



Committee Manager : Carrie O'Connor (Ext 37614)

20 September 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 5 October 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 10 August 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. VISIT BY THE SITE INSPECTION PANEL – M/59/16/PL – 1 NO. REPLACEMENT DWELLING -1 DEEPDENE CLOSE MIDDLETON

This application had been deferred at the meeting on 7 September 2016 and the Committee is now requested to consider the report of the Site Inspection Panel.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

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

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

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

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

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

DEVELOPMENT CONTROL COMMITTEE

7 September 2016 at 2.30 p.m.

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

[Note: Councillor Wells was absent from the meeting during consideration of the matters referred to in Minutes 189 (from Planning Application A/162/15/PL) to 192.]

Councillors Ambler and Mrs Rapnik were also present for part of the meeting.

186. DECLARATIONS OF INTEREST

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

Reasons

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

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

Councillor Mrs Pendleton declared a prejudicial interest in Agenda Item 7, Planning Application BE/93/16/PL, as she had spoken against the original application BE/142/15/OUT. She stated that she would leave the meeting during its consideration.

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187. MINUTES

The Minutes of the meeting held on 10 August 2016 were approved by the Committee and signed by the Chairman as a correct record.

188. TREE APPLICATIONS

BR/160/16/T – Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vehicular entrance to 1 No. Common Ash tree & 1 No. Silver Birch tree, Chipley Court, Hawthorn Road, Bognor Regis Having received a report on the matter and advice that the application had been submitted by the Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

189. PLANNING APPLICATIONS

M/59/16/PL – 1 NO. REPLACEMENT DWELLING, 1 Deepdene Close, Middleton on Sea Having received a report on the matter, together with the officer report update detailing an additional letter of representation received, the Committee heard concerns from some Members that the proposal appeared to be overbearing and would be out of keeping in the locality. As a result it was suggested and agreed that the site inspection should take place and the Committee therefore

RESOLVED

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

EP/63/16/PL – Demolition of existing hotel & erection of 9 No. dwellings with associated parking, Bradbury Hotel, Station Road, East Preston Having received a report on the matter, together with the officer's verbal update detailing a correction to the report that at page 39 under Conclusion (1) relating to financial contributions for accessible natural open green spaces should be deleted and (2) relating to no contribution towards public open space or children's play equipment should become (1), the Committee was also advised that, following a representation from a neighbour regarding a Tree Preservation Order on a nearby tree, the car parking area to the north would mean that the roots of that tree would require protection. It was therefore suggested that an additional condition should be placed on any approval to read:-

No development shall take place until details have been submitted to and approved by the Local Planning Authority demonstrating that the Root Protection Area of the adjoining protected Beech tree on the southern boundary will not be adversely affected by the development. The development shall proceed in accordance with the details so approved.

Reason: To ensure retention of the neighbouring preserved tree in accordance with policy GEN7 of Arun District Local Plan.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

(During the course of consideration of the following application, Councillor Mrs Pendleton declared a personal interest due to its connection to Planning Application BE/93/16/PL, to be considered next on the agenda. She remained in the meeting and took part in the debate and vote.)

BE/77/16/OUT – Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development Plan, Land West of New Barn Lane, Bersted Having received a comprehensive report on the matter, the Committee was advised by the Principal Planning Officer that it was considered that the proposal would not have a severe impact on the local highway network and that the Housing Strategy & Enabling Manager had agreed the affordable housing element of the scheme. An alternative access to the site would be considered under the next application on the agenda. He reminded the meeting that detailed design, road layout and landscaping were reserved matters and would be considered at another time. A written report update was circulated at the meeting which detailed amended site plans and a revised request for contributions from West Sussex County Council to take account of the tenure and housing mix.

In the course of discussion, a number of comments were made highlighting concerns as follows:-

- This site was not suitable for a strategic housing allocation as it eroded the strategic gap.
- Although the Environment Agency had no objection to the application, historically the area was prone to flooding.
- The road structure in the locality was already congested and it was difficult to get out onto the A259 – this development would exacerbate the situation.

Development Control
Committee – 07.09.16

Further Member comment was made with regard to financial contributions relating to education and health; inadequate infrastructure. However, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

BE/93/16/PL – Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes, New Barn Lane, Bersted, Bognor Regis Having received a report on the matter, the Committee also considered the officer's written report update relating to:-

- An amended recommendation to Approve, subject to conclusion of an acceptable Unilateral Undertaking which is delegated to the Director of Planning & Economic Regeneration.
- The conditions set out in the report and an additional two conditions relating to the protection of trees.

The Principal Planning Officer advised the Committee that the Unilateral Undertaking (UU) was a vital requirement. In its current form it required amendment to take account of legal points from the Council and West Sussex County Council. As set out in the report at page 78 under Conclusions, "the Council requires the Unilateral Undertaking to allow for the deliverability of both developments as Committee had approved BE/77/16/OUT.

The Committee was also advised that the road safety audit had not identified any issues of concern and the cycling route would not increase the number of vehicles using the road.

A concern was expressed with regard to the junction and it was suggested that the application be deferred to look again at this particular aspect. However, officer advice was given that that could not be revisited as approval had already been given to the original planning application. This application was trying to bring together the accesses for the two different sites into one, which was considered to be a sensible solution.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to conclusion of an acceptable Unilateral Undertaking, to be delegated to the Director of Planning & Economic Regeneration.

A/105/16/PL – Reconfiguration of existing car parking area for 1 No. flat with 5 No car barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation area, Land at The Cottrells, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

190 PLANNING APPEALS

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

191. PLANNING REFUSAL A/162/15/PL – PROPOSED CAR SHOWROOM AND WORKSHOP WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING, LAND NORTH OF ROUNDSTONE BY PASS, ROUNDSTONE BYPASS, A259, ANGMERING FOR CAFFYNS LTD, AUDI

The Committee received a report from the Head of Development Control which required a decision in respect of an appeal that had been requested in relation to Planning Application A/162/15/PL. Advice had been received from Counsel to not defend the appeal and to accept the amended plans received as they represented an improvement over those originally submitted, upon which the refusal was based.

A written officer update was also circulated at the meeting which included the previous planning application committee report; advice from the Council's legal representative; and information that the appellant's agent had provided a written undertaking that, assuming recommendation 1a was accepted, they would be providing the proposed revised details to PINS requesting that the appeal be determined on the basis of this information.

The Planning Team Leader advised that the reasons for refusal could be overcome by condition, particularly as legislation was quite clear that approval could be granted. Counsel's view was that the appeal should be discontinued. Substantial costs would be incurred if the appeal went ahead, although the applicant had stated that no costs would be charged should the appeal be discontinued.

Following consideration, the Committee

RESOLVED – That

(1) the appeal not be defended; and

(2) the amended drawing be noted and the changes be endorsed as an improvement.

192. DEVELOPMENT CONTROL COMMITTEE – PROPOSED CHANGES TO PUBLIC SPEAKING FOR MAJOR APPLICATIONS

In the absence of the Head of Development Control, the Planning Team Leader presented this report which proposed an increase in the number of objectors/supporters able to speak on major applications from two to three persons under the Committee's Public Speaking rules. Major development was defined as the provision of 10 dwellings or 0.5 hectares or more; the provision of building/s where the floor space created by development was 1000 sqm or more or development carried out on a site of 1 hectare or more.

In discussing the matter, views were expressed that the change would not improve the process or improve performance. Also, if additional speakers were proposed for major applications that would create an inequality as other applications would not benefit by having an increased number of speakers objecting to or supporting those applications.

Following consideration, the Committee

RESOLVED

That the proposals not be accepted and the Public Speaking arrangements remain unchanged.

(The meeting concluded at 5.00 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

5TH OCTOBER 2016

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

M/59/16/PL

1 No. replacement dwelling.
(Deferred For Committee Site Visit)

1 Deepdene Close
Middleton on Sea

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 13-SEP-2015

REF NO: M/59/16/PL

LOCATION: 1 Deepdene Close
Middleton on Sea

PROPOSAL: 1 No. replacement dwelling.

Present- Cllrs: Mr Bower (Stand in Chairman), Charles, Miss Rhodes, Mrs Oakley, Wells.

S Haywood was present representing Middleton-On-Sea Parish Council & Cllr Mrs Pendleton as Ward Cllr..

Members of the panel assessed the planning merits of the case and voted 1 for the officers recommendation, 4 against. The reason for refusal being that:

Having regard to the height and proximity of the dwelling to the site boundary and its relationship to the properties in Villa Plage and also the location of the proposed balcony in relation to the neighbouring windows in number 2 Deepdene Close, the proposal would give rise to an unneighbourly form of development and result in visual intrusion in conflict with policies GEN7(iv) of the Arun District Local Plan and policies DSP1 and DDM1 of the emerging Local Plan and the NPPF.

REPORT UPDATE

Application No: M/59/16/PL

Reason for the Update / Changes

Reason for Update: Additional letter of representation received making reference to the overbearing nature of the proposed development.

Officers Comment: Overbearing and overlooking impacts of the proposed development has already been considered in the recommendation report.

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

M/59/16/PL

PLANNING APPLICATION REPORT

REF NO: M/59/16/PL

LOCATION: 1 Deepdene Close
Middleton on Sea

PROPOSAL: 1 No. replacement dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of the bungalow and its replacement with a 2.5 storey dwellinghouse. The dwelling will measure 12m in depth, 7m in width, with an eaves height of 6m and a maximum ridge height of approximately 9.6m. The dwelling features pale grey standing seam roof and walls at first floor level with render to match adjacent properties at ground floor level.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north, east and west boundary consists of 1.5m - 1.8m high close boarded fencing with the southern boundary of the site consisting of hedging to approximately 3m in height.
SITE CHARACTERISTICS	Detached bungalow with rendered elevation and a slate roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various

designs and styles with semi-detached two storey properties constructed from brick and tile to the north and west; bungalows primarily featuring rendered elevations to the south; and a three storey block of flats to the east.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection.

- 1) Overall mass, height and scale is out of keeping with surrounding properties
- 2) The proposed development is overbearing.

27 letters of objection from 26 individuals:

- 1] Dwelling due to its height will give rise to overshadowing of neighbouring properties.
- 2] Dwelling would give rise to unacceptably adverse overlooking.
- 3] Replacing an existing dwelling and therefore needs to be of a similar height.
- 4] Will result in a loss of privacy.
- 5] Conflicts with the Human Rights Act (Protocol 1, Article 1).
- 6] The proposal is larger than the existing dwelling and as such is not a replacement.
- 7] The proposal is out of character with the locality.
- 8] The proposal results in a loss of views.
- 9] The proposed dwelling would have an adverse impact upon property values.
- 10] The proposed garage will measure 4.65m in height which is too high.
- 11] Construction vehicles would obstruct the road/restrict access to their driveways.
- 12] Drainage is an issue in Deepdene Close.
- 13] On street parking is restricted in this location.
- 14] Conflicts with policy GEN1 and GEN7(iv) & (v) of the Local Plan.
- 15] Proposal conflicts with the NPPF.

9 letters of support:

- 1] Will not appear out of character (when viewed against the existing "Villa Plage")
- 2] Proposal is of an aesthetically pleasing design and benefits the existing street scene.
- 3] The proposed dwelling will be an enhancement.
- 4] Proposal has been thoughtfully designed and does not impact on its neighbours in loss of light and does not restrict views.

Comments on Representations received:

Parish Council comments are noted and are considered further in the conclusion to this report.

In response to the 27 letters of objection:

- 1 & 2] The impact upon residential amenity of neighbours is considered further in the conclusion.
- 3] There is no requirement for a proposal to be of a similar design/size to what it replaces.
- 4 & 5] The impact of the proposal on the residential amenity, privacy and rights of neighbours will be considered in the conclusion.
- 6] The proposal is considered to constitute a replacement dwelling.

- 7] The impact of the proposal on the character of the locality is considered in the conclusion.
- 8 & 9] Loss of views and reduction in property values is not a material consideration.
- 10] The garage measures 2.95m in height as shown on the submitted plans.
- 11] Obstruction by vehicles is not a material consideration and is a private matter.
- 12] The dwelling replaces an existing dwelling. However, surface water drainage conditions have been recommended by the Council's drainage engineer.
- 13] The provision of parking will be considered in the conclusion to this report.
- 14 & 15] The proposals accordance with development plan policies will be considered in the conclusion.

Comments made in the 9 no. letters of support are noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Engineers (Drainage):
Infiltration to be investigated for new surface water drainage.

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 BRE365, 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 and condition included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM2	D DM2 Internal Space Standards
	EDDM3	D DM3 External Space Standards
	EDSP1	D SP1 Design

ESDSP2	SD SP2 Built -Up Area Boundary
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
MDS	Middleton-on-Sea Village Design Statement by Middleton PC
NPPG	National Planning Practice Guidance

South East Plan:

PLANNING POLICY GUIDANCE

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

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

Middleton Parish Council do not benefit from a made Neighbourhood Plan and as such there are considered to be no relevant Neighbourhood Plan policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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.

CONCLUSIONS

PRINCIPLE

The site is situated in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are GEN7 of the Arun District Local Plan; policies D DM1, D DM2, D DM3 and D SP1 of the Emerging Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY

The dwelling measures approximately 9.5m high which is not considered unacceptable given the character of the locality and scale of development in close proximity to the site - 7 and 8 Deepdene Close (to the west of the site) measure approximately 8.1m high with 1 and 2 Villa Plage and the main Villa Plage development exceeding 10m high. The dwelling exceeds the height of two storey dwellings in Deepdene Close by approximately 1.4m and will be lower than development in the wider locality and clearly visible within the street scene. Despite the proposals presence within the street scene it is considered that the spatial pattern and character of the locality will be retained - the distance the property is set back from the road will match that of dwelling on the western side of Deepdene Close. The proposed development is considered in keeping with the character of the locality and is deemed to retain the spatial pattern of Deepdene Close.

The dwelling will be clearly visible within the street scene but is not considered to adversely impact upon the established character of the locality. The ground floor of the dwelling features render to match properties in close proximity to the site, whilst the first floor and roof is intended to feature pale grey standing seam metal. It is acknowledged that the material at first floor level and above is unusual in the locality - however, the locality features a mix of materials including bricks, tile and cladding and as such the materials are not considered to have an unacceptably adverse impact upon visual amenity or the character of the locality.

The development is considered an improvement over the existing dilapidated bungalow and it is considered that the proposal constitutes an enhancement on the site. Therefore, the development is considered to accord with policy GEN7(ii) of the Local Plan.

The detached garage is situated forward of the primary elevation and measures approximately 2.95m high. By virtue of its design, scale and location the proposed garage is not considered to have an adverse impact upon the established character of the locality.

RESIDENTIAL AMENITY

The dwelling at its closest point will be situated 6.9m from the north boundary; 1.1m from the east boundary of the site; 4.9m from the south boundary; and 3.5m from the west boundary of the site. The dwelling will be situated 19.4m to the south of 28-31 Villa Plage; 15.8m from development to the south of the site; and at its closest point 12m from development to the west of the site these distances are considered sufficient to prevent unacceptable adverse overbearing impacts upon neighbours to the north, south and west of the site.

The dwelling will be situated in closer proximity to Villa Plage to the south-east of the site than any other development in this locality. The dwelling will be located approximately 8m to the north-west of Villa Plage which in conjunction with the height of the proposed dwelling is considered to have the potential to give rise to adverse impact upon the residential amenity of neighbours. It must be acknowledged that at second floor level the floor will be set back 5.29m from the rear of the dwelling which is considered sufficient to protect the residential amenities of neighbours and prevent any unacceptably adverse overlooking to the south, west or east.

The balcony at first floor level measures approximately 2.4m deep but will not extend to the rear of the dwelling with the side of the balcony being screened by the walls of the dwellinghouse providing screening and protecting the residential amenity of neighbours to the east. Due to the orientation of the proposed dwelling in relation to Villa Plage it is considered that unacceptable overlooking will only be possible if standing in the south-eastern corner of the first floor balcony. The windows on the rear of the dwelling at first floor level will be set back 2.46m from the rear of the proposed dwelling and as such the design of the proposal prevents unacceptable overlooking when residents are inside the dwelling. The proposal is not considered to generate unacceptably adverse overlooking of Villa Plage to the south-east.

The windows proposed at first floor level on the north elevation of the dwelling are considered to have the potential to give rise to detrimental overlooking of properties to the north. As such a condition has been included requiring these windows are obscurely glazed and non-opening in order to protect residential amenity. The roof lights on the east elevation are shown approximately 2.4m above floor level - sufficient to prevent any unacceptably adverse overlooking.

The detached garage is located forward of the primary elevation abutting the boundary of the site. The garage measures approximately 2.95m in height which is not considered to result in any unacceptably adverse overbearing or overshadowing impacts on neighbours.

Therefore, subject to the proposed conditions it is considered that the development proposed is in accordance with policy GEN7(iv) of the Arun District Local Plan.

The dwelling has a gross internal floor area of approximately 142 sq.m which exceeds that specified within the Nationally Described Space Standards by 34 sq.m. The rear garden measures approximately 106 sq.m which exceeds the requirement specified by policy D DM3 of the Emerging Local Plan. Whilst, the proposal fails to deliver a rear garden depth of 10m due to the properties close proximity to the sea it is deemed to provide sufficient amenity space to ensure a good standard of amenity for future occupiers in accordance with para 17 of the NPPF. Due to the configuration of the amenity space and the limited depth of the rear garden a condition is included removing permitted development rights to ensure this amenity space is protected.

CONCLUSION

The development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Proposed Block Plan & Roof Plan - 512-1-001 Rev 00; Proposed Floor Plans - 512-1-002 Rev 00; Proposed Elevations - 512-1-004 Rev 01; and Proposed

Garage/Bin Store Plans/Elevations - 512-1-005 Rev 01.

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 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.

- 4 Prior to the occupation of the dwelling hereby approved the windows shown on 'drawing no. 512-1-004 Rev 01' at first floor level and above on the northern elevation shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

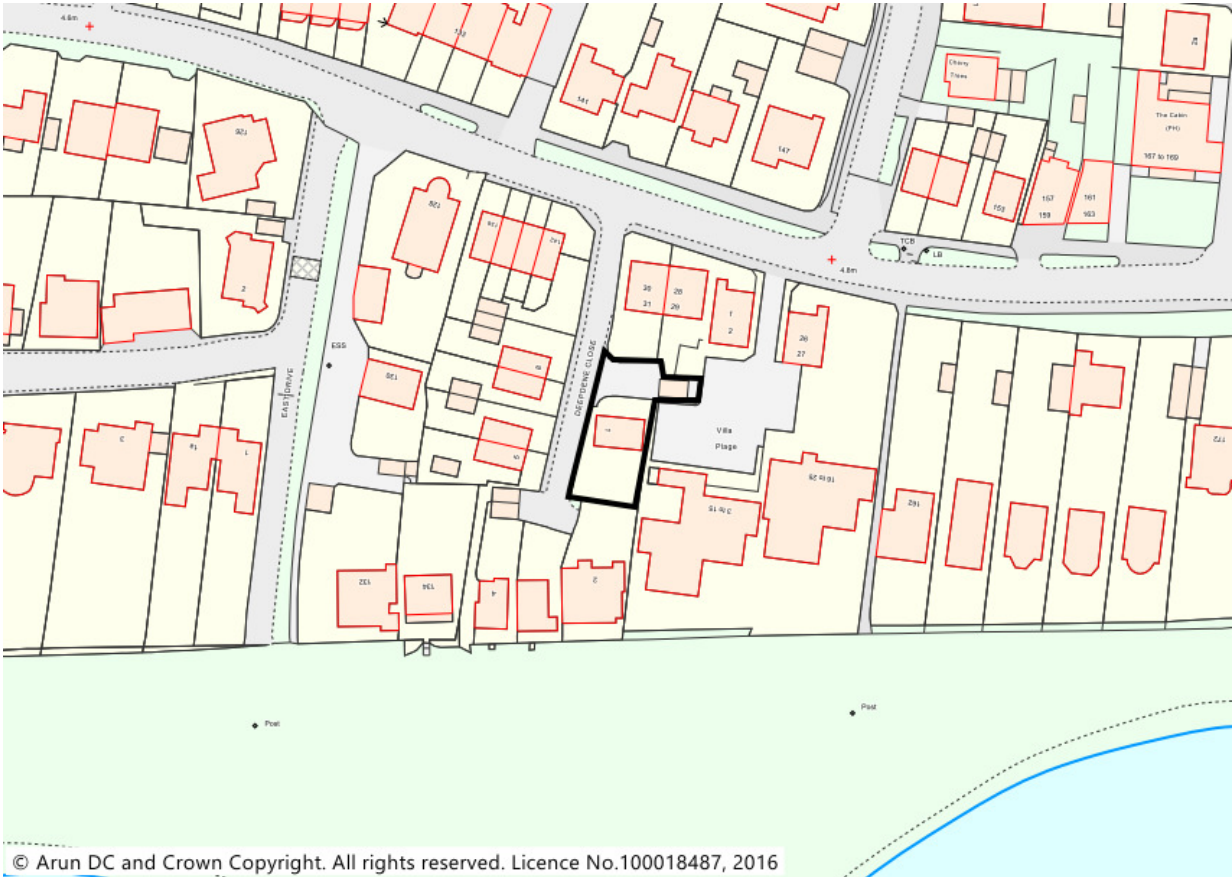
Reason: In the interest of amenity in accordance with policy GEN7(iv) of the Arun District Local Plan.

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

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

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

M/59/16/PL - Location Plan as submitted with the application (Do not scale)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

05 October 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/48/16/PL	Variation of condition 4 imposed under AL/25/13/ relating to permanent gypsy traveller use & removal of name 'Mrs Sarah Keet'.	The Paddock 5 Northfields Lane Westergate PO20 3UH

Case Officer : Simon Davis
Recommendation: Approve Conditionally

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/77/16/PL	Leisure development consisting of 9 No. 5 a side pitches, trampoline/laser tag centre, hotel, pub/restaurant, forest adventure kiosk, nursery, sub-station & associated infrastructure & car parking. This application is a Departure from the Development Plan.	Rustington Golf Centre Golfers Lane Angmering

Case Officer : Mr D Innes
Recommendation: App Cond sub to S106

A/113/16/PL	Use of land for storage and distributor (B8 Storage or Distribution) & 3 No. storage containers. This application is a Departure from the Development Plan.	Land at Barn Farm Dappers Lane Angmering BN16 4EN
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Case Officer : Mr D Easton
Recommendation: Approve Conditionally

[A/135/16/PL](#)

Replacement of existing bungalow with 3 No. dwellings (resubmission following A/20/16/PL). This application is a Departure from the Development Plan.

Caretakers Cottage
Angmering School
Greenwood Drive
Angmering
BN16 4JW

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

EAST PRESTON

Reference

Development Description

Location

[EP/96/16/PL](#)

1 No. replacement dwelling including pool & outbuilding.

12 Angmering Lane
Rustington
BN16 2TA

Case Officer : Mr D Easton

Recommendation: Approve Conditionally

FERRING

Reference

Development Description

Location

[FG/103/16/PL](#)

Demolition of section of wall to provide internal vehicular & staff access to & from the adjoining premises (amendment to FG/45/15/PL).

Hangleton Nurseries
Hangleton Lane
Ferring
BN12 6PP

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

[FG/104/16/PL](#)

Erection of 3m high security fence around the previously approved car compound, amendments to existing storage buildings & associated lighting.

Hangleton Nurseries
Hangleton Lane
Ferring
BN12 6PP

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

MIDDLETON

Reference

Development Description

Location

[M/67/16/PL](#)

Replacement dwelling (revised proposal to M/13/16/PL).

27 Central Drive
Elmer
PO22 7TT

Case Officer : Mrs A Gardner

Recommendation: Approve Conditionally

PLANNING APPLICATION REPORT**REF NO:** AL/48/16/PL**LOCATION:** The Paddock
5 Northfields Lane
Westergate
PO20 3UH**PROPOSAL:** Variation of condition 4 imposed under AL/25/13/ relating to permanent gypsy traveller use & removal of name 'Mrs Sarah Keet'.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The applicant seeks to make an existing plot (plot 5) permanent and no longer name restricted so that it will be available to a new gypsy/traveller occupier.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	The plot is located adjacent to the existing hedge. No trees.
BOUNDARY TREATMENT	3m high Leylandii hedging along Northfields Lane. Fencing at Level Mare Lane end.
SITE CHARACTERISTICS	The site has five mobile homes and some other non-domestic buildings. The surface is largely gravelled or concrete hardstanding.
CHARACTER OF LOCALITY	Rural location with some housing along Level Mare Lane and towards the southern end of Northfields Lane. The eastern side of Northfields Lane is predominantly in occupation by gypsy or travellers.

RELEVANT SITE HISTORY

AL/25/13/	Application for the variation of condition 4 (residential units) following the grant of planning permission AL/94/11 to replace the word 'four' with the word 'five'. Departure from the Development Plan.	ApproveConditionally 12-06-2013
AL/85/12/	Application for variation of conditions 6 & 7 of planning approval AL/94/11/ relating to position of mobile home & tree planting	ApproveConditionally 11-02-2013
AL/4/12/	Single storey extension	ApproveConditionally 20-03-2012

AL/48/16/PL

AL/94/11/	Use of land as a private gypsy and traveller caravan site consisting of 4 no. mobile homes (2 of which have extensions) and associated works - Resubmission of AL/32/11 - This application is a Departure from the Development Plan	ApproveConditionally 05-01-2012
AL/32/11/	Use of land as a private gypsy and traveller caravan site consisting of 4No. mobile homes (2 of which have extensions) and associated works. This application is a departure from the Development Plan	Refused 08-09-2011
AL/67/10/	Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. mobile homes (2 of which have extensions), and associated works - This application is a departure from the development plan	ApproveConditionally 19-08-2010
AL/23/08/	Use of land as a private gypsy caravan site for a single family group.	ApproveConditionally 11-06-2008
AL/5/07/	Change of use of land for the stationing of 2 no. mobile homes for gypsy and traveller family.	Refused 05-09-2007 <i>Appealed</i> Appeal: Withdrawn 05 03 2008
AL/15/04/	Siting of 2 no. residential mobile homes for settled accommodation and including a single storey extension	Refused 08-07-2004

This application seeks to vary AL/25/13 which included a restriction on Plot 5 so that it could only be occupied by a Mrs Sarah Keet (the applicant's mother in law). The reason given for this restriction was:

"The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant namely the status as a member of the Gypsy and Traveller Community and the extenuating health reasons."

Mrs Keet died in August 2014 and the mobile home was then occupied by her great granddaughter up until September 2015. The mobile home is currently occupied by the applicants wife and a friend of hers.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objection: "Over intensification of site and contrary to Gen 2, Gen 7 of Arun Planning policy and EH1 and EH3 of Aldingbourne Neighbourhood Plan. Please advise progress of

enforcement case".

Two letters of objection. Grounds as follows:

- (1) Application is fraudulent as they are not intending what they suggest;
- (2) Misleading information re removal of the name on the permission
- (3) Applicant has removed a large tree on Northfields Lane without permission;
- (4) Applicant is working large articulated vehicles at unsocial hours along an unsuitable road with no consideration for local users;
- (5) The solution to the on-going Enforcement case regarding the parking of trucks & trailers would be to relocate these to the very large area of land at the south of the site (the site of the current application) - the land should not be developed with more homes until the existing problems have been resolved;
- (6) This site should be occupied by the applicants family only and not by other traveller families; and
- (7) It is contradictory to give permission for a home (Unit A) to be relocated from the southern into the northern part of the site because of fire risk concerns (due to proximity to the hedge) and then to grant permission for a further home in the southern part of the site close to a hedge.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council will be analysed in the Conclusions section. The Aldingbourne Neighbourhood Plan has not yet been formally 'made'. However, the Regulation 14 'pre-submission consultation & publicity' stage has recently been completed and it is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. The enforcement case relates to a separate matter.

The following comments are provided in respect of the objections of residents:

- (1) No details are given as to the fraudulent nature and hence this cannot be treated as a valid objection;
- (2) No details are given as to the misleading information and hence this cannot be treated as a valid objection
- (3) This does not relate to the current application and hence this cannot be treated as a valid objection;
- (4) This does not relate to the current application and hence this cannot be treated as a valid objection;
- (5) It is not considered that this is a viable solution. There is already a mobile home in the application location which has permission to remain (albeit for a specific named person);
- (6) Noted but this is not considered to be a valid objection; and
- (7) It is not contradictory as there is already a home in the southern part of the site i.e. this application does not seek to increase the physical number of homes on the site.

CONSULTATIONS

Head of Planning Policy & Cons
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Arun DC Planning Policy - No objection:

"National Policy Context

The Planning Policy for Traveller sites (August 2015) requires that Local Planning Authorities identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

Local Policy Context

Arun District Council submitted the Arun Local Plan to the Secretary of State for Communities and Local Government via the Planning Inspectorate on 30th January 2015.

The Arun Local Plan Examination is currently undergoing a 15 month suspension period to test a higher Objectively Assessed Needs figure. Hearings are due to recommence in Spring 2017.

Paragraph 12.7.5 of the Publication Arun Local Plan states that evidence, commissioned by the Coastal West Sussex Authorities, identifies a modest need for new pitches for private Traveller provision. Evidence has suggested that this provision could be met by allowing additional pitches on existing sites and identified locations accordingly. Therefore, a policy to permit additional pitches in such circumstances will adequately provide for these needs.

Policy HSP5 states that "Planning applications for Traveller sites to remove personal conditions, or to make temporary planning permissions permanent will normally be granted subject to the proposal complying with the criteria in [section 3 of the policy]".

What is Arun District Council's Current Target for and supply of Gypsy Pitches?

The Gypsy and Traveller Accommodation Assessment (GTAA) was prepared in April 2013 and was updated, based on more recent methodological research, in 2015. The extra provision for Gypsy and traveller pitches identified through this work was as follows:

Extra Pitch Provision in Sussex Coastal by Public and Private Sites (GTAA as amended, 2015):

2012-2017

Public Private/New Traveller

5 1

2018-2022

Public Private/New Traveller

2 2

2023-2027

Public Private/New Traveller

2 2

Since the baseline was established, a total of 1 pitch was granted on appeal and permission was granted for an additional pitch on existing sites since 2013. However, one pitch has been lost due to the approval of an application for a Certificate of Lawfulness (AL/98/13/CLE). This represents a net gain of 1 pitch, as reported in the AMR 2014-2015. This meets traveller accommodation

needs up to 2017.

Conclusion

The site, subject to AL/48/16/PL is already included in the total supply figure, reported in the AMR 2014-2015. Therefore, although this application would not increase the provision of traveller accommodation, it contributes towards achieving the current supply to 2017. The emerging Local Plan policy aims to protect the loss of lawful accommodation for Travellers and favours the removal of personal permission conditions to ensure certainty of existing supply into the future."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
PD Restriction;
Flood Zone 1 (Low Risk); and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	C SP1 Countryside	
	D DM1 Aspects of Form and Design Quality	
	H SP5 Traveller & Travelling Showpeople Accommodation	

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
	PPTS	Planning Policy for Traveller Sites
Supplementary Guidance:	XXX5	Circular/1/2006 Planning for Gypsy & Traveller Caravan Sites

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.

Aldingbourne are preparing a Neighbourhood Plan which has recently completed its Regulation 14 'pre-submission consultation & publicity' stage. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. The following policies are relevant.

Policy EH1 Built Up Area Boundary (BUAB);
Policy EH3 Development on Agricultural Land; and
Policy EH6 Protection of trees and hedgerows.

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

PROPOSAL:

This application seeks to vary a previous permission in order to allow an existing mobile home (referenced as G on the submitted site plan) to be permanently occupied by a person other than Mrs Sarah Keet. Essentially, this application seeks to allow the mobile home to be permanently occupied by another gypsy/traveller person or persons.

PRINCIPLE:

The site of the mobile home is currently part of a larger mobile home site occupied by gypsies. It is located outside of the built-up area boundary and within designated countryside. Local Plan Policy GEN3 states that uses unrelated to the needs of agriculture will not be permitted unless very special circumstances are demonstrated to justify allowing development not normally appropriate in these areas. Such circumstances are likely to include the potential impact on the surrounding area, the existing level of provision/need for gypsy/traveller sites in the area and other personal circumstances.

PROVISION OF TRAVELLING SHOW PERSONS SITES IN THE AREA:

The Government's Planning Policy for Traveller Sites (PPTS) as published in August 2015 states that local planning authorities should set pitch targets for gypsies & travellers which address the likely permanent and transit site accommodation needs of travellers in their area.

In this case, the Council has identified a demand for a total of 14 public/private plots between 2012 and 2027. Furthermore, although the traveller accommodation needs have up to 2017 been met, the application site is included within this supply and therefore contributes towards achieving the current supply to 2017. It is noted that the emerging Local Plan policy H SP5 seeks to prevent the loss of lawful accommodation for Travellers and favours the removal of personal permission conditions in order to ensure certainty of existing supply into the future.

The PPTS states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development, the application of specific policies in the National Planning Policy Framework and with the PPTS.

This site is not sustainably located being within the countryside, some distance from nearby shops/facilities and is a car reliant site. The absence of street lighting and pedestrian pavement on both sides of Level Mare Lane also reflect badly on the sustainability of the site. Policy HSP5 of the Emerging Local Plan (see separate section analysing this policy below) also requires sites to be well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of services including shops, schools and healthcare facilities by foot, cycle, public transport or car.

Although the site is well located to the main road network (with easy access on to the A27 or the

A29), it is poorly located in relation to day to day needs and such. The location of this site is therefore contrary to this guidance. However, regard should be had to the fact that this is an existing approved site and it will be more sustainable to make permanent an existing home on an existing site rather than making provision for the home on a new site elsewhere.

Paragraph 14 of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the proposal will alter the scale of the site.

The PPTS goes on to state (at paragraph 24) those issues (amongst other relevant matters) that local authorities should consider when considering planning applications for such sites. These are as follows:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- e) that they should determine applications for sites from any travellers and not just those with local connections.

It is clear that the existing mobile home has been assessed as being part of the current supply that meets the needs of gypsy/travellers in the District. Furthermore, the home is currently occupied by the applicants wife who would otherwise (due to personal circumstances) have no accommodation. Notwithstanding this, the criteria above also allows for sites to be occupied by travellers from elsewhere not just those with existing connections to the locality and therefore should Mrs Searle wish to relocate in the future, then it should still be acceptable for the home to be occupied by a new gypsy/traveller.

Paragraph 26 of the PPTS states that: "When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community."

The application site is currently an existing gypsy/traveller mobile home site and there will be no change to the character of the site from the retention of the mobile home. Furthermore, the site is well screened by a coniferous hedge with timber fence and the mobile home will not be visible to surrounding ground level viewpoints. Notwithstanding that the landscaping is existing, it does not isolate the site occupiers as it does not prevent noise from entering or leaving the site.

Although the PPTS considers that need to be a significant material consideration when assessing applications for permission, this must be weighed against other key constraints and issues as per the following paragraphs (Character & Appearance and Residential Amenity). Compliance with Policy HSP5 of the Emerging Local Plan will also be discussed.

CHARACTER AND APPEARANCE:

This is an existing mobile home site and there will be no change to the character of the site from the retention of the mobile home which is already in situ.

RESIDENTIAL AMENITY:

Although there is a residential dwelling to the east and which has extensive private gardens which adjoin the eastern boundary of the existing site, the mobile home in question does not share a boundary with this property and there are no other residential properties to take account of. The existing landscaping ensures that there are only long distance limited views of the particular mobile home from outside of the site.

POLICY HSP5 OF THE EMERGING ARUN DISTRICT LOCAL PLAN:

The application concerns a gypsy/traveller site and therefore the above emerging policy is relevant. Policy HSP5 requires sites to be (not full text of the policy):

- * Of a scale appropriate to their setting, having regard to the scale and form of nearby residential development;
- * Be located in areas not prone to flooding and or near refuse sites, industrial sites or similar;
- * Be located in areas that are well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of local services including schools, shops and healthcare facilities either by foot, cycle, public transport or car;
- * Be located in areas that are not within an international, national or local nature conservation designation or where they will have a significant effect upon any designation;
- * Where possible, make effective use of previously developed or derelict land;
- * Be located so that sites, including any on-site business uses, shall not negatively impact on the safety, amenity and privacy of the occupants of the site and neighbouring residents and land uses. Adequate space for the storage of equipment for business uses shall be provided on site;
- * Incorporate appropriate landscaping and boundary treatment, including existing natural landscape features such as trees (particularly mature trees and hedging);
- * Be served (or be capable of being served) by an adequate water supply and appropriate means of sewage disposal. In circumstances where this is not possible, suitable alternative arrangements may be made with the agreement of the Planning Authority; and
- * Be located to ensure there is no adverse impact on the historic environment or individual heritage assets therein or their setting.

With the exception of the sustainability of the site, it is considered that the proposal complies with the Policy.

It should also be noted that Policy H SP5 states that planning applications for Traveller sites to remove personal conditions, or to make temporary planning permissions permanent will normally

be granted subject to the proposal complying with the criteria set out above.

SUMMARY:

Although this is not a sustainably located site, it is an existing site and it is considered to be more sustainable to retain an existing mobile home than shift the required provision elsewhere. It has also been shown that the retention of the mobile home will not result in any harm to the character of the area, to the landscape or to the amenity of neighbouring properties.

The existing mobile home is already included in the total supply figure as reported in the Arun DC Annual Monitoring Report 2014-2015. Therefore, although this application would not increase the provision of traveller accommodation, it contributes towards achieving the current supply to 2017. Furthermore, emerging local planning policy aims to prevent the loss of accommodation for travellers and favours the removal of personal permission conditions to ensure certainty of existing supply into the future.

It is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect 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 approved shall be carried out in accordance with the following approved plans:

Drawing 1011/100 - Location Plan & Existing & Proposed Block Plans of the Site.

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

- 2 This permission does not authorise the use of the mobile home by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites.

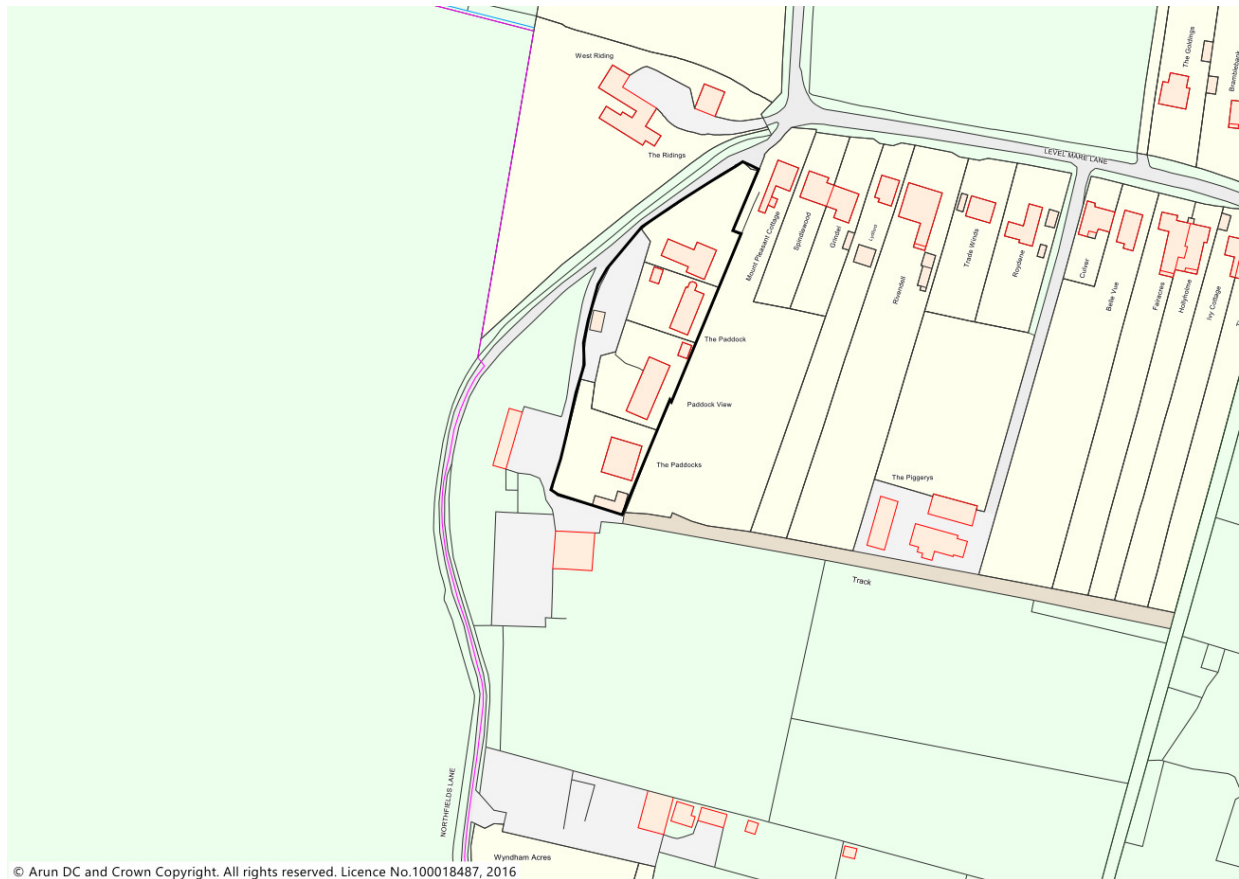
Reason: To ensure the adequate provision of Gypsy and Traveller sites in the District in accordance with Circular 01/2006.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 4 **INFORMATIVE:** With the exception of condition 04 (which is deleted) & 02 (which is varied), the other conditions on AL/25/13/ remain in force.

AL/48/16/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: A/77/16/PL
LOCATION: Rustington Golf Centre
 Golfers Lane
 Angmering

PROPOSAL: Leisure development consisting of 9 No. 5 a side pitches, trampoline/laser tag centre, hotel, pub/restaurant, forest adventure kiosk, nursery, sub-station & associated infrastructure & car parking. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for full planning permission to further develop the Rustington Golf Centre with additional facilities. The Centre already has a 9 hole golf course, driving range, Virgin Active gym, bowling alley, and children's play 'out of bounds' activity centre .</p> <p>The proposal will be contained within the site boundaries of the existing site where it is proposed to site:</p> <ul style="list-style-type: none"> · 63 Bedroom Hotel extending to 2254 sq. m. · Restaurant / Pub extending to 936 sq. m. · Indoor Trampoline and Laser Tag Centre extending to 3310 sq. including mezzanine. · Five Aside football Changing Building extending to 475 sq.m. · Forest Adventure Area Kiosk extending to 96 sq.m. · Nursery/Creche extending to 555sq.m <p>The proposed development will be accessed from the existing site access, the north arm of the Mill Lane roundabout on the A259.</p>
SITE AREA	3.55Ha
TOPOGRAPHY	Predominantly flat.
TREES	<p>The site has existing mature tree screening along the A259 boundary that offers glimpses of the existing development. The intention is to retain the existing trees on site and the development will sit between the existing landscaping. The proposal does require the loss of 3 groups of trees located on the 3 hole golf teaching academy.</p>
BOUNDARY TREATMENT	The site has extensive tree screening along the A259 boundary and tree belts within the Golf centre site.
SITE CHARACTERISTICS	As the site includes a golf course in a park land setting the

character is landscaped fairways with golf course features. There are mature Monterey pines in a narrow belt which separate the current golf teaching academy from the 9 hole pitch and putt course to the south of the car park. The buildings are in a linear form with the driving bays to the west and gym central to the out of bounds/ bowling alley to the east of the site. The site is separated from the Ham Manor Estate by substantial landscaping .

CHARACTER OF LOCALITY

The A259 is undergoing significant change within a relatively short period of time. The southern side of the A259 has the BMW/Mini showroom, Next/Aldi all under construction and the existing golf course and commercial leisure developments to the north. To the south the site was cleared of all trees to make way for proposals but the intention is to maintain the parkland setting around the proposed development and golf course.

RELEVANT SITE HISTORY

A/95/14/PL	New miniature golf course	ApproveConditionally 19-09-2014
A/29/12/	Change of use of vacant building from family activity centre (D2) to restaurant/cafe (A3) with ancillary food preparation/packaging (B1), farm shop (A1) & hot food takeaway (A5). Minor amendments to northern elevation. (Re-Submission following A/120/11)	App Cond with S106 16-10-2012

The Site originally received planning permission for its current uses in 1991 and there have been a number of applications. Most recently the addition of the miniature golf course in 2014.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

- Angmering Parish Council
- Rustington Parish Council
- Angmering Parish Council - objection

The Parish Council is generally supportive of development proposals that improve amenities for and create employment in the local area provided that the proposed development is proportionate and sustainable.

Location of buildings - The proposed buildings would be located on the key part of the open land that forms a landscape buffer between Angmering and the northern edge of Littlehampton and which maintains physical and partial separation between the settlements. The majority view of the Committee is that these buildings should be relocated northwards and be aligned

with existing buildings housing Virgin Active and Out of Bounds.

Pedestrian and Cyclist Safety - There is no footway/cycle path on the north side of the A259 from the Traffic Light Controlled Crossing at the Junction of South Drive to the entry to the development at Golfers Lane. There is no controlled Crossing Point from the footway/cycle path on the south side of the A259 west of Mill Road to the proposed development. No improved facilities have been proposed. This goes against Angmering Neighbourhood Plan Policy TM2 (Cycling, Walking & Equestrian). It is considered that a minimum requirement would be to extend the facilities on the north side of the A259 westwards from the existing controlled crossing at South Drive, up Golfers Lane and to extend the same facilities within the development.

Vehicular Movement - To accommodate the increase in traffic that would be generated by this development it is considered that improvements are required to the entry to Golfers Lane off the roundabout by way of widening and realignment of the western kerb line. The existing entry is poorly aligned and would struggle to handle extra volumes of traffic.

Hotel and Pub/Restaurant - There are similar hotel facilities on the A259 within a mile of the subject site in each direction and planning permission has recently been given for a family pub on the opposite side of the A259 in addition to the established licensed premises in the local area. The need for further facilities of this kind in the area needs to be more clearly demonstrated.

Rustington Parish Council - objection

Access - danger to traffic at roundabout. Current reported accidents on roundabout number 28. More traffic will, on average, see more accidents. The reliance on car sharing is felt to be over optimistic.

This could be alleviated by a) bringing forward the enhanced 2021 plan for road improvements, b) possibility of a second entrance from the A259 at the western end of the site.

Accessibility on foot - concern for pedestrians crossing from Rustington across the roundabout to the proposed development. There is no nearby pedestrian crossing. There is no pedestrian provision at the entrance to the site and no provision for prams or wheelchairs. The access road has no pedestrian areas or paths.

This could be alleviated by a) the provision of a footbridge or subway across the roundabout, b) the provision of a footpath between the Sainsbury's/Retail Park crossing and the north-eastern entrance to the site for safe pedestrian access, c) moving forward the 2021 enhancement of the entrance to be implemented at the same time as the development.

Accessibility by cycle - this is inadequate on such a busy roundabout. This is not covered to any degree in the travel plan.

This could be alleviated by a) a subway under the roundabout, b) the provision of a cycle path between the Sainsbury's/Retail Park crossing and the north east entrance to the site, c) the bringing forward of the 2021 enhancement of the entrance to implement improved cycle

access.

PUBLIC REPRESENTATIONS

2 letters of representation received in support of the application:

- Very much needed
- High quality development
- Opportunity to enhance existing facilities
- Attraction to visitors

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and addressed in the assessment of the application. The applicant has provided details of a new footpath link to the north of the A259 and the two parish Councils were reconsulted. No further comments were received.

CONSULTATIONS

Health & Safety Executive

Highways England

WSCC Strategic Planning

Sport England South East

Surface Water Drainage Team

Environmental Health

Parks and Landscapes

Southern Water Planning

Economic Regeneration

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Economic Development - no objection

Economic Development are in agreement with the assessment of vacant sites provided by the applicant.

A new hotel would be a welcome addition to visitor facilities and the addition of new jobs is to be welcomed. A Skills Plan should be put in place and implemented.

We accept that whilst the pub/restaurant may well provide some competition to local businesses, with careful marketing and partnership working local companies can also benefit from the development as a whole.

Since this is a considerable investment we would ask that the developer sign the Arun Developer and Partner Charter and uses local suppliers wherever possible. We are willing to facilitate this as we have with other recent and nearby builds.

WSCC Flood Risk Management - no objection

Modelled surface water flood risk - low. Surface water management strategy should consider this risk and any suitable mitigation measures if appropriate.

Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk - moderate. The potential for ground water contamination within a source protection zone has not been considered by the LLFA.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Future development - Sustainable Drainage Systems (SuDs)

The FRA included with this application proposes that a SuDS system, cellular storage and soakaways, would be used to restrict the run off from the development to pre-development Greenfield rates. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

As the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.

Highways England - no objection

Environmental Health

Kitchen drainage to be fitted with a grease trap/separator to contain grease residue. The applicant shall provide details of this to the Local Planning Authority to demonstrate compliance with BS EN 1825 - 1:2004 & BS 1825 - 2:2004.

Reason: In order to safeguard the environment in accordance with Arun District Plan policies GEN 7

Informative: Any premises which sell food will need to be registered under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene

Regulations prior to becoming operational. This will mean separate registration for each separate food business operator. The applicant is advised to contact Carol Reynolds, Senior Environmental Health Officer, Tel 01903 737678 or by Email at Carol.reynolds@arun.gov.uk in order to discuss the layout and design of any kitchen. Please note that staff sanitary accommodation should be separate from the public provision. Please also detail the kitchen and staff sanitary accommodation provision to the nursery. A designated "clean area" should be provided for staff refreshment.

Advisory: This development is sited away from residential units. Nevertheless, given the prevailing south westerly wind direction then due regard should be given to minimising noise arising from any ventilation system such as would be expected in any kitchen or exercise unit. It is advised that sufficient air change be provided so that windows/doors can remain shut during exercise classes particularly those involving amplified music.

Engineers (Drainage)

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 test 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. The suggested climate change allowance for this application is 20% (as the commercial nature of the site has an assumed shorter design life than for housing). 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. Also refer to Supplementary Guidance Notes.

Sussex Police

Directs the applicant or their agent to our website at www.securedbydesign.com where the Secured by Design (SBD) Commercial Development 2015 document can be found. This document will be able to provide the applicant with in-depth crime prevention advice pertinent to the design and layout.

Accredited security products that are appropriate and fit for purpose, along with natural surveillance, access control and lighting will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities. Information on doors, windows, lighting, CCTV and car parks can be found within the SBD commercial document.

Section 17 of the Crime & Disorder Act 1998 places a clear duty on both police and local authorities to prevent crime and disorder.

Greenspace - no objection

A detailed landscaping scheme will need to be proposed that will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting.

The existing vegetation to the eastern and southern boundaries is established and must be protected and retained. The submitted tree retention and protection plan TS & AIA indicates the tree protection measures to be taken. Before construction this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 "Trees in relation to construction". Any tree removal must be in consultation with Arun District Councils tree officer. If approved, we would recommend the early implementation of new planted areas.

Sport England - does not wish to comment

The proposal should be assessed against guidance contained within paragraphs 73 and 74 of the National Planning Policy Framework (NPPF).

Southern Water

No tree planting should be located with 4.5m either side of the public sewer; no new soakaways, swales or ponds should be located with 5m of the public sewer; all existing infrastructure should be protected during the course of construction works. Conditions to be added to protect the public sewer.

General hardstanding that may be subject to oil/petrol spillages should be drained by means of oil interceptor.

SW have indicated that they can provide foul sewage disposal to service the proposed development. A formal application will be required for a connection to the public sewer. An informative is to be added to address this.

A SUDS system will be required to provide surface water drainage. Such a system must ensure long term maintenance.

A waste water grease trap should be provided on the kitchen waste.

Conditions in relation to foul drainage and the pumping station are to be added.

WSCC Strategic Planning

No objection to amended plans subject to conditions

(Originally raised objection as the initial submission did not provide adequate connection to sustainable modes of transport nor demonstrate that safe and suitable access could be achieved. The applicant subsequently amended the proposed development including slight alteration to the site access and extension of the existing shared cycle and footway facilities.)

Sustainable Access

The Applicant proposes to extend the existing shared cycle and pedestrian facility on the northern side of the A259, so that a connection is made to the site. This takes the form of a 3m wide path, replicating the existing arrangements that continue east from South Drive. The path was included within the scope of the Road Safety Audit: Stage 1 (RSA), which identified no safety issues with the infrastructure. The path would need to be constructed under a S278 Agreement, with a Section 38 agreement to dedicate, as highway, any part of the path under control of the Applicant. If permission is granted, the facility shown on drawing 160201-02C should be secured via condition or obligation, to be delivered prior to first commencement of the uses.

The Applicant has identified a route for bus passengers arriving to the proposed development, utilising the signal controlled crossing at the Rustington Retail Park access, which provides a connection into the extended footway/cycleway provision. Whilst the walking distance between the bus stop and the site is longer than desirable, the TRICS assessment demonstrates that there is unlikely to be a significant demand for bus journeys to the use. This, coupled with the limited trip attractors to the north of the A259 at this location, would not justify the introduction of further crossing facilities. To operate safely, signals require frequent pedestrian calling of the infrastructure, and this requirement would not be fulfilled by the proposed development. The provision of signals would also result in unnecessary delay to vehicle movements along the A259, when alternative provision already exists.

Site Access

It is anticipated that the proposed development would result in an intensification of vehicular movements using of the site access onto the Mill Lane roundabout. In addition, there have been a number of slight or severe collisions during the past 36 months and third party representations have expressed concern about the safety of the access. The LHA have previously recommended that an RSA be carried out on the site access, in accordance with the WSCC RSA Policy, and that improvements be made as necessary.

The Applicant has undertaken the RSA and submitted as part of the additional information. The Auditor has recommended modification to the roundabout approach and the introduction of a splitter island, in order to improve entry and circulation of the roundabout. The Designer has accepted the changes and plan 160201-02C has been amended to reflect the alterations. Should permission be granted it is recommended that the improvements be secured via condition and implemented prior to first commencement of the uses.

Highways conditions relating to site access, the requirement for a construction management plan, cycle parking and car parking.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Southern Water have requested a condition that no habitable hotel room be within 15m of the

pumping station. The nearest hotel room will be around 270m away.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	DEV34	Tourist Accommodation and Attractions
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN25	Water Resources
	GEN26	Water Quality
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design
	ENV SP1	Natural Environment
	QE DM1	Noise Pollution
	QE DM2	Light Pollution
	SD SP2	Built-Up Area Boundary
	TOU DM1	Tourism Related Development
	T SP1	Transport and Development
	W DM1	Water Supply and Quality
	W DM2	Flood Risk
	W DM3	Sustainable Urban Drainage Systems
	TOU SP1	Sustainable tourism and the visitor economy

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it adds new commercial and tourism development to an existing commercial leisure location without impacting further on the rural character. The development would have no materially adverse effect on the visual amenities of the locality or the residential amenities of residential 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

PROPOSAL

The proposal seeks to add additional leisure development to a site that is already in leisure use. It includes the following elements

- 63 Bedroom Hotel extending to 2254 sq. m.
- Restaurant / Pub extending to 936 sq. m.
- Indoor Trampoline and Laser Tag Centre extending to 3310 sq. including mezzanine.
- Five Aside football Changing Building extending to 475 sq.m.
- Forest Adventure Area Kiosk extending to 96 sq.m.
- Nursery/Creche extending to 555sq.m

The development will be located to the south of the existing buildings within the centre which includes a golf driving range with covered bays, a Virgin Active Gym, ten pin bowling complex and children's activity centre. To the south of the proposed site is the new Manor Retail Park which is to include Next and Aldi and adjoining the retail park is the new BMW/Mini showroom. It is clear that in planning terms the area is undergoing change. The retail park and car showroom site is also outside the defined built up area as set out in both the Local Plan 2003 and emerging Local Plan.

PRINCIPLE:

The commercial leisure site exists within an area that lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas. The site is also located outside the boundary of the built up area as defined in the Arun Local Plan 2011-2031 Publication Version.

DEV34 supports tourist accommodation and attractions within the built up area but is silent on such developments outwith the built up area boundary. It does set out in the policy reason that the Council wishes to encourage the provision of good quality tourist accommodation in the traditional seaside resorts as well as in less traditional settings in order to provide for all types of visitors to the area. It is also recognised that existing local tourist attractions may require upgrading or extensions in order to compete in a changing market. This must be balanced with the need to protect the environment. Development outside the built up area boundary will also be subject to the countryside protection policies.

In this instance the proposals to increase the amount of built development on site is not going to intrude further in to the open countryside, instead it will be built on an area that is currently shown

as a golf - teaching academy. The golf centre will retain the golf course and the 9 hole pitch and putt areas between the car park and the A259. The location and uses proposed meet the requirements of Policy DEV34 and accord with the requirements of the NPPF.

The site is located within the 'made' Angmering Neighbourhood Plan area and the Plan confirms that there is a presumption in favour of sustainable development. The NDP follows the guidance set out in the NPPF. In relation to the proposal the Parish Council (PC) has no objections to the principle of development proposals that improve amenities for and create employment but have concerns regarding other planning matters which are listed in the PC objection above and considered in the sections below.

The NPPF sets out that the planning system does everything it can to support sustainable economic growth (Para19). Paragraphs 26 & 27 sets out that for retail, leisure developments outside of town centres, which are not in accordance with an up to date local plan, local planning authorities should require an impact assessment. Only where an application fails to satisfy the sequential test or is likely to have significant adverse impact should be refused.

Leisure Impact Assessment

The applicant was requested to submit a leisure assessment to justify the proposed hotel, restaurant/bar, and trampoline park. This included a sequential assessment of available sites including the former Waitrose building, Littlehampton; St Martins car park; Surrey Street Market site; and Chandlers showroom Rustington. Neither of these are identified as suitable, viable or appropriate. A series of vacant smaller sites were also listed but either individually or together would not allow a reasonable level of flexibility to accommodate the proposed uses.

The restaurant use is below the threshold of 1000sq.m and is therefore not the subject of an impact assessment.

The trampoline park is a specific specialist leisure use. There are no other centres locally in the district or in larger towns of Worthing or Chichester. As none exist within the vicinity there is no impact on nearby town centres. The developer suggests this will draw in new visitors from outside the district which will benefit the nearby centres of Littlehampton and Rustington.

The hotel proposed would be a budget hotel and would add to the tourist accommodation offer in the area. All the hotels with 10 rooms or more within the Littlehampton/Rustington area are located in out of centre locations.

The impact of such a proposal on the two main centres is considered in the report. The vitality and viability of Rustington is resilient and performing well. It is an attractive centre with a range of specialist and independent shops including a range of convenience goods with Tesco & Waitrose located in the centre.

Littlehampton will have had some recent impact from the closure of Waitrose but the proposed leisure use will not impact on the vitality and viability of the centre.

Angmering PC refers to the existence of similar pub/restaurant facilities in the vicinity. This use is compatible with and complimentary to those located at the centre and as the nearby facilities are

also located in out of centre locations, it is not the function of the planning system to protect one business from another. The size of the proposal is less than the local threshold for impact on town centre uses which is 2,500sqm as set out in the NPPF.

The assessment has been considered by the Council's economic development officer who has agreed with its findings and assessment of vacant units and their suitability for the leisure uses proposed. The proposed hotel is a welcome addition to visitor facilities along with the additional 40 jobs.

In summary, the principle of developing the site further in an out of centre and outside the built up area meets the policy requirements for new development in a countryside location, as it satisfies the requirements of DEV34 - Tourist accommodation and attractions; has satisfied the sequential test; and, is supported by the NPPF.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Policy GEN7 also sets out a requirement for proposals to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Angmering PC have raised no objections to the principle but had requested that the buildings proposed be located northwards and be aligned with the other buildings including Virgin Active and 'Out of Bounds'. The reasoning is to maintain a landscape gap between the settlements. The location and siting of buildings has been carefully considered. The development is proposed on an underused 3 hole golf academy. The site has overhead pylons and overhead lines, to the south side of the existing car park. Parallel to the A259 there is a gas main which requires a 5m easement either side of the centreline. No development and no new planting is proposed in the easement.

As the buildings are clustered to the south of the existing buildings it has allowed the tall pine screen to be retained. This not only provides a significant screen between the development proposals and the residential properties to the east but maintains a buffer that comprises the pine tree screen and the existing pitch & putt course. To move the buildings north would provide a far greater intrusion of built development in to the 'countryside'. The A259 is now a built up corridor of development and the cluster of buildings proposed are designed to be low rise, flat roofed structures to the north of an existing landscaped tree screen. The proposals also provide further landscaping between the A259 and the development.

Building design

The series of buildings are mainly single storey. The Tampoline Park building will be 6.7m high and will include a mezzanine floor. It is to have a total area of 3310sq.m. The hotel has an L-shaped floor plan over 2 levels accommodating 63 bedrooms. The restaurant has a floor area of 936sq.m and is to be located next to the first tee. The building for the 5 a-side is for changing rooms and is 475sq.m.

A/77/16/PL

The nursery/creche is to be located next to the existing out of bounds/bowling alley building and is to be 555sq.m. A small building is also proposed to the north of the pine tree belt which is 96sq.m.

The building design is contemporary, each of the buildings are flat roofed blocks which are clad in vertical timber with large glazing panels. The Trampoline building is 6.7m and the two storey hotel is only 5.7m and the restaurant 4m with a roof lantern projecting above. The design is complimentary to the existing built development and ensures the proposals are not dominant in the surrounding golf course setting.

The buildings proposed are compatible with Policy GEN7 as they provide for a high quality design and layout.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Angmering NDP.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents to the east of the golf centre and the retention of trees and the addition of further planting on the boundary would reduce the impact on the site location to the north of Rustington and west of Ham Manor Estate, therefore the development accords with policy GEN7 and the NPPF.

HIGHWAYS, TRANSPORT AND PARKING

Both Angmering and Rustington PCs objected to the proposals due to the lack of a footpath and cycleway on the north side of the A259. The Local Highway Authority had also raised the issue, and following discussions with the applicant a revised plan was submitted accompanied by transport assessment and Road Safety Audit.

An extension of the footpath Cycleway on the north side of the A259 between the golf centre and Sainsbury's is now to be provided. The proposals now meet WSCC highways requirements and policy TM2 of the Angmering NDP. Both Parish Councils were re-consulted following receipt of the additional highways details and introduction of a proposed footpath/cycleway but no further comments have been received.

The footpath/cycleway is to be secured by a s106 agreement. WSCC Highways have no objections to the alignment of the existing access into and from the golf centre.

The site currently has 345 car parking spaces and this will increase by a further 234, (579 total). Highways are satisfied with the level of parking. Conditions have been added that relate to both car parking and cycle parking. In highway terms the proposal complies with Policy GEN7.

FLOOD RISK AND DRAINAGE

Surface water flood risk is low and ground water flood risk is moderate. There is a requirement for

a Sustainable Drainage System (SuDS) scheme and conditions have been added to address the design, delivery and maintenance arrangements of the scheme. The development complies with GEN9.

FOUL DRAINAGE

There is currently some capacity in the local network to provide foul sewage disposal to service the proposed development. If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary connection. The development complies with GEN9.

NOISE/LIGHT POLLUTION

The site already has car park lighting but there will be additional requirements for the proposed car parking layout and 9 football pitches. A condition has been added to provide full details of all new external lighting as the site is adjacent to the A259 the condition also requires the hours that lighting will be used, hours of operation.

The site's location next to the A259 and separation from residential properties provides an appropriate location for the 5-a-side pitches. No objections have been raised on noise grounds from the Environmental Health Officer and the development complies with GEN32 and GEN33.

LANDSCAPING/TREES

The proposed development is to be constructed on the 3 hole golf teaching academy which has tees, greens, bunkers and three areas of trees which will be removed as part of the proposal. There has been no objections from Greenspace to the removal of the three groups of trees.

A condition will be added that requires the submission of a detailed landscaping scheme will that will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is required in order to encourage the proposals to fit within the setting.

The existing vegetation to the eastern and southern boundaries is established and must be protected and retained. The submitted tree retention and protection plan indicates the tree protection measures to be taken. Before construction this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. Any tree removal must be in consultation with Arun District Councils tree officer.

One of the buildings is for a forest adventure kiosk. The submission refers to this as a future opportunity. This may involve a high wire and platform adventure course through the trees. A condition has been added that requires further details of the layout and form of wires and platforms that would be included to ensure that the pine trees are protected.

ECOLOGY

The submitted baseline ecological survey concludes that as a result of the site forming part of an

intensively managed golf course, the grassland is a species poor amenity grass sward. Many of the existing trees and shrubs are incorporated in to the design.

The recommended ecological protection and enhancements may be expected to deliver biodiversity gains and ensure there is no net loss to bio-diversity.

A condition has been added that requires a submission of a detailed landscaping scheme that will maximise the biodiversity of the site.

Views of the ecology officer are awaited, his comments and any additional conditions will be notified to members in an update.

SUMMARY

The site is already in commercial leisure use. The proposals include a series of additional buildings and complimentary leisure uses which can be accepted in this instance on the basis that the proposals are not expanding into the rural area, but are to be sited between the existing built development and the A259 to the south of the site. The A259 corridor is beyond the built up area boundary in both the local plan and emerging local plan. It now includes a series of approved developments - BMW/Mini showroom, Manor Retail Park (Next/Aldi and one other retail unit). The application site is immediately to the north and will be low height contemporary buildings which are timber clad and will be clustered to the south of the existing golf centre car park.

The site has significant existing and proposed landscaping that will enclose the development but will allow glimpses into the site.

The application is accompanied by a leisure assessment that provided a sequential assessment of sites within Littlehampton and Rustington and concludes that there is no available or viable alternatives.

There is policy support in Policy DEV34 for new tourist accommodation and attractions in the district and the development is supported by the NPPF as a form of sustainable economic development.

The key issue and a matter that raised objections had been the lack of pedestrian and cycle access - this has been resolved with the proposed footway/cycle path to be provided between the existing cycle/foot path on the A259 to the north of Sainsbury's pedestrian crossing west to the entrance to the site.

The application is recommended for approval subject to conditions and a s106 covering the provision of the footpath/cyclepath.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

S106 is to cover the provision of the off site foot path/cycle path.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 16-16002-PL10 - Block Plan
- 16-16002-PL1 - Location Plan
- 16-16002-PL22 - Street Scene Elevations
- 16-16002-PL11 rev A - Restaurant Plan & Elevations
- 16-16002-PL33 - Cycle and refuse stores roof plans
- 16-16002-PL15 - Trampoline Centre Ground Floor Plan
- 16-16002-PL16 - Trampoline Centre First Floor Plan
- 16-16002-PL17 - Trampoline Centre Elevations
- 16-16002-PL30 - Trampoline Centre Roof Plan
- 16-16002-PL18 - Football Building Plan & Elevation
- 16-16002-PL12 Rev A - Hotel GF Plan

16-16002-PL13 - Hotel FF Plan
16-16002-PL14 - Hotel Elevations
16-16002-PL31 - Hotel Roof Plan
16-16002-PL20 - Nursery GF Plan
16-16002-PL21 - Nursery Elevations
16-16002-PL23 - Nursery Elevations Sheet 2
16-16002-PL32 - Nursery Roof Plan
16-16002-PL19 - Forrest Adventure Kiosk
16-16002-PL25 - Refuse store of Trampoline Centre and Cycle Storage
16-16002-PL26 - Refuse Store for Football Building and Adventure Kiosk and Cycle

Store

5202-D Rev B Existing and Proposed Tree layouts and tree protection areas

CS00586 AC1.01 - Existing Topographical Survey - With Contours
CS00586 AC1.02 - Existing Topographical Survey - Without Contours
CS00586 AC1.03 - Site Section
CS16040 AC1.04 - Topographical Survey 'Out of Bounds'

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 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.

- 4 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The detailed landscaping scheme will maximize the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting. The approved details of the landscaping

shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

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

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

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

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

- 6 Prior to first occupation of any of the permitted uses the vehicular, cycle and pedestrian access modifications, show on plan 160201-02C must be constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

- 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,

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- 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

- 8 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

- 9 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

- 10 Kitchen drainage to be fitted with a grease trap/separator to contain grease residue. The applicant shall provide details of this to the Local Planning Authority to demonstrate compliance with BS EN 1825 - 1:2004 & BS 1825 - 2:2004.

Reason: In order to safeguard the environment in accordance with Arun District Plan policies GEN 7

- 11 No tree planting should be located with 4.5m either side of the public sewer; no new soakaways, swales or ponds should be located with 5m of the public sewer; all existing infrastructure should be protected during the course of construction works.

Reason: To protect Southern Water infrastructure.

- 12 Prior to commencement the applicant/developer must advise the council, in consultation with Southern Water, of the measures which will be undertaken to protect the public sewers.

Reason: To protect Southern Water infrastructure.

- 13 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance). No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained 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.

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- 14 Prior to commencement a detailed lighting scheme, including the hours of lighting, for the car parking areas and the football pitches will be submitted to, and approved in writing by the local planning authority.

Reason: To ensure there is no impact upon highway safety or the ecology of the area.

- 15 Prior to the occupation of the forest activity centre/business the applicant/developer must submit full details of the activity is to be provided, including the layout showing wires, securing points, platforms. The applicant/developer must submit full details of any tree works, including any pruning or branch removal in association with the forest activity use. The submitted details must be approved in writing by the local planning authority prior to construction.

Reason: As no details have been provided and in the interests of protecting the trees.

- 16 **INFORMATIVE:** Any premises which sell food will need to be registered under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. This will mean separate registration for each separate food business operator. The applicant is advised to contact Carol Reynolds, Senior Environmental Health Officer, Tel 01903 737678 or by Email at Carol.reynolds@arun.gov.uk in order to discuss the layout and design of any kitchen. Please note that staff sanitary accommodation should be separate from the public provision. Please also detail the kitchen and staff sanitary accommodation provision to the nursery. A designated "clean area" should be provided for staff refreshment.

- 17 **Advisory:** This development is sited away from residential units. Nevertheless, given the prevailing south westerly wind direction then due regard should be given to minimising noise arising from any ventilation system such as would be expected in any kitchen or exercise unit. It is advised that sufficient air change be provided so that windows/doors can remain shut during exercise classes particularly those involving amplified music.

- 18 **INFORMATIVE:**A formal application to requisition water infrastructure is required in order to service this development. Please consult Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (0330 303 0119) or WWW.SOUTHERNWATER.CO.UK.

A/77/16/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: A/113/16/PL
LOCATION: Land at Barn Farm
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Use of land for storage and distribution (B8 Storage or Distribution) & 3 No. storage containers. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the use of the land for storage and distribution (B8) and the provision of 3 no. storage containers on the site.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The northern and eastern boundary of the site consist of 2m high close boarded fencing with the southern and western boundaries featuring bunds to a height of approximately 1.5m with planting above. The sites entrance is fronted by brick pillars to approximately 2m in height with black wooden gates.
SITE CHARACTERISTICS	The site is enclosed and features a gravelled surface with one storage container already present on the site and a shed in the south-eastern corner of the site and a grassed area abutting the eastern boundary.
CHARACTER OF LOCALITY	The site is situated outside of the built up area boundary with an existing agricultural barn to the east of the site and residential development to the south.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

An objection:

Considered at Planning, Conservation & Development Committee Meeting, 19/07/2016.

The application

- 1) does not go into enough detail to allow a proper understanding of the proposed use of the site, and
- 2) is at variance with the saved policies from the previous Arun Local Plan that applied to the subject site.

5 no. letters of objection:

- 1) Proposal contrary to policy GEN2 and GEN7 of the Arun District Local Plan.
- 2) Proposed use would pose a risk to highway safety.
- 3) Proposed use would be visible from the South Downs National Park.

1 no. letter of no objection:

- 1) I am concerned that the containers by size and location would obstruct the view in the landscape from our property. I would therefore like to request that adequate screening eg hedging/planting or fencing be erected to hide the view of the containers, as a condition of the planning permission being granted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted and will be considered further in the conclusion to this report.

In response to the 5 no. letter of reps:

- 1 - 3) Will be considered further in the conclusion to this report.

In response to the 1 no. letter of no objection:

- 1) Comments noted. However, right to a view is not a material consideration in the determination of this application.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage):

No comments.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Outside built area boundary

DEVELOPMENT PLAN POLICIES

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

C SP1 Countryside

Publication Version of the Local Plan (October 2014):

- D DM1 Aspects of Form and Design Quality
- D SP1 Design
- EMP DM1 Employment land: Development Management

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site sits outside of the built area boundary where the principle of development is unacceptable with the countryside being safeguarded for its own sake. Policy GEN3 of the Arun District Local Plan sets out criteria by which development outside of the built up area boundary can be deemed acceptable - relevant to the determination of this application is GEN3(iii) which relates to the 'diversification of the rural economy'. Therefore, the proposed use of the site for storage and distribution is considered to constitute diversification of the rural economy in conformity with policy GEN3 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The proposed use will be situated within an established compound with existing boundary treatments measuring approximately 2m in height currently. The southern and western boundary of the site features new planting which over time will provide enhanced screening for the site.

The proposed storage containers will measure 2.6m in height and will be green in colour - therefore, only 0.6m of the container will be visible above the height of the fencing when viewed from the north. The extent to which the proposed containers will exceed the fencing height is such that the containers are not considered to adversely impact upon the established character of the locality. The impact of the proposed containers on the character of the locality is further reduced when viewing the site from the west due to the corrugated barn located immediately to the east of the site.

The building situated in the south-eastern corner of the site will have an eaves height of 2.1m and a maximum ridge height of 3.7m. Whilst, the shed is new, it replaced a previous shed on site and as such does not result in any unacceptably adverse harm. Therefore, this proposed building due to its location is not considered to have an unacceptable impact upon the established character of the locality.

The application originally failed to provide specific details as to the level of storage intended to be undertaken at the site - however, further clarification provided by the applicant has stated that

storage will be kept to below 2m in height on the site below the height of the boundary fence. A further plan 'Annotated site map Committee' received on 15th September 2016 has been provided which sets the exact location to the rear of the site for the storage of up to six (standard size) cars on site and for the area for the external storage of building materials. The external storage will be restricted via condition and will ensure that no storage undertaken at the site will be visible above the height of the existing boundary screening and the areas for external storage of both cars and building materials will be fixed. Therefore, the proposed use will not result in any adverse harm to visual amenity in the locality due to the open storage not being visible from outside of the site.

A condition has been included with this approval requiring that details of the boundary planting is submitted to and for approval by the Local Planning Authority to ensure that the visual amenity of the locality is protected.

The site will be accessed via an existing access with the proposed use unlikely to result in a material increase in vehicular movements. As such the proposal is not considered to pose a risk to public or highway safety.

The proposed use is considered to accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The residential property in closest proximity to the application site is Brackenside to the south which is situated approximately 72m away from the southern boundary of the site. Whilst, it is considered that the separation between the residential property and the proposed use is significant the proposal has the potential to give rise to some disturbance for nearby residents through the generation of noise through the loading/unloading of materials at the site (especially in a rural location). Therefore, it is considered that a times restriction at the site may be appropriate in order to protect the residential amenities of neighbours. It is considered that due to the location of the site within this rural locality that the hours of operation should be restricted to protect the character of the area as such it is considered necessary to restrict the hours of operation to between 07.00 - 21.00.

Due to the scale and location of the proposed development it is not considered that the proposal will result in any unacceptably adverse overlooking, overbearing or overshadowing impacts and as such the proposal is considered to accord with policy GEN7(iv) of the Arun District Local Plan.

HIGHWAY CONSIDERATIONS

Given the previous agricultural use of the site it would have experienced traffic levels similar to those proposed by this application. In net terms therefore the highway implications are considered to be neutral.

The applicant has provided clarification in an email dated the 15th September 2016 which states that the storage of building materials will generate no more than 4 trips per week. Therefore, the proposed use is not considered to result in unacceptable levels of vehicular movements.

CONCLUSION

The proposal 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 approved plans: Site Location Plan, Proposed site layout plan with a colour key; Existing Shed Plan and Elevations - 02; and Proposed Storage Container Plans and Elevations - 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 The existing building and containers on site shall be used solely for purposes incidental or ancillary to the approved B8 (Storage and Distribution Use).

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

- 4 The outdoor storage of building materials shall be restricted in height to no more than 2m above ground level and shall be restricted to the yellow area shown on the supplementary plan submitted by email on 15th September 2016.

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

- 5 The approved use of the site including unloading, loading or operation of machinery shall only take place between the hours of:-

7.00am and 9.00pm Monday to Sunday.

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

- 6 Details of landscaping and planting to be carried out or already undertaken to the boundaries of the site shall be submitted for approval to the Local Planning Authority within two (2) months of this approval. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the development 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 The storage and parking of vehicles hereby permitted shall only be for the storage and parking of private motor vehicles of a standard car size.

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

- 8 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 E1.

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

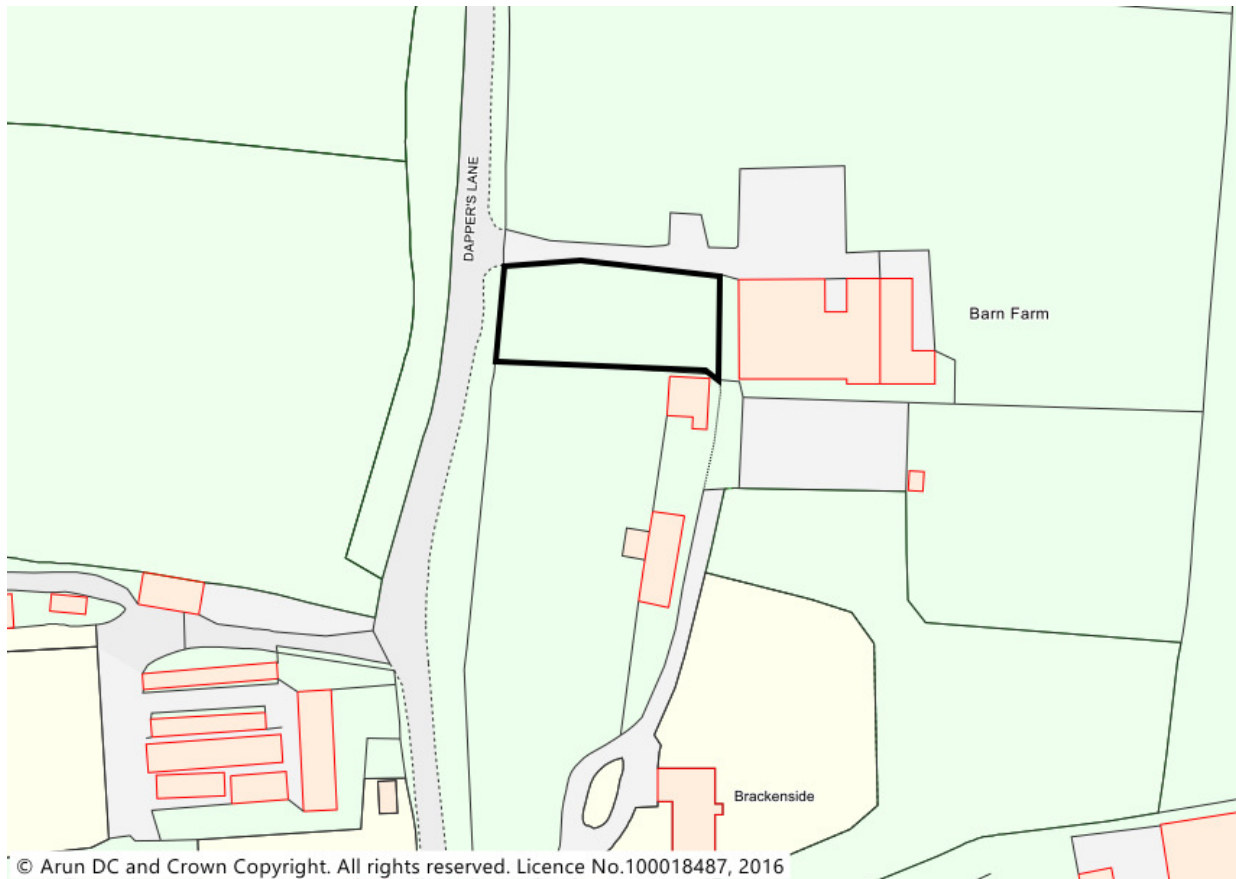
- 9 The 3 permitted containers will be painted and maintained a green colour.

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

- 10 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.

A/113/16/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:** A/135/16/PL**LOCATION:** Caretakers Cottage
Angmering School
Greenwood Drive
Angmering
BN16 4JW**PROPOSAL:** Replacement of existing bungalow with 3 No. dwellings (resubmission following A/20/16/PL). This application is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Demolition of bungalow and construct 2 semi-detached dwellings and 1 detached dwelling.
SITE AREA	0.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected.
BOUNDARY TREATMENT	1.8m high close boarded fencing.
SITE CHARACTERISTICS	Detached bungalow previously used by school caretaker. The bungalow is constructed from brick with uPVC windows and a tiled roof.
CHARACTER OF LOCALITY	Predominantly residential and features properties to the north of a varied design and appearance. Angmering School is located to the south-east of the site.

RELEVANT SITE HISTORY

A/20/16/PL	Replacement of an existing bungalow with a detached chalet style dwelling & a pair of semi-detached chalet style dwellings. This application is a departure from the development plan	App Cond with S106 20-04-2016
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Planning permission was previously granted for the same scheme under reference A/20/16/PL. This application has been made following a change in the law in relation to affordable housing contributions and has been made to negate the previous legal agreement.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

Considered at Housing, Transport and Planning Committee meeting, 30/08/2016.

Objection on the following grounds, as advised previously:

- Overdevelopment of plot
- Adverse impact on surrounding area
- Adverse impact on highway safety

The Committee is also concerned to note that the application appears to have been resubmitted solely in order to obtain release from previously-imposed s106 obligations.

1 No. letter of objection:

·I would like my written objection to the original application A/20/16/PL, to be entered as an objection to this re-submission namely overlooking and overbearing impact on neighbouring properties, the site is outside the built up area boundary and the position of the access is dangerous on a blind bend on a very busy access to the school.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from Parish Council noted and are considered in the conclusion to this report. The resubmission to negate the legal agreement for affordable housing contributions is an acceptable means to avoid making this contribution following the court of appeal decision.

In response to the 1 no. letter of objection:

·The comments previously raised are considered in the conclusion to this report.

CONSULTATIONS

- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC Strategic Planning:

The Local Highway Authority (LHA) has been re consulted on this proposal and note that an additional Application form has been provided along with planning correspondence informing of the amended description.

The access, parking and turning provisions within this have not changed from that of the application A/20/16/PL; to which the LHA raised No Highway Objections.

Therefore for Highways Safety advice, please refer back to the response of A/20/16/PL when considering this application and for any related conditions and informatives.

Engineers (Drainage):
Soakaways proposed.

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.

Environmental Health:
No comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	AREA11	Local Gaps
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	C SP1	Countryside
	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	SD SP3	Gaps Between Settlements
Angmering Neighbourhood Plan 2014 POLICY HD1		Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3		Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD5		Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6		Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD8		Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY		Phasing of Residential Development

HD9

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 Angmering Neighbourhood Plan has been made and policies HD1, HD4, HD5, HD6, HD7 and HD8 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

INTRODUCTION

The application is a resubmission of a previously approved scheme which is unaltered. The resubmission has been made to negate the legal agreement previously signed under reference A/20/16/PL.

Therefore, the report previously produced under reference A/20/16/PL has been reproduced below with minor alterations in relation to affordable housing.

PRINCIPLE

The site is outside of the built up area and within the Local Gap. Due to the location of the site it is not considered to accord with policy GEN3 of the Local Plan.

In the absence of a 5-year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date paragraph 14 establishes that permission should be granted unless one of the listed exceptions applies. The site would not be subject to exception under Paragraph 14 and as such it would be necessary to identify adverse impacts which would significantly and demonstrably outweigh the benefits.

The site is to the north of the primary access to Angmering School within the local gap. The development by virtue to its location near the school complex will not adversely encroach upon the local gap or result in the coalescence of settlements. The site already features residential development and as such the principle of a dwelling in this location has been established. It is considered that the proposal, despite the location within the Local Gap, accords with AREA11 (ii) of the Local Plan.

With other material considerations overriding the on principle objection to the proposed development it needs to be assessed against relevant policies which in this case are GEN7 of the Local Plan; policies HD4, HD5, HD6, HD7, HD8 and HD9 of the Angmering Neighbourhood Plan; and the NPPF.

HIGHWAY SAFETY

WSCC have determined the development would not result in a 'severe' impact upon the operation of the highway network. The development is considered to comply with paragraph 32 of the NPPF, in that there are no transport grounds to resist the proposal.

PARKING

Parking provision accords with the requirements of the WSCC Parking Demand Calculator with 1 no. space allocated for each unit and 2 no. visitor parking spaces. This provision is in accordance with Angmering Neighbourhood Plan policy HD8.

DESIGN AND VISUAL AMENITY

The proposal seeks permission for the construction of 2 no. semi-detached dwellings and 1 no. detached dwelling. The dwellings measure approximately 7.2m high, in comparison to the development to the north of the site with 10 The Pines measuring 9m high and 7 and 8 The Pines measuring approximately 8.8m high.

The semi-detached dwellings feature a half hipped roof when viewed from the south, whilst the detached unit feature a gabled end which integrates well with the existing street scene. The dwellings are considered to appear well integrated with existing residential development to the north of the site by virtue of their design and orientation. The dormers are considered not to appear overly bulky or detrimental to the design and scale of the dwellings. The proposed dwellings are considered to accord with GEN7(ii) and HD5 & HD6 of the Angmering Neighbourhood Plan.

The development has a density of 23 dwellings per hectare which is considered acceptable in this location. Development to the north of the site (the 11 dwellings located immediately to the north) has a density of 25 dwellings per hectare. The proposal complies with the requirements of policy HD7 of the Angmering Neighbourhood Plan in that the development is "of a lesser density than neighbouring areas of residential development".

Details of the materials have not been provided and to ensure the proposal fully integrates with development to the north a condition has been included requiring submission of these details. This will ensure that the proposal does not adversely impact upon the character and appearance of the area in accordance with GEN7(ii) of the Local Plan and Policy HD6 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

The detached dwelling will be located 6.5m from the north boundary of the site with the semi-detached dwellings located 5m from the north boundary with the properties to the north located at their closest point approximately 13.5m away. This distance is considered adequate to overcome any unacceptably adverse overbearing or overshadowing impacts.

The bathroom windows and roof light at the top of the stairs are intended to be conditioned to remain obscurely glazed and non-opening (unless the part of the window that opens is located more than 1.7m above floor level of the room in which the window is installed). The bedroom windows will give rise to some overlooking but this will be at oblique angles with existing dwellings to the north being located more than 20m away. The overlooking generated by the development is not considered unacceptably adverse.

The development is not considered to give rise to unacceptable harm to residential amenities of neighbours and is deemed to comply with the limitations of GEN7(iv) of the Local Plan.

The rear gardens of the dwellings will be of sufficient depth and provide sufficient private amenity space to comply with the requirements of policy D DM3 of the Emerging Local Plan. Whilst, the dwellings will have an internal floor area of 85.3 m² and comply with the requirements of the Nationally Described Space Standards. The dwellings are deemed to comply with the requirements of Paragraph 17 of the NPPF.

AFFORDABLE HOUSING

Such contributions are no longer sought following the Court of Appeal decision Secretary of State for Communities and Local Government and West Berkshire District Council and Reading Borough Council where the requirement for a financial affordable housing contribution for residential development of 10 or less units was abolished.

SUMMARY

Although, the proposal does not accord with policy GEN3 of the Local Plan by virtue of its position outside of the built up area boundary, the development is not considered to result in unacceptably adverse harm. The proposal is deemed to comply with policies AREA11, GEN7 of the Local Plan and the NPPF.

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

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: Proposed Site Plan - 1030/11c; Proposed Street Scene - 1030/10; Proposed Ground Floor Plan - 1030/05; Proposed First Floor Plan - 1030/06b; Proposed Ground Floor and First Floor Plan - 1030/08; Proposed Elevations - 1030/07b; Proposed Elevations - 1030/09.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity 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 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),
 - measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
 - Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 7 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.

- 8 The first floor roof lights and bathroom windows shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level 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.

- 9 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.

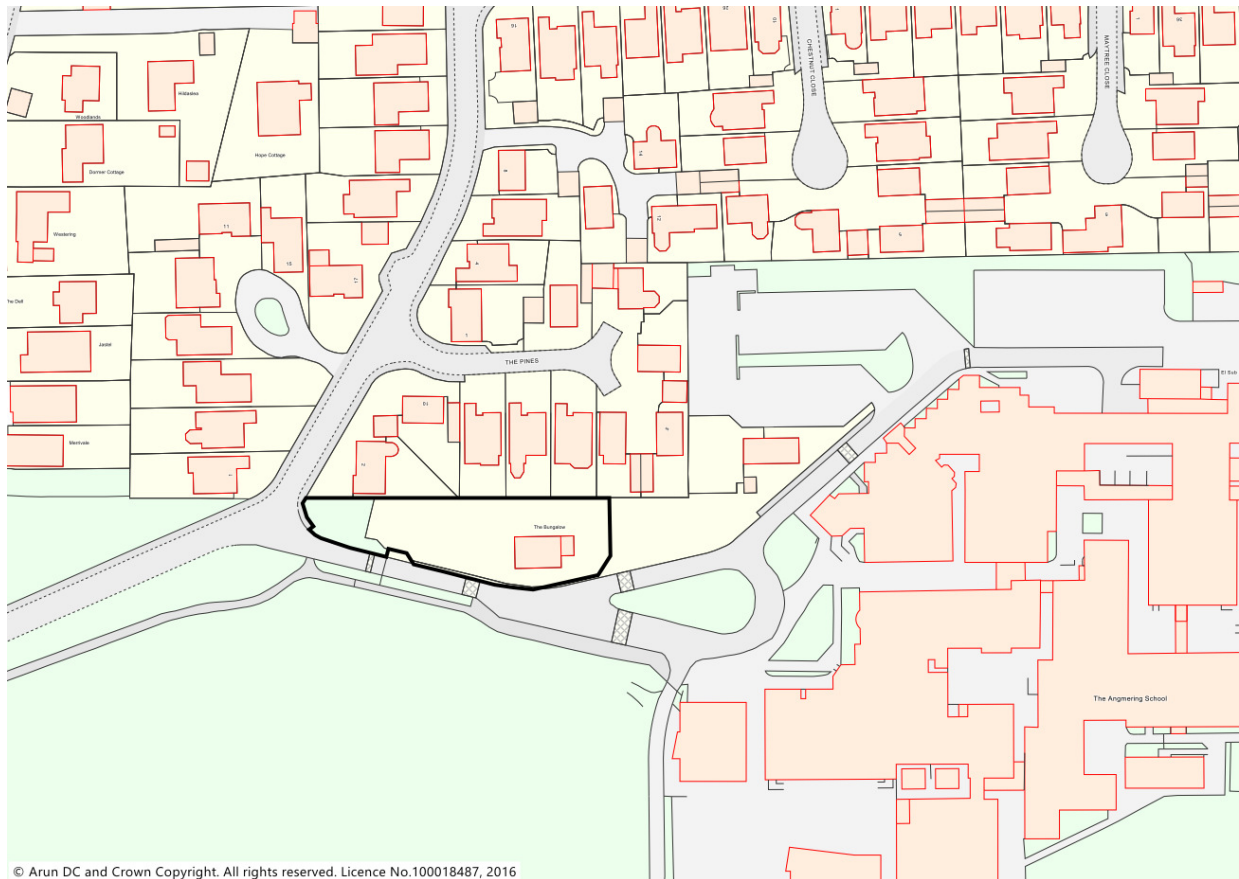
- 10 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 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 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.
- 12 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 13 **INFORMATIVE:** This decision has not been granted in conjunction with a Section 106 legal agreement relating to affordable housing.

A/135/16/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: EP/96/16/PL
LOCATION: 12 Angmering Lane
 Rustington
 BN16 2TA

PROPOSAL: 1 No. replacement dwelling including pool & outbuilding.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to demolish the dwelling and construction of 1 No. replacement dwelling. The replacement dwelling measures approximately 9.6m in height, with an eaves height of 5.8m and a width of 20m. The replacement dwelling features white render at ground floor and grey weatherboarding at first floor with grey roof tiles.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is a brick wall measuring approximately 1m high with hedging behind. The side and rear boundaries feature close boarded fencing to a height of 1.8m with mature planting.
SITE CHARACTERISTICS	Detached two storey dwelling of brick with tile hanging at first floor level and a tiled roof.
CHARACTER OF LOCALITY	Residential - consists of properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

This council's Planning & Licensing Committee considered this Application at its meeting on

Monday, 8th August.

The committee unanimously regrets the loss of such a characterful building from the area. On the eastern side of Angmering Lane most buildings have retained or re-imagined their 1920s and 1930s origins.

The committee agreed to object to the proposed new dwelling as the scale and materials proposed were not in keeping with the locality and therefore the proposal was contrary to Policies 1 and 2 of the made East Preston Neighbourhood Plan. Paragraph 4.12 states

"The materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings." The four dwellings shown on page 3 of the Supporting Statement are not visible from 12 Angmering Lane. The proposal is also contrary to saved Local Plan Policy GEN7.

The committee does not believe the proposal creates "an attractive aesthetic" as also suggested on page 3 of the Supporting Statement. Paragraph 64 of the National Planning Policy Framework grants local authorities permission to turn down applications "for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions."

For these reasons, this council asks Arun District Council to refuse Planning Permission for this application.

2 No. letters of objection:

- Loss of light and overshadowing of the proposed building and impact on visual amenity.
- Outbuilding at back runs along our South boundary having a substantial impact on visual amenity.
- None of the houses near the site, which are the most relevant comparisons for planning purposes, resembles the proposal in design or materials. The predominant materials are brick and tile. The grey cladding and grey tiles would strike an alien note. The design of the house is uninteresting. These features mean the proposal is contrary to GEN7 of the Local Plan, because it does not respond positively to the characteristics of the area; and is contrary to Policy 1 i. of the East Preston Neighbourhood Plan because its design and materials do not reflect the architectural character and materials of the surrounding buildings; and it conflicts with paragraph 4.12 of the EPNP because the materials do not harmonise in colour and texture with the materials used in adjoining buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

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

Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	SD SP2	Built-Up Area Boundary

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One

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 East Preston Neighbourhood Plan has been made and Policy 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be GEN7 of the Local Plan; Policy 1 and 2 of the East Preston Neighbourhood Plan (EPNP); D DM1, D DM2 and D DM3 of the Emerging Arun District Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY

The replacement dwelling exceeds the ridge height of the existing dwelling by 0.6m and is approximately 3.3m wider. The dwelling will have a greater presence in the street scene, whilst due to its design it will have greater bulk at first floor level and at the ridge. However, the dwelling is not considered to have an unacceptably adverse impact upon the spatial pattern or character of the street scene.

The proposed materials are not considered to appear alien or out of character with the locality of the site given the significant variation in design of dwellings within the Willowhayne Estate. Whilst, it is acknowledged that a number of objections have been raised in relation to the materials and their potential conflict with EPNP (specifically paragraph 4.12) - it must be considered that a recent appeal decision relating to a nearby property 12 Tamarisk Way (APP/C3810/W/16/3148367) found that due to the mixed character and design of dwellings in the locality the use of 'anthracite' tiles was not in conflict with Policy 1 of the EPNP. The application the subject of this appeal had been refused in line with EPNP policy 1 about materials being required to harmonise with their surroundings. This appeal decision is a material planning consideration.

The materials proposed are considered to accord with those used in adjoining properties and are not considered to harm the character and appearance of the surrounding area. The property immediately adjacent to the site features dark grey roof tiles and tile hanging at first floor level with render being present immediately to the south of the application site. The materials are deemed to accord with policy GEN7(ii) of the Local Plan and Policy 1 of the EPNP. Whilst, the materials are specified a full schedule or samples have not been provided. A condition has been included to ensure the materials used do not have an adverse impact upon the established character of the locality.

The proposal includes a shed in the north-eastern elevation of the site which will measure 2.5m in height and as such would be permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The dwelling will have a gross internal floor area of approximately 348.9m² which exceeds the requirements of the Nationally Described Space standards by 224.9m².

RESIDENTIAL AMENITY

The development will be situated approximately 2.7m from the north boundary and 3.14m from the south boundary. The dwelling by virtue of its design and location is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts on neighbours. Nor will any adverse overlooking be generated beyond what is already possible from the existing dwelling.

The proposal includes a single storey rear projection to the rear of extending approximately 5.6m to the east with a ridge height of 5m and an eaves height of 2.7m. Given the proximity of this aspect of the development to the northern boundary it is not considered to have any unacceptably adverse impacts upon neighbouring properties to the north of the site.

The development is considered to accord with policy GEN7(iv) of the Local Plan.

The rear garden has a depth of approximately 26.5m and a total area which exceeds the requirements of D DM3 of the Emerging Local Plan. The proposal is considered to accord with policy D DM3.

PARKING

The WSCC parking demand calculator requires the provision of 3 no. parking spaces. It is considered that the development makes adequate provision for parking.

SUMMARY

The development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal 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 Plan - P118-01; Elevations - P118-08 A; Front Elevation & Section - P118-05 A; Ground Floor Plan - P118-03; First Floor Plan - P118-04; Street Scenes - P118-07; and Proposed Swimming Pool and Shed - P118-10.

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 roof of the proposed 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.

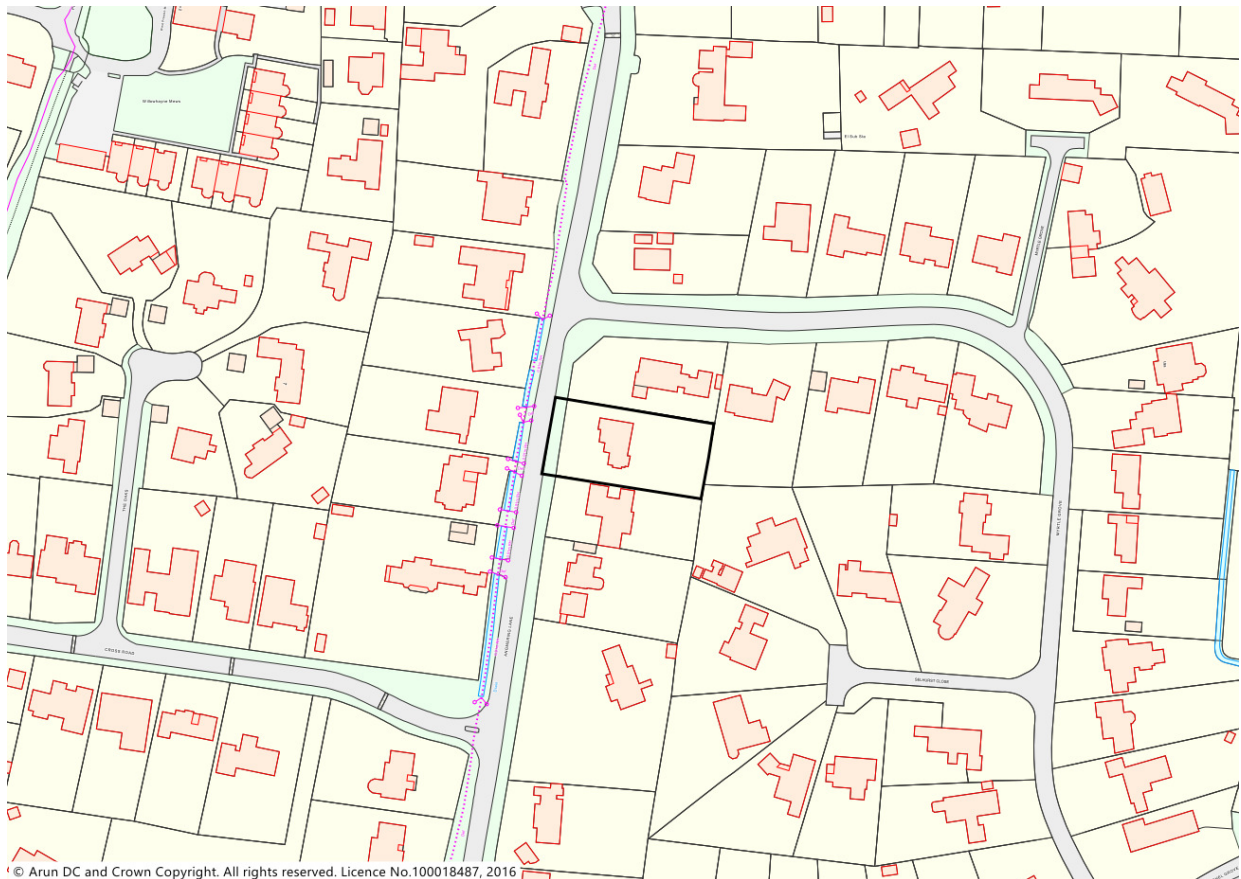
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

EP/96/16/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/103/16/PL
LOCATION: Hangleton Nurseries
 Hangleton Lane
 Ferring
 BN12 6PP

PROPOSAL: Demolition of section of wall to provide internal vehicular & staff access to & from the adjoining premises (amendment to FG/45/15/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the removal of a 5m length of walling on the rear boundary of the car showroom and its replacement with 2 piers/retaining walls and solid hard wood gates to match the height of the flint boundary wall. The access opening would be 3.5m in width.
SITE AREA	0.87 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing at approximately 1.8m in height along the western boundary with a tree line and fencing above 2m in height along the northern boundary. Walling part of which is in flint and trees above 2m in height along the eastern and southern boundaries
SITE CHARACTERISTICS	The site is mainly devoid of structures and the majority laid in concrete hardstanding. There are aggregate piles situated towards the northern and eastern boundaries of the site. A number of metal storage containers are positioned along the western boundary.
CHARACTER OF LOCALITY	Predominantly residential in character in a rural setting. There is a car sales garage to the south which has recently been extended and a farm to the east. Greenhouses and horticultural uses exist to the north. The dual carriageway stretch of the A259 to the south. Hangleton Lane passes the site to the west which is a rural road and becomes a footpath and bridleway to the north providing access to Highdown Hill and the South Downs National Park.

RELEVANT SITE HISTORY

FG/46/15/PL	Change of use of land from agricultural/compost production to B8 storage. This application is a Departure from the Development Plan	Refused 10-06-2015	<i>Appealed</i> Appeal: Dismissed 31 12 2015
FG/45/15/PL	Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan	Refused 10-06-2015	<i>Appealed</i> Appeal: Allowed+Conditions 31 12 2015

FG/46/15/PL (appeal B) was refused on 10-06-2015 and dismissed at appeal on 31-12-2015. This application was identical to FG/45/15/PL (appeal A) which was allowed at appeal, but it included the removal of a section of flint walling. Appeal A made use only of the existing access onto Hangleton Lane, whereas in addition Appeal B provided for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two. It is this element of the proposal which is the subject of this application. The Inspector provided comment on the loss of the wall in the appeal decision. He concluded the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal was unacceptable in its effects.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - This application to remove the flint wall is in contrast to the already refused application and appeals of FG/45/15, appeal number APP/C3810/W/15/3130471.

The removal of the flint wall would, as in the appeal decision states under main reason 17: 'this would open the site up more to view from the main road and the right of way that connects the bridleway on Hangleton Lane and the Downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises.

Ferring Conservation Group - Objection. This continues to intensify the commercial use of the site far beyond the B8 storage use that was applied for originally and allowed by the Inspector. Had the applicants made a comprehensive planning application for the way they now want to use the site, instead of a series of piecemeal changes, it seems very unlikely that an appeal against Arun DC's refusal would have been upheld. The facility to drive the stored vehicles off the site directly onto the showroom premises was part of the application FG/46/15, where the appeal against refusal was, for good reasons, dismissed.

One comment of no objection - It was understood that no alteration to this wall was permitted, hence the application to drive in and out from Hangleton lane. Why has the wall now ceased to

be important when the major problems have been resolved?

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed opening has been repositioned to the west, following the Inspector's comments so that it is now obscured from direct view from the road frontage by the car showroom building. There was no condition imposed on the original planning appeal decision which prevented removal of the wall, it was not identified on the plans for retention and it is not otherwise protected.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - This proposal seeks an amendment to the previously approved application FG/45/15. The proposal here was to change the use of the existing agricultural/compost production business to B8 storage for 70-100 cars utilising the existing Yeomans Peugeot dealership access onto the A259. WSCC in its capacity of LHA (Local Highway Authority) raised no objection to these proposals, with the Inspectorate subsequently approving the application at Appeal.

For this application the changes includes a proposed internal access to have direct access from the site for cars and staff. The proposed access is to enable cars and staff to have direct access from within the site into the adjoining storage compound. The proposed access would have the potential to reduce access onto Hangleton Lane and provide better movement for staff from the adjoining Peugeot dealership.

Given that the modifications are proposed internally the LHA would not raise any significant concerns to the application. Consideration is given to the fact that the new access will provide better accessibility to the site and result in a less intensive use of the public highway. The LHA does not consider that the application would result in a 'severe' residual impact and not be contrary to paragraph 32 of the NPPF.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary
Gaps Between Settlements

DEVELOPMENT PLAN POLICIES

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

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	SD SP3 Gaps Between Settlements
	T SP1 Transport and Development

EMP DM1 Employment land: Development Management

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policy 7 ' Land North of Littlehampton Road, encouragement of existing rural business' of Ferring Neighbourhood Plan is relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the residential or visual amenities of the locality or 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

POLICY PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is unacceptable unless it complies with relevant Local Development Plan policies, in this case policy GEN3. However the use of the site for B8 storage was allowed at appeal and does not fall to be considered as part of this proposal.

SUMMARY OF APPEAL INSPECTOR'S COMMENTS

This application follows refusal of FG/46/16/PL , which was dismissed at appeal. The Inspector commented that the storage of vehicles would be a low-level use and would not be readily seen from the main road due to the existence of the flint wall retained in Appeal A. He stated 'Turning to Appeal B and the additional proposal to breach the flint wall and make the connection with the existing dealership for the movement of cars and transporters, would open the site up more to view from the main road and the right-of-way that connects the bridleway on Hangleton Lane and the Downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises and performs a useful role in containing through views. The loss of the wall in Appeal B would be contrary to the aims of good design in emerging Policy D DM1 and paragraph 56 of the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

To conclude on this main issue, the forgoing paragraphs have identified different levels of harm between the very limited effects of Appeal A and the more harmful Appeal B, added to which there remains the conflict with Policy GEN3 through being in the countryside and outside the built-up areas. However, Policy DEV8 provides for use such as this, in connection with a local firm, subject to criteria that are explored further in the planning balance.

The benefits of the proposal in Appeal A are such as to outweigh the limited effects and the conflict

with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the Framework. The benefits in Appeal B are similar, but in this case there is additional harm which is not outweighed.'

The Inspector concluded that in Appeal B the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal is unacceptable in its effects.

However his comments relate to the original position of the opening at the end of the access area which is open to public view. This proposal has relocated the opening behind the building further to the west where it is not readily visible in the street scene. In addition, in any case, the walling could be removed without the permission of the Local Planning Authority. The applicant has agreed to retain by way of condition the remaining flint wall as part of any approval and therefore at least some walling will be retained if the application is approved. It is therefore considered that the revised siting has adequately addressed the Inspector's concerns and that the proposal has no adverse impact on the visual amenities or character of the area. The retention of the remaining walling would be assured by the imposition of the suggested condition which constitutes a planning gain from the proposal.

DESIGN AND VISUAL AMENITY

The application is for the removal of a section of flint walling to provide internal access and staff access to the rear car storage area. Vehicular access to the site from the rural road of Hangleton Lane which ultimately leads up to a bridleway and the South Downs National Park, would be retained. The removal of walling which is part of a visual barrier in this location would not be harmful to the rural setting of the area since it would not alter the visibility of the development beyond the walling to the north. Whilst the proposed gates can be closed over night, during hours of darkness, they are very likely to be left open for ease of movement during working hours every day, but given their position this would not harmfully compromise the visual amenities of the locality.

It is therefore considered that the proposal is acceptable in design and visual amenity terms.

RESIDENTIAL AMENITY

It is considered that the proposal would not have an adverse impact on residential amenity. The opening up of the area to facilitate internal access would reduce activity on Hangleton Lane which would benefit local residents.

GAPS BETWEEN SETTLEMENTS (POLICY SD SP3, EMERGING LOCAL PLAN)

The site lies within the defined Angmering to Worthing Gap as set out in policy SD SP3 of the Emerging Local Plan. Development will only be permitted if it (a) would not undermine the physical and/or visual separation of settlements (b) it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development; (c) it cannot be located elsewhere. It is considered that given the position of the proposal behind the existing car showroom the opportunity to view the approved vehicle storage would not be significantly increased and the integrity of the Gap would not be undermined or erode the rural appearance of the site.

FERRING PARISH NEIGHBOURHOOD PLAN 2014 - 2029

The application site is within Policy 7: Land North of Littlehampton Road within the Neighbourhood Plan. This states that any development shall minimise visual impacts on the surrounding countryside. The proposal would not significantly open up views and is not therefore contrary to this policy requirement.

HIGHWAYS AND PARKING

West Sussex County Council Highways department have no objection to the proposal in terms of highway safety. Indeed they note that a less intensive use of the public highway will result.

It is therefore recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

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 1555=11B, 155/10, 1555/7, 1555/20 and 1555/313.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the remaining flint wall to the rear of the garage, indicated for retention on the plans shall be retained in perpetuity.

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

- 4 The use hereby permitted shall be limited to staff access to and from the adjoining premises and does not purport to grant consent for car transporter access.

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

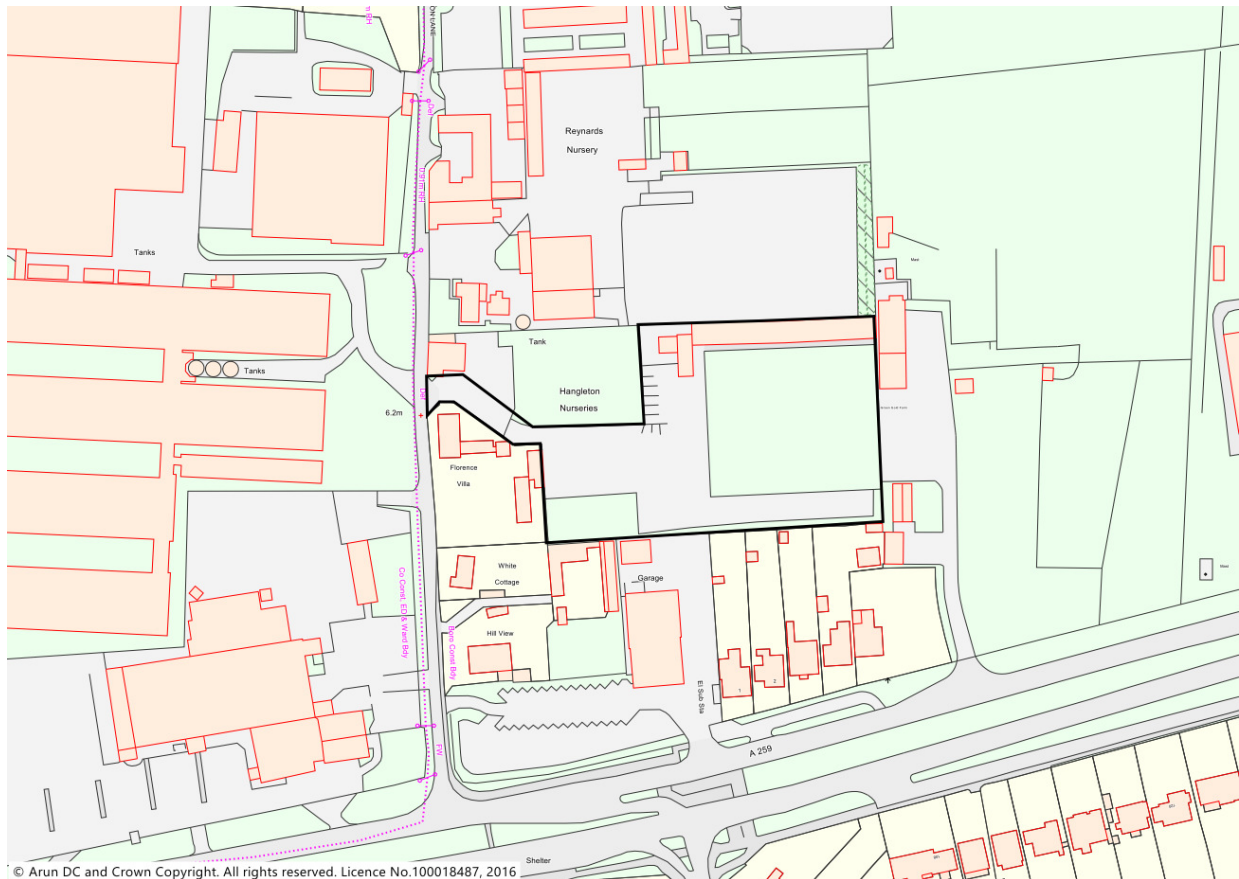
- 5 The gates shall not be left open when employees are not present on the site.

Reason: To safeguard the visual amenities of the locality in accordance with Arun District Local Plan policy GEN7.

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

FG/103/16/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/104/16/PL

LOCATION: Hangleton Nurseries
Hangleton Lane
Ferring
BN12 6PP

PROPOSAL: Erection of 3m high security fence around the previously approved car compound, amendments to existing storage buildings & associated lighting.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. This application seeks amendment to the previous permission, with the erection of a secure compound and minor changes to the elevations of the existing buildings on the site. The proposed amended materials are detailed on the submitted plans. The proposal would involve the erection of a 3 metre high fence around the perimeter of the compound. The fence will be located 11 metres in front of the existing buildings and 1.5 metres from the existing flint wall. It would extend 51m by 58m.

Lighting is also included within the application. It will be provided by Iquzzini lighting manufacturers (who provided the lighting for the new display forecourt). The lighting proposed is based on an average lux level of 10 lx, with a maximum of 19 lx, which is generally deemed acceptable for rural car parks. The 31 light fittings will match those on the display forecourt, which are designed to control light spillage to a high degree, to ensure that there is no light spillage onto the adjacent sites. Each lighting column would be 6m high. The application includes a Lighting Statement.

It is the applicant's intention for the lights to be operated by time clock with a PIR override for security purposes. The lights would be required to operate in accordance with the site's hours of operation (08:00 to 18:00hrs Monday to Friday and 08:00 to 13:00hrs on Saturdays). The applicant would accept this being conditioned accordingly.

SITE AREA 0.87 hectares

RESIDENTIAL DEVELOPMENT DENSITY N/A

TOPOGRAPHY Predominantly flat.

TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing at approximately 1.8m in height along the western boundary with a tree line and fencing above 2m in height along the northern boundary. Walling part of which is in flint and trees above 2m in height along the eastern and southern boundaries.
SITE CHARACTERISTICS	The site is mainly devoid of structures and the majority laid in concrete hardstanding. There are aggregate piles situated towards the northern and eastern boundaries of the site. A number of metal storage containers are positioned along the western boundary.
CHARACTER OF LOCALITY	Predominantly residential in character in a rural setting. There is a car sales garage to the south which has recently been extended and a farm to the east. Greenhouses and horticultural uses exist to the north. The dual carriageway stretch of the A259 to the south. Hangleton Lane passes the site to the west which is a rural road and becomes a footpath and bridleway to the north providing access to Highdown Hill and the South Downs National Park.

RELEVANT SITE HISTORY

FG/10/16/PL	Erection of a wash-down area adjacent to existing wash-down bay including a connection to existing interceptor at adjacent car dealership premises.	ApproveConditionally 31-03-2016
FG/9/16/PL	Variation of condition 6 imposed under FG/45/15/PL relating to use of site.	ApproveConditionally 31-03-2016
FG/8/16/PL	Variation of condition 7 imposed under FG/45/15/PL to extend the use of the site hours.	ApproveConditionally 31-03-2016

The use of the site for the storage of vehicles has been allowed on appeal and the principle of the use cannot therefore be considered as part of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - The proposal to erect 3m security fencing will impact on the surrounding area and will further industrialise the area. In addition the associated lighting will cause unnecessary light pollution in a rural location.

This proposal is contrary to the Ferring Neighbourhood Plan and this is a departure from the development plan. This is agricultural land and should remain so.

1 Objection from Local Group - Ferring Conservation Group objects to this application which, in combination with FG/103/16, continues the intensification of the commercial use of this site far beyond the B8 Storage use that was applied for originally and allowed by the Inspector. Had the applicants made a comprehensive planning application for the way they now want to use the site, instead of a series of piecemeal changes, it seems very unlikely that an appeal against Arun DC's refusal would have been upheld. Furthermore, the 3-metre fence and lighting will represent a much greater intrusion on the amenities of Florence Villa.

1 Objection - this is a piecemeal addition to the original application, for matters which were obvious and referred to at the first application. Trust it will be remembered that the original public statement in this matter assured us all that lighting would only be on in normal working hours. It is hoped the 10ft fence will be of sensitive material and not resemble a prison camp. Prevention of theft and vandalism were specifically mentioned at early stages of this series of applications.

COMMENTS ON REPRESENTATIONS RECEIVED:

The use of the land for storage cannot be considered as part of this application. Permission for this use has already been granted on appeal. The lighting proposed is acceptable to environmental health in relation to the impact on residential amenity.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. It is noted that the hours of use on this site are restricted to 08.00 - 18.00 Monday - Friday and 08.00 - 13.00 on Saturdays. Providing the hours of use and operation of the proposed lights do not exceed these times and the lighting installed is as set out in the lighting assessment accompanying the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The details of the lighting assessment are recommended to be conditioned as part of the recommended approval.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary
Gaps Between Settlements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV8	Cirumstances in which Additional Development may be Permit'd
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

- C SP1 Countryside
- D DM1 Aspects of Form and Design Quality
- SD SP3 Gaps Between Settlements
- T SP1 Transport and Development
- EMP DM1 Employment land: Development Management

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

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policy 7 ' Land North of Littlehampton Road, encouragement of existing rural business' of Ferring Neighbourhood Plan is relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

SITE HISTORY

The permitted use of the site was for horticultural use which included the production of compost. The nursery use ceased in approximately 2000 and since then the site has been largely vacant with just the buildings on site being used for storage. However the site has recently been the subject of an allowed appeal against FG/45/15/PL and car storage has been permitted. Further, use of buildings for associated storage was approved under FG/9/16/PL

POLICY PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is unacceptable unless it complies with relevant Local Development Plan policies. The principle of the use of the site has been allowed at appeal and only the impact of the proposed minor amendment to buildings, fence and lighting can be considered as part of this application.

GAPS BETWEEN SETTLEMENTS (POLICY SD SP3, EMERGING LOCAL PLAN)

The site lies within the defined Angmering to Worthing Gap as set out in policy SD SP3 of the Emerging Local Plan. Development will only be permitted if it (a) would not undermine the physical and/or visual separation of settlements (b) it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development; (c) it cannot be located elsewhere. It is considered that the fence and lighting would not compromise or harmfully undermine the integrity of the Gap. There would be no additional erosion of the rural appearance of the site beyond that resulting from the approved car storage. The compound was allowed at appeal.

FERRING PARISH NEIGHBOURHOOD PLAN 2014 - 2029

The application site is within Policy 7: Land North of Littlehampton Road, within the Neighbourhood Plan. The use of the site for storage of cars has been permitted on appeal and the building proposed would be used in association with this permitted use. The land is not therefore agricultural, horticultural or horse-related and as such this part of the policy does not apply.

DESIGN AND VISUAL AMENITY

The external changes to the buildings are not significant. Changes to the roof material from asbestos to cladding with amended design and position of roof lights in the north elevation and the provision of roller shutters would have no adverse impact on the appearance of the buildings and would not increase their visual prominence.

The DualGuard security fencing would comprise posts by Zuan Limited powder coated dark green. The fencing would be well contained within the site, set well away from the north and western site boundaries and any nearby roads and public vantage points. It would surround the approved storage compound of 70-100 cars providing on-site security which the agent has advised is paramount for a business of this size and it would help to screen the car storage and reduce glare when viewed from the lower slopes of Highdown hill to the north.

As the site is located in an unlit area, lighting is required to provide a safe environment for staff to access vehicles and the proposed parking bays. Through its design the impact of the lighting has been minimised. The proposed light fittings are specifically designed for low traffic roads in residential areas. The luminaries emit a glare-free uniform distribution of light onto the task (compound) area. The submitted Lighting Statement states "Sky Glow" will be non-existent as the chosen light fittings emit no light vertically when set at 0 degree uplift.

The lamps chosen for the lights are low intensity 25w LED units which will ensure that upward reflected light from the surfaces located below the lights will be minimised. As the light fittings will be set in the 0 degree uplift position the visual intrusion within the landscape will be minimised.

The main beam angle for all of the pole mounted lights will be below 70 degrees which will ensure that glare will be kept to a minimum for any potential observer outside of the site boundaries.

The lighting levels set for both the parking/storage areas have been set at a low level to ensure that the compound is not over lit and does not cause obtrusive light or waste energy use.

The lighting hours of operation are conditioned to be restricted to the hours of business which would be 08:00hrs to 18:00hrs Monday to Fridays and 08:00hrs to 13:00hrs on Saturdays. There will be no lighting on Sundays or Bank Holidays.

The lighting proposed is based on an average lux level of 10 lx, with a maximum of 19 lx, which is generally deemed acceptable for rural car parks. The light fittings will match those on the display forecourt, which are designed to control light spillage to a high degree, to a point where it can be ensured that there is no light spillage onto the adjacent sites. These details are considered acceptable by the Council's Environmental Health department and it is proposed that they be secured by way of condition.

It is therefore considered that the proposal is acceptable in visual amenity terms.

RESIDENTIAL AMENITY

The proposed security fencing will surround the existing arrangement of stored cars which is

positioned close to the south eastern corner of the site. It is required for reasons of security and its location is predetermined by the location of the previously approved car compound.

The closest nearby properties are positioned along the A259. These properties have relatively long rear gardens with the dwellings being set away some distance from the site. The proposed security fencing will be of a high quality design and will not result in demonstrable harm to the residential amenities of any neighbouring property by way of loss of light or overbearing effect.

The lighting plots confirm that the compound area is not "over lit" and that a uniformity of lighting is achieved which ensures that distracting highlights and lowlights are avoided that could be obtrusive and potentially a nuisance to neighbouring properties.

Properties along Hangleton Lane are sufficiently distant so as not to be harmfully affected. It is considered that the proposal would not cause demonstrable harm to any neighbouring properties by way of light pollution. Spill light has been satisfactorily minimised to ensure that obtrusive light is not generated and does not cause a nuisance to the occupants of the neighbouring properties. Environmental health have no objection to the proposal.

It is therefore recommended that the application be 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).

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 and Elevations 1555/12 revA, External Lighting Layout revA, Proposed Storage Sheds Plans and Elevations 1555/7.

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.

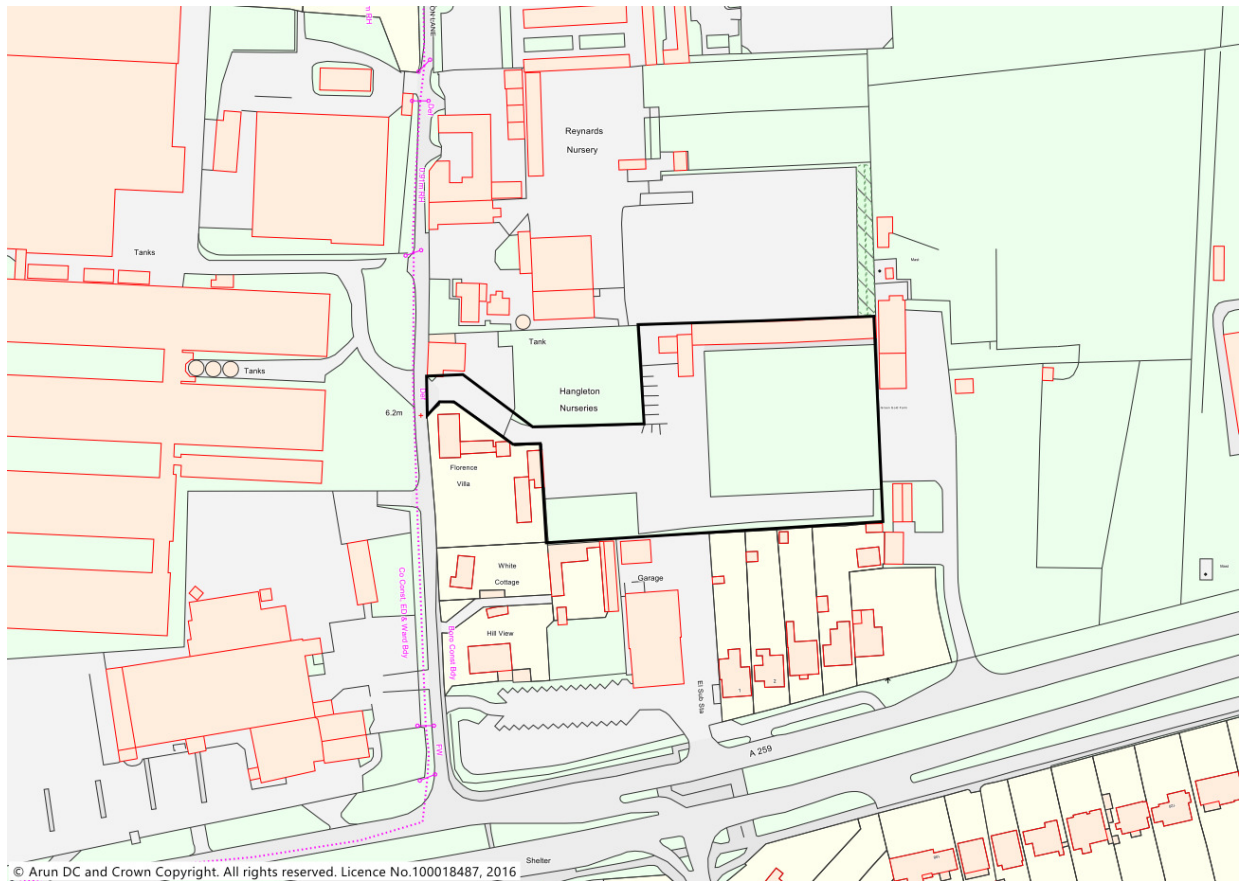
- 3 The lighting shall be provided in accordance with the details included in the Lighting Report dated 01-07-2016, Peugeot Ferring Rev A and the Lighting Statement and shall not be operated except between the hours of 08.00 - 18.00 Monday - Friday and 08.00 - 13.00 on Saturdays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, and GEN33.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

FG/104/16/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: M/67/16/PL

LOCATION: 27 Central Drive
Elmer
PO22 7TT

PROPOSAL: Replacement dwelling (revised proposal to M/13/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement 2 storey dwelling with detached double garage and playroom above. The dwelling would provide an additional bedroom. The dwelling has a footprint of 12.4m by 9m with a height of 8.8m. The detached garage has a footprint of 8m by 8.3m and a height of 6.2m with an internal staircase.
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected.
BOUNDARY TREATMENT	Fencing/hedging between 2m and 3m high.
SITE CHARACTERISTICS	Detached single storey dwelling. Painted rendered elevations and shallow pitch felted roof. The main garden area is to the north of the dwelling. The existing garage has a low pitch roof and is located in the north west corner of the site.
CHARACTER OF LOCALITY	Predominantly residential. Detached dwellings of varying design, height and proportions.

RELEVANT SITE HISTORY

M/13/16/PL	1 No. replacement dwelling & detached garage.	Refused 21-04-2016
M/23/71	Sun lounge	Approve 19-05-1971

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection - Overall mass, height and scale is out of keeping with surrounding properties.

- . Over development of site
- . Concerns regarding construction vehicle site access and parking, damage to roads.

Elmer Beach Residents Association - No Objection. The normal primary vehicle access route to the property is via a narrow twitten from Central Drive. Access to and from the site for demolition and rebuilding should be from the eastern end of the estate and then across shingle. Parking on estate roads is not permitted. Wish to be assured that drainage arrangements are adequate.

3 objections - The East elevation ground floor kitchen window will be in line with neighbour's 2 bathroom windows both upstairs and downstairs and will overlook both of them. It will be particularly undesirable as baths themselves are directly under the window itself so privacy will be gone completely when using both bathrooms. It is understood that the bathroom window on the application upstairs would use obscure glazing. Likewise, would also like to see a higher obscure screen at the east end of the balcony upstairs leading out from the bedrooms and sitting room.

Access is extremely restricted with no feasible direct access for heavy delivery vehicles or skips other than along the beach. Without using the beach the demolition of existing and construction of the new property will cause disproportionate disruption to a number of neighbouring properties along with severe obstruction on the narrow private roads of the Estate. Even use of the beach will impact upon beach frontage properties but this is less than would be the case if all deliveries have to be made in Central Drive itself. Unacceptable disruption to neighbours during construction has been established as a planning consideration in many Central London properties who wished to extend at basement level.

Request permission be granted only if access is strictly from the beach except for those vehicles small enough to access the site itself directly, leaving the twitten completely clear at all times as the important emergency access to the beach which has in the not too far distant past proved vital. Since access from the beach will inevitably mean damage to the tamarisk hedge which is a sea defence. Request a requirement that Tamarisk hedge be fully reinstated upon completion of works.

Object unless the owners of 27 Central Drive give clear and binding undertakings to the Elmer Beach Residents Association, as follows:

- 1) Undertake to employ efficient works management and site supervision to ensure that their builders behave responsibly, decently (without loud foul language) and do not prolong the work unnecessarily by absenteeism - while the property owners reside comfortably elsewhere.
- 2) Undertake to ensure that there is no damage by vehicles, light and/or heavy, to the fragile ecosystem of the seriously eroding beach foreshore, by access to the foreshore via the locked gateway reserved exclusively for Emergency access to the beach.
- 3) Undertake to ensure that the builders do not put adults, children and pets at risk by driving vehicles, light and/or heavy, on the foreshore and/or estate roads.
- 4) Undertake to make good on any damage caused to privately maintained roads of the private estate, and do not seek to evade responsibility for extra wear and tear caused by heavy vehicles using the roads, by failing to pay the annual subscriptions to the estate funds which

are primarily for road upkeep.

2 No Objections - No objection provided a) height of the planned buildings is no higher than the immediately surrounding properties (eg 35 and 37a Central Drive), b) there is no impact, either temporary or permanent, on access to and enjoyment of the beach, c) any impact or damage to the beach front and private estate roads from this work are rectified by the owners of the site.

It is noted the application states that there are no trees or hedges on the proposed site. However there are trees and hedges. This should be checked before the application allowed to proceed.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal is not considered out of keeping or to represent an overdevelopment of the site. It is larger than the dwelling it replaces, but it is comparable in height and footprint with neighbouring dwellings. There is adequate retained garden space around the proposal which exceeds the dwelling to plot ratio on the site to the east. The submitted street scene demonstrates the dwelling will be no higher than 35 Central Drive to the east.

Damage to roads, obstruction of access to the beach, behaviour of builders and construction and delivery routes to the site are a private matter and not material planning considerations.

None of the hedging and trees on the site are worthy of retention. A condition is suggested to ensure boundary screening is either retained or provided on completion of the development.

Drainage is the subject of a condition.

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection. Informative requested

Drainage Engineer - No Objection. Conditions requested

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
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D SP1 Design

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. Middleton does not have an adopted Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is in the built up area where the principle of a replacement dwelling is acceptable.

PLANNING HISTORY

The application follows a refusal for a 3 storey 4 bed dwelling (M/13/16/PL). The application was refused for the following reason:

'Based on the information submitted with the application, having regard to the width and depth of the dwelling, its proximity to site boundaries and its height and design the proposed dwelling would appear overly dominant and obtrusive in the locality to the detriment of the visual amenities and character of the locality in conflict with policy GEN7 of the Arun District Local Plan and policies DSP1 and DDM1 of the Emerging Local Plan.'

This application reduces the height of the dwelling by 0.5m, hipped the roof and reduced the footprint and overall bulk by reducing the dwelling depth by 4.2m and width by 0.6m.

VISUAL AMENITY AND CHARACTER OF THE AREA

Policy GEN7(ii) of the Arun District Local Plan states permission will only be granted for schemes displaying high quality design and layout. The revised details respect the character of the area. The scale of the property would be readily comparable with adjoining properties. The site is occupied by a modest bungalow and single garage. The dwelling is located in the south east corner of the site and is not readily visible from outside the site. This results in a spacious pattern to the existing development and the perception of space between mainly detached 2 storey properties. The more central position of the dwelling is in keeping with the position of neighbouring properties.

The proposal would not compromise the existing style of development. The height of the dwelling combined with the design, depth and width result in a dwelling of readily comparable footprint and

height. The street scene demonstrates the roof ridge height is no higher than those adjoining, indeed it is lower than the dwelling to the west.

The dwelling to the west occupies a site that has a greater area than the application site and retains space at first floor to its site boundaries of 5m and 6m, which reduces its visual presence. The footprint of this dwelling is appropriate to this larger plot. The application dwelling occupies a smaller and irregular shaped site but a distance of 2m and 4.5m to the site boundaries is retained which helps to maintain the perception of space, particularly at first floor, between the dwelling and site boundaries. The site is adjacent to the seafront and to 2 accesses, one to the east, the other to the west and given its increased height, when compared with the existing dwelling, it would be readily seen from outside the site boundary, but it is not considered that the increased visual presence of the building would result in material harm to the visual amenities of the locality.

RESIDENTIAL AMENITY

The dwelling would be located an acceptable distance from the side and north boundaries to prevent adverse impact on residential amenity from overbearing effects and with restrictive conditions controlling further openings and obscure glazing to those proposed no adverse overlooking impacts would result. The proposed garage has no proposed openings adjacent to the boundary and the roof would pitch away from the northern boundary. The impact on the property to the west is reduced given it would be located adjacent to the area in front of the property that is largely used for vehicle parking and turning. It is considered its impact on residential amenity is acceptable.

With regard to compliance with nationally adopted space standards the internal room sizes are in accordance as is the proposed rear garden all which ensure that this is not an overdevelopment of the site.

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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 20/14/2 1 of 4, 2 of 4, 3 of 4 and 4 of 4.

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

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

- 4 The first floor windows on the east and west elevation of the dwelling and east elevation of the play room/garage shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above the floor of the room.

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

- 5 No development above Damp Proof Course shall take place until details of screening to the balcony sides have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved and the approved screened balcony sides shall be 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.

- 6 The garage/playroom accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 27 Central Drive as a dwelling and shall not be used as a separate unit of accommodation.

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

- 7 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.

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

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

- 9 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

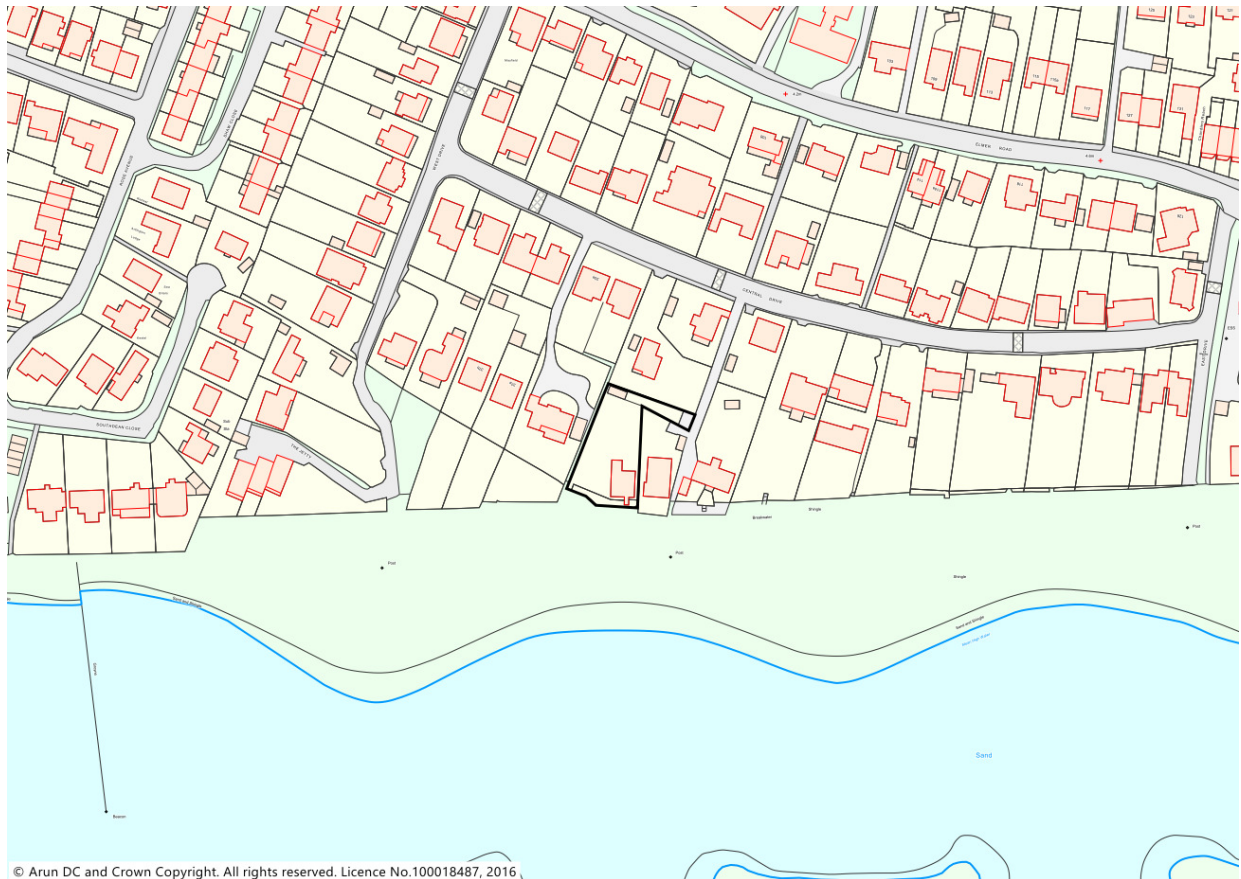
Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 **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.
- 11 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.
- 12 Due to changes in legislation that came into force on 01-10-2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk.
- 13 Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table 'Practical measures to reduce the potential impacts of development'

M/67/16/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 9

DEVELOPMENT CONTROL COMMITTEE

05 October 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

11-10-2016

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/8/16/OUT
Received: 02-09-2016

Land south & west of Barnside & east of pond Hook Lane
Aldingbourne
Outline application with all matters reserved for a residential
development of up to 14 No. dwellings & associated works
including access, landscaping & open space. This application is
a Departure from the Development Plan.

Informal Hearing

PINS Ref: APP/C3810/W/16/3155330

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

AW/93/16/HH
Received: 30-08-2016

Tradewinds 7 Arun Way Aldwick Bay Estate
Proposed garage replacing demolished water tank & garden
room. Resubmission of AW/122/15/HH

Written Representations

PINS Ref: APP/C3810/D/16/3157123

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

BR/84/16/OUT

Received: 04-08-2016

3 Southdown Road Bognor Regis

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

Written Representations

PINS Ref: APP/C3810/W/16/3153767

FG/171/15/PL

Received: 18-08-2016

1 Green Park Ferring

1No. chalet bungalow together with parking & landscaping. Resubmission of FG/24/15/PL

Written Representations

PINS Ref: APP/C3810/W/16/3154452

FG/26/15/OUT

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/W/15/3132939

FG/84/15/PL

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/W/15/3135188

LU/55/15/OUT

Received: 10-05-2016

Land South of The Littlehampton Academy Littlehampton

Application for outline planning permission with some matters reserved for 68 No. dwellings (resubmission following LU/51/14/

Informal Hearing

15-09-2016

PINS Ref: APP/C3810/W/16/3147195

M/123/15/PL
Received: 06-07-2016

Byway House 1 The Byway Middleton-on-Sea
First floor & single storey extensions to South elevation.

Written Representations

PINS Ref: APP/C3810/W/16/3151935

WA/22/15/OUT
Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell
Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

Public Inquiry

01-11-2016

PINS Ref: APP/C3810/V/16/3143095

Y/19/16/OUT
Received: 08-09-2016

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

Public Inquiry

PINS Ref: APP/C3810/V/16/3158261

ENF/199/15/
Received: 03-11-2015

Eastlands Littlehampton Road Ferring West Sussex
Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/C/15/3135180

ENF/192/14/
Received: 30-11-2015

Eastlands Littlehampton Road Ferring
Alleged unauthorised car ports and gazebo

Informal Hearing

14-06-2016

PINS Ref: APP/C3810/C/15/3132558

LOCATION: Land to the south of Ford Lane East of North End Road
Yapton

SUBJECT: 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.

Planning Application Reference: Y/60/14/OUT

Appeal Decision: Dismissed

Date: 13 September 2016

Appeal Procedure: Public Inquiry

Application Decision: Refused

Date: 02 October 2014

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The secretary of state has decided to refuse planning permission in his decision letter dated 13 September 2016. Before summarising his decision, it is first necessary to outline the conclusions the Inspector reached in his report to the Secretary of State.

An inquiry was held in July 2015 and the Inspector wrote his report to the Secretary of State in October 2015. His conclusions were as follows;

- The appeal should be allowed subject to conditions

Principle

- The proposals would conflict with ADLP policies GEN2 and GEN3. Under NPPF 49, relevant policies for the supply of housing should not be considered up-to-date. Moreover, the Council can at best demonstrate 3 years HLS.
- ADLP policies GEN2 and GEN3 are policies for the supply of housing. They are not only dated but are not up-to-date under NPPF 49. In the event that it is found the proposals would amount to sustainable development, the tilted balance in NPPF 14 would apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. Given the directions in NPPF 49 and NPPF 215, only limited weight should be given to conflict with ADLP policies GEN2 and GEN3. If the only conflict with the development plan arose from these two out-of-date policies, a favourable conclusion with regard to the NPPF should outweigh any such conflict and the scheme should be allowed.
- The published Emerging Local Plan is not just short of its full OAN, it is significantly short. Very limited, if any, weight should therefore be afforded to the eLP's (emerging Local Plan's) housing policies and allocations.
- The new LP will need to find additional housing land. There is as yet no clear indication of where that land will be but, in this context, the policies within the YNP for the supply of housing are no longer consistent with the eLP.

- Although the Independent Examiner was entitled to find the YNP sound at that time, based on the information before him and the PPG, there is now a vacuum in district-wide housing allocation policy which leaves YNP policy BB1 with nothing to underpin it.
- Relevant policies for the supply of housing within the YNP are therefore out-of-date as defined by the NPPF.
- Yapton is one of the more sustainable settlements in the district and it is common ground that the site is a sustainable location for some additional housing.
- YNP policy H1 is a permissive policy which anticipates additional allocations and so there would be no conflict with it.
- To give priority to YNP policy BB1 when the eLP is about to reconsider HLS, and when Yapton is one of the more sustainable settlements in the district, would be to cause unnecessary delay in providing additional housing and meeting the needs of the population of Arun District for adequate housing and affordable housing.
- Local residents have referred to the allocations in the YNP and argued that these provide enough sites for the needs of the village. This was based on earlier needs assessments which no longer apply. As there are no agreed targets for either Arun district or Yapton, no weight can be given to the argument that the YNP would provide the necessary HLS for the village or for its share of the district.
- Arun's NPs have emerged at a time when the adopted ADLP has been growing increasingly out-of-date with its housing policies only running to 2011.
- The proposals expose the tension in the NPPF between the desire for local people to decide on local issues and the need to provide an adequate supply of housing. Neither the Localism Act nor the NPPF suggest that local people should have the power to restrain housing development yet that is what the YNP seeks to do and was one of the main aims in its production.
- Dismissing the appeal might be a very short lived victory for local residents given the likelihood that the eLP will need to find additional housing sites and that, other than policy conflict and local opposition, the proposals would not cause significant harm and not cause any harm that is not likely to be caused elsewhere if this site is not developed for housing.

Other Matters

- The scheme would change an open field into a housing estate. There would be a loss of countryside. It is a pleasant field with some open views and its loss would therefore be likely to cause some harm to the character and appearance of the immediate area. In the absence of further details, it should be assumed that the overall effect on the landscape character of the site itself would be harmful.
- Subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area.
- Overall, there would be some localised harm to the character and appearance of the locality but there would be no significant harm to the wider landscape. Moreover, given the need for much more housing in the district, and so the need for greenfield land to meet this demand in any event, the likely net harm to the district would be nil.
- The contribution which the setting makes to the significance of the church would be unaffected by the changes within an area of that setting in which only part of the church tower can be experienced. The proposals would therefore preserve the special architectural and historic interest of St. Mary's Church and its setting.
- Subject to reserved matters, the houses would stand well beyond the conservation area and separated by open space and landscaping. For these reasons, the scheme would not affect the significance of this designated heritage asset or the character or appearance of the conservation area, which would be preserved.
- A pre-condition requiring further investigation would be proportionate while still safeguarding possible remains. Subject to a condition, the scheme would accord with ADLP policy AREA17.

Planning Obligation

- The Artificial Pitches Contribution would be put towards the cost of funding additional 3G artificial turf pitches at Littlehampton Leisure Centre. This is a costed project for the leisure centre serving the catchment area. The Sports Hall contribution would be towards a major makeover of the same centre to increase activity space and provide a better experience. The Swimming Pool Contribution would be put towards increasing the pool capacity there from 6 to 8 lanes. All these would satisfy the CIL tests.
- No detailed justification was put forward for the NHS Contribution and no defence for this was offered in evidence. Consequently, the NHS contribution would not meet the statutory tests

Secretary of State Decision

- The Secretary of State disagrees with the Inspector's conclusions.
- The Secretary of State agrees that the proposals would conflict with ADLP policies GEN2 and GEN3. He notes that it is agreed that the Council cannot demonstrate a 5 year housing land supply (HLS). As such he agrees with the Inspector that these policies cannot be considered up to date pursuant to paragraph 49 of the Framework.
- Given the directions in paragraphs 49 and 215 of the Framework only limited weight should be given to the conflict with these policies.
- The Secretary of State has considered the emerging Local Plan (eLP) against the provisions of paragraph 216 of the Framework. He notes its early stage of preparation, the unresolved objections to it, and its significant shortfall in its OAN, contrary to the Framework. He further agrees that there is no certainty as to where future housing allocations will be made by the eLP.
- He notes that Policy H1 states that "additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed." As such he concludes that while the YNP is currently underpinned by an outdated OAN, Policy H1 has flexibility to allow any shortfall in housing supply to be met. As such he gives significant weight to the housing policies of the YNP.
- He agrees that policy BB1 is out of date in the absence of a 5 year HLS. However, given his conclusions on Policy H1 he gives it significant weight.
- The Secretary of State considers that neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of Framework paragraphs 198 and 185, and his guidance on neighbourhood planning that this is the case even in the absence of a 5 year housing land supply, the Secretary of State places very substantial negative weight on the conflict between the proposal and policy BB1.
- The Secretary of State agrees that Yapton is one of the most sustainable settlements in the District, and that the site is in a sustainable location for additional housing
- He does not agree that the potential delay to the provision of additional housing means that priority should not be given to policy BB1, given his findings on neighbourhood planning and taking into account the provisions of paragraph 198 of the Framework.
- He does not agree with the Inspector's conclusions at IR11.16 that the weight to be given to the need for additional housing in Arun district, including Yapton, should be given considerably more weight when balanced against YNP policy BB1, given his findings on neighbourhood planning.
- The appeal proposal is not in accordance with the Development Plan as a whole, including the Neighbourhood Plan, given the conflicts he finds with policies BB1, E1, GEN2 and GEN3. He has therefore gone on to consider whether there are any material considerations which might nevertheless justify allowing the appeal. The district does not have a 5 year supply of deliverable housing sites so paragraph 49 of the Framework is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- He weighs the harms caused by conflict with the YNP and the provisions of paragraph 198 of the Framework against the benefits of the proposal, as set out by the Neighbourhood Planning Guidance he has issued. He gives very substantial weight to this conflict. As such he concludes that the proposal does not comply with the social element of sustainability, and he gives very

substantial weight to this against the proposal.

- He agrees that, subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area.
- Other than the loss of open countryside at the edge of a settlement there would be no significant harm to the character and appearance of the area or the wider landscape
- There is no evidence that the significance of St Mary's Church would be harmed by the proposal.
- The contribution which the setting makes to the significance of St Mary's church would be unaffected by the changes within an area of that setting in which only part of the church tower can be experienced. As such he agrees with the Inspector that the proposal would preserve the special architectural and historic interest of St. Mary's Church.
- The scheme would accord with ADLP policy AREA17.

APPLICATION FOR COSTS MADE/REASON

Yes

COSTS AWARDED

Partial.

Archaeological interest could be dealt with by a condition. This behaviour was unreasonable. While the proof of evidence needed to be prepared to explain the approach, a significant amount of Inquiry time was expended unnecessarily in dealing with this objection. Unreasonable behaviour resulting in unnecessary expense has therefore been demonstrated

Background Papers: Y/60/14/OUT

Contact: Mr N Crowther

Telephone: 01903737500 Ex 37839



Department for
Communities and
Local Government

Mr Paul Collins
Phoenix Planning Consultancy
Forum House
Stirling Road
Chichester
PO19 7DN

Our Ref: APP/C3810/A/14/2228260

13 September 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEAL
KEITH LANGMEAD LIMITED
LAND TO THE SOUTH OF FORD LANE, EAST OF NORTH END ROAD, YAPTON**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, David Nicholson RIBA IHBC, who carried out an inquiry between 7-10 July 2015 into your client's appeal against a decision of Arun District Council ('the Council') to refuse outline planning permission 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 vehicle access from Ford Lane and pedestrian/cycle access only from North End Road, in accordance with application Ref Y/60/14/OUT, dated 27 June 2014.
2. The appeal was recovered for the Secretary of State's determination on 8 September 2015, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal involves residential development of over 10 dwellings in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority: or where a neighbourhood plan has been made.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. An application for an award of costs in regard to this appeal was made by the appellant against the Council. This application is the subject of a separate costs decision letter, also being issued today.

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5. The Secretary of State has had regard to correspondence submitted too late to be considered by the Inspector, as set out in the Annex to this letter. He has carefully considered these representations but, as they do not raise new matters that have affected his decision, he has not considered it necessary to circulate them to all parties.
6. On 9 May the Secretary of State wrote to the appellant and the Council seeking further representations. The matter was:

the implications, if any, of the Court of appeal judgment in the cases of Suffolk District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council & Secretary of State for Communities and Local Government [2016] EWCA Civ 168.
7. As the representations were circulated to the parties the Secretary of State has not found it necessary to reproduce them here. Copies of all representations received can be made available on written request to the address at the foot of the first page of this letter.

Policy and Statutory considerations

8. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Arun District Local Plan (ADLP) adopted in 2003, and the Yapton Neighbourhood Plan (YNP) made on 5 November 2014. The Secretary of State agrees that the most relevant policies in this case are those set out by the Inspector at IR3.3-4 and IR3.14-16.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework'), the planning guidance published in March 2014 and the Community Infrastructure Levy (CIL) Regulations 2010 as amended and the Guidance on Neighbourhood Planning issued 19 May 2016.
10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest which they may possess. The Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance conservation areas, pursuant to section 72(1) of the LBCA Act.

Main issues

11. The Secretary of State agrees with the Inspector that the main considerations in this appeal are those set out at IR11.1.

Development plan context

12. The Secretary of State has noted the Inspector's assessment of the Development Plan context as set out at IR11.2-3. He agrees that the relevant elements of the Development Plan are those set out at IR11.2.

Arun Local Plan

13. The Secretary of State agrees that the proposals would conflict with ADLP policies GEN2 and GEN3 (IR11.4). He notes that it is agreed that the Council cannot demonstrate a 5 year housing land supply (HLS). As such he agrees with the Inspector (IR11.4) that these policies cannot be considered up to date pursuant to paragraph 49 of the Framework. He notes the Inspector's conclusions at IR11.5 but does not agree with his interpretation. In considering the provisions of paragraph 14 of the Framework he concludes that the paragraph should be used as part of the assessment of whether the development is sustainable. However, he agrees with the Inspector, that given the directions in paragraphs 49 and 215 of the Framework only limited weight should be given to the conflict with these policies.

Emerging Local Plan

14. The Secretary of State has considered the emerging Local Plan (eLP) against the provisions of paragraph 216 of the Framework. He notes its early stage of preparation, the unresolved objections to it, and its significant shortfall in its OAN, contrary to the Framework. He further agrees that there is no certainty as to where future housing allocations will be made by the eLP.

The Yapton Neighbourhood Plan

15. The Secretary of State has carefully noted the Inspector's analysis at IR11.7-16 but he does not agree with his conclusions. He agrees with the Inspector (IR11.8) that the housing policies in the eLP are at an early stage. He notes that the Independent examiner found the Yapton Neighbourhood Plan sound (IR11.9), and he thus finds it complies with the Framework. He notes that Policy H1 states that "additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed." As such he concludes that while the YNP is currently underpinned by an outdated OAN (IR11.9), Policy H1 has flexibility to allow any shortfall in housing supply to be met. As such he gives significant weight to the housing policies of the YNP.
16. The Secretary of State finds that the proposal is in conflict with Policy BB1, as it is not in the built up area boundary and does not fall within any of the exemptions listed in the policy. He agrees that policy BB1 is out of date (IR11.10) in the absence of a 5 year HLS. However, given his conclusions on Policy H1 at paragraph 15 above he gives it significant weight. The Secretary of State considers that neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of Framework paragraphs 198 and 185, and his guidance on neighbourhood planning that this is the case even in the absence of a 5 year housing land supply, the Secretary of State places very substantial negative weight on the conflict between the proposal and policy BB1.
17. He further disagrees that the weight to be given to this conflict would be reduced even further although this decision is issued after 12 months from the YNP being made, because he concludes that the Inspector has misinterpreted paragraph 214 of the Framework, as the 12 month period applies to the publication of the Framework itself, not the YNP.
18. The Secretary of State agrees that Yapton is one of the most sustainable settlements in the District, and that the site is in a sustainable location for additional housing (IR11.11). He notes that no evidence was given as to the probability that the allocations identified

in the YNP, or elsewhere in the district, will come forward within 5 years. He agrees that there is no conflict with YNP policy H1, for the grounds set out by the Inspector at IR11.11. However, he does not agree with the Inspector's conclusion that, given the only conflict is with YNP policy BB1, the weight to be given to conflict with the YNP as a whole should be no more than limited for the reasons set out at paragraphs 15-16 above.

19. The Secretary of State has noted the Inspector's conclusions at IR11.12. However, he does not agree that the potential delay to the provision of additional housing means that priority should not be given to policy BB1, given his findings on neighbourhood planning and taking into account the provisions of paragraph 198 of the Framework.
20. The Secretary of State disagrees with the Inspector at IR11.13 that no weight can be given to the suggestion that the YNP has made adequate provision for housing land, and that policy BB1 is partially compliant with the Framework, for the reasons given at paragraphs 15-16 above. The Secretary of State has given careful consideration to the Inspector's observations at IR11.15.1-11.15-17. However, he does not agree with the Inspector's conclusions at IR11.16 that the weight to be given to the need for additional housing in Arun district, including Yapton, should be given considerably more weight when balanced against YNP policy BB1, given his findings on neighbourhood planning.

Landscape

21. For the reasons set out at IR11.17-8 the Secretary of State agrees that the overall effect on the landscape character of the site itself would be harmful. However, for the reasons given at IR11.19 he agrees that, subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area. He gives this limited weight.
22. The Secretary of State accepts, for the reasons set out by the Inspector at IR11.20 that the documentation provided by the appellant on the impact on landscape character is adequate.
23. For the reasons given at IR11.21 the Secretary of State agrees that the impact of the scheme on the views of church towers should be given limited weight.
24. The Secretary of State has given careful consideration to the Inspector's analysis at IR11.7-24. The Secretary of State further agrees that, subject to reserved matters, there would be no conflict with ADLP policy GEN7. He agrees that other than the loss of open countryside at the edge of a settlement there would be no significant harm to the character and appearance of the area or the wider landscape, or conflict with paragraph 17 of the Framework. However, he does not agree (IR11.25) that the conflict with the YNP and the conflict with ADLP policies GEN2 and GEN3 and any harm to the countryside by way of policy should not outweigh the benefits of additional housing and affordable housing, given his findings on Neighbourhood Planning.

Heritage

25. For the reasons given by the Inspector at IR11.27-30 the Secretary of State agrees that that there is no evidence that the significance of St Mary's Church would be harmed by the proposal. He further agrees, for the reasons set out at IR11.31, that the information provided by the appellant on the settings of heritage assets is comprehensive and the level of analysis is enough for a proper assessment of the setting. He agrees that the scheme would not impact on Church House and Park Lodge, for the reasons given at IR11.32.

26. The Secretary of State therefore concludes that the contribution which the setting makes to the significance of St Mary's church would be unaffected by the changes within an area of that setting in which only part of the church tower can be experienced. As such he agrees with the Inspector (IR11.33) that the proposal would preserve the special architectural and historic interest of St. Mary's Church and its setting, and that thus the tests in paragraphs 132-134 of the Framework are not relevant and that the proposals would accord with s66 of the LBCA. He further agrees that there would be no conflict with the relevant eLP policies or with YNP policy E9.

Conservation Area

27. The Secretary of State has paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, in line with his duty under s72(1) of the LB Act. For the reasons set out at IR 11.34-36 the Secretary of State agrees that, subject to reserved matters, the scheme would not affect the significance of this designated heritage asset or the character or appearance of the conservation area, which would be preserved. He further concludes that it would accord with historic environment policy in the Framework and that paragraphs 133-4 of the Framework would not apply. He agrees with the Inspector that YNP policy E8 is not relevant as it relates to development within the conservation area.

Archaeology

28. The Secretary of State considers that the level of information provided in the Archaeology Statement was adequate and would comply with paragraph 141 of the Framework. For the reasons given at IR11.37-41 he concludes that a pre-condition requiring further archaeological investigation would be proportionate while safeguarding possible remains. Subject to such a condition, the Secretary of State concludes that the scheme would accord with ADLP policy AREA17. He also agrees that applying a condition would comply with paragraph 128 of the Framework.

Benefits

29. The Secretary of State has considered the Inspector's conclusions at IR 11.43 and agrees that the provision of up to 100 dwellings, up to 30% of which would be affordable, would be benefits of considerable weight. He further notes that the site is agreed to be a sustainable location (IR11.44). He has considered the Inspector's consideration of landscaping at IR11.45, and agrees that while the potential benefits of these would be advantageous, they should more properly be considered as mitigation than as benefits.

Other matters

30. The Inspector has considered the engagement with the community with regard to this application, as discussed by the Inspector at IR11.46, and concludes for the reasons given that this was adequate.

31. The Secretary of State notes that the statutory authorities have assessed any additional pressures on infrastructure, roads and the school as acceptable subject to conditions and contributions. He further notes the Inspector's conclusions (IR11.46) that traffic congestion at school drop-off and pick-up times were not exceptional for roads outside a school in southern England.

32. The Secretary of State has considered the Inspector's comments (IR11.47) that no evidence was put forward at the inquiry that the site provides any significant habitat for either protected or non-protected species other than in the field margins where the trees

and hedges would be retained and enhanced. As such he agrees that there would be no conflict with YNP policies E3, E4, E5 and E6.

Overall conclusions

33. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, the Secretary of State concludes that, for the reasons outlined above, the appeal proposal is not in accordance with the Development Plan as a whole, including the Neighbourhood Plan, given the conflicts he finds with policies BB1, E1, GEN2 and GEN3. He has therefore gone on to consider whether there are any material considerations which might nevertheless justify allowing the appeal. The district does not have a 5 year supply of deliverable housing sites so paragraph 49 of the Framework is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
34. The Secretary of State has considered the Inspector's conclusion at IR11.48, and agrees for the reasons given that the site is in a sustainable location. He further agrees that, subject to mitigation, the proposal would not cause any significant harm to the landscape or biodiversity (IR11.49). He agrees that the loss of countryside and productive agricultural land counts against the scheme but agrees that the weight given to this, and to the conflict with SDLP policy GEN3 and NP policy E1, should take into account the fact that such land would be lost to housing both under the YNP locations and elsewhere in the district in any event if its housing needs are to be met. He further agrees for the reasons set out above that there would be no harm to heritage assets, and no conflict with adopted PSG criterion 2.3 with regard to the effect on a conservation area.
35. The Secretary of State agrees that only limited weight can be given to its detailed design and the benefits which should flow from conditions and the obligation should be more properly considered as mitigation (IR11.50). He further agrees that the illustrative layout, which could be required through reserved matters, indicates a scheme which would be well integrated, legible and permeable by walking and cycling, and agrees that some weight should be given to this. Overall he finds, in agreement with the Inspector, that the environmental effects would be neutral.
36. The Secretary of State has noted the Inspector's conclusions at IR11.51 and IR11.55. However, he does not agree, given his findings on neighbourhood planning. As such, he weighs the harms caused by conflict with the YNP and the provisions of paragraph 198 of the Framework against the benefits of the proposal, as set out by the Neighbourhood Planning Guidance he has issued. He gives very substantial weight to this conflict. As such he concludes that the proposal does not comply with the social element of sustainability, and he gives very substantial weight to this against the proposal.
37. The Secretary of State gives significant weight to the benefits of the provision of housing, and further significant weight to the provision of affordable housing. He also gives moderate weight to the fact that the proposed development is in a sustainable location.
38. Against this he gives very substantial weight to the conflict with YNP policy BB1, in line with the provisions of paragraph 198 of the Framework, given his conclusions on neighbourhood planning. He gives limited weight to the adverse impact to the character

and appearance of the field, and further limited weight to the loss of agricultural land. He gives moderate weight to the conflict with ADLP policies GEN1 and GEN2.

39. He therefore concludes that the identified adverse impacts of this proposal would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole. The Secretary of State concludes that the appeal should fail.

Conditions

40. Having considered the Inspector's reasoning and conclusions on conditions, as set out at IR9.1-7, and the conditions which he proposes in Annex C to the IR, the Secretary of State is satisfied that, in the form recommended by the Inspector, they are reasonable and necessary and would meet the tests of paragraph 206 of the Framework and the guidance. However, he does not consider that they overcome his reasons for dismissing this appeal.

Obligations

41. The Secretary of State agrees with the Inspector that the contributions outlined at IR10.1-8 are all necessary to make the development acceptable in planning terms (IR10.2) and that the s106 would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. However, he does not consider that they overcome his reasons for dismissing this appeal.

Formal Decision

42. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for outline planning permission 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 vehicle access from Ford Lane and pedestrian/cycle access only from North End Road, in accordance with application Ref Y/60/14/OUT, dated 27 June 2014.

Right to challenge the decision

43. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the day after that date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
44. A copy of this letter has been sent to Arun District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Phil Barber

Authorised by Secretary of State to sign in that behalf

ANNEX

Representations received too late to be considered by the Inspector

Name	Date of correspondence
J M Williams	Undated
Paul Every	Undated
Joshua McClelland	Undated
G Weymouth	Undated
N R Roberts	Undated
M J Walker	Undated
Robina Every	Undated
Sean B Murphy M.B.E.	Undated
Timothy Calnan	Undated
Angela Picknell	Undated
Richard Roberts	Undated
Julie McClelland	Undated
Alison Newman	Undated
Ella M Page	Undated
Anne Brearley-Smith	Undated
Mr & Mrs C M Thomas	Undated
Peter J. Sargent	Undated
D Harley	Undated
D & A Pannett	Undated
C & S Taylor	Undated
K. M Chenery and S.L Heaver	Undated
Mr & Mrs R R Neaven	Undated
Marilyn & Paul Hammerton	Undated
A.V.Boxall	Undated
Nick, Julie, Thomas & Emelia Hopkins	Undated
P.E.Mills	Undated
E Cordingley	Undated
E.M Godber	Undated
Jon McClelland	Undated
Julie McClelland	Undated
John Knight	Undated
S A Coomber & Barbara Coomber	Undated
Elle & Graham Coomber	Undated
G V Aldis	Undated
Mrs J E Lott	Undated
Mr P Collins	24 June 16

Report to the Secretary of State for Communities and Local Government

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7 October 2015

TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

APPEAL MADE BY

KEITH LANGMEAD LTD.

Inquiry held on 7-10 July 2015

Land to the south of Ford Lane, east of North End Road, Yapton

File Ref: APP/C3810/A/14/2228260

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GLOSSARY

ADC	Arun District Council
ADLP	Arun District Local Plan
Ax	Appendix
CD	Core document
CLG	Communities and Local Government
DAS	Design and Access Statement
dpa	dwellingings per annum
EIA	Environmental Impact Assessment
EiP	Examination in Public
HLS	Housing Land Supply
ID	Inquiry Document
IR	Inspector's Report
LB&CA	Listed Buildings and Conservation Areas
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MEMP	Mitigation, Enhancement and Management Plan
NPPF	National Planning Policy Framework
OAN	objectively assessed needs
POS	Public open space
ReX	Re-examination
RfR	Reason for Refusal
S66	Section 66 of the Planning (LB&CA) Act 1990
S106	Section 106 of the Town and Country Planning Act 1990
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
T&CP	Town and Country Planning
WSCC	West Sussex County Council
XX	cross-examination

File Ref: APP/C3810/A/14/2228260

Land to the south of Ford Lane, east of North End Road, Yapton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Keith Langmead Ltd. against the decision of Arun District Council.
- The application Ref Y/60/14/OUT, dated 27 June 2014, was refused by notice dated 2 October 2014.
- The development proposed is: 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 vehicle access from Ford Lane and pedestrian/cycle access only from North End Road.¹

Summary of Recommendation: the appeal should be allowed

1. Procedural Matters

- 1.1 At the Inquiry an application for costs was made by Keith Langmead Ltd. against Arun District Council. This application is the subject of a separate Report.
- 1.2 Determination of the appeals was recovered by the Secretary of State (SoS) by way of a direction². The reason for this direction was because the appeal involves a proposal for residential development of over 10 units in areas where a neighbourhood plan (NP) proposal has been made.
- 1.3 A planning obligation in the form of a Unilateral Undertaking was submitted pursuant to section 106 (s106) of the Town and Country Planning (T&CP) Act 1990. I deal with its contents below.
- 1.4 The application was made in outline form except for access. All other matters (appearance, landscaping, layout and scale) were reserved. The application was refused by the Council for 8 reasons³. UDC withdrew its objections with regard to reason for refusal (RfR) 7 on receipt of the s106 obligation. RfR 8 was withdrawn by the Council on 18 December 2014 as the parties agreed that the proposed affordable housing could be secured by means of a condition (see below).
- 1.5 In a screening direction⁴, under the T&CP (Environmental Impact Assessment) (EIA) Regulations 2011, the SoS directed that the development is not EIA development.
- 1.6 The Inquiry sat for 4 days on 7-10 July 2015. I carried out an unaccompanied site visit of the surrounding area before the Inquiry and I conducted an accompanied site visit on 10 July 2015. I saw the traffic near the school before and after 08.45 on 8 July and at around 15.00 on 10 July 2015.

¹ The full description notes that: This application is a Departure from the Development Plan

² Made under Section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990 on 17 November 2014.

³ See Decision Notice, main file

⁴ Dated 9 January 2015, main file

1.7 The Examination Inspector at the emerging Arun Local Plan (eLP) arranged a Procedural Meeting on 16 July 2015, after the last sitting day of this Inquiry, and issued a detailed statement (see below). I held the Inquiry open until 31 July 2015 for any further representations on this meeting, on any objections made to relevant eLP policies, and on the distribution of housing in the eLP. Following the LP Inspector's conclusions and the further representations⁵, I gave instructions for the Inquiry to be closed on 5 August 2015⁶. I summarise the LP Inspector's conclusions in s3 below and the additional comments for each party at the end of each of their cases.

2. The Site and Surroundings

- 2.1 Yapton lies between Barnham, Littlehampton and Bognor Regis. As well as the plan of the appeal site in the application drawings⁷, maps of Yapton can be found in the Design and Access Statement (DAS)⁸ and at the back of the eLP⁹. Relevant features are shown on ID4 and ID5.
- 2.2 It is common ground that Yapton has a range of services within walking distance of the site, including two GP surgeries and a primary school¹⁰. It has a small business base¹¹. The nearest railway station is two miles away at Barnham. The village is served by bus routes from Littlehampton to Bognor Regis and Chichester and from Yapton to Bognor Regis¹². There is a level crossing on North End Road as it heads out of the village to the north.
- 2.3 The site comprises a 6.7 hectare (ha) field between North End Road, Ford Lane and footpath 358. There is essentially ribbon development along North End Road while most of Ford Lane runs between fields. The southern boundary to the site also borders the businesses at the Orchard Business Park and the rear gardens to several houses along Church Lane. It follows that roughly half the site perimeter adjoins existing development and the other half is next to other fields. Further details are set out in the Joint SoCG¹³.
- 2.4 Public footpath 357 crosses the appeal site diagonally from its south-eastern tip (where it joins Public footpath 358) to the north-western corner where it connects to Ford Lane. Public Footpath 358/359 starts in Church Lane as a narrow twitten¹⁴ and continues in a straight line northwards towards its junction with Ford Lane along the eastern boundary of the site and the historic field boundary¹⁵. Footpaths 356 and 359 continue these paths beyond the site. The site lies some 4.36km from the Council's South Downs viewpoint¹⁶.

⁵ Inquiry Document (ID) 27 a&b

⁶ ID28

⁷ See folder on main file

⁸ Core document (CD) 7

⁹ CD19

¹⁰ CD20: Yapton Neighbourhood Plan pp 7-8

¹¹ Ibid para 8.3

¹² Ibid paras 11.5-11.7

¹³ ID14a

¹⁴ a Sussex term for a narrow path between two walls or hedges

¹⁵ See footpath numbers on the OS extract at Collins Ax E1

¹⁶ ID24

- 2.5 The site lies within the Chichester to Yapton Coastal Plain¹⁷ whose characteristics include low lying flat open landscape and long views. In the Arun Landscape Study¹⁸, commissioned to assess the constraints of green field land to accommodate future development, the site is within Landscape Character Area (LCA) 29: North of Yapton Coastal Plain, which is noted as having minor areas of woodland and a minor contribution to the setting of Yapton. It was assessed as of substantial landscape sensitivity but slight landscape value producing a landscape capacity of low/medium. Of the 45 LCAs, only 8 were assessed as having greater capacity with 23 having only low or negligible capacity.
- 2.6 At the local level, the Council agreed¹⁹ that the site's character type was intensive arable farmland with relatively large fields across relatively flat landform. However, it went on to argue that the site itself was most closely akin to that with field boundaries which tend to be ditches and/or fences and weak/remnant hedgerow with few mature trees and long views to the Downs to the north, rather than that of having a well developed structure of hedges, shaws, copses and woodland which break up views across it and give a sense of large scale enclosure.
- 2.7 It is common ground that the site comprises agricultural land which, according to the Soil and Agricultural Land Assessment Study²⁰, is classified as being of Grade 2 quality and the LPA raises no objection to the loss of agricultural land. It is also common ground that the appeal site is not subject to any surface water flood risk as it is situated in Zone 1, as classified by the Environment Agency, and that foul water drainage can be disposed of via the Ford Wastewater Treatment works which serves this part of Yapton. On my site visit I stopped and closed my eyes, as requested, to listen to a skylark.
- 2.8 St. Mary's Church, believed to date from the late 12th to early 13th centuries with few alterations²¹, is listed at Grade I. It is mostly of flint and its tower is surmounted by a shingled timber spirelet of pyramidal form; this is a typical Sussex feature known as a Sussex cap²². The churchyard is surrounded by trees which provide particularly dense cover to the rear between the church and the appeal site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south side of Church Lane are Church House, across the road from the church lych gate, and Park Lodge, further west along Church Lane. The Council raised no concerns with regard to the settings of these other two buildings.
- 2.9 The Yapton (Church Lane) Conservation Area²³ was designated in 1994 and is fairly tightly drawn around the church, Church Farm House and the two listed buildings on the south side of Church Lane. The description identifies its loose grouping of buildings, high substantial flint boundary walling, mature

¹⁷ Sheet SC9 of the West Sussex Land Management Guidelines at McKenzie Ax EDP2 and Collins Ax E6

¹⁸ CD17

¹⁹ McKenzie Ax EDP2: Landscape Character Assessment, paras A2.17-2.20

²⁰ CD35 published by Arun District Council in March 2013

²¹ See the little guide book at ID21 p3

²² Ibid p11

²³ CD27: Description and map; Dr Wightman's appendix 1; and Collins's appendix F

landscaping and chimneys as important features. Church Farm House is an unlisted residential property within the conservation area. The appeal site touches the northern boundary of the Conservation Area where it borders part of the extended garden to Church Farm House beyond the churchyard.

- 2.10 The Yapton Manor/Place print²⁴ provides persuasive evidence that the building once stood to the east of the appeal site, behind Church Farm House, and I was shown an undulation in the field outside the site which might have been the location of its ha-ha or other earthworks. Burndell Road, with a development site at on the eastern side of the village, was subject to an Archaeological Evaluation²⁵.

3. Planning Policy

- 3.1 The T&CP Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Planning (Listed Buildings and Conservation Areas) (LB&CA) Act 1990, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are particularly relevant.
- 3.2 Following the revocation of the WSCC Structure Plan and the South East Regional Plan, the only relevant part of the development plan for the area now comprises the Arun District Local Plan (ADLP), adopted in 2003²⁶ and with many policies saved in 2007, and the Yapton Neighbourhood Plan (YNP) which was made on 5 November 2014. The site is close to, but outside, the built-up area boundaries in the ADLP and in the YNP.
- 3.3 All relevant policies are listed in the SoCG. Particularly pertinent are saved ADLP policies GEN2, GEN3, and GEN7(ii). Policy GEN2 does not permit development outside the built-up area boundaries defined in the ADLP. Policy GEN3 defines areas outside the built-up area boundaries as countryside where development will not be permitted other than in specific circumstances. Policy GEN5 makes provision for new dwellings up to 2011 but the Plan makes no policy provisions in terms of housing allocations to meet the housing requirements for the district beyond 2011. Policy GEN7 sets criteria for development which should display high quality design and layout including, at criterion (ii), that it should respond positively to the characteristics of the area to create attractive places and spaces and respect local distinctiveness.
- 3.4 ADLP policy AREA2 only permits development which would preserve or enhance the character or appearance of a conservation area or its setting. ADLP policy AREA17 does not permit development which would harm the significant archaeological interest of a site and, where the presence of remains is known or suspected, requires an assessment of the site before the application is determined. Where this shows that preservation in situ is not justified, conditions may be attached to require investigation before development starts.

²⁴ ID16, as provided in the evidence of Vicky Newman and the No Yap-town group

²⁵ CD16

²⁶ Core Document (CD)18

Emerging Arun Local Plan (eLP)

- 3.5 The eLP 2011-2029 Publication Version is dated October 2014²⁷. At the time that the application was refused, the Council's timetable for this was for pre-submission publication (Regulation 19) in October - December 2014; submission in Jan 2015; examination in April/May 2015; Inspector's Report during August 2015; and adoption in September 2015. The consultation exercise attracted representations raising objections on legal compliance and soundness grounds in respect of all the relevant draft policies in this appeal. The RfRs assert conflict with emerging policies SD SP2, H SP1, C SP1, LAN DM1, HER DM1, HER DM3, HER DM6 and INF SP1. Given my conclusions on the eLP (below), I do not summarise these policies here.
- 3.6 The LP Inspector convened a meeting for 16 July 2015, after all evidence at the Inquiry had been heard. He issued a discussion note²⁸ before the meeting explaining that its purpose was to consider the implications for the future progress of the examination on the issue of 'the full objectively assessed needs (OAN) for market and affordable housing' with reference to the requirement in NPPF 47. He referred to the discrepancy between the OAN figure of 580 dwellings per annum (dpa), in the submitted eLP, and the figures of 786 dpa and 758 dpa, the first in an appeal in December 2014, and the second in a study by G L Hearn Ltd (Hearn report)²⁹.
- 3.7 The Council met on 17 June 2015 and considered whether to proceed with the figure of 580, withdraw the eLP and prepare a replacement plan based on 758 dpa, or to seek suspension. It resolved to ask the LP Inspector to agree to suspend the eLP for six months in order to put forward an OAN of 641 dpa as an interim measure pending a longer review.
- 3.8 In his conclusions after the Procedural Meeting³⁰, the LP Inspector set out the Council's position and summarised the duties, in NPPF 47 and PPG ref ID 2a 016 20150227, to meet the full OAN as informed by the latest available information. He then explained his concerns with the Council's approach as first, that a 30% increase would be a meaningful change following the 2011 census, and second that no OAN figures/methodologies had been tested at examination as representations were only made with regard to the 580 dpa. Given the findings of the Hearn report, he was not convinced that it would be sound or appropriate to proceed on the basis of a figure of 641 dpa. Moreover, he considered that planning to meet a target limited to 641 dpa could prejudice more sustainable strategies including any which might follow the announcement of an Arundel bypass. He did not view suspension for six months as effective protection against 'planning by appeal' as the Hearn report would continue to be raised to argue that the plan was out of date even at adoption.

²⁷ CD19

²⁸ ID26a

²⁹ CD22: Committee report dealing with GL Hearn report 'Objectively Assessed Housing Need: Arun District', March 2015

³⁰ ID26b

- 3.9 The eLP Inspector noted the suggestion in the committee reports³¹ that withdrawal to pursue the full OAN would effectively render all of the NPs immediately out of date. He felt that this was to overstate the position but acknowledged that changes in the amount of development provided for by the eLP could result in certain parts of some NPs being superseded or in need of revision and that NPPF 184 is clear that NPs should not promote less development than that set out in an up-to-date LP. He noted that Arun's NPs have emerged at a time when the adopted ADLP has been growing increasingly out of date, finding the marked lack of synchronisation between the eLP and the NPs to be unfortunate. Finally on this point, he found that ruling out sound judgements on strategic matters which should be set out in the LP, in order to avoid the possibility that resultant policies might not fit with some NPs, would not meet the tests in NPPF 182.
- 3.10 In conclusion, he found that suspension as suggested would not be an appropriate option. However, he went on to consider whether suspension for more than six months could provide a faster option for achieving a sound plan than withdrawal. He therefore invited the Council to consider a 12-18 month suspension with a view to examining the issue of the OAN as soon as possible following representations on the basis of 758 dpa. Any consideration of reasonable alternatives would need to avoid any appearance of pre-determination or over-reliance on the sustainability assessment accompanying the submitted plan.

Yapton Neighbourhood Plan (YNP)

- 3.11 An Examination into the YNP was held in June 2014 and the Examiner's Report is dated 17 August 2014. The referendum version, reflecting the Examiners recommendations, was published in late September 2014³². A referendum was held on 23 October 2014 and the results were as follows: 724 votes cast (22.13% turnout), 681 votes cast in favour of a Yes (94.45%) and 40 votes cast in favour of no (5.55%). At a Full Council meeting on 5 November 2014, Arun District Council resolved to 'make' the YNP which means that it has been brought into legal force, and forms part of the statutory development plan.
- 3.12 The Independent Examiner considered a representation that it should not proceed to referendum until the new ADLP has been adopted. He noted that the adoption process would have established the objectively assessed housing needs for Arun District but was satisfied that the YNP had been prepared in a proportionate and responsible way, as set out in the PPG, to the extent that the qualifying body and the LPA should discuss and aim to agree the relationship between policies in the various plans³³.
- 3.13 He accepted that if the adopted policies of the eLP are different from those which underpin the YNP then they would take precedence and that the qualifying body might wish to carry out a review of the YNP. Finally, in considering the development plan context, he recognised the importance of flexibility and the ability of the YNP to contribute towards the District's

³¹ To the Local Plan Sub-Committee and the Full Council – see ID26 para 11 and 14

³² CD20 and CD21

³³ CD21 para 3.8 and PPG Ref ID 41-009-20140306

objectively assessed housing needs and made recommended modifications accordingly.

- 3.14 All relevant YNP policies are listed in the SoCG. Those with a particular bearing on this appeal are: policy BB1, which does not permit development outside the built-up area boundary except in certain circumstances which do not apply here. Policy E8 which echoes the national and local requirements for conservation areas but makes no reference to development within their settings. Policy E9 concerns the loss of listed buildings of structures of character. YNP policies E3, E4, E5 and E6 are concerned with natural habitats, trees and shrubs, biodiversity and green infrastructure.
- 3.15 The first objective of the YNP, based on figures taken from the eLP, is to provide for a minimum of 100 new dwellings. Policy H1 identifies that the minimum housing requirement for Yapton will be established by the eLP. It notes that additional allocations will be made if the eLP requires such action or if the identified housing sites do not proceed. The policy justification adds that the Community Survey³⁴ showed 58% support for 'control' over housing development in order to prevent children from having to leave the village. Housing and development were seen by the authors of the Survey as the key component of the YNP³⁵.
- 3.16 The YNP identifies two housing allocations within its boundary for Yapton (policies SA1 and SA2) which could yield 95 dwellings and states that, with sites in the planning pipeline, this would total 208 dwellings³⁶. The Council pointed out that the allocated sites are in different landscape character areas to the appeal site³⁷. The YNP notes that all the land surrounding the village is either classed as grade 1 or grade 2 agricultural land³⁸. YNP policy E1 is to refuse development on grade 1 and grade 2 agricultural land unless allocated under policies SA1 and SA2 or required by policy H1 to meet the needs in the Plan area.

Housing position

- 3.17 It was common ground at the Inquiry³⁹ that the Council could not demonstrate a 5 year HLS. It was also agreed that the appropriate buffer under NPPF 47 is 20% and that the OAN for 2014-2019 is at least 3,790 (5x758) plus a past shortfall of 712. The precise calculation depends on the order of calculation for the buffer, but the requirement was agreed to be roughly 2,000 more than the deliverable supply over the 5 year period. On the basis of this agreement, no evidence was put forward as to the likelihood that this supply would come forward and be developed within 5 years and my report and recommendations proceed on this basis. The maximum available HLS was agreed to be either 3.01 or 2.92 years.

³⁴ ID22 section 3 Q4

³⁵ ID22 s3 Housing comments

³⁶ CD20 – YNP paras 6.4-6.5. See also ID15

³⁷ ID24

³⁸ CD20 para 6.14

³⁹ ID14b HLS SoCG

Other policy

- 3.18 Adopted Supplementary Planning Guidance (SPG) for conservation areas sets criteria for development within them. Criterion 2.3 expects a high standard for new development both within or affecting the setting of a conservation area. Historic England (HE), Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets⁴⁰ provides a step by step approach to settings and proportionate decision taking.

4. The Proposals

- 4.1 The submitted application comprised several documents, plans and supporting information⁴¹. The scheme would include a housing development, with affordable housing, and public open space between the conservation area and the proposed housing. There would be strategic landscaping along its boundaries and on either side of retained footpath 357. Landscaping described as green corridors would be focused around retained footpath 358 and the south east of the site adjoining the village. Vehicular access would be from Ford Lane and pedestrian/cycle access only from North End Road. All existing hedges and trees on the site are proposed to be retained and enhanced. All these details would be subject to conditions controlling reserved matters. An earlier application for 250 houses, over a larger site, went to appeal but was withdrawn.
- 4.2 Four statements of common ground (SoCGs) were agreed: (a) Joint; (b) housing land supply (HLS); (c) Conditions & obligations; and (4) Archaeology⁴². Agreed matters include that:
- Yapton is a sustainable location for housing growth of the scale proposed (up to 100 houses);
 - the appeal site lies outside the built up area of Yapton as defined by “saved” Arun District Local Plan 2003 (ADLP) Policy GEN 2 but is nonetheless in a sustainable location being immediately adjacent to the settlement boundary of Yapton and close to a range of services and facilities that are all within walking and cycling distance;
 - none of the appeal site is subject to any specific national or local adopted/emerging landscape, heritage or ecological designation but is in the “countryside” for the purposes of ADLP Policy GEN 3;
 - the access from Ford Lane and all other proposed highway works have been agreed by the West Sussex County Highway Authority, the Highways Agency and Network Rail (subject to the imposition of relevant and suitably worded conditions) and the Council raised no objections in these regards; and

⁴⁰ CD26

⁴¹ Including Application Forms; A Planning Statement (including a Design and Access Statement [DAS], Affordable Housing Statement, Flood Risk and Drainage Strategy, Heritage Statement and Archaeology Statement); Transport Assessment; Arboricultural Survey; Extended Phase I Habitat Survey; Location Plan drawing no. 200B; Proposed Indicative Layout/open space proposals: drawing no. 201C; Illustrative Strategic Landscape/open space proposals: drawing no. 202B; Means of access drawing no. 130431-10A; and a Photographic Survey.

⁴² Inquiry Document ID14 a-d

- the Flood Risk Assessment and Drainage Strategy has been agreed by the Environment Agency, Southern Water Services and the Council's Drainage Engineers.

4.3 The appeal site forms part of the larger site which was the subject of a previous application⁴³ for which there was pre-submission consultation as described in its Statement of Community Involvement.

5. The Case for the LPA

- 5.1 The appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. This comprises the ADLP and the YNP. The latter is very recent and up-to-date, went through the proper process of consultation and enjoys the support of the local community. The Independent Examiner concluded that, as a whole, the YNP was in conformity with the ADLP⁴⁴. He considered whether the plan should proceed before adoption of the eLP but was satisfied that it had been prepared in a proportionate and responsible way as set out in PPG. Planning permission should not normally be granted which would conflict with a plan which has been brought into force (NPPF 198).
- 5.2 Relevant policies include ADLP policies GEN2, GEN3, GEN7 and AREA2. Various policies in the eLP are relevant, as is YNP policy BB1. The YNP allocates housing sites as it is entitled to do. Considerable weight should be given to the emerging plan, which is at an advanced stage⁴⁵, in accordance with NPPF 216. There are few objections to it other than to housing policies. Already 50% more planning permissions have been granted in Yapton than were allocated in the YNP⁴⁶. Yapton is doing its bit to provide housing in the district.
- 5.3 Four recent SoS decisions⁴⁷ emphasise the importance he attaches to NPs. In *Broughton Astley* he found that conflict with the NP would significantly and demonstrably outweigh the benefits in terms of increasing housing land supply. At *Winslow* he found that, once made part of the development plan NPs should be upheld as an effective means to shape and direct development in the neighbourhood planning area. At *Sedlescombe* the SoS found limited adverse impact but concluded that granting permission would undermine the NP process. Although there was no 5 year HLS at *Earls Barton*, the SoS found a proposed development to be in clear conflict with the emerging NP.
- 5.4 The YNP is a government front runner, with public funding and considerable public support. 3½ years of hard work by 12 volunteers has gone into it⁴⁸. Allowing the appeal would undermine the principles of localism and the belief that future development could be shaped through NPs. It would undermine neighbourhood planning around the country. The government has confirmed⁴⁹

⁴³ Council ref. Y/99/13

⁴⁴ CD21 para 3.4

⁴⁵ Conceded in XX but ultimately a matter for the decision maker – see *Woodcock* paras 105 and 112

⁴⁶ See ID15

⁴⁷ Weatherhead appendices 6 and 7, 8, 9 and 10 respectively

⁴⁸ Andy Faulkner for the Parish Council

⁴⁹ Mr Boles in a Parliamentary Debate

that the weight to be given an emerging NP is in no way contingent on the status of the LP.

Landscape

- 5.5 While undesignated, protecting and enhancing a valued landscape is a requirement of the NPPF and this was further supported by a ministerial letter⁵⁰. Weight can be given to an undesignated landscape⁵¹. The Arun Landscape Study assessed the site's capacity for development as low to medium as a result of a combination of factors including the small amount of woodland, the local topography, the contribution to the setting of the village and the loss of broad long views to the South Downs and Arundel. This accords with the decision at *Westbourne*⁵² that harm to the local landscape would outweigh any environmental gains.
- 5.6 The appellant has not made a proper assessment of the impact on landscape character or submitted a Landscape and Visual Impact Assessment (LVIA) in accordance with the LVIA guidelines⁵³ as noted in the Council's response, its screening opinion, and the evidence of its landscape witness⁵⁴. Considerable weight should therefore be given to the Council's visual appraisal which identifies harm to key visual receptors including: walkers on public rights of way in the South Downs National Park; local residents on Church Lane and North End Road; passengers on the railway line; road users on Ford Lane; and walkers on footpaths 356, 357, 358 and 359. The scheme would cause clear harm as a result of its 'suburbanising' impact.

Heritage assets

- 5.7 Two key assets would be harmed. St. Mary's Church, believed to date from the 12th century, is listed at Grade I and its tower is a distinctive feature. Views of church towers are recognised in the 'West Sussex Landscape Land Management Guidelines' as a key characteristic of the coastal plain⁵⁵. The Church Lane Conservation Area is adjacent to part of the appeal site. In both cases it is the setting which would be harmed. Setting is defined⁵⁶ as 'the surroundings in which a heritage asset is experienced'. Inadequate assessment has been made of the settings⁵⁷ contrary to NPPF 128, PPG⁵⁸, and Historic Environment Good Practice Advice in Planning Note 3. Historic England advice⁵⁹ and eLP policies HER DM1(d) and HER DM3(i). The

⁵⁰ From Brandon Lewis MP, as Minister of State for Housing and Planning, to the Chief Executive of The Planning Inspectorate, dated 27 March 2015, McKenzie Ax EDP6

⁵¹ *Bishops Tachbrook* paras 23, 24, 26, 30 and 31

⁵² CD32 para 30

⁵³ The third edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA3) was published by the Landscape Institute on 17 April 2013.

⁵⁴ CD10, CD15 and McKenzie

⁵⁵ See sheet SC9 at Collins Ax E6

⁵⁶ In the glossary to the NPPF

⁵⁷ See the evidence of Dr Wightman

⁵⁸ PPG: Conserving and Enhancing the Historic Environment. Ref. ID: 18a-013-20140306

⁵⁹ CD26. Historic England document, published March 2015: Historic Environment Good Practice Advice in Planning Note 3 – The Setting of heritage Assets.

Consultation Response from English Heritage⁶⁰ acknowledges that the appellant's evidence constitutes a 'slightly more thorough assessment'.

- 5.8 Statutory duties⁶¹ apply to listed buildings and conservation areas. Recent case law⁶² has emphasised that, for listed buildings, this requires 'considerable importance and weight' to be given the desirability of preserving their setting such that there is a tilted balance even where the harm would not be substantial. Here, there would be harm to the rural tranquillity of the setting in which the church and conservation area are experienced⁶³. Views of the church tower from existing footpaths would be harmed by the surrounding housing estate. The historic character of this setting would be replaced with a domestic suburban one which would harm the significance of the assets.
- 5.9 The importance of the setting of the conservation area is set out in the Appeal Decision for Church House⁶⁴. In the case of *Mordue* the Court found that the Inspector failed to give reasons demonstrating that he had given considerable weight to the harm to the settings of each of the listed buildings that he found would be harmed to some extent.

Archaeology

- 5.10 Where necessary, NPPF 128 requires developers to submit a field evaluation for sites which have the potential to include heritage assets with archaeological interest. The Council's evidence of the residual finds on the site⁶⁵, the review of the data in the Sussex Historic Environment Record and neighbouring evaluations⁶⁶ should be preferred to that of the appellant which has simply assembled documents without analysis. In these circumstances a planning condition would be insufficient to deal with the archaeological potential and this was the view of the county archaeologist⁶⁷. Rather, an archaeological evaluation should be carried out prior to determining the appeal, as happened for the application at Burndell Road in Yapton⁶⁸.

Other material considerations

- 5.11 Weight should be given to the considerable number of objections⁶⁹, the number of residents who attended the Inquiry⁷⁰, and the submissions by these and the Yapton Parish Council. Local feeling was summed up in the statement from Nick Gibb MP: 'If localism and the drive to encourage and support the new wave of planning policy through NPs and community involvement is ever to thrive and develop into meaningful policy then Yapton's NP must be allowed to carry the weight it derives.'

⁶⁰ CD13

⁶¹ Under s66 and s72 of the Listed Buildings and Conservation Areas (LB&CA) Act 1990

⁶² *Barnwell Manor* followed by *Forge Field* and *Mordue*

⁶³ The evidence of Dr Wightman

⁶⁴ CD28. Land at Church House. Ref. APP/C3810/A/08/2090433

⁶⁵ As shown to the Inquiry by Mr Burn from 4 walkovers and at his photos 1 and 2

⁶⁶ By Cotswold Archaeology at Goodhew Close, Yapton

⁶⁷ CD11

⁶⁸ CD16

⁶⁹ The report to committee, CD6, identifies 369 letters of objection to the original planning application.

⁷⁰ Approximately 31 on Day 1

Public benefits

5.12 These include the provision of housing where the Council cannot demonstrate a 5 year HLS. Affordable housing is a clear benefit. However, these benefits would apply to any development for additional housing on the edge of any settlement in the district. There are no demonstrable heritage benefits⁷¹. Weighed against the clear harm to landscape, heritage assets and potential archaeological remains, the benefits would not outweigh the harm identified by the Council's expert witnesses.

Planning balance

5.13 NPPF 14 is not engaged as the proposal would not amount to sustainable development⁷². The scheme would be in clear conflict with the YNP and local housing policies. It would cause less than substantial harm to designated heritage assets and environmental harm to the character of the area. Despite the benefits of additional housing, on balance, the proposals would be contrary to the NPPF and would not constitute sustainable development. In the alternative, NPPF 14 footnote 9 applies and the harm to the heritage assets would outweigh any presumption in favour of the development. In *Broughton Astley* the SoS found that conflict with the NP was not beyond the range of reasonable planning judgement.

Additional comments

5.14 Following the procedural meeting into the eLP, the Examining Inspector issued a note suggesting suspension for some 12-18 months so that the Council could undertake the necessary work with regard to the objectively assessed housing needs for the district. There were previously objections to eLP policies LAN DM1, H SP1, SD SP2, C SP1, HER DM1, HER DM3 and HER DM6. The Parish allocations are the result of several components. The plan does not rely on revisiting the NP allocations but will review the strategic allocations.

6. The Case for Keith Langmead Ltd.

6.1 The main issues cover: character and appearance with regard to the development plan, the settings of listed buildings, the conservation area, archaeological remains, sustainable development, and the tilted balance in NPPF 14 when assessed against the NPPF as a whole.

Housing land supply (HLS)

6.2 RfR1 was predicated on the Council being able to demonstrate a 5 year HLS through the strategic locations in the eLP and the allocations in the Referendum Version of the YNP. The YNP is now a made plan with its policies BB1 and H1 based on the housing requirements in the eLP. The Council subsequently⁷³ advised that it could no longer demonstrate a 5 year HLS. It is now agreed that the supply is around 3 years. Despite objections, the Council

⁷¹ As made clear by EH (as was) in CD13A. In fact the Council's closing refers to 'environmental' benefits but the email uses the word 'heritage' and defers to the LPA to judge whether other public benefits exist.

⁷² See *William Davis*, para 37, within ID7

⁷³ December 2014 – see Joint SoCG at CD5

submitted the eLP for examination in January 2015. In February 2015, two appeal decisions⁷⁴ left no doubt that the housing figures in the eLP were inadequate and in March the eLP Examination Inspector made clear that there were major issues over the soundness of the plan (see update below).

- 6.3 Consequently, neither the eLP nor the YNP make sufficient provision for housing. With regard to the housing policies at least, only limited weight should be applied to the eLP. While Yapton has more than 100 dwellings being built or with recent planning permission, this number is included within the Council's figure which only amounts to around a 3 year supply compared with the NPPF requirement of 5 years plus a 20% buffer. The new ALP will need to make provision for higher numbers. As Yapton is one of the more sustainable locations in the District, it is likely that the YNP will need to be reviewed.
- 6.4 Significant amounts of greenfield land beyond settlement boundaries will be required to meet the housing requirements of the District in any event. The YNP allocations are for land in agricultural use. It follows that none of the housing policies in the eLP or in the YNP are up to date. The PPG advises that NPs may be prepared in advance of the adoption of a LP. However, where the housing policies are out-of-date, a NP made in advance of adoption is plainly in a potentially more fragile position. NPPF 198 provides that permission should not normally be granted if it would conflict with a NP. However, it is not a normal situation for a recently made NP to be not up-to-date on account of the Council not being able to demonstrate a 5 year HLS. The position in Arun and Yapton is not normal.
- 6.5 With regard to other SoS decisions concerning NPs, in *Broughton Astley*⁷⁵ the allocated sites, leading to a combined total of 648 dwellings, significantly exceeded the CS requirement of 400 dwellings, quite unlike the situation at Yapton. *Sedlescombe*⁷⁶ concerned an emerging plan and prematurity is not an issue in this appeal. Furthermore, all the cases cited predate *Woodcock*⁷⁷ from which it is clear that policies BB1 and H1 of the YNP are not up to date, as defined by NPPF 49, despite being recently made as the LPA does not have a 5 year HLS.

Character and appearance

- 6.6 The Council's allegations are that the scheme would constitute a significant encroachment into the countryside, on a site not well related to the settlement, which would harm the visual amenities of the location and the character of the area.
- 6.7 On the first point, it should be noted that ADLP countryside policies GEN2 and GEN3 have been found to be out-of-date and inconsistent with the NPPF (see *Westergate*) while there would be no conflict with policy GEN7, criterion (ii) or otherwise. Only limited weight should be given to the relevant eLP policies which all have substantial unresolved objections. As above, YNP policy BB1 is also out of date. While the Council's landscaping witness would have done

⁷⁴ in *Westergate* - Collins AxD p175-225

⁷⁵ Weatherhead Ax 6, IR para 45 and DL para 17

⁷⁶ Ibid Ax 9

⁷⁷ ID7, divider 9, dated 1 May 2015

things differently, that is not the test. The appellant's witness has sufficient experience and expertise to assess the landscape and visual issues. Save for the single viewpoint on the South Downs⁷⁸, it was agreed that the effects would be localised and no other material receptor had been omitted.

- 6.8 The late suggestions, that inadequate information had been submitted to assess the scheme, and that biodiversity would be harmed, were without merit and at odds with the SoCGs. The site is not in any gap. The rationale for strategic landscaping is clear and could be secured by the suggested conditions. The site is not a valued landscape as defined by NPPF 109 and interpreted in *Leonard Stanley*⁷⁹. It was acknowledged that the development would change the character of the area and have some impact on the visual amenities of the locality, as would any edge of settlement countryside site. Here this harm would be very limited in these terms and would not significantly and demonstrably outweigh the benefits of the scheme. It is common ground that the site is well related to the settlement.

Heritage

- 6.9 RfR3 is misconceived in suggesting that insufficient information was submitted. It was never suggested that the appellant's witness did not have the experience or expertise to judge these matters in accordance with NPPF 128 and HE guidance. Although there are several listed buildings in the vicinity, it is common ground that of these only the effect on the church was at issue.

St Mary's church

- 6.10 It is acknowledged that the site is within the setting of the church. However, the setting makes a limited contribution to the significance of the church as a heritage asset as there is limited historical, physical or visual relationship. A small proportion of the church tower is visible from the site but that does not equate to contributing to its significance as a heritage asset. The scheme would ensure that the visual relationship, such as it does exist, would be maintained and so the setting would be preserved in accordance with s66 of the LB&CA Act. A setting is not a heritage asset in its own right and it is only the contribution to significance which matters. The Council has wrongly conflated visibility with harm. If there would be any harm at all it would be less than substantial. In fact, the scheme has been designed to respect the significance of the church. In any event, the s66 test need not be of overriding importance as found at *Razors Farm*⁸⁰ and *East of Hawton*⁸¹ and elsewhere⁸². The balancing exercise must still be carried out taking account of the considerable weight to be given to the social and economic benefits of market and affordable housing, where there is a substantial shortfall, and the environmental benefits of public open space and landscaping.
- 6.11 The tilted balance in favour of sustainable development in NPPF 14 does not apply where specific policies indicate otherwise (footnote 9) including

⁷⁸ McKenzie viewpoint 1

⁷⁹ Collins AxD p 226 and as upheld in *Stroud v SSCLG & Gladman*: ID7/14

⁸⁰ ID7/12, IR 10.50

⁸¹ DI7/13, D/L para 21

⁸² *Old Guildford Road and Kingsland Haines*

designated heritage assets. The Council argued that this exclusion applied even when the harm would be less than substantial⁸³. The correct interpretation should be that footnote 9 should only apply to impact on a listed building or conservation area which would cause substantial harm or total loss of significance. Then the presumption in favour of granting permission would be lost and, as set out in NPPF 133, consent should be refused. Otherwise the balance in NPPF 134 and NPPF 14 should remain. This is clear from every other instance in footnote 9 where another specific policy in the NPPF applies⁸⁴. It is also consistent with the approach to footnote 9 in *Razor's Farm*.

Conservation area

6.12 None of the appeal site is within the Church Lane Conservation Area. It is historically, physically and visually separated from the conservation area by intervening modern development and tree cover. It does not form part of the setting of the conservation area for the purposes of the NPPF. The Council is again wrong to conflate (limited) visibility with harm. The design of the scheme, and the proposed public open space in particular, would preserve any contribution that the site might make to the significance of the conservation area as a designated heritage asset, including any views towards Church Farm House. In the event that there would be any harm to the character or appearance of the conservation area, the test in s72, and appropriate balancing exercise, should be applied in the same way as s66 at *Razors Farm* and *East of Hawton*. Finally on this point, the Council⁸⁵ accepted that there would be no conflict with YNP policy E8.

Archaeology

6.13 There is no issue as to the potential archaeological interest in the site. The SoCG for Archaeology⁸⁶ makes clear that the matter could be dealt with by a condition⁸⁷. There was no credible basis for the Council taking up Inquiry time arguing that work should be carried out before determining the appeal. The appellant has submitted the relevant information⁸⁸, including maps and descriptions of the parkland to Yapton Place/Manor⁸⁹, and the Council submitted nothing that was materially different. The suggested pre-commencement condition could protect any remains, even something as dramatic as the suggested Roman villa. The evidence of the Council's archaeological witness was misconceived, unjustified and counter-productive. Applying the suggested conditions would also be consistent with the similar situation in *Westergate*.

⁸³ Citing the *Bishops Tachbrook* decision para 45 – McKenzie Ax 4

⁸⁴ Listed in detail in para 50 of the closing

⁸⁵ Dr Whiteman in XX

⁸⁶ ID11 – as suggested by the Council and agreed between the parties

⁸⁷ See also the findings of the SoS and Inspectors with regard to post decision archaeology conditions at *Westergate 175-225*, *Old Guildford Road 241*, and *Land at Kingsland Laines 259*

⁸⁸ The HER, regression maps, British History Online etc.

⁸⁹ Collins at appendix F1 paras 48-50 pp 430-431 and F2 pp 439-445

Sustainable development

- 6.14 The scheme would meet the social and economic dimensions of sustainability within the definition in the NPPF. The claim that it would not satisfy the environmental dimension, due to the existence of alleged landscape and heritage harm and the conflict with the YNP, is misconceived. Even if some harm or conflict did arise, it would be necessary to balance this with the benefits of the scheme. It is common ground that Yapton is a sustainable location for housing growth of the scale proposed (up to 100 houses) and the Council has welcomed the proposed provision of 30% affordable housing. While outside the defined built up area in the development plan⁹⁰ it is nonetheless in a sustainable location relative to the settlement being both adjacent to the boundary and close to a range of services, facilities and employment.
- 6.15 Subject to conditions, the access is acceptable to the local Highway Authority, there are no landscape, heritage or ecological designations affecting the site and it is in Zone 1 for flooding as classified by the Environment Agency. The site is Grade 2 agricultural land but the district is bound to lose some such land to meet its housing needs and it is common ground that the Council raises no objection for this reason⁹¹. The site does not provide any habitat for protected or even non-protected species other than in the field margins where the trees and hedges would be retained. The provision of significant levels of open space and landscaping would have a significant positive ecological impact⁹². The scheme would therefore also deliver environmental benefits.

Balance

- 6.16 Relevant ADLP policies and the housing policies of the YNP are not up to date. The presumption in favour of sustainable development in NPPF 14 applies. Any adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The scheme should therefore be granted permission.

Conclusion

- 6.17 The scheme would minimise impact on the character and visual amenities of the locality, preserve the setting of the church and the character and appearance of the conservation area. It would provide a high quality residential development in an extensively landscaped publicly accessible parkland setting that would relate to its surroundings and provide ready access to local services and facilities. Housing is needed now to address the 5 year HLS deficit and the difficulties in delivering affordable housing. The proposals would bring many social, economic and environmental benefits to the local community and so permission should be granted.

⁹⁰ Under both ADLP policy GEN2 and YNP policy BB1, and therefore in the countryside for the purposes of ADLP policy GEN3

⁹¹ CD35 pp1-2; 29-33; and Fig 10. SoCG para 8.

⁹² Officer's Report at CD6 and Collins Ax A p59

Additional comments

- 6.18 With regard to the procedural meeting, there is no written report to committee, there are no minutes and no further response from the eLP Inspector and so the Council's comments⁹³ are speculative. Whether the eLP is suspended for 12-18 months or withdrawn, no more than extremely limited weight can be given to the eLP policies cited in the RfRs.
- 6.19 There were 453 representations regarding the eLP policies referred to by the Council in its RfRs, many of which have yet to be considered by the LP Inspector. While the distribution of housing allocations amongst parishes is a matter of record, these figures should no longer be relied upon. The comment that the NP allocations would not be revisited is not credible given the LP Inspector's comments⁹⁴. Rather, these figures will need to be reviewed, as predicted by the Independent Examiner, and the outcome of this is impossible to predict at this stage.

7. The Cases for Interested Parties⁹⁵

- 7.1 Many of the representations echoed the concerns which are more fully articulated by the Council above so I do not repeat them.
- 7.2 **Hilary Flynn** read out a statement on behalf of **Nick Gibb MP** for Bognor Regis and Littlehampton. This highlights local opposition, the YNP and the fact that this site was never considered by the NP group. The YNP identified sufficient new homes against the draft LP allocation and, if localism and NPs are to thrive, then the YNP must be allowed to carry the weight it deserves. In addition, the proposals would fail to meet key policy criteria in the NPPF, including that for heritage assets, as well as saved ADLP and eLP policies. The appellant has not engaged with the community affected, there have been large scale developments in this small village already and this speculative scheme is deeply unpopular with the local community.
- 7.3 **Andy Faulkner** introduced the representations by the **Yapton Parish Council**⁹⁶. He referred to the requirement in the Localism Act that consultation should take place prior to submitting an application having regard to any advice from the LPA about local good practice. The submission was endorsed by the new Clerk to the Parish Council, **Andrew Gardner**.
- 7.4 **Tricia Wales**, a representative of the YNP Group, argued that if the YNP is disregarded it would set a precedent all over the country. It would become another worthless piece of paper and neighbourhood planning would become another empty sound-bite. She advised that the focus of the YNP was to prevent housing on agricultural or greenfield land and that any development allowed should be small, around 30-40 houses, and not allow sprawl. The group reluctantly agreed to allocations for 100 houses when it became apparent that there was not enough brownfield land.

⁹³ By Mr Weatherhead on 31 July 2015.

⁹⁴ Paras 11-15 and 17-23 of his letter dated 28 July 2015, ID26b

⁹⁵ At ID17a, b and c except for Nick Gibb MP at ID10 and those of the Parish Council (below)

⁹⁶ ID12

- 7.5 **Vicky Newman**, of Church Farm House, read a statement on behalf of the community group, **No Yap-town** which represents residents throughout the village⁹⁷. This highlighted some of the points in the group's written submission. She explained that local opinion was strongly against large scale housing, preferring small infill as advocated by the YNP. She emphasised three areas of concern:
- a) First that the site is outside the YNP and fails to meet its policies. The YNP must be allowed to carry the weight it deserves. She quoted from SoS Decisions⁹⁸ and highlighted the Decision in Devizes where the SoS found that the need for housing would not outweigh the conflict with the NP.
 - b) Second, the appellant's failure to engage with the community.
 - c) Third, the loss of valuable open space which forms the backdrop to the church and conservation area and the historic boundary to the village. This would fail the NPPF test to conserve the historic environment.
- 7.6 The group asked that the YNP be properly considered and given the weight it deserves, together with the many adverse impacts which would outweigh the suggested benefits.
- 7.7 **John Mills**, local resident, stressed in his statement the conflict with several ADLP policies. With regard to sustainability, he argued that the scheme would not supply land of the right type in the right place or at the right time. It would not reflect the community's needs or protect the natural, built or historic environment. The site is currently productive agricultural land and so the scheme would be contrary to policy. The YNP has allocated the 100 dwellings in the emerging LP with a 20% buffer. It was overwhelmingly agreed at referendum. Although there was a public presentation with regard to an earlier scheme, the appellant declined to engage with the YNP or the Parish Council over this application.
- 7.8 Traffic flows from the site are constrained to the north by the level crossings at North End Road and Station Road. The former is considered to pose a significant risk requiring reduced train speeds. The Traffic Assessment (TA) is based on a previous, older statement. It is Network Rail's intention to make the level crossing at North End Road fully gated which would have a dramatic effect on traffic flows and movement. It is totally unrealistic to say that there would be no increase in traffic through Church Lane/Road when this is already used as a rat run. With existing committed developments, the scheme would put additional pressures on infrastructure, roads and the school.
- 7.9 Ford Lane is a rural unclassified road with 'T' junctions at both ends and which is subject to flooding. Photographic evidence shows the extent and depth of flooding. The Travel Plan is purely aspirational, with little real meaning, and so the scheme would not be truly sustainable.

⁹⁷ In XX she clarified that its members were a group of concerned residents, with no formal structure, who were welcome to turn up at her house. They amounted to an email list of around 132 people.

⁹⁸ At Harrogate on 2 July 2015

- 7.10 More dwellings have been approved and some of the Yapton allocation has commenced. Another has been approved subject to a s106 Agreement. The Olive Branch pub will shortly be converted to flats. The needs of Yapton can be met through small sites without the need for this development. The community of Yapton wish their village to remain exactly that.
- 7.11 **Margaret Sarson** read Mr Sarson's letter which recalled the days when his eldest daughter would ride past his house bareback, leading a string of horses down to the beach, when he would play football in the middle of the road with his boys, or when he would lie under his car with his legs stretched out into the road. Now it can take minutes to cross the overused roads. His plea also raised concerns over light pollution and loss of agricultural land.
- 7.12 **Mary Kinnersley** highlighted the principle of local democracy and argued that there was no need for parkland. She was concerned that further development would follow and took issue with the sustainability of the site with regard to public transport and local employment.

8. Written representations⁹⁹

Many of the written representations also echoed the Council's major concerns.

- 8.1 The **Yapton Parish Council** submitted its original objection and additional comments as well as being represented by Messrs. Faulkner and Gardner. These set out its policy objections with regard to the ADLP, the eLP and the YNP. It referred to the Strategic Housing Land Availability Assessment (SHLAA) carried out in 2009 which rejected the site as: 'too remote and inaccessible from village facilities'. An adjacent site was also rejected in 2012. It pointed to a loss of employment in the village, the unreliability of bus services and the risks associated with the level crossing.
- 8.2 It reported that there was unanimous opposition at a well attended public meeting and dismissed the suggestion that the volume of representations was as a result of one resident. It argued that the land is all top grade agricultural land and pointed out that it is currently all used for crop production. It reported that the SHLAA Ford Eco Town site 71 for 5,000 homes, of which this site would have been part, was rejected. The Eco town site was never considered to be suitable for development in smaller packages because of the perceived infrastructure benefits which a larger development could finance.

Additional points made by **a variety of writers** are summarised below.

- 8.2.1 The appeal ignores the YNP and eLP.
- 8.2.2 The landowner failed to engage with Yapton's residents.
- 8.2.3 It would not be sustainable in terms of infrastructure or community facilities.
- 8.2.4 Increased traffic would be detrimental to both North End Road and the level crossing.
- 8.2.5 The school is full.

⁹⁹ See red folder with main file

- 8.2.6 The site is top grade agricultural land.
- 8.2.7 There are new housing developments in two other areas nearby.
- 8.2.8 The site floods in very wet weather.
- 8.2.9 The surgeries and pharmacy are beyond capacity.
- 8.2.10 The village offers limited employment.
- 8.2.11 There is already public land in Yapton so a green space is not needed.
- 8.2.12 The access would be dangerous.
- 8.2.13 The traffic chaos in the vicinity of the school has to be seen to be believed.
- 8.2.14 It is a back-door attempt to gain approval for 250 houses.
- 8.2.15 It would make a mockery of the hours of hard work put into the YNP.
- 8.2.16 The village shop cannot be extended and is not satisfactory as it is.
- 8.2.17 Questions have been raised over the sewage system.
- 8.2.18 It is wrong to suggest that there is only one objector who is rallying protests.
- 8.2.19 Bus services are limited and there is no public transport to Ford Station.
- 8.2.20 The village is willing to take its share of the burden of new housing providing it remains in proportion.
- 8.2.21 There are no pavements in Ford Lane.
- 8.2.22 Lorries sometimes have to mount the kerb to get past school traffic.
- 8.2.23 Nearby Walberton should shoulder proportionately more of the burden.
- 8.2.24 Whilst it is difficult to argue against the need for more houses to be built in England in general it is easy to argue against this proposal.

9. Conditions

- 9.1 A Schedule of conditions was discussed and was mostly agreed between the Council and the appellant¹⁰⁰. The suggested conditions were discussed at the Inquiry and, following a few changes, these are set out at Appendix C. Except as explained below, should planning permission be granted for the proposals, for the reasons accompanying the attached conditions, I recommend that they should be imposed.
- 9.2 As well as for the reason given, as the distinction between access within the site (which is not reserved) and layout (which is reserved) is not always clear, condition 4 is also required for the avoidance of doubt. Although landscaping is reserved, condition 5 is needed as it covers retention, protection, biodiversity, management and timing.

¹⁰⁰ ID19 and ID25

- 9.3 As the negatively worded condition for affordable housing has been discussed with the appellant, as no financial contribution would be necessary and as it would meet the six tests in NPPF 206, it would be acceptable. To maximise the probability that the affordable housing would meet local needs, suitable criteria should be part of the scheme and the condition must have a retention clause. While access is not reserved, a condition is necessary to control full details.
- 9.4 In the Archaeology SoCG¹⁰¹, the Council accepted that the matter [archaeological field evaluation into the potential impact on archaeological remains] could be undertaken post decision by virtue of the suggested condition. However, unhelpfully, it went on to argue that the scheme should be refused as best practice means that it is appropriate for evaluation to be undertaken prior to a decision. For the reasons set out below, I have found that, in principle, a condition would be adequate but I recommend that, for greater precision, the fuller condition suggested at the Inquiry (ID19), with a minor amendment for clarity, should be adopted.
- 9.5 It was common ground that the TA proposals (in response to requests from and agreements with the Highway Agency, Network Rail and the WSCC Highway Authority) for off-site highway works comprising improvements for North End Road, the Lake Lane/Yapton Lane junction to the north of Yapton Railway Crossing and the junction of Yapton Lane with the A27 could be controlled and delivered by way of conditions. Although there is a statutory right to a foul water sewerage connection¹⁰², a condition requiring the details is reasonable.
- 9.6 The requirement for a Travel Plan (TP) lacks any specific targets, such as numerical goals for modal shift, and there is nothing to suggest that the measures in the TP would involve more than the provision of information. As argued by interested parties, it would be largely aspirational. Nevertheless, given the lack of objection from the Highways Authority and the Council's agreement that the scheme is in a relatively sustainable location, the condition would be adequate to reinforce the argument that the proposals would amount to sustainable development.
- 9.7 In addition to the suggested conditions, to allow the scheme to be as set out in the description of development as discussed at the Inquiry, and as this was the basis for my considerations, a condition is required to limit development to 100 dwellings.

10. Obligation

- 10.1 The planning obligation¹⁰³ contains provisions for contributions to be paid to the Council (ADC) and to the County Council (WSCC). The ADC contributions would go towards Artificial Pitches, the NHS, the Sports Hall and the Swimming Pool. Those payable to WSCC would be for Fire and Rescue, Highways, the Library and for Primary Education. There would also be a requirement for Fire Hydrants.

¹⁰¹ ID14d

¹⁰² *Barratt Homes Limited v Dwr Cymru Cyfyngedig (Welsh Water)* [2009] UKSC 13, para 59

¹⁰³ ID2

- 10.2 ADC has provided justification for the contributions and calculations for the amounts sought under the Community Infrastructure Levy (CIL) Regulations and the NPPF¹⁰⁴. WSCC also provided a justification¹⁰⁵. Both were satisfied that the undertakings would comply with the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. For the reasons given, I agree with this assessment except as set out below.
- 10.3 The transitional period under CIL Regulation 123(3) (as amended), ended nationally on 6 April 2015. After this, s106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from the CIL. From that date only very limited pooled contributions (for up to five separate planning obligations relating to planning permissions granted within the charging authority's area) will be permitted towards infrastructure which could be funded from the CIL. As consideration by the SoS may take a little longer, in the event that the appeal is to be allowed, it might, in theory, be necessary to revert to ADC to establish whether or not the limit has been exceeded at that time. However, at the time of the Inquiry, the justification explained that none of the contributions would come near to the limit of five.
- 10.4 Clause 12 provides that if there is an express finding within the Decision that one or more of the obligations in the Undertaking does not meet the statutory tests in CIL Regulation 122 or 123 then that obligation would not take effect. Should ADC adopt a Charging Schedule prior to planning permission being granted, then the owner would be released from any obligations which relate to an item included on that list of infrastructure. The Obligation refers to the decision of the Planning Inspector, whereas this will be made by the SoS, but the difference is of no consequence.
- 10.5 The Artificial Pitches Contribution would be put towards the cost of funding additional 3G artificial turf pitches at Littlehampton Leisure Centre. This is a costed project for the leisure centre serving the catchment area. The Sports Hall contribution would be towards a major makeover of the same centre to increase activity space and provide a better experience. The Swimming Pool Contribution would be put towards increasing the pool capacity there from 6 to 8 lanes. All these would satisfy the CIL tests. On the other hand, no detailed justification was put forward for the NHS Contribution and no defence for this was offered in evidence. Consequently, the NHS contribution would not meet the statutory tests and I recommend that it should not take effect.
- 10.6 The Highways Contributions would be put towards a traffic regulation order for a 20 mph speed limit in Church Lane where there is limited footway provision. The local primary schools are over capacity and the Primary School Contribution would be used to extend provision at Yapton Primary School in accordance with WSCC's published document: Planning School Places 2015. The Library Contribution would be for a 'Tier 7' service whereby a shared facility is used for a click and collect service. As the development would

¹⁰⁴ ID3

¹⁰⁵ CD24

increase the population in the village, it would increase the demand for this service.

- 10.7 The Fire and Rescue contribution would be intended for Community Fire Link supplementary smoke alarms within the Parish of Yapton. While standard smoke alarms would be fitted to the new houses, these additional specialist alarms would be for vulnerable people. I note that there is no detailed costing for this, no identification of the likely number of such devices which might be required and no explanation of how additional houses would recreate a need for further alarms for existing houses. I conclude that the Fire and Rescue contribution would not meet the statutory tests and I recommend that it should not take effect.
- 10.8 The Fire Hydrants would be to provide access for fire brigade vehicles and would be provided at the owner's expense rather than by a financial contribution. These would satisfy the relevant tests.

11. Inspector's Conclusions

From the evidence before me at the inquiry, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. The references in square brackets [] are to earlier paragraphs in this report.

Main considerations

11.1 The main considerations in this appeal are as follows:

- i) the effects of the proposals on the character and appearance of the area, with regard to the development plan and its landscape value;
- ii) whether the proposals would preserve the special architectural and historic interest of the listed building of St. Mary's Church and its setting;
- iii) whether the proposals would preserve or enhance the character or appearance of the setting of the Church Lane Conservation Area;
- iv) the effects of the proposals on potential archaeological remains;
- v) whether the proposals would amount to sustainable development as set out in the National Planning Policy Framework (NPPF), having regard to the above matters and any benefits of the scheme.

Development plan context

11.2 Two elements of the development plan are relevant: the extant policies of the Arun Local Plan (ADLP), adopted in 2003 and saved in 2007, and the Yapton Neighbourhood Plan (YNP), which was 'made' on 5 November 2014. These provide the starting point for the appeal which should be determined in accordance with the development plan unless material considerations indicate otherwise. [3.2]

11.3 The NPPF is a material consideration. It says so in paragraph 2 (NPPF 2). It acknowledges the primacy of the development plan in planning decisions, in NPPF 2 and NPPF 11-12, but goes on to emphasise the need for an up to date LP. At the heart of the NPPF is a presumption in favour of sustainable development, defined as NPPF 18-219 taken as a whole. It follows that it is necessary to assess whether or not the scheme would amount to sustainable development and, if so, balance the weight to be given to its benefits against the conflict with the relevant policies in the development plan.

Arun Local Plan (ADLP)

11.4 The proposals would conflict with ADLP policies GEN2 and GEN3. The ADLP is now rather dated. It is common ground that the Council cannot demonstrate a 5 year housing land supply (HLS). Following the LP Inspector's conclusions, significantly more housing land in sustainable locations will need to be found within the next 12-18 months. In these circumstances, under NPPF 49, relevant policies for the supply of housing should not be considered up-to-date. Moreover, the Council can at best demonstrate 3 years HLS. [3.3]

11.5 ADLP policies GEN2 and GEN3 are policies for the supply of housing. They are not only dated but are not up-to-date under NPPF 49. This was confirmed in the *Westergate* appeals. Under NPPF 14, these policies are

therefore out-of-date. In the event that it is found the proposals would amount to sustainable development, the tilted balance in NPPF 14 would apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. Given the directions in NPPF 49 and NPPF 215, only limited weight should be given to conflict with ADLP policies GEN2 and GEN3. If the only conflict with the development plan arose from these two out-of-date policies, a favourable conclusion with regard to the NPPF should outweigh any such conflict and the scheme should be allowed. [3.3][5.13][6.5][6.7]

Emerging Local Plan (eLP)

11.6 For the reasons set out in the LP Inspector's Conclusions after the Procedural Meeting, limited weight should be given to the eLP. Moreover, the published draft is not just short of its full OAN, it is significantly short. The future requirement is likely to be 758 dpa compared with 580 dpa. With the past shortfall, the Council can barely demonstrate 3 years supply against the NPPF 49 requirement for 5 years. From this the LP Inspector concluded that the eLP would be unsound without a substantial increase. Very limited, if any, weight should therefore be afforded to the eLP's housing policies and allocations. The only conclusions which can safely be drawn on this are that there is no 5 year HLS and that there is no certainty as to where future allocations will be made. [3.5-3.10] [5.2] [5.14][6.2][6.18-19]

The Yapton Neighbourhood Plan (YNP)

- 11.7 The Independent Examiner found that the YNP met all the necessary legal requirements and should proceed to referendum subject to modifications. Nevertheless, he was far more cautious about the relationship with the eLP than the Council's closing submissions suggest, in particular with regard to the full OAN. He found that the qualifying body and LPA had discussed and aimed to agree the relationship between the plans. He did not say that the relationship was satisfactory. He could not, given the stage the eLP had reached. Indeed, he found that producing a NP in this context was 'challenging'. This conclusion came before the LP Inspector's Conclusions after the Procedural Meeting. [3.11-3.16][5.1-5.4][6.18-6.19]
- 11.8 Following the LP Inspector's latest letter, the housing policies in the eLP are once again at an early stage and are likely to remain so for some time. What is certain, however, is that the new LP will need to find additional housing land. There is as yet no clear indication of where that land will be but, in this context, the policies within the YNP for the supply of housing are no longer consistent with the eLP however recently the YNP was made. Moreover, the YNP based its allocations of land for 95 dwellings on a figure in the eLP of 100. Even if it was possible to simply allocate more land proportionately, which it is not, as the Council only has a supply for 3 years instead of 5, the YNP would need to allocate land for an additional number of dwellings equivalent to 5 years rather than 3 years at present. [3.8-3.9][5.14] [6.18-6.19]
- 11.9 This possibility was identified by the Independent Examiner when he recognised the importance of flexibility, and accepted that if the adopted policies of the eLP were different from those which underpin the YNP then they would take precedence and that the qualifying body might wish to

carry out a review of the YNP. However, he is unlikely to have anticipated the scale of review following the appeal decision in December 2014 and the Hearn Report in March. Given the shortfall in HLS identified in the LP Inspector's conclusions after the Procedural Meeting, the comment by the Independent Examiner should be given new force. While he anticipated a review, that cannot now meaningfully take place for another 12-18 months, if the LP Inspector's conclusions are followed, or longer if the emerging LP is withdrawn. Although the Independent Examiner was entitled to find the YNP sound at that time, based on the information before him and the PPG, there is now a vacuum in district-wide housing allocation policy which leaves YNP policy BB1 with nothing to underpin it. [3.10][3.13]

- 11.10 In *Woodcock* the judge found that paragraphs 14 and 49 of the NPPF do apply to the housing supply policies in a draft development plan, including a NP. It follows that NPPF 14 and 49 apply to a made NP. Relevant policies for the supply of housing within the YNP are therefore out-of-date as defined by the NPPF. While other policies in the YNP can continue to have full effect, and despite the YNP being only recently made, policy BB1 is out-of-date and should be given limited weight. In the event that the SoS's decision is not issued within 12 months of the YNP being made, on 5 November 2014, under NPPF 215, the weight should be reduced even further. It would be irrational to dismiss the appeal as inconsistent with a recently adopted NP when it is clear that the position will be the same after the 12 month period has expired. [3.17]
- 11.11 Furthermore, Yapton is one of the more sustainable settlements in the district and it is common ground that the site is a sustainable location for some additional housing. Other sites on settlement edges in the district, some of which have NPs, are likely to face similar opposition. In agreement with the Council, no evidence was given as to the probability that the allocations identified in the YLP, or elsewhere in the district, will actually come forward within 5 years. Although it deals with housing, YNP policy H1 is a permissive policy which anticipates additional allocations and so there would be no conflict with it. It follows that if the only conflict with the YNP is with policy BB1, the weight to be given to conflict with the YNP as a whole should be no more than limited. [3.15][5.13][6.14]
- 11.12 The alternative, to give priority to YNP policy BB1 when the eLP is about to reconsider HLS, and when Yapton is one of the more sustainable settlements in the district, would be to cause unnecessary delay in providing additional housing and meeting the needs of the population of Arun District for adequate housing and affordable housing. It would give preference to one YNP policy which aims to restrain housing in circumstances where more housing is needed and where planning policy is urging increased delivery (NPPF 47). Neither the Localism Act nor the NPPF suggest that it is enough for a neighbourhood to assert that it has assessed its share of the housing needs and to then disregard the rest of the district. The requirement in NPPF 49 is directed squarely and exclusively at the LPA. [3.12-3.13][3.17]
- 11.13 Local residents have referred to the allocations in the YNP and argued that these provide enough sites for the needs of the village. As above, this was based on earlier needs assessments which no longer apply. As there are no agreed targets for either Arun district or Yapton, no weight can be given to

the argument that the YNP would provide the necessary HLS for the village or for its share of the district. All that is known is that the published eLP would not have met the full OAN for the district. Furthermore, no evidence was heard as to whether the stated supply figures were achievable either in the district or the village. It follows that no weight can be given to the suggestion that the YNP has made adequate provision for housing land. [5.2][6.3][7.4][7.7]

- 11.14 The weight to be given to a NP as a whole is not contingent on the status of the LP. With regard to most of the YNP policies, that is not an issue. At the time, the YNP was entitled to allocate housing sites and did so through the permissive policy H1, based on the housing requirements in the eLP, before the Council acknowledged that it could not show a 5 year HLS. It then created a settlement boundary through policy BB1. Nevertheless, the lack of error in the YNP process is not to say that significant weight should still be given to one specific policy within the YNP which aims to restrict housing when the eLP has no overall strategy for its HLS, and is out-of-date under NPPF 49, as is the case here. If YNP policy BB1 represents the whole thrust of the village's aspirations for the NP, i.e. to prevent additional housing, then this policy would have had no basis in the statute or in the NPPF. [5.2][6.3][7.2-7.7]
- 11.15 The weight to be attributed to YNP policy BB1 is a matter for the SoS. However, the following facts are relevant:
- 11.15.1 Arun's NPs have emerged at a time when the adopted ADLP has been growing increasingly out-of-date with its housing policies only running to 2011; [3.2][3.9]
- 11.15.2 the eLP housing policies are now back at an early stage and merit limited weight; [3.10]
- 11.15.3 the YNP was prepared and made on the basis that the Council could show a 5 year HLS, now it has agreed that it cannot; [3.11][3.17]
- 11.15.4 in fact, ADC now has barely 3 years HLS compared with the NPPF requirement of 5 years, a considerable shortfall; [3.17]
- 11.15.5 proportionally, the YNP allowance of 100 is also only three-fifths of what it should be; [3.15-3.16]
- 11.15.6 ADC has a persistent record of under-delivery (hence the agreed 20% buffer); [3.17]
- 11.15.7 the YNP built-up area boundary (policy BB1) is out-of-date as it restricts the supply of housing land where there is no 5 year HLS (see *Woodcock*); [6.5]
- 11.15.8 the YNP housing allocations are also for sites in agricultural use; [3.16]
- 11.15.9 there was no evidence at the Inquiry that the sites allocated in the YNP would be delivered, or on the likelihood that even the 3 years' HLS sites in the district are deliverable within 5 years; [3.17]
- 11.15.10 over half of those surveyed for the YNP (58%) were in favour of additional housing for local people in need, albeit controlled; [3.15]

- 11.15.11 Yapton is one of the more sustainable villages in the district; [3.10]
 - 11.15.12 the YNP mistakenly assumed that the eLP would be adopted soon; [3.10]
 - 11.15.13 while the Council has stated that it would like to increase its HLS through strategic allocations, without affecting allocations in the villages, the LP Inspector has not accepted this; [3.8][5.14]
 - 11.15.14 now that the eLP will be suspended for 12-18 months, or withdrawn, the relationship between the eLP and YNP can no longer be viewed as complementary; [3.10][3.12]
 - 11.15.15 the LP Inspector acknowledged that changes in the amount of development provided for by the eLP could result in certain parts of some NPs being superseded or in need of revision; [3.9]
 - 11.15.16 the Independent Examiner acknowledged that changes in the eLP could result in parts of some NPs being in need of review; [3.13] and
 - 11.15.17 NPPF 184 is clear that NPs should not promote less development than set out in an up-to-date LP.
- 11.16 For all these reasons, the weight to be given to the need for additional housing in Arun district, including Yapton, as urged by NPPF 47, should be given considerably more weight when balanced against YNP policy BB1.

Landscape

- 11.17 The Arun Landscape Study assessed the capacity of LCA 29 as a whole for development as low/medium. This is a greater capacity than that of half the LCAs studied which were assessed as Negligible to Low. The site lies within LCA 29 but with half of its boundaries adjoining built development along or across from either North End Road, the Orchard Business Park or the rear gardens to Church Lane. The accompanied visit showed that the site is on the cusp of a landscape exhibiting the features of LCA 29 but is also adjacent to built-up areas of the village. Moreover, while looking east beyond the site the view is of open fields, with a weak hedgerow structure, the site itself has several mature trees along footpath 358 and more around its perimeter with the village than in other parts of the character area. On this point the capacity of the site for development in landscape terms is significantly greater than that of LCA 29 as a whole which in turn has a greater capacity than average for the district. [2.5]
- 11.18 The scheme would change an open field into a housing estate. There would be a loss of countryside. It is a pleasant field with some open views and its loss would therefore be likely to cause some harm to the character and appearance of the immediate area. The proposals are in outline form and so, while conditions would control the detail, little positive weight can be given to the likely quality of the detailed design of the buildings at this stage. The illustrative drawings would push the housing towards Ford Lane and North End Road retaining the footpath across the site and creating open space between the church and the housing. This could provide a pleasant buffer between the older parts of the village and the new houses but, in the absence of further details, it should be assumed that the overall effect on the landscape character of the site itself would be harmful. [4.1]

- 11.19 On the other hand, subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area. It is likely that there would be no more than glimpses of the houses from Church Lane, while views from North End Road would be screened, and both would be in the context of existing housing. In time, the views from footpath 358 and from footpaths 356 and 359 beyond the site would be of landscaping. Footpath 357 would be significantly affected at first but could be lined with substantial planting so that ultimately its amenity value would be retained. For road users on Ford Lane there would be boundary planting and any glance towards the housing from a passing train along the railway line beyond would be of even less consequence. The site visit confirmed that the suggestion that there would harm to views from the South Downs was not credible. [2.4][5.6][6.7]
- 11.20 The Council has alleged that the appellant has not made a proper assessment of the impact on landscape character, or submitted a Landscape and Visual Impact Assessment (LVIA) in accordance with the LVIA guidelines. However, this is not mandatory and the appellant's evidence includes the relevant landscape documents and a detailed photographic survey. The DAS contains an assessment and analysis of the site and explains how that has informed the illustrative layout. The documentation was therefore adequate. [4.1(f/n39)][5.6][6.8]
- 11.21 Views of church towers are recognised in the 'West Sussex Landscape Land Management Guidelines' as a key characteristic of the coastal plain. The scheme would impair views of the tower from the appeal site and immediately to the north. On the other hand, the scheme would protect views along the footpaths and those from the east, further into LCA 29, would be unaffected. This concern should be given limited weight. [5.7][6.7]
- 11.22 While NPPF 17 bullet 5 recognises the intrinsic character and beauty of the countryside, there is no evidence that the site should be considered as a valued landscape, as defined in NPPF 109, bullet one. As interpreted by the Courts in *Stroud v SSCLG & Gladman*, the site would need to be more than just popular with local residents for this to apply. With regard to the letter from Brandon Lewis MP, this only draws attention to the fact that the impact of development on the landscape can be an important material consideration and does not alter the law or policy or suggest that landscape impact should be an overriding factor where the harm would be limited. [5.5(f/n50)][6.8(f/n77)]
- 11.23 Given the concern shown by local residents for their environment, as typified by the enormous effort that has gone into the YNP, it is reasonable to expect that great interest would also be given to the detailed design that would be put forward at reserved matters stage. Contrary to the Council's concern that there would be a 'suburbanising' impact, there was no evidence that the detailed design could not be suitable for the edge of a rural settlement rather than adopting its style from a low-density zone to a town or city. Subject to satisfactory proposals at the details stage, it is likely that a good scheme would come forward that would accord with the design requirements of ADLP policy GEN7(ii). [5.6]
- 11.24 Overall, there would be some localised harm to the character and appearance of the locality but there would be no significant harm to the

wider landscape. Moreover, given the need for much more housing in the district, and so the need for greenfield land to meet this demand in any event, the likely net harm to the district would be nil.

Conclusions on character and appearance

- 11.25 The site lies outside the settlement boundary in the ADLP and so within an area defined as countryside. However, ADLP policies GEN2 and GEN3 are for the supply of housing which serve to restrain development. In accordance with NPPF 49 and 14, the weight to be given to the need for housing should clearly outweigh the conflict with these out-of-date ADLP policies and with any harm to the countryside by way of policy rather than harm to the landscape. The site is also beyond the settlement boundary in YNP policy BB1. The YNP was only recently made. However, for all the above reasons, conflict with this policy alone should not outweigh the benefits of additional housing and affordable housing.
- 11.26 Subject to reserved matters, there would be no conflict with ADLP policy GEN7. Other than the loss of open countryside at the edge of a settlement, which must be inevitable if the Council is to meet its housing targets, there would be no significant harm to the character and appearance of the area or the wider landscape or conflict with NPPF 17.

Heritage

Listed building

- 11.27 St. Mary's Church is a fine, attractive, historic building and this is consistent with its Grade I listing. As an important designated heritage asset, under NPPF 132, great weight should be given to its conservation. Its significance is mostly on account of its great age and the degree of survival of much of its early fabric. Setting is defined in the glossary to the NPPF as 'the surroundings in which a heritage asset is experienced' and so it extends to cover anywhere from which the church tower can be experienced. The whole of the church can be seen, and experienced, from within the churchyard and from a short section of Church Lane. [2.8]
- 11.28 The top of the tower can be seen from much further afield, including the whole of the appeal site. This is all therefore within its setting as are parts of the existing village, notably some of Church Lane. However, unlike its Church Lane frontage, there is no inter-visibility between the appeal site and most of the church, only one way views of the tower. Little if any of what is important to the significance of the asset can be experienced from beyond the churchyard and the contribution which the wider setting makes to its significance is very limited. [2.8][5.7][6.10]
- 11.29 The setting of a heritage asset is not limited to where there is inter-visibility but HE Advice Note 3 confirms that this can be important. However, none of its examples of where views contribute more to understanding the significance of a heritage asset are relevant. This is because there is no important relationship between the church and the appeal site, no historical association, the composition in the view was never part of its design or function, and no relationship with features or phenomena. The evidence with regard to West Sussex churches standing towards the edge of villages

is interesting but here the church is already surrounded by land in residential use and the appeal site is off to one side so that the church would still be visually open to the countryside beyond the grounds of Church Farm House. The scheme has been designed with a wide margin of open space to respect the significance of the church. [2.9][3.18]

- 11.30 The proposed houses would obscure the tower from some views within the field and from parts of Ford Lane. Otherwise, the views from the footpath would be retained albeit that the view would be framed by houses rather than an open field. While this would alter the experience of this heritage asset from this part of its setting, subject to the detailed design of the houses, there is no evidence that the significance of the asset would be harmed by a change within what is effectively a relatively peripheral part of its setting. [5.8] [6.10]
- 11.31 The Council alleged that an inadequate assessment had been made of the settings. NPPF 128 requires the level of detail to be sufficient to understand the potential impact of the proposal on the significance of the assets. The Consultation Response from HE acknowledges that the appellant's evidence constitutes a 'slightly more thorough assessment'. While the Council seems to have interpreted this as damning with faint praise, it should be taken at face value as a lack of overt criticism. In any event, the information is comprehensive and the level of analysis is enough for a proper assessment of the setting. It would accord with PPG Ref. ID: 18a-013-20140306 that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. [5.7][6.9]
- 11.32 Two other listed buildings, Church House and Park Lodge, stand on the south side of Church Lane with other houses between them and the appeal site. The Council rightly raised no concerns with regard to the settings of these buildings and, given the separation, no harm would be caused. While the Council has referred to the historic character of the parkland to Yapton Place/Manor, there was no evidence that this setting ever made an important contribution to the significance of the church and in any event the parkland is no longer there. [2.8][2.10]
- 11.33 For all these reasons, the contribution which the setting makes to the significance of the church would be unaffected by the changes within an area of that setting in which only part of the church tower can be experienced. The proposals would therefore preserve the special architectural and historic interest of St. Mary's Church and its setting. Given that no harm would occur, the tests for substantial or less than substantial harm in NPPF 132-134 are not relevant and the proposals would accord with s66 of the LB&CA Act. While the relevant eLP policies carry rather more weight than those for housing, as there have few objections to these, there would be no conflict with these either. There would be no conflict with YNP policy E9. [3.1][3.14][5.8][6.10]

Conservation area

- 11.34 The Church Lane Conservation Area is tightly drawn around the church and the oldest part of the village. Its character and appearance are closely

linked with the historic buildings within it and the pattern of roads and boundaries. Views are not identified in any character appraisal for the conservation area. Although the photographic evidence suggests that Yapton Place/Manor probably adjoined Church Farm House, and its park may have covered part of the appeal site, their remains have blended into the landscape and they do not feature in the conservation area boundary, any stated reason for its designation or, consequently, its significance as a designated heritage asset. Rather, the character and appearance of the conservation area, and its significance, are derived from the extant historic structures, including the vernacular style and materials they exhibit, and their arrangement and patterns. [2.9][5.9][6.12][7.5]

- 11.35 The conservation area adjoins part of the appeal site over a short distance but the proposed houses would be well outside its boundary. While there would be some inter-visibility at Church Farm House and views of the church tower (see above), in general the site is physically and visually separated from the conservation area by intervening modern development and tree cover. Historically, it has not formed part of the setting to the conservation area which would be unharmed. The site is therefore very different to that at Church House which was within the conservation area and in front of the church. [2.9][4.1][5.9]
- 11.36 Subject to reserved matters, the houses would stand well beyond the conservation area and separated by open space and landscaping. For these reasons, the scheme would not affect the significance of this designated heritage asset or the character or appearance of the conservation area, which would be preserved. It would accord with historic environment policy in the NPPF and neither NPPF 133 nor NPPF 134 would apply. There would be no conflict with saved ADLP conservation area policy AREA2. As there would be no harm to the conservation area, let alone substantial harm, NPPF 14 footnote 9 does not apply. YNP policy E8 is not relevant as it refers to development within the conservation area. [3.1][3.14][5.8][6.12]

Archaeology

- 11.37 The Archaeology Statement refers to policy in the NPPF, available records, a single recorded find (despite development at Orchard Business Park and ploughing practice on the site) and a desktop assessment. It concludes that, while there is some evidence for historical settlement, a condition requiring more detailed evaluation and assessment prior to development would be appropriate. For these reasons, the level of information was adequate and would comply with NPPF 141. [4.1(f/n39)][5.10][6.13]
- 11.38 The site may contain the remains of human activity, either from the parkland to Yapton Place/Manor or from earlier occupation. The Council's witness found as much on site, albeit it was not suggested that the finds were important or unusual for West Sussex. Supported by a response from WSCC Archaeologists, the Council sought an evaluation, including the excavation of trial trenches, prior to determination. [5.10]
- 11.39 There was no evidence at the Inquiry that the scale or quality of any buried deposits are likely to be any greater than under any other typical agricultural field in the district or that there are likely to be finds for which preservation in situ is justified. Although it was not agreed in evidence that

this could provide adequate protection, the wording in the suggested condition set out in the Archaeology SoCG would prevent development proceeding until extensive investigation has been carried out. [6.13]

- 11.40 At Burndell Road an archaeological evaluation, including excavation of trial trenches, was carried out prior to determining the application. However, while a number of features and finds were turned up, as would be expected at the appeal site, nothing in the report suggests that the buried remains would have been any less well protected if permission had been granted subject to a condition requiring the evaluation prior to development rather than before approval. There was no evidence that the appeal site is likely to contain significantly more important finds than at Burndell Road. Moreover, as the Council was minded to allow that application, the developer could be more certain that the cost of the evaluation would not be abortive. [4.2]
- 11.41 Other appeal decisions suggest that a pre-condition is the normal route for dealing with potential archaeological interest in West Sussex and there was no evidence that this site should necessarily require greater protection than elsewhere. To require more would therefore be inconsistent and contrary to PPG, Ref ID: 18a-040-20140306, which requires a proportionate response, and a field evaluation where necessary, but estimates that following an initial assessment of archaeological interest only a small proportion – around 3 per cent – of all planning applications justify a requirement for detailed assessment. [6.13]
- 11.42 It follows that, for this outline application, a pre-condition requiring further investigation would be proportionate while still safeguarding possible remains. Subject to a condition, the scheme would accord with ADLP policy AREA17, which allows conditions to be attached to require investigation before development starts. Applying a condition would also comply with NPPF 128. [3.4]

Benefits

- 11.43 The scheme would provide up to 100 dwellings in a district whose Council can barely show 3 years HLS and where there is no prospect of additional allocations coming forward in less than 12 months and probably much longer than that. It would include 30% affordable housing, a benefit which the Council would welcome and for which there is also an acknowledged need. As a material consideration, supported by the NPPF 47 exhortation not just to boost, but to boost significantly, the supply of housing, and in circumstances where there is a very substantial shortfall, these benefits should be afforded considerable weight. [4.1] [9.3]
- 11.44 The proposals would provide the housing in what was agreed to be a sustainable location. It is wrong to say that the benefits of housing where there is no 5 year HLS, and of affordable housing where there is a clear need, would apply to any development for additional housing on the edge of any settlement in the district. There is no evidence that sustainable locations proliferate in this way and the appellant's evidence was that Yapton is one of few such settlements. [4.2][5.12][6.14]
- 11.45 The appellant put forward the opportunity for landscaping, with potential benefits for wildlife, public open space and other matters that would be

required by conditions or by the planning obligation. However, while these would be advantageous, as above, they should more properly be considered as mitigation than as benefits. [5.12][6.15]

Other matters

- 11.46 Although there was limited engagement with the community with regard to this application, there was pre submission consultation as described in the Statement of Community Involvement for an earlier application and, while not ideal, it is not unreasonable for the appellant to claim that it knew what the response to any further consultation would be. Local residents had plenty of time to comment and many did. The statutory authorities have assessed any additional pressures on infrastructure, roads and the school as acceptable subject to conditions and contributions. The two site visits during school drop-off and pick-up times showed that the roads were busy and congested at these periods, with consequential traffic delays, but did not show anything exceptional for roads outside a school in southern England. [1.6][4.2][4.3][7.7][7.9][8.2.1-8.2.24][9.5]
- 11.47 Concerning the issue of biodiversity, raised for the first time by the Council in evidence at the Inquiry, the field has been planted with a single crop. While there was a skylark singing above the appeal site during the site visit, there was no evidence at the Inquiry that the site itself provides any significant habitat for either protected or non-protected species other than in the field margins where the trees and hedges would be retained and enhanced. There would be no conflict with any development plan policies, including YNP policies E3, E4, E5 and E6. [3.14][6.8][6.15]

Conclusion on sustainability.

- 11.48 Sustainable development is defined in NPPF 6 as the policies in NPPF 18 to NPPF 219 as a whole while NPPF 7 identifies 3 dimensions to sustainability as economic, social and environmental. New construction would provide economic benefits. More residents would increase support for local services and public transport. There would be no significant economic downside to the proposals. New housing, and affordable housing in particular, would provide substantial social benefits. Although disputed by local residents, given the primary school and other services in the village, the proximity of potential employment at the Orchard Business Park and elsewhere nearby, and the regular bus services, it is not surprising that it is common ground that the site is in a sustainable location. [5.13][6.14]
- 11.49 With regard to the environmental dimension, subject to mitigation by the proposed planting, no significant harm would be caused to the wider landscape or biodiversity. The loss of countryside and productive agricultural land counts against the scheme but the weight to this, and conflict with ADLP policy GEN3 and YNP policy E1, should take account of the fact that such land would be lost to housing both under the YNP allocations and elsewhere in the district in any event if its housing needs are to be met. For the above reasons, there would be no harm to heritage assets. There would be no conflict with relevant development plan policies or with adopted SPG criterion 2.3 with regard to the effect on the setting of a conservation area. [5.13][6.14]

- 11.50 As the scheme is still in outline, limited weight can be given to its detailed design and the benefits which should flow from the conditions and obligation should be more properly considered as mitigation. Nevertheless, the illustrative layout, which could be required through reserved matters, indicates a scheme that would be well integrated, legible and permeable by walking and cycling and some weight should be given to this. Overall, I find that the environmental effects would be neutral. [1.4]
- 11.51 The policies in the NPPF also include the section on NPs at NPPF 183-185. The latter confirms that the policies in a NP take precedence over those LP policies but only once it has demonstrated its general conformity. The YNP did comply with this at the time but, as above, the position with regard to the housing policies in the LP now leaves nothing to underpin those in the YNP. Consequently, while the conflict with one policy in the YNP should not be disregarded in assessing the sustainability of the scheme, it should be given little weight. Although NPPF 198 states that an application which conflicts with the NP should not normally be granted, the appellant is justified in arguing that, given the level of shortfall and the status of the eLP, the situation here is far from normal. [5.4][6.5]
- 11.52 While there are many similarities with the *Broughton Astley* appeal, the shortage in supply there (4.1 years) was less than half that of around 3 years agreed to exist in Arun District and there the NP allocated significantly more sites than the Core Strategy requirement for the settlement. The cases at *Winslow*, *Sedlescombe* and *Earls Barton* are quite different as other significant harms or policy conflict were identified.
- 11.53 For all these reasons, on balance, the proposed scheme would amount to sustainable development as defined by the NPPF. This is a material consideration which should attract considerable weight.

Overall conclusions

- 11.54 As set out above, as the relevant development plan policies are out-of-date, and as the proposals would amount to sustainable development, the tilted balance in NPPF 14 should apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. In this case the only adverse impact would be to the character and appearance of the field itself, and the loss of agricultural land, harm which is likely to be inevitable somewhere in the district if housing targets are to be met. That is to say, for the district as a whole, the net harm would be nil while there would be considerable benefits. The proposals would therefore amount to sustainable development and the tilted balance should apply. However, even a straightforward balance weighs in favour of the scheme. This material consideration firmly indicates determination in favour of the proposals rather than in accordance with the development plan.
- 11.55 Given that there is far more than a limited degree of conflict between NPPF 47, 49 and 14, under NPPF 214 less than full weight should be given to YNP policy BB1. YNP policy H1 identifies that the minimum housing requirement for Yapton will be established by the eLP, and notes that additional allocations will be made if the eLP requires such action. While

there is doubt about what the eLP will require, this only reinforces the lack of foundation to the housing policies in the YNP. [3.14-3.15][5.2][6.16]

- 11.56 If the SoS's decision is made after 5 November 2015, NPPF 215 is also relevant and the weight to YNP policy BB1 should be reduced even further. In the alternative approach, if the development plan is taken as the starting point, as required by the Act and confirmed in NPPF 2, then considerably more weight should be given to the need for housing such that it would clearly outweigh the conflict with YNP policy BB1. Either way, the government imperative to boost the supply of housing should be given considerably more weight than the conflict with a single YNP policy, which is out-of-date and inconsistent with the NPPF as a whole. [5.13][6.16]
- 11.57 The proposals expose the tension in the NPPF between the desire for local people to decide on local issues and the need to provide an adequate supply of housing. Neither the Localism Act nor the NPPF suggest that local people should have the power to restrain housing development yet that is what the YNP seeks to do and was one of the main aims in its production. Whichever way the decision is made, it is likely to be criticised as reneging on either the commitment to localism, through NPs, or the commitment to adequately house the local population, as is heavily emphasised in the NPPF. A finding of substantial weight to YNP policy BB1 would mean that, for consistency, all Arun's NP boundaries could be argued to be sacrosanct and leave the eLP with little room to manoeuvre. [3.9][3.17][5.4][6.3][7.4]
- 11.58 Moreover, dismissing the appeal might be a very short lived victory for local residents given the likelihood that the eLP will need to find additional housing sites and that, other than policy conflict and local opposition, the proposals would not cause significant harm and not cause any harm that is not likely to be caused elsewhere if this site is not developed for housing. In the absence of any other harm, the scheme should be allowed to proceed. [5.14][6.18-6.19]
- 11.59 To give limited weight to YNP policy BB1 would be a great disappointment to many local residents and should not be undertaken lightly. It was argued that to allow the appeal would undermine all NPs. However, for all the reasons set out above, this would not be to negate all the other work leading to all the other policies in the YNP, and elsewhere, which remain valid. Any weakening of policies generally would only apply to those with the express aim of preventing new housing where there is considerable shortfall, which would be contrary to the purpose of NPs in the NPPF and which has no support in the Localism Act.

12. Recommendation

- 12.1 The appeal should be allowed and outline planning permission granted subject to the attached Schedule of conditions and with appropriate findings with regard to whether the obligation satisfies the statutory tests.

David Nicholson

INSPECTOR

Appendix A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Anne Williams of Counsel	instructed by Arun District Council
She called	
Andrew Burn	Waterman Energy, Environment & Design Limited
BA MCIFA	Arun District Council
Dr Ian Whiteman	
BA (Hons) MSc PhD	
Fiona McKenzie MA (Cantab)	The Environmental Dimension Partnership
MA CMLI AIEMA AArborA	
Peter Weatherhead	Peter Weatherhead Planning
BA MRTPI FRICS	

FOR THE APPELLANT:

Graeme Keen of Counsel	instructed by the appellant
He called	
Paul Collins BA (Hons) DipTP	Phoenix Planning Consultancy
MRTPI	

INTERESTED PERSONS:

Laura Floodgate	West Sussex County Council
Hilary Flynn	on behalf of Nick Gibb MP for Bognor Regis and Littlehampton
Andy Faulkner	Chairman, Yapton Neighbourhood Plan Group, and former Vice-chairman Yapton Parish Council
Tricia Wales	Yapton Neighbourhood Plan Group
Vicky Newman	Representative of 'No Yap Town' Residents Group
Margaret Sarson	Local resident
John Mills	Local resident
Andrew Gardiner	New Clerk to the Yapton Parish Council
Mary Kinnersley	Local resident

Appendix B

LIST OF INQUIRY DOCUMENTS

ID1	Notification of inquiry.
ID2	S106 planning obligation.
ID3	ADC's statement on infrastructure contributions.
ID4	Fiona McKenzie's suggested site visit plans.
ID5	Appellant's plan of Yapton identifying relevant features.
ID6	Local plan examination update clip.
ID7	Appellant's authorities bundle (separate folder).
ID8	Appellant's opening statement.
ID9	ADC's opening statement.
ID10	Statement by Nick Gibb MP.
ID11	Archaeology SoCG.
ID12	Mr Faulkner's statement.
ID13	ADC's response to Local Plan Examination Inspector.
ID14	SoCGs: (a) Joint; (b) HLS; (c) Conditions & obligations; (4) Archaeology.
ID15	Mr. Faulkner's new homes data.
ID16	Yapton Place print. A copy of S H Grimm's 1792 painting, submitted by the No Yap-town community group (see also its written representation) .
ID17	(a) Mrs Newman's statement; (b) Mr Mill's statement; (c) Mr Sarson's letter.
ID18	Biodiversity checklist.
ID19	Mr Burn's suggested amended archaeology condition.
ID20	PPG extract.
ID21	Information on St Mary's church.
ID22	YNP community survey.
ID23	ADC leisure strategy.
ID24	Note from Ms McKenzie.
ID25	Updated list of suggested conditions (including disputed version of Condition 15).
ID26	Council's Closing.
ID27	Appellant's Closing.
ID28	Arun Local Plan examination: a) Inspector's discussion note for Procedural meeting on 16 July 2015 and b) Inspector's Conclusions after the meeting, dated 28 July 2015
ID29	Further representations on the LP Inspector's conclusions.
ID30	Letters closing the Inquiry on 5 August 2015.
ID31	Costs application and response.

CORE DOCUMENTS

CD1	National Planning Policy Framework
CD2	Planning Practice Guidance
CD3	LPA Statement of Case (Dec 2014)
CD4	Appellant's Statement of Case
CD5	Statement of Common Ground (22/12/2014)
CD5A	Statement of Common Ground on planning obligations
CD5B	Statement of Common Ground – housing land supply

- CD6 Officer's Recommendation Report
- CD7 Appellant's Design and Access Statement and Planning Assessment
- CD8 Appellant's Extended Phase 1 Habitat Survey – Corylus Ecology
- CD9 Appellant's Tree Survey
- CD10 Objection from Landscape Architect (Terra Firma), WSCC
- CD11 Consultation Response from WSCC Archaeology
- CD12 Consultation response from Historic Buildings Adviser
- CD13 Consultation Response from English Heritage (4/8/14) – Samantha Johnson
- CD13A Further Response from English Heritage to Paul Collins (14/8/14)
- CD 14 Consultation Response from Yapton Parish Council: (18/8/2014)
- CD15 Screening Opinion issued by Arun District Council on previous application
- CD16 Cotswold Archaeology, Land off Burndell Road, East Yapton, West Sussex - Archaeological Evaluation – May 2011 - CA Report: 11143
- CD17 Arun Landscape Study, Hankinson Duckett Associates 2006
- CD18 Arun Local Plan 2003
- CD19 Publication Version Arun Local Plan 2011 – 2028
- CD20 Referendum Version Yapton Neighbourhood Plan
- CD21 Yapton Neighbourhood Plan Examiner's report
- CD22 Committee report dealing with GL Hearn report 'Objectively Assessed Housing Need: Arun District', March 2015
- CD23 Open Space and Recreational Standards Supplementary Planning Guidance (October 2000)
- CD24 WSCC CIL Justification Statement
- CD25 Guidelines for Landscape and Visual Impact Assessment (GLVIA) 2013
- CD26 Historic Environment Good Practice Advice in Planning Note 3. Historic England 2015
- CD27 Plan of Yapton Conservation Area
- CD28 Appeal Decision Re Character of Conservation Area: APP/C3810/A/08/2090433
- CD29 Arun Local Plan 2003 Map of Yapton
- CD30 Arun Local Plan 2014 Map of Yapton
- CD31 Recent Appeal Decisions re sites in Westergate: APP/C3810/A/14/2220943
APP/C3810/A/14/2217385
- CD32 Appeal Decision re Heritage Assets at Westbourne
APP/L3815/A/13/2205297
- CD33 Chartered Institute for Field Archaeologists "Standard and Guidance for historic environment desk-based assessment" December 2014
- CD 34 ADC Conservation Areas SPG, 2000

Appendix C

Schedule of conditions

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins and the development shall be carried out as approved.

Reason: To ensure that all reserved matters are considered and approved by the LPA prior to commencement of work.

- 2) Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: To accord with the requirements of Section 92 of the T&CP Act 1990.

- 3) This permission relates to the following submitted plans:
 - Location Plan Drg: 200B
 - Proposed Indicative Layout/open space proposals: Drg 201C
 - Illustrative Strategic Landscape/open space proposals: Drg 202B
 - Means of access Drg: 130431-10A

Reason: To ensure that the development is carried out in accordance with the permitted drawings and in accordance with the PPG Paragraph Ref ID: 21a-022-20140306.

- 4) The layout details submitted pursuant to condition 1 shall accord with Proposed Indicative Layout/open space proposals: Drg 201C and shall include:
 - i) 4.5 hectares (ha) of residential development comprising up to 100 dwellings on 3.4 ha at a net site density of 29 dwellings per ha (dph) and 1.1 ha of ancillary open space and landscaping laid out within the area marked A on Drg: 201C and;
 - ii) 2.2 ha comprising public parkland and green corridors laid out within the area marked B on Drg: 102C.

No more than 30 dwellings shall be constructed unless or until the proposed 2.2 ha of public parkland and green corridors has been laid out in accordance with the approved details.

Reason: To ensure that the proposed development is carried out in accordance with the approved drawings and to ensure timely delivery of the proposed public parkland and green corridors in order to protect residential amenity.

- 5) The landscaping details submitted pursuant to condition 1 shall include:
 - i) a plan showing existing hedging and trees to be retained together with details of measures for their protection, during the course of development;

- ii) the species, number, sizes and position of new trees, shrubs and hedging to be planted and details of any grassed or other planted areas, including seeding with an appropriate Native British Wildflower Flora mix;
- iii) measures to enhance biodiversity;
- iv) a landscape management plan detailing a programme for the implementation, long term management and maintenance of the 1.1 ha of ancillary open space and the 2.2 ha of public parkland.

No more than 50 dwellings shall be occupied unless and until the landscaping has been implemented in accordance with the approved details and any trees, shrubs or hedging plants which, within a period of five years from the date of planting, 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 otherwise approved in writing by the LPA.

Reason: To ensure that appropriate landscape details are submitted to and approved by the LPA and that the landscape proposals are delivered in a timely manner in order to protect residential amenity.

- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the NPPF or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 80% shall be social rented and 20% intermediate housing;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord involved);
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to ensure the delivery of appropriate affordable housing in accordance with the proposed development and the NPPF.

- 7) No development shall commence until detailed design and construction drawings for the means of access/egress onto Ford Lane as shown on the submitted Drg: 130431-10A (including street lighting) and the proposed improvements to North End Road as shown on the submitted Drg nos.:

130431-04B and 130431-05B, including bus stops, pedestrian facilities and street lighting along and across North End Road have been submitted to and approved by the LPA and no part of the development shall be commenced until these means of access have been constructed in accordance with the approved detailed design and construction drawings.

Reason: To ensure the timely delivery of required highway improvements in order to protect the safety of road users and residents.

- 8) No development shall commence until detailed scheme, design and construction drawings for the retention and improvement of public rights of way routes 357, 358 and 359 together with the provision of new cycle and new pedestrian routes through the site and to North End Road have been submitted to and approved by the LPA and no dwellings shall be occupied until the improvements and new pedestrian and cycle routes have been implemented and constructed in accordance with the approved detailed scheme, design and construction drawings and any legal requirements, as may be necessary.

Reason: To ensure that the proposed enhancements to footpaths and cycle routes are delivered in a timely manner.

- 9) No development shall commence until detailed design and construction drawings, including provision of a Stage 1 Road Safety Audit for the proposed improvements to the Lake Lane/Yapton Lane junction as shown on the indicative Drg: 130431-09A, have been submitted to and approved by the LPA and no more than 50 dwellings shall be occupied until the junction modifications have been constructed in accordance with the approved detailed design and construction drawings.

Reason: To ensure the safety of residents and highway users and the timely delivery of required junction improvements.

- 10) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The Statement shall provide for (but not necessarily be limited to):
- i) vehicle parking for site operatives and visitors, and on-site turning space;
 - ii) loading and unloading of plant and materials;
 - iii) storage of construction plant and materials;
 - iv) erection and maintenance of security hoarding, including decorative displays and facilities for public viewing as appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) the location of any site huts/cabins/offices;
 - viii) routing of construction vehicles to and from the development site;
 - ix) details of any temporary traffic management works required to construct any of the works;
 - x) details of Chapter 8 signage on the approaches to the site warning of the presence of construction vehicles and associated activities on or close to the public highway;
 - xi) details of the Construction Design Management Co-ordinator and site foreman including contact details (and out-of-hours contact details);

- xii) evidence of community involvement and/or public consultation prior to any works being carried out.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints shall be available on site and their availability made known to all relevant parties.

The Statement as approved shall be adhered to at all times throughout the construction period.

Reason: To ensure highway safety and to protect the amenities of residents.

- 11) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that an appropriate drainage strategy is implemented in accordance with the submitted proposals.

- 12) No part of the development shall be occupied until a Travel Plan, including a timetable for implementation and periodic review, has been submitted to and approved in writing by the LPA. The Travel Plan shall be implemented as approved.

Reason: To encourage the use of sustainable modes of transport.

- 13) No development shall take place until a detailed scheme of highway works has been submitted to and approved in writing by the LPA (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The works shall comprise a staggered junction ahead sign to diagram number 507.1 of the Traffic Signs Regulations and General Directions 2002 (TSRGD) on the westbound approach to the A27 junction with Yapton Lane. The sign shall have a height of 1.20 metres, be erected between 245 and 305 metres in advance of the hazard, have clear visibility of 105 metres and be supported on a yellow backing board. In addition, at the end of the A27 right turn lane into Yapton Lane, the priority arrangement shall be highlighted by the provision of additional "Give Way" signs and road markings to diagram number 602 and 1023 of the TSRGD. No dwelling in the development hereby permitted shall be occupied until the scheme approved by the LPA has been completed in full.

Reason: To ensure highway safety as directed by the Highways Agency.

- 14) No more than 50 dwellings of the development hereby permitted shall be occupied until the completion of the improvements to the A27 junction with Yapton Lane shown on Drg: 130431-06B (or such other scheme of works substantially to the same effect, as may be approved in writing by the LPA (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: To ensure highway safety as directed by the Highways Agency.

- 15) Development shall not commence until a programme of archaeological work has been implemented and completed in accordance with a written Archaeological Mitigation Strategy document to be submitted to and approved by the LPA. This should include a historic environment desk based assessment, to include an assessment of the potential to encounter previously unknown archaeology and its potential significance.

The mitigation strategy shall outline appropriate specific methodology and include commitments to:

- Carry out on site archaeological investigation in accordance with an agreed project design. This shall include but not be limited to archaeological field walking and geophysical survey, in order to inform the trial trenching.
- Use the results of trial trenching with the results of this assessment to identify areas that warrant further archaeological investigation in advance of development as appropriate, such as open excavation or archaeological watching brief.
- Preserve in situ and intact non-designated archaeological heritage assets that are demonstrably of equivalent significance to scheduled monuments (with reference to Historic Environment guidance in Paragraphs 132, 133 and 139 of the National Planning Policy Framework, March 2012);
- Fully investigate, record, analyse and report, to a specification to be submitted to and approved by the LPA, and to a standard proportionate to their significance, archaeological heritage assets that unavoidably will be affected adversely by development-related ground excavations;
- Prepare and implement satisfactory procedures to communicate the findings of archaeological investigation to the local community, including involvement in community archaeological projects where appropriate.

Reason: To ensure that the archaeological potential of the site is appropriately investigated and where necessary a mitigation strategy is implemented.

- 16) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by the LPA in consultation with Southern Water. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: In order to ensure that appropriate foul water sewerage disposal means are available prior to occupation.

- 17) Details of the laying out of a minimum 400 sq m area designated as a Local Equipped Area of Play (LEAP) and three Local Areas of Play (LAP), each of at least 100 sq m, and all other amenity areas (other than private gardens) to be provided on site together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed shall be submitted to and approved in writing by the LPA. No more than 50 dwellings shall be constructed unless or until the amenity areas including the LEAP and at least 2 LAPs have been laid out in accordance with the approved details.

Reason: To ensure the timely delivery of appropriate play areas for children resident in the approved development in accordance with the Council's adopted Open Space and Play Areas Supplementary Planning Guidance 2000.

- 18) The development hereby approved shall be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology and submitted with the planning application. This will include updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts and provide ecological enhancements. Details shall be submitted to the LPA and approved in writing prior to the commencement of development.

Reason: To enhance biological diversity in accordance with the NPPF and policy GEN29 of the Arun District Local Plan and to protect the ecological interest of the site.

- 19) The total number of dwellings shall not exceed 100.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Costs Report to the Secretary of State for Communities and Local Government

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7 October 2015

TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

APPEAL MADE BY

KEITH LANGMEAD LTD.

Inquiry held on 7-10 July 2015

Land to the south of Ford Lane, east of North End Road, Yapton

File Ref: APP/C3810/A/14/2228260

File Ref: APP/C3810/A/14/2228260

Land to the south of Ford Lane, east of North End Road, Yapton

- The application is made under the Town and Country Planning Act 1990, sections 78 and 320, and the Local Government Act 1972, section 250(5).
- The application is made by Keith Langmead Ltd. for a partial award of costs against Arun District Council.
- The inquiry was in connection with an appeal against the refusal of planning permission for an 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 vehicle access from Ford Lane and pedestrian/cycle access only from North End Road.

Summary of Recommendation: that the application should succeed in part.

The Submissions for Keith Langmead Ltd.

1. The application and final comments were made in writing¹. The appellant sought an award of costs, on the grounds that the LPA had behaved unreasonably in respect of procedural and substantive matters and that this had directly caused unnecessary and wasted expense². It related to reasons for refusal (RfR) 1, 2 (part only), 3, 4, 5 and 6³.
2. RfR1 is an objection to the principle of development. In the light of the agreed position on housing land supply (HLS), only limited weight should be afforded to the policies cited in RfR1 and the application should have been determined pursuant to paragraphs 14 and 49 of the National Planning Policy Framework (NPPF 14 and NPPF 49). In doing so the Council failed to have due regard to relevant national policy and case law or the principles in the *Westergate* appeals.
3. No award is sought for the more subjective matters in RfR2 but the Council's witness placed reliance on asserted conflict with policies which was unsubstantiated, raised new matters, on biodiversity and insufficient detail, and sought to resile from the SoCG. All of these actions were unreasonable.
4. Sufficient information was submitted with regard to the designated heritage assets and RfR3 was misguided. Unnecessary time and expense were incurred in addressing these matters. The Council's witness conceded in cross-examination⁴ that the application had assessed significance including any contribution from setting.
5. Contrary to the express terms of RfRs 4 and 5, the Council withdrew its allegation of substantial harm, wasting further time and expense. The Council failed to substantiate the allegation that harm would arise from the proximity of the proposed dwellings to the conservation area boundary.

¹ ID31

² The claim includes the detailed references to guidance on awards of costs in Planning Practice Guidance Ref. ID: 16-027 to ID 16-049

³ See main file

⁴ Dr Wightman

6. RfR6 could plainly be addressed by a condition as agreed in the Archaeology SoCG. Persisting with evidence to the contrary took up a considerable amount of unnecessary Inquiry time.

The Response by Arun District Council

7. The response was made in writing. The Council was entitled to contend that considerable weight should be given to the emerging local plan (LP) and the Yapton Neighbourhood Plan (YNP). Furthermore, NPPF 14 should not be engaged as the scheme would not be sustainable.
8. The Council's witness for RfR2 did support the policies set out there. She was entitled to raise biodiversity by way of background but, as no further time was spent on these matters, no expense was incurred. Adequate evidence was produced to show that insufficient information was presented with regard to RfR3 and, in particular, that there was no proper analysis.
9. The tilted balance with regard to designated heritage assets was explained regardless of whether or not the harm amounted to substantial. In any event, no unnecessary expense was incurred. Convincing evidence was produced to show that an archaeological condition was not appropriate.

Conclusions

10. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
11. RfR1 cited conflict with policy. While the HLS position may have changed so that the relevant policies were no longer up-to-date, as defined by NPPF 49 and so setting in train the presumption in NPPF 14, that does not mean that no weight should automatically be given to these policies. Rather, the weight to be given to policy is a matter for the decision maker taking account of the statutory basis of the development plan and the directions over weight in the NPPF. The Council was entitled to persist in its interpretation of the appropriate balance.
12. Expanding RfR2 to include raising biodiversity and the question of insufficient detail was unreasonable but no significant amount of Inquiry time was expended on these points.
13. The same applies to the assessment of significance for RfR3. Indeed the application acknowledges that this was quickly and expressly conceded in cross-examination and so no significant amount of Inquiry time was wasted. It is not evident from the appellant's evidence-in-chief or proof of evidence that appreciable amounts of time were spent then either.
14. Although the Council changed its tune with regard to the level of harm it alleged to the heritage assets in RfRs 4&5, as conceded in the application for an award, the assessments were needed in any event. While the proximity of dwellings to the conservation area boundary may not have been addressed in evidence, as the application was in outline form and the location of houses would not be fixed until the reserved matters stage, it was not unreasonable to cite this or to object as this was a matter of judgement.

15. RfR6 concerned remains of potential archaeological interest. The SoCG acknowledged that this could be dealt with by a condition, even if it was felt that this was not ideal, and there was no evidence of a likelihood of more important finds than on many other sites where a condition was found to be acceptable. This behaviour was unreasonable. While the proof of evidence needed to be prepared to explain the approach, a significant amount of Inquiry time was expended unnecessarily in dealing with this objection.
16. Unreasonable behaviour resulting in unnecessary expense has therefore been demonstrated in relation to RfR6. A partial award of costs is therefore justified.

Recommendation

17. I recommend that the application for a partial award of costs in relation to RfR6 be granted.

David Nicholson

INSPECTOR