenced and makes no contribution to visual amenities of the locality. The proposal opens up the site frontage more, adjacent to the road, by creating a vehicle access which would assist in better integrating the dwelling into the street scene. It is currently very detached given the rearward position of the dwelling.

RESIDENTIAL AMENITY

The property has been designed to prevent overlooking and loss of light to neighbouring properties. The windows in the side elevations and the sides of the balconies will be obscure.

The position and proximity of the dwelling to the west boundary is largely as existing and is considered acceptable. The amount of development adjacent to the west boundary has virtually doubled, but this part of the site is adjacent to a 6m wide right of way and a distance of 18m is retained between the side elevations of both the neighbouring property and the replacement dwelling. These distances are acceptable to ensure no materially adverse overbearing impacts result to neighbouring dwellings.

It is not considered that the proposed development would have a materially adverse impact on the residential amenities of adjoining properties.

CONCLUSION

It is therefore recommended that the application is approved, 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 positive impacts have been identified upon those people with the following protected characteristics (disability).

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).

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- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Location, Site plan 29A, Ground Floor 27a, First Floor 28A, North Elevation 12a, South Elevation 14B, East Elevation 13B, West Elevation 15B, Garage Plan and Elevations 21B, Garage Elevation 22B, Garage North Elevation 16D and Roof Plan 30.

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 windows on the side elevations of the dwelling at ground floor shall at all times be glazed with obscure glass and at first floor level of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above floor level

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

- 4 The side elevations of the balconies shall at all times be glazed with obscured glass to a height of 1.8m and retained in perpetuity.

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

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed in the west or east side elevations of the dwelling hereby permitted 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 Landscaping (hard and soft) shall be carried out in accordance with the details shown on site plan 29A. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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.

- 7 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 building 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.

- 8 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-

K/11/16/PL

enacting this Order) no extensions (including porches) to the dwelling house 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.

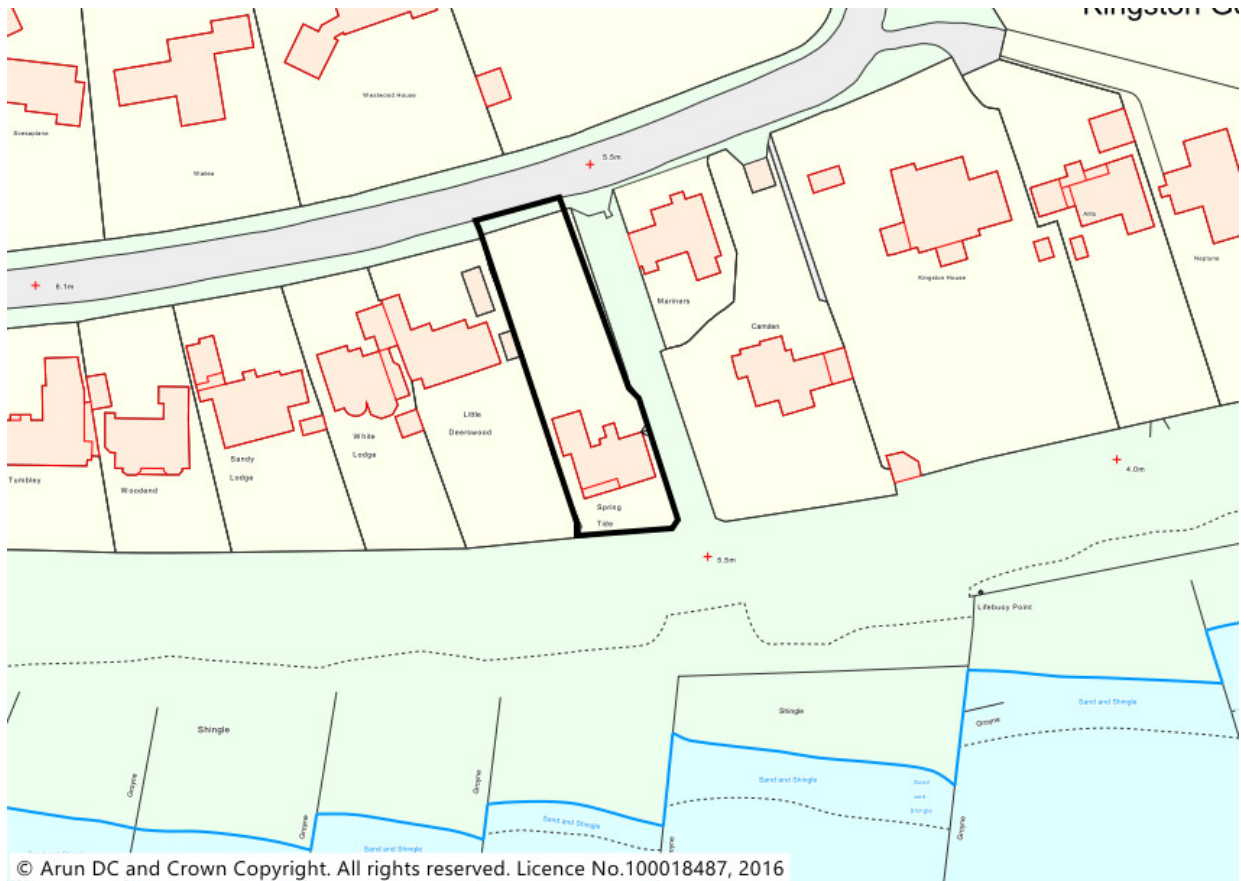
Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 **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.

K/11/16/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/131/16/PL
LOCATION: Land adjoining Knightscroft
 Toddington Lane
 Littlehampton
 BN17 7PP

PROPOSAL: 3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of 3 no. terraced chalet bungalows. The dwellings feature flint with brick quoins on the primary elevations at ground floor level, with painted render and brick quoins on the side and rear elevations at ground floor level. At first floor level the properties feature tile hanging. The dwellings feature 6 no. dormer windows on the primary elevation with 3 no. dormers on the rear.
SITE AREA	Approximately 0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 to 2 metre high hedging.
SITE CHARACTERISTICS	Currently laid to open grass with no development situated within the site area.
CHARACTER OF LOCALITY	Mixed residential and commercial premises within a semi-rural setting. There are nursery and commercial units of a substantial size located to the north and south of the site. Residential properties vary in their size and orientation to the east and west; the most immediate being Dutch Cottages forming a row of bungalows. There are fields and farms in the wider area.

RELEVANT SITE HISTORY

LU/135/15/OUT	Outline application with some matters reserved for the erection of 2 No. two bed chalet style bungalows & associated parking.	ApproveConditionally 14-07-2015
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Outline permission LU/135/15/OUT was granted for the construction of 2 no. semi-detached chalet bungalows on this site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Object - the proposal was an over development of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Town Council are noted with the matters raised being considered further in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

West Sussex Strategic Planning:

I refer to your consultation in respect of the above planning application and would provide the following comments.

This application seek consent for the erection of 3 x 3 bed terraced chalet bungalows with car parking on land adjoining Knightscroft, Toddington Lane, Littlehampton. The application site benefits from Outline consent for the erection of two dwellings under application reference LU/135/15/OUT.

The dwellings will be accessed via independent points of access from a private access road which serves Five Stones Nursery and business units. Access to the maintained highway network is achieved via an established shared point of access onto Toddington Lane, this access point is capable of facilitating two way vehicular movements. Given the principle of two additional dwellings using this point of access has been established under LU/135/15/OUT the highways authority would not be minded to raise any trip generation concerns from a 3 dwelling scheme.

Each dwelling will be provided with two allocated off street car parking spaces; though I would note that additional vehicles could be parked on site, albeit limiting the ability for vehicles to turn on site. Given vehicles will be accessing a lightly trafficked slow speed environment of the private access road reversing movements in this location would unlikely result in a safety concern.

The size and location of the cycle parking sheds would be considered appropriate.

I note a pedestrian style visibility splay has been demonstrated at the eastern extent of the application site in order to provide maximum achievable visibility onto the private access road in an eastern direction. Given the slow speed low traffic flow environment I would be minded to conclude that the maximum available visibility as proposed would be considered acceptable.

In conclusion it would not be anticipated that the proposal for 3 dwelling would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to grant planning consent the following conditions and informative note would be advised:

Access

No part of the development shall be first occupied until such time as the vehicular access points serving the development have been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

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.

Visibility

No part of the development shall be first occupied until the visibility splay as demonstrated on plan 1612/03 - May 2016 has been provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative:

Access Works

The applicant is advised to contact the proprietor of the private access road to agree the site access works prior to commencement of any works.

Engineers (Drainage):

Soakaways to be investigated.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance

for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - conditions and informative included.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
	SD SP2	Built-Up Area Boundary
	T DM1	Sustainable Travel and Public Rights of Way
	T SP1	Transport and 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.

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 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 conflict with relevant Development Plan policies in that it would be located in a location outside the built up area boundary where there is a presumption against unrestricted residential development.

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. These are discussed below.

CONCLUSIONS

PRINCIPLE

The site is in a countryside location outside the Built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. Government planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

However, it is now accepted that because housing policies only related to housing provision up to 2011, the weight afforded to them is significantly reduced. In recent appeal determinations Inspectors have confirmed that the principle of development on land outside the defined built up boundary can be accepted in certain cases.

The Council accepts that it does not have an adequate 5 year housing land supply. The NPPF is clear that where such a supply cannot be demonstrated relevant policies cannot be considered as being up to date (para. 49 NPPF).

Paragraph 14 of the NPPF indicates that "where the development plan is absent, silent or relevant policies are out of date" decisions makers should grant permission "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as a whole".

Whilst the proposed dwellings would be located outside of the built area boundary as defined by the Arun District Local Plan 2003, the site falls within the built area boundary as defined in the Publication Version of the Emerging Local Plan published in October 2014 and the built up area boundary as defined by Policy 2 of the Littlehampton Neighbourhood Plan.

It is recognised that there is an allocated housing site to the north and construction has begun on the North Littlehampton development and development to the South of Toddington Lane is under construction. The site would have the appearance of being situated within the urban envelope.

It is considered that the proposed development on balance would be acceptable due to the above reasons and would outweigh any conflict with policy GEN3 of the Arun Local Plan 2003.

Given the above the key development plan policy considerations in the determination of this application are policies GEN7 and GEN12 of the Arun District Local Plan; Policies 1 and 2 of the Littlehampton Neighbourhood Plan; Policies D DM1, D DM2, D DM3, D SP1, T DM1 and T SP1 of the Emerging Local Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order to create developments which respect local characteristics.

The proposed development will have a density of 30 dwelling per hectare (dph) which is not out of character with the locality given that approval LU/116/13/ to the south-west of the application site for 63 dwellings has a density of 37dph. It is considered the proposed development does not constitute overdevelopment of the site and is in keeping with the established character and

appearance of the locality.

The dwellings measure approximately 6.9m in height and will be situated 2m from the western boundary of the site and 1.5m from the eastern boundary. They will be set back from the private access road with 2 no. off road parking space being provided. The design and choice of materials ensures they integrate into the existing pattern of development in the locality.

When viewed from the south-east they will be well screened and will not be prominent within the street scene. When viewed from the south-west the dwellings will be visible but by virtue of their design are not considered to have an unacceptable adverse impact upon the established character of the locality.

ACCESS & PARKING

The dwellings each have 2 no. off street parking spaces and will be accessed via independent points of access from a private access road. The level of parking provision is acceptable given that additional vehicles could be parked on the site, albeit limiting the ability for vehicles to turn on site. WSCC have stated that the private access road is "a lightly trafficked slow speed environment" and as such vehicles reversing would be unlikely to result in a safety concern.

WSCC have identified that the means of access onto the maintained highway will be via an established shared point of access capable of facilitating two way vehicular movements. WSCC have raised no objections in relation to trip generation concerns of 3 no. dwellings given the principle established for 2 no. dwellings under LU/135/15/OUT.

It is identified by WSCC that the development would not result in a 'severe' impact upon the operation of the highway network and the proposal is considered to accord with para 32 of the NPPF.

RESIDENTIAL AMENITY

The dwellings will be situated 14.44m from the front boundary of the site with the nearest residential property being Knightscroft to the west of the application site. Knightscroft at its closest point is situated 1m from the shared boundary with the site. Given the distance by which the proposed dwellings are set back, at their closest point they will be approximately 6.3m from Knightscroft.

The Local Planning Authority have adopted a 45-degree rule as a tool to balance the interests of neighbours against new development by ensuring that development does not seriously impact upon neighbours outlook and daylight. In this instance the mid point has been taken of the neighbours window and the proposal accords with this rule. It is considered that the proposal does not give rise to unacceptably adverse overbearing or overshadowing upon neighbours.

Windows are proposed at first floor level on the west (side) elevation of the dwelling which have the potential to give rise to detrimental overlooking of the private amenity space of Knightscroft. These windows will be for the first floor bathroom and en-suite bathroom and a condition has been included requiring the windows are obscurely glazed and non-opening below 1.7m.

A first floor window is present on the east elevation of the proposal. This faces towards the existing nursery access and is not considered to result in unacceptably adverse overlooking and has not

been included in the proposed condition.

Given the above it is considered that the dwellings will not result in unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and therefore are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

The dwellings feature rear gardens which measure approximately 17m deep and achieve a total area which is significantly more than the 65m² specified for 3 bedroom terraced dwellings within policy D DM3 of the Emerging Local Plan. The dwellings have an internal floor area of approximately 104.7m² which exceeds the required 93m² specified within the Nationally Described Space Standards. The dwellings are considered to result in a good standard of amenity for future occupiers in accordance with Paragraph 17 of the NPPF.

SUMMARY

The proposed development is considered to accord with relevant development plan policy 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

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 plans: Site Layout & Location Plan - Drg. no. 1612/03; and Proposed Elevations, Floor Plans, Section & Roof Plan - drg. no. 1612/02

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 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 and roof of the proposed dwellings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality 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 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.

- 6 The first floor windows on the west elevation of the proposal shall at all times be obscure-glazed and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor level of the room in which they are installed.

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

- 7 No part of the development shall be first occupied until such time as the vehicular access points serving the development have been constructed in accordance with the approved drawing.

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

- 8 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide off street car-parking in accordance with policy GEN12 of the Arun District Local Plan.

- 9 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. The secure facilities so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No part of the development shall be first occupied until the visibility splay as demonstrated on plan 1612/03 - May 2016 has been provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

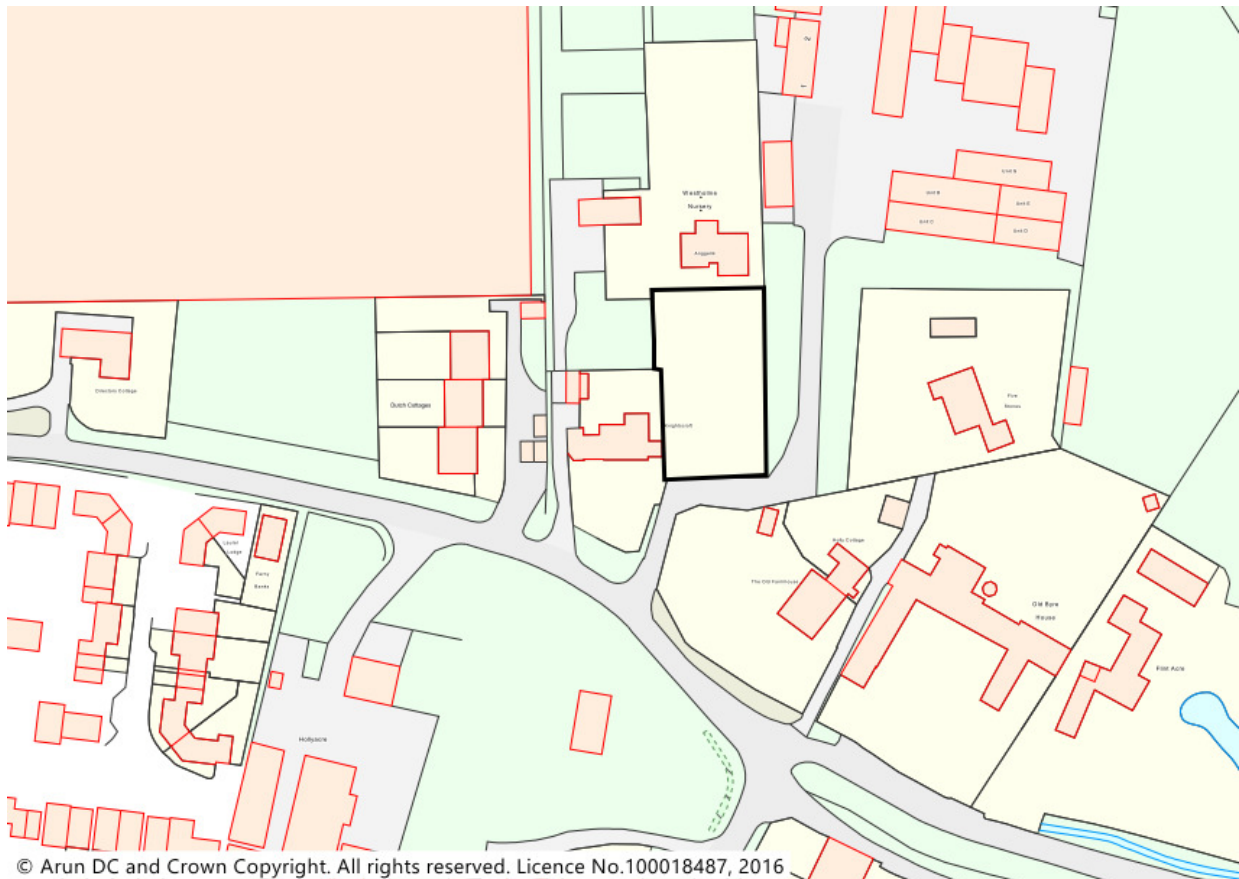
Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 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 applicant is advised to contact the proprietor of the private access road to agree the site access works prior to commencement of any works.

LU/131/16/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: WA/25/16/PL

LOCATION: 1 & 2 Stafford Cottages
Yapton Lane
Walberton
BN18 0AR

PROPOSAL: Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The rear extension has a depth of 5.3m and a width of 3.9m. The front extension measures 3.8m deep by 3.4m wide. Both extensions are located on the south side of the property provide 2 additional bedrooms and an enlarged kitchen/dining room and lounge. The rear extension is set in 1m from the southern elevation of the property.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Front garden is enclosed by fence and hedge to approximately 1.8m. Rear garden enclosed by hedge between 1.4m and 2m.
SITE CHARACTERISTICS	Detached 2 storey dwelling divided into 2 flats. Brick elevations and tiled roof. Hard surfaced parking/turning area in front garden area.
CHARACTER OF LOCALITY	The is in a rural area on the edge of the village with fields opposite. The road is characterised by mainly single and two storey detached properties height in medium plots with dwellings set back from the road frontage.

RELEVANT SITE HISTORY

WA/69/14/PL	Use of land at Yapton Lane Walberton for two semi detached dwellings to replace two flats and associated landscape works. Resubmission following WA/14/14/PL.	Withdrawn 25-02-2015
WA/14/14/PL	2 No semi detached dwellings to replace 2 No flats and associated landscape works.	Withdrawn

25-07-2014

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

No Objection - Whilst the Parish Council has no objection to the conversion of flats it considers that the proposed balcony is far too large and will cause overlooking of adjacent properties. A much smaller "Juliet" balcony would be far better and maintain the privacy of adjoining properties.

One letter of objection - Concerns with balcony on first floor of the rear with ample space for the provision of chairs. It would compromise the privacy of neighbours. Also concerned regarding the full length opening doors on the north wall of the kitchen/dining room. When fully open would allow noise from residents and domestic activity giving little opportunity for peace and quiet and privacy to neighbour. Side boundary screening is not high enough to protect privacy. There are no landscaping details submitted. A large window rather than French doors would be preferable.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments on Parish Council representation - The rear extension has been redesigned by deleting the projecting roof area over the balcony to an agreed height, setting it in 1m from the south boundary and incorporating screening to the sides. Provided a condition is imposed to ensure the side glazing to the balcony is obscured no materially adverse overlooking of adjacent properties would result.

Comment on other representation - Screening to the side elevations of the balcony is proposed to be conditioned to ensure no direct overlooking results to adjoining gardens. The change in fenestration on the side elevation would normally constitute permitted development in a single dwelling house and it is not considered that any additional noise would result in material harm to neighbouring residential amenity. Environmental Health have powers to deal with any statutory noise nuisance. If existing boundary screening is inadequate side boundary can be increased to 2m under permitted development rights. The existing height is considered to be acceptable to preclude overlooking to a level which does not result in material harm. Noise generated from a door in the side elevation of a dwellinghouse would not result in material harm to the neighbour from increased or unacceptable noise levels.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an informative

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

Publication Version of the Local D DM1 Aspects of Form and Design Quality
Plan (October 2014): D DM4 Extensions and Alterations to Existing Buildings
 (residential and non-residential)

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 is currently no adopted Neighbourhood plan for Walberton.

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

BACKGROUND

The site lies within the built up area boundary where residential development is acceptable in principle subject to there being no adverse effect on residential or visual amenity.

The proposal is for the conversion of 2 flats to a single dwelling with extensions to front and rear.

VISUAL AMENITY AND CHARACTER OF THE AREA

The extensions are 2 storey and would be located to the front and rear of the dwelling. They would have a lower ridge heights than the existing property. The materials of the extensions are not specified on the plans and are to be conditioned. The development would retain an acceptable distance to plot boundaries and would not appear out of keeping or overly dominant in the street scene. The extensions would be in keeping with the character of the area which is derived from a mix of detached properties of varying style, height and design. The design of the proposed extensions would be similar to those of existing properties. The front extension would not extend closer to the road frontage than the adjoining dwelling to the south. Although the extensions are 2 storey they are split between the front and rear elevations and therefore appear subservient and do not dominate either elevation.

RESIDENTIAL AMENITY

The development would not extend significantly beyond the front elevation of 'The Gransdens' and

would not result in any materially adverse effects on residential amenity by reason of overlooking or overbearing effects. The rear extension has been moved 1m into the site from the side elevation. The proposal is marginally in breach of the 45 degree rule with regard to the rear extension and the rear elevation of the neighbouring dwelling. Conditions relating to the provision and retention of obscure glazing to the balcony are suggested. A gap of 2m would be provided between the side of the first floor rear extension and the side boundary and this is considered adequate with regard to loss of light and outlook and overbearing impacts.

CONCLUSION

The application is therefore 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 15200/02R7.

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 extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

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 obscure screening shown on the submitted plans shall be installed prior to the first use of the balcony and be retained thereafter in perpetuity.

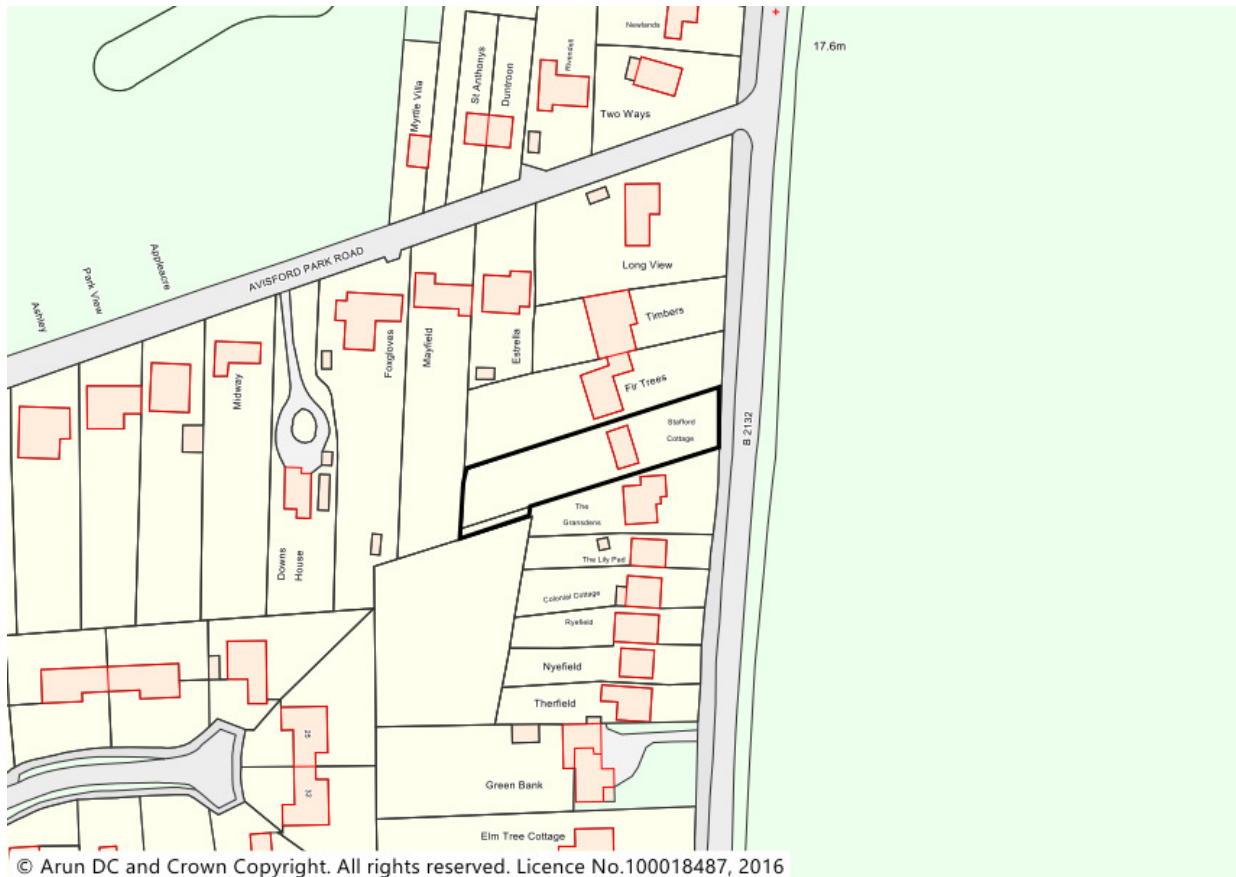
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **INFORMATIVE:** 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.

- 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.

WA/25/16/PL Indicative Location Plan
(Do not Scale or Copy)

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



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

10 August 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/162/15/PL
Received: 30-06-2016

Land North of Roundstone-By-Pass Roundstone By Pass
Angmering
Car showroom & workshop with associated access, car parking
& landscaping.

Public Inquiry

PINS Ref: APP/C3810/W/16/3151980

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

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

AL/16/16/HH
Received: 07-07-2016

2 Meadow Way Westergate Street Westergate
Remove existing hedging & fit Larch lap fencing

Written Representations

PINS Ref: APP/C3810/D/16/3152551

AW/367/15/PL
Received: 06-07-2016

Brus Lodge 28 Kingsway Aldwick
Erection of 1 No. dwelling. This application affects the character
& appearance of the Craigweil House Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/16/3146804

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/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/31/16/PL
Received: 06-07-2016

Rear of 83 Pevensey Road Bognor Regis
1 No. dwelling

Written Representations

PINS Ref: APP/C3810/W/16/3152756

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

<p>LU/55/15/OUT <i>Received:</i> 10-05-2016</p>	<p>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/</p> <p style="text-align: center;"><i>Informal Hearing</i> 15-09-2016</p> <p>PINS Ref: APP/C3810/W/16/3147195</p>
<p>M/123/15/PL <i>Received:</i> 06-07-2016</p>	<p>Byway House 1 The Byway Middleton-on-Sea First floor & single storey extensions to South elevation.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/W/16/3151935</p>
<p>WA/22/15/OUT <i>Received:</i> 20-01-2016</p>	<p>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.</p> <p style="text-align: center;"><i>Public Inquiry</i> 01-11-2016</p> <p>PINS Ref: APP/C3810/V/16/3143095</p>
<p>Y/60/14/OUT <i>Received:</i> 17-11-2014</p>	<p>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.</p> <p style="text-align: center;"><i>Public Inquiry</i> 07-07-2015</p> <p>PINS Ref: APP/C3810/A/14/2228260</p>
<p>ENF/199/15/ <i>Received:</i> 03-11-2015</p>	<p>Eastlands Littlehampton Road Ferring West Sussex Alleged unauthorised breach of Condition 1 of FG/41/14/PL</p> <p style="text-align: center;"><i>Informal Hearing</i> 14-06-2016</p> <p>PINS Ref: APP/C3810/C/15/3135180</p>
<p>ENF/192/14/ <i>Received:</i> 30-11-2015</p>	<p>Eastlands Littlehampton Road Ferring Alleged unauthorised car ports and gazebo</p> <p style="text-align: center;"><i>Informal Hearing</i> 14-06-2016</p> <p>PINS Ref: APP/C3810/C/15/3132558</p>

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE 10 AUGUST 2016

Decision Paper:

Subject : Diversion (“the Diversion”) of Footpath No.139 at North Bersted, West Sussex. (hereinafter “the Footpath”)

Report by: Planning Solicitor

Report Date: 11th July 2016

1.0 PURPOSE

1.1 To obtain Committee approval to the making of an Order to divert the Footpath (“the Order”).

2.0 BACKGROUND

2.1 The relevant powers are contained in Section 257 Town and Country Planning Act 1990 which allows diversion of footpaths to enable development authorised under a planning permission to go ahead.

2.2 This report is made to get Committee approval to the making of an Order to effect the Diversion of the Footpath, after an Application to divert it to enable development authorised under a planning permission to go ahead.

3.0 CASE FOR DIVERSION

3.1 The Footpath presently follows the route shown A B C with a continuous black line on the attached plan (hereinafter called “the Plan”).

3.2 It is proposed to divert the Footpath so that it follows the route shown A D C with a broken black line on the Plan.

3.3 The Diversion is required because Developments authorised by these Planning Permissions cross the existing route of the Footpath and so cannot proceed without the Diversion Order:-

- [a] Planning Permission granted on Appeal PINS Reference: APP/C3810/A/04/1167106, LPA Reference: BE/45/04 Dated 22nd November 2006 for *development on land to the North of North Bersted, Bognor Regis, West Sussex of 650 residential dwellings, formal and informal public open space, including sports pitches,*

community facilities and associated works, and for the Western section of the Bognor Regis Northern Relief Road between the A259 and Rowan Way; and

- [b] Reserved matters approvals “RMAs “ were subsequently granted by Arun District Council, including a Reserved Matters Approval *granted on 28th April 2009 with Reference Number: BE/8/09 in respect of Phases 4 and 5 of the Development for 153 dwellings and open space areas, including sports pitches.*

3.4 The manner in which the Development will be built on the existing Footpath route is described in the application:-

“As part of Phase 5 of the RMA Development, the RMA requires that swales [ditches] are built on certain areas of the Site. Drawing 1559-C-1008-W shows where such swales will be built in relation to the open space and sports pitches.

As seen on Drawing 1559-C-1008-W and the definitive map, swales will be constructed on the current section of Footpath 139 that runs East-West. That section of Footpath 139 therefore needs to be diverted to avoid the swales.

Drawing S783/FSUO139 shows by way of a solid black line, between points A B,C the existing legal line of Footpath 139. The dotted black line, between points A D and B, shows the proposed route of Footpath 139 following a Diversion. Ultimately, the Diversion would not substantially alter the route of Footpath 139. Furthermore, the Footpath surface condition of the proposed Footpath would be an upgrade in comparison to the condition of the existing path.

Berkeleys have already consulted the Public Rights of Way Officer at West Sussex County Council, who is aware that this Application is being made.”

3.5 Diversion will enable the development to be carried out and still preserve a Footpath for public use. Enhancements will result from the upgrade of the Footpath route. These are preserving the Footpath for walkers and still developing the land, upgrade the footpath surface for greater convenience of walkers and encourage more walkers to use the Footpath. The applicant developer advises :-

“With regard to enhancements, the footpath will provide an upgrade in surface condition from a mudded path to a tarmac surface and an increase in width to 3m to allow for the upgrade to bridleway status should this be required at a later stage.”

4.0 **PUBLIC CONSULTATION AND RESPONSES**

4.1 As required by the Regulations Consultees will be consulted including the West Sussex County Council and Amenity and Footpath Users Groups e.g. Ramblers Association.

4.2 As also required by the Regulations the making of the Order will be advertised in a local newspaper and at either end of the Footpath.

4.3 The above publicity will invite public comment.

5.0 **RECOMMENDATION**

5.1 That the Committee resolves that:-

- (i) An Order be made and advertised for diversion of the Footpath in the essence of the terms of the Draft Order attached. But allowing for delegated powers for the Director Planning and Regeneration, and those whom he authorises, to make drafting and plan drafting amendments.
- (ii) If no objections are received to the Order, or if objections are withdrawn, the Director of Planning and Regeneration will have delegated powers to adopt and confirm the making of the Order and may take all steps to advertise that, with any modifications to the Order.
- (iii) If any objections are made and not withdrawn then the Order and objections be referred back to Committee for consideration.

Dated the 11th day of July 2016

Report Author: Delwyn Jones - Planning Solicitor, Ext: 01903 - 737737

ARUN DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257**

PART OF PUBLIC FOOTPATH No. 139

LAND TO THE NORTH OF NORTH BERSTED BOGNOR REGIS WEST SUSSEX

DIVERSION ORDER

This order is made by Arun District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert part of Public Footpath No. 139 to enable development to be carried out in accordance with planning permissions granted under Part III of the Town and Country Planning Act 1990 namely:

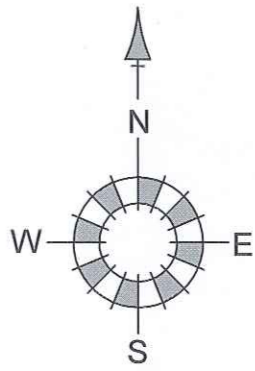
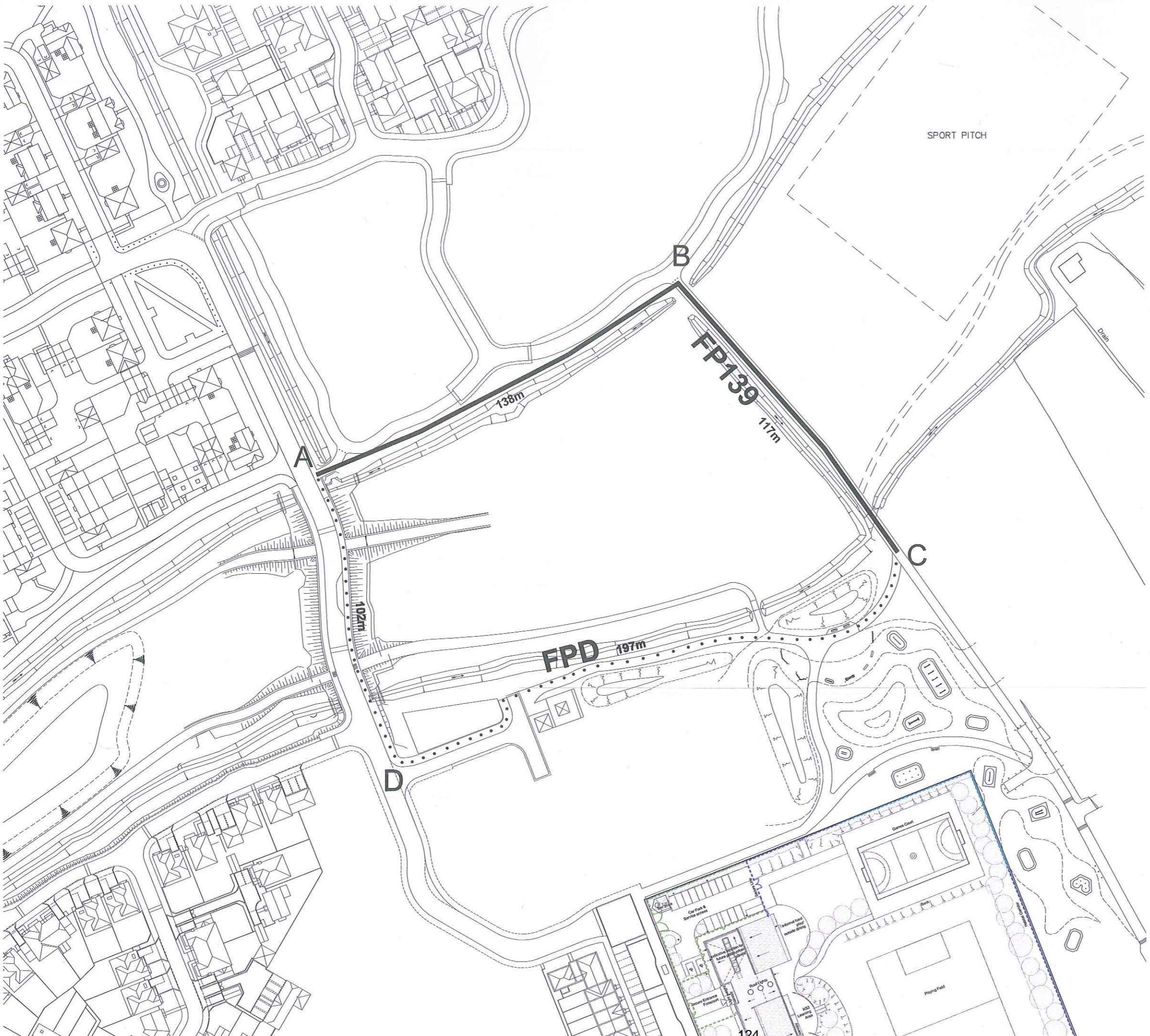
Land north of Bersted East of A259 Chichester Road and North of Rowan Way

Planning Permission Reference APP/C3810/A/04/1167106 (Arun District Council reference number BE/45/04) dated 22 November 2006 – Outline Application for residential development comprising 650 residential dwellings, formal & informal public open space, including sports pitches, community facilities & associated works. Western section of the Bognor Regis North relief road between the A259 Chichester Road & Rowan Way; and

Planning Permission Reference BE/8/09 dated 28 April 2009 – Application for approval of reserved matters following outline approval BE/45/04 – Phase 4 & 5 of the Berkeley Homes Sector for 153 dwellings & open space areas, including sports pitches.

BY THIS ORDER:

1. The footpath over the land shown by an unbroken bold black line from points A to B to C on the plan contained in this Order and described in Part 1 of the Schedule to this order (the "Schedule") shall be diverted as below over the land shown by a dotted black line from points A to D to C on the plan contained in this Order and described in Part 2 of the Schedule.
2. The diversion of the footpath shall have effect on the confirmation of this Order.
3. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purposes of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.



Part of Footpath 139 to be diverted
 Proposed new route of Footpath 139

- C 13.07.16 Additional points added to Footpath diversion. Length of diversion adjusted to suit.
- B 17.05.16 Footpath diversion clarified. Length of diversion added.
- A 26.04.16 Notation of footpath revised & now shown to be diverted.

REF	DATE	REVISION

DEVELOPMENT
SITE 6
CHICHESTER ROAD
NORTH BERSTED

DRAWING TITLE
FOOTPATH 139 DIVERSION

Berkeley

Designed for life

Berkeley Homes (Southern) Limited
 Berkeley House, Bay Tree Avenue
 Leatherhead
 Surrey, KT22 7UE
 Tel: (01372) 370400

DRAWN BHS	CHECKED
DATE APRIL 2016	SCALE 1:1250@A3

DRG No. S783/FSUO139	REV. C
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