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24 May 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 6 June 2018 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, 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 pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating :

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

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 9 May 2018 (attached).

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

6. START TIMES

To consider the start times of meetings for the remainder of 2018.19.

7. POST SITE INSPECTION PANEL PLANNING APPLICATION EP/7/18/PL – DEMOLITION OF EXISTING DWELLING (NO. 34A) WITH ALTERATIONS TO TWO EXISTING ACCESSES TO FORM A SINGLE POINT OF ACCESS. THIS APPLICATION MAY AFFECT THE CHARACTER & APPEARANCE OF THE FERRING CONSERVATION AREA, 32 & 34AM SEA LANE, FERRING

Following the Committee meeting held on 9 May 2018, it was agreed that a site inspection panel visit would be undertaken and that report is attached for Members' consideration.

8. TREE APPLICATIONS

There are no applications to consider. **OR** (PLEASE DELETE AS APPROPRIATE)
To consider the attached reports.

9. *PLANNING APPLICATIONS

To consider the attached reports.

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

10. *PLANNING APPEALS

To consider the attached report.

11. PLANNING LOCAL CODE OF CONDUCT – CONSTITUTIONAL AMENDMENTS TO PART 8, CODES & PROTOCOLS, SECTION 6

This report set out a proposed new Planning Local Code of Conduct as part of the comprehensive review of the Council's Constitution.

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 : Neil Crowther (Ext 37839)
Daniel Vick (Ext 37771)
Juan Baeza (Ext 37765)
Claire Potts (Ext 37698)

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

9 May 2018 at 2.30 p.m.

Present: Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Cates, Charles (substituting for Councillor Gammon), Dillon, Mrs Hall, Haymes, Mrs Oakley, Miss Rhodes and Mrs Stainton.

[Councillor Brooks was absent from the meeting during consideration of the matters considered at Minutes 565 (part - from Planning Application FG/183/17/PL) to 567.

Councillor Ambler was also in attendance at the meeting.

561. WITHDRAWN APPLICATION

The Chairman advised that Planning Application AL/8/18/PL had been withdrawn from the agenda and would not be considered at this meeting.

562. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Gammon and Wells.

563. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

Planning Application LU/408/17/PL – Councillor Bower declared a personal interest as a member of the North Littlehampton Steering Group, where the matters had been discussed and he had reserved his position.

564. MINUTES

The Minutes of the meeting held on 14 March 2018 were approved by the Committee and signed by the Chairman as a correct record.

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565. PLANNING APPLICATIONS

AL/8/18/PL – Erection of 2 No. 2 bedroom dwellings with associated parking & landscaping, Land between 8 & 10 Barnett Close, Eastergate Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the agenda.

A/8/18/PL – Variation of condition 2 imposed under A/173/16/PL to read “the development to be carried out in accordance with the following approved plans ADC962/04 REVA, ADC962/13 & ADC962/14 relating to revised position of rooflights on east, north & south elevations. This application affects the character & appearance of the Angmering Conservation Area, Land Rear of 1 to 6 The Cottrells, Angmering Having received a report on the matter, together with the officer’s written report update detailing additional information relating to the use of the proposed housing, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/11/17/OUT – Hybrid application to include full planning permission for a retail unit (Class A1) comprising 1,487sqm with associated access, car parking, servicing, landscaping & associated works & outline planning permission with some matters reserved (scale & appearance) for Public House (Class A4) comprising 581sqm (resubmission following A/23/15/OUT). This application is a Departure from the Development Plan, Land south of New Road (A259) & East of Brook Lane, Angmering Having received a report on the matter, the Strategic Development Team Leader presented the detail of the application and advised that the proposal consisted of two parts – the first for full planning permission for a Class A1 retail unit, including access, and the second for outline planning permission for a Class A4 public house with scale and appearance reserved.

With regard to the full application, Members heard that this was a complex and detailed application with a number of issues for consideration and, whilst the NPPF placed significant weight on the need to support economic growth through the planning system, these benefits and other material considerations were not considered to outweigh the dis-benefits associated with allowing an out of centre retail development to proceed in a countryside location when a suitable and available town centre site was available. The access being proposed was problematic in that it was east of Brook Lane and would require Brook Lane to be stopped up. The neighbouring landowner had raised concerns about the revised access location prejudicing the access to the site to the west of Brook Lane, which had recently been granted outline planning permission. As there was no agreement between the parties, the applicant had therefore not demonstrated that a safe and

suitable access to the site could be provided. The application was therefore being recommended for refusal by officers.

It was accepted that the Public House element of the proposal would provide a community facility and additional employment opportunities in the area and that the layout was acceptable. However, it was part of the overall development “package” and, particularly due to its reliance on the access from the main full element of the scheme being delivered, which was considered to be unacceptable, and that no separate demonstration of a lack of suitable town centre locations had been provided, the outline element was also recommended for refusal by officers.

The Business Development Manager spoke in favour of the proposal and highlighted the considerable benefits it would bring to the area in social and economic terms.

Mr Steven Shaw, County Highways, was also in attendance to clarify the issues around access and answer questions from Members and Mr Jeremy Cook was present to offer legal advice on the matter.

In debating the item, Members considered the Waitrose site, expressed views that the scheme should be approved and referred to the socio-economic benefits of the proposal and that all parties concerned should get together to work on resolving the access issues to satisfy both this application and the application for the development to the west of Brook Lane.

Following comment and advice from the County Highways representative, the Committee did not accept the officer recommendation to refuse the application.

Further detailed debate then took place as to a way forward in relation to the access issue, and consideration was given to approving the application but deferring the access issue. The Group Head of Planning advised that the proposal had to be determined as a whole and could not be split. The Committee then

RESOLVED

That the application be deferred to enable the access issues to be resolved.

A/23/15/OUT – Hybrid application – full planning permission for a retail unit (Class A1) comprising 1,487sqm(1022sqm ground floor and 465sqm mezzanine) with associated access, car parking, servicing, landscaping & associated works. Outline planning permission for a public house (Class A4) comprising 581sqm at ground floor level. This is a Departure from the Development Plan, Land south of New Road (A259) & East of Brook Lane, Angmering Having received a report on the matter, the Strategic Development Team Leader advised that this application

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was being redetermined following the Judicial Review claim that had quashed, through a Consent Order, the original decision to grant planning permission due to an inconsistency in the approach to the sequential test. The report had been updated and it was highlighted that the difference between this proposal and A/11/17/OUT was the access. Although this access could be amended more easily than that shown under A/11/17/OUT to accommodate the access to the adjacent site to the west (A/169/17/OUT), it had still not been demonstrated that a safe and suitable access could be provided without prejudicing that site.

With regard to the retail issues, it was still considered that the proposal was contrary to retail policy as it failed to meet the sequential test requirements and the material considerations, as detailed in the report, could not be considered to outweigh that and the resultant unacceptability of this type of development in a countryside location.

Both the full and outline applications were therefore being recommended for refusal, as detailed in the report.

Mr Shaw from County Highways advised Members as to why the proposal was unacceptable at the present time due to the access issues.

In discussing the matter, comments were made around the need for a Grampian condition to ensure a suitable access would be provided to satisfy the Highway Authority. However, it was concluded that would not be appropriate. A view was expressed that, should the proposal be approved, then the matter of the railway crossing needed to be addressed in that a contribution should be sought to make it safer.

The Committee did not accept the officer recommendation to refuse the application and were asked by the Group Head of Planning to provide explicit reasons for its decision. Member comment was made that the socio-economic benefits to the District were considerable and, as there was substantial retail development to the east of the application site, it made sense to develop this last parcel of land between the railway line and the A259. The comments made by the Business Development Officer on Planning Application A/11/17/OUT were pertinent relating to economic/social development issues and were fully supported by the Committee.

The Strategic Planning Team Leader read out a list of headings for potential conditions that could be applied to any permission, as attached to the original permission, and stated that wording would need to be included relating to the access to the site.

The Committee then

RESOLVED

That the application be approved and the decision be delegated to the Group Head of Planning, in consultation with the Chairman and the Cabinet Member for Planning, to attach appropriate conditions to the permission to include a S106 Agreement for contributions towards safety measures for the railway crossing and for Rustington and Littlehampton Town Centres.

A/84/17/PL – New retail unit with mezzanine together with associated car parking and service road. This is a Departure from the Development Plan, Rustington Golf Centre, Golfers Lane, Angmering Having received a report on the matter, the Principal Planning Officer presented the detail of the application, which was replacing the previously approved 9 five-a-side football pitches and associated football building. The proposed retail unit would be developed alongside the remaining approved leisure facilities at the front of the Golf Centre comprising a 63 bed hotel, a pub/restaurant, an indoor trampoline and laser tag centre, a forest adventurer kiosk and a nursery with associated infrastructure and landscaping (A/77/16PL).

Opening comments in the debate expressed concern that this enormous retail structure in the countryside would have a detrimental visual impact, particularly as everything else on the site centred around health, leisure and sports activities. Other concerns were expressed relating to access to the site via the roundabout at the entrance and that the retail use would create a substantial increase in traffic to the site, which was already difficult to exit from. A request was made that service vehicles should be segregated away from car parking within the internal layout.

Officer advice was given that there was a consented scheme already and there was no evidence to say that the impact of the retail unit instead of 9 football pitches would cause severe harm.

Following advice from the Group Head of Planning, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/7/18/PL – Demolition of existing buildings and erection of 2 No. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats. Amendment to EP/138/17/PL, Land rear of Beechlands Cottages, Beechlands Close, East Preston Having received a report on the matter, together with the officer's written report update detailing an additional representation

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received, Members expressed concerns with respect to relationship of the development to the surrounding area and

RESOLVED

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

FG/174/17/PL – Demolition of existing dwelling (No. 32) & erection of 4 No. 4 bed dwellings, alterations to existing dwelling (No. 34A) with alterations to two existing accesses to form a single point of access. This application may affect the Character & Appearance of the Ferring Conservation Area, 32 & 34A Sea Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Councillor Elkins spoke to the following application in his role as Ward Member and stated that he was also a member of West Sussex County Council.

Prior to consideration of the following application, Councillor Mrs Hall declared a personal interest as a member of West Sussex County Council. She remained in the meeting and took part in the debate and vote.

FG/183/17/PL – Change of use of land from permitted B8 storage use & erection of new detached office building (Use Class B1) with access via Hangleton Lane & associated car parking, cycle storage & refuse storage. This is a Departure from the Development Plan, Land adjacent to The Barn, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Councillor Elkins spoke to the following application in his role as Ward Member.

FG/206/17/PL – Installation of a Six Pump (12 Filling Position) Petrol Filling Station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/Water Services & Vacuum Equipment, Land at Asda Superstore, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing additional representations received and consultation responses from the Drainage Engineer and Environmental Health and resultant

additional and amended conditions, a number of Members expressed concerns with this proposal.

The proximity of neighbouring properties to the jet wash was considered to be unacceptable due to the potential for noise disturbance and the impact of the spray travelling over to the gardens. Whilst some Members felt that the distance between the position of the jet wash unit was sufficient to mitigate the effect of the noise and spray, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

Due to their close proximity to residential properties, the proposed use of the two jet washes will result in levels of noise and disturbance which will have an unacceptable detrimental impact on the enjoyment of the rear gardens of properties in Bennett Gardens contrary to policies GEN7, GEN32, GEN33 of the Arun District Local Plan, D DM1, QE DM1, QE DM2 of the emerging Arun Local Plan and the National Planning Policy Framework.

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

LU/408/17/PL – Variation of condition No. 4 & 24 imposed under LU/355/10 relating to amended drawings & rewording condition to state “Details of the proposed bus route within the development, including footway and cycleway links, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 550th house at Kingley Gate. The bus route, cycle and footway links shall be carried out in accordance with the approved plan prior to the occupation of the 600th residential unit at Kingley Gate, Land north of and south of Railway, Courtwick Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/88/17/PL – External alterations including replacement windows & doors to create new entrance, cladding of external walls & creation of seating area to facilitate new operator (KFC) together with provision of drive-thru lane (Use Class A3/A5) with opening hours 7 am to 10 pm and single storey extension to Burger King to South, Little Chef Restaurant, Arundel Road, Walberton Having received a report on the matter, Members expressed concerns with regard to the existing litter

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problem at the site and the potential for this to be made worse and asked for a condition to be placed on any approval to mitigate that. The Committee

RESOLVED

That the application be approved as detailed in the report subject to the addition of the following condition:-

“The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7.”

566. PLANNING APPEAL PERFORMANCE AND COST 1 JANUARY 2017 TO 31 DECEMBER 2017

The Planning Team Leader presented this report which set out the detail of how the Council had performed in the calendar year 2017 in respect of planning appeals. An update to the report was circulated at the meeting which provided additional financial information on appeals that had been determined by either call-in or recovered appeals by the Secretary of State.

The Committee noted the report.

567. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 6.45 p.m.)

AGENDA ITEM 7

DEVELOPMENT CONTROL COMMITTEE

6th June 2018

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

EP/7/18/PL	Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL (Deferred For Committee Site Visit)	Land rear of Beechlands Cottages Beechlands Close EAST PRESTON
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**Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 15-05-2018**

REF NO: EP/7/18/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
EAST PRESTON

PROPOSAL: Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats -
Amendment to EP/138/17/PL

This application was deferred from the 9th May Development Control Committee in order for a post Committee Site Visit to take place.

The site visit took place on the 15th May and was attended by Councillors Mrs Bence, Bower, Chapman (as Ward Member), Haymes and Mrs Oakley and representatives from East Preston Parish Council. Apologies were recieved from Councillor Mrs Stainton.

Members did not reach a decision with 2 votes in favour of approving the permission and 2 votes against.

REPORT UPDATE

Application No: EP/7/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

1 Objection which adds to previous comments made in an earlier representation..

- We have never considered the existing metal staircase used by Greenmanor's tenants to access their flats from their parked cars to be an "impediment".
- It forms the only access to the rear compound for tenants living over the shops from where they have been allowed by the landlord to park their vehicles regardless of their leases
- The tenants safety needs to be considered and the relocation of the staircase affects this ..
- Vehicles may well be displaced .
- The "improved access" on the western side with yellow lines and "enforceable no parking" will further impact upon the tenants of the retail outlets who park there at present to load and unload, they would have to utilise the parking at the front. This is supposed to be for customer parking and limited waiting time dependent, it may not necessarily be available when required for loading and unloading, these vehicles should be included as being displaced
- Are the delivery vehicles/waste disposal vehicles using this new improved Western access route for the shops and flats able to access this narrow entrance?
- Are they expected to reverse back out into Beechlands Close?, clearly they will not be able to turn around and therefore, is that safe practice?
- A door opening out onto this new vehicular non public route would have to be considered an obstruction/hazard to one party or another. The pedestrian access would be under a "not uncommon shared surface arrangement" and "no pedestrian zones would be required". A pavement would also further restrict the width of the route for vehicles having to use it.
- The tenants of flat numbers 139 & 143 have no internal staircase to allow direct access to the front parade, even though it still appears on some plans.
- The distance for the young family in flat 143 to the new proposed fire escape is unaltered at 34 metres and the landlord's most recent tenants adjacent to them in flat number 139 have a child. If there is a fire in either of the 2 Northern end flats over the shops, numbers 129 (over fish & chip shop) & 133, have no viable safe means of escape for the residents if the fire escape were to be relocated as per the plan. In these circumstances people including young children would be directed towards the hazard via the various obstructions on the balcony,
- As residents of 125 North Lane for the last 43 years we do not consider "The Standard" 10 metres from the rear boundary relevant when it comes to our loss of amenity,

Officers Comment:

As previously stated satisfactory means of escape would be dealt with by Building Regulations.

County highways have no objection to the proposal in terms of - Impeding access to the rear of the shops or the adjoining property/ Access by emergency vehicles/ The position and provision of car parking or Highway safety.

The 10m distance used to assess the impact on residential amenity is not dependant on the length of time neighbours have been in residence.

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

PLANNING APPLICATION REPORT

REF NO: EP/7/18/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
EAST PRESTON
BN16 1JT

PROPOSAL: Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the construction of a pair of 3 bedroom dwellings, 2 storeys in height of differing design. The ridge heights would be 8.5m and 7.5m with an eaves height of 4.6m. Each property would have an integral car port. Alterations to the existing access and the relocation of the existing staircase to the adjoining flats are also included in the application.
SITE AREA	1127 sq m
RESIDENTIAL DEVELOPMENT DENSITY	18 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to eastern boundary to 2m height. Garages on rear boundary approx. 3m high. Close boarded fencing to rear gardens of Beechlands Close to approx. 1.8m high.
SITE CHARACTERISTICS	The dwellings would be situated in a garage compound, with existing buildings being demolished.
CHARACTER OF LOCALITY	The site is located within a central village location where there is a mix of property design. There is a terrace of new dwellings to the immediate south of the site. There is further residential development to the east and north. To the west there are parades of shops which are located on Sea Road. There are residential flats above and to the rear of these shops.

RELEVANT SITE HISTORY

EP/138/17/PL	Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats.	Withdrawn 21-12-17
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EP/91/09/	Erection of 4 no. houses.	ApproveConditionally 13-08-09
EP/41/17/PL	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	ApproveConditionally 25-05-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection - The proposed development would represent an overdevelopment of the site which would appear unduly cramped and would therefore be contrary to saved policies within the Arun District Local Plan, Policies 1 and 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).

- Concern about access to site by emergency vehicles, not only to the proposed new properties but also the rear of the existing flats above the shops in North Lane/Sea Road and the emergency exit for the residents of the flats above these shops. If the escape staircase is moved to one end of the building.it will be an unnecessarily long and dangerous route for residents.
- Concerned about the provision of four parking spaces for two proposed properties. Ten people could live in these properties with five cars between them. Existing car-parking would be lost in an area in which on-street parking is already at a premium.
- The design of the building is contrary to the National Planning Policy Framework though better than the previous iteration. The design still feels awkward and not in keeping with nearby properties contrary to Section 64 of the NPPF.
- There was also concern about the distance the new properties will be from the back of Nos. 1-4 Beechlands Cottages. The proximity of the new properties both to Beechlands Cottages and other properties could result in a loss of amenity.

2 Objections including East Preston and Kingston Preservation Society.

- The proposed houses are too close to the existing and proposed Beechlands Cottages
- The distance between bedroom windows would be 20-21 metres and overlooking would occur.
- The proposed houses would have an unacceptably adverse effect on the amenities of these existing or approved houses, which would be contrary to Policy GEN7 (iv) of the Arun Local Plan.
- Despite the comments from WSCC, the development would hamper access to the vehicle entrance to 125 North Lane and vehicle access for deliveries to the rear of the shops, at 127-143 North Lane.
- The development would have an unacceptably adverse effect on the use of these properties, contrary to Policy GEN7 (iv) of the Arun Local Plan.
- The provision of five parking spaces for two houses is now in line with WSCC guidelines, but the development would displace at least 12 vehicles that would park on the already crowded streets contrary to the spirit of Policy 1 ii of the East Preston Neighbourhood Plan.
- There is an established right of access across this land.
- At almost 9m length of ridge line the design will cast a shadow on neighbouring garden and severely restrict sun light to garden. The conservatory and greenhouse rely on this light.
- Rear building line is 14.4m from neighbour's building line

- Will be overbearing and result in loss of privacy
- The re-positioning of the metal staircase on the northern end of the existing balcony would be unsightly and only 3.2m from neighbouring property resulting in a loss of privacy.
- Dwelling has been omitted from all plans
- Substantial 2.3m high flint wall will be removed and replaced with 1.8m high close boarded fencing
- Installation of a new gate at the end of the disputed alleyway has a domestic (internal) Yale type key operated cylinder/latch. It opens in and would not accept a panic bar.
- Vehicle and pedestrian access to neighbouring property would be restricted.
- Access with a trailer and motor homes would be difficult
- No mention is made of the rear fire escape doors to the various retail premises.
- This development will prohibit the current delivery of goods or retrieval of waste to shops. Most deliveries currently take place to the rear.
- Currently 12 vehicles park on the site. 16 vehicles would be displaced onto the road by this development
- This area floods
- Warehouse due for demolition has an asbestos roof
- Poor design and position

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not agreed that the proposal represent an overdevelopment of the site.

The site lies within Character Area 2, not 3 of East Preston Village Design Statement and therefore policy 3, not 2 of East Preston Neighbourhood Plan is relevant.

Satisfactory means of escape would be dealt with by Building Regulations.

Removal of the asbestos roof would be subject to control by other legislation.

The site does not lie in a high flood risk area and engineers have no objection.

County highways have no objection to the proposal in terms of impeding access to the rear of the shops or the adjoining property and access by emergency vehicles or the position and provision of car parking.

The design of the dwellings is considered to be acceptable, plot sizes and ridge height would not be out of character.

Neighbouring dwelling is partially indicated on the block and location plan.

The agent has advised that the legal right of way through the proposed development to 125 North Lane will be maintained which has been legally defined as access by cars or vans. It does not include other types of vehicle such as skip lorries, race car trailers or skip lorries. This right of way is a legal matter and not a planning consideration. The existing fire escape referred to as an impediment will be relocated. Fire doors opening onto the right of way do not cause an obstruction.

The neighbour's pedestrian access will be maintained and enhanced by the provision of a new shared surface which results in slower vehicle speeds and an improved surfacing.

The site currently comprises a commercial building, garages their associated parking and turning areas. Once removed, they will be replaced by the dwellings and their parking spaces. This does not impact on how the shops or flats to the west of the site currently deal with their waste storage and disposal." An area for storage of bins and trolleys has now been incorporated into the scheme which will enhance the

current arrangements.

The rear elevation of the proposed dwellings will be 10m from the rear boundary which is the standard distance for this relationship which precludes any loss of amenity. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, can be screened as illustrated on the submitted drawings.

It is noted that the neighbour is concerned about the potential loss of the boundary wall to the rear of the existing garages. The applicant is willing to retain this wall if possible; a matter which can only be assessed upon demolition of the garages.

CONSULTATIONS

WSCC Strategic Planning

Southern Water Planning

Environmental Health

Engineers (Drainage)

Engineering Services Manager

West Sussex Fire Brigade

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an Informative is added to any planning approval

County Highways - No Objection.

The current resubmission is an amended scheme for 2 x dwellings to the rear of Beechlands Cottages. No objection was raised on highway safety or capacity concerns to the previous application for 3 x dwellings .

Unit 2 will be provided with a single car port space plus additional space fronting this. Unit 1 will be provided with an integral car port space plus one allocated on the forecourt area. On the basis of 2 spaces being allocated per dwelling the WSCC Car Parking Demand Calculator envisions a total demand for 5 spaces. An additional visitor parking space is also demonstrated. The demonstrated amendments in relation to car parking quantity and layout are acceptable and a turn on site to exit to the public highway in a forward gear is achievable.

Conditions relating to cycle parking, construction management plan and vehicle parking and turning should be imposed .

Drainage Engineer - No Objection. Request imposition of standard conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

East Preston Village Design Statement
W DM3 Sustainable Urban Drainage Systems
SD SP2 Built -Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design

<u>East Preston Neighbourhood Plan 2014 Policy 1</u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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POLICY COMMENTARY

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

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The emerging Local Plan is at a very advanced stage and carries weight .

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies 1 and 3 of East Preston Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan and Policies 1 and 3 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF). The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Paragraphs 14 and 49 of the NPPF set out a presumption in favour of sustainable development.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic,

social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Environmental

The application site lies within the settlement of East Preston and is located behind local shops, and within walking distance of primary school and health facilities. The nearest bus stop is in front of the parade of shops. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

Economic

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 2 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the dwellings could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour.

Social

It is also considered that the proposal will have social benefits by providing new housing to meet local needs and this also weighs in the scheme's favour.

The East Preston Neighbourhood Plan is made and therefore forms part of the development plan. Policy 3 of East Preston Neighbourhood Plan states that a low building height should be maintained at no more than 1.5 storeys in this Character Area.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against all the other relevant policies of the development plan.

SITE HISTORY

This application follows an earlier withdrawn application for the construction of a terrace of three dwellings, 2 storeys in height, comprising three 3 bedroomed properties of differing design with hipped and gabled end elevations and a central ridge height of 9.3m dropping to 8.4m. The application was withdrawn prior to it being recommended for refusal.

The site lies on the north side of Beechlands Close to the rear of Nos. 1-4 Beechlands Cottages. The existing cottages were erected following the grant of planning permission in 2009 (EP/91/09) and the development replaced garages which were formerly on the site. Planning permission has recently been granted for an additional dwelling on the eastern end of the terrace (EP/41/17). That proposal maintained an access on the east side of the site to a commercial building and six retained garages located to the north. It is this land to the north which is now the subject of this proposal.

VISUAL AMENITY AND CHARACTER

The design of the dwellings would not directly replicate that of any neighbouring dwellings within the immediate surrounding area, but the use of hipped roof and ground floor eaves level does reflect chalet style bungalows in the area generally. The main characteristic of Character Area Two is the predominance of bungalows.

The scheme has sought to lower the roof level close to the rear of the shops and flats above on Sea Road to the west and reduce the overall bulk of the roofscape by both of the ends of the dwellings. The central roof area has also been reduced in length and visually broken up. It is not considered to be unduly high, discordant or visually out of keeping with its immediate surroundings comprising flats to the

east and Beechlands Cottages to the north . The overall height of the proposal is acceptable and not out of place given its location adjacent to higher development.

The scheme has been reduced to provide two dwellings and whilst they remain as two storey they are now proposed to be link detached dwellings. Unit 1 to the east will have a ridge height of 7.6m and unit 2 will have a ridge height of 8.5 m. This is an acceptable reduction of 1.7m and 0.77m respectively from the ridge height of the previous scheme. The scheme also includes car ports with a bedroom above at the western end and between the two properties. This reduces the overall massing of the proposal as these ridge heights are limited to 6.2m and 6m respectively.

There is no set design of dwelling styles present. There are a number of terraced two-storey properties nearby, particularly to the south, but the residential dwellings to the east are bungalows and the position of the application dwellings relates more to the layout and position of these properties than the two storey terrace to the south. This terrace fronts Beechlands Close and reflects the uniform terrace on the opposite side of that road frontage.

The dwellings are proposed to be constructed in materials in keeping with other developments in the locality. In this respect the dwellings will be constructed in brick with fibre cement boarding used to break up elements on the front elevations and wrap around the east elevation. The roof will be plain clay tiles with bonnet hips. In design terms therefore the dwellings will be similar to other developments recently approved in the locality.

The density and plot sizes are also in keeping with other development in the locality. The plot sizes are similar to those approved in the new development to the north at Beechlands Close. Some front garden area/landscaping space is provided to the front of both units. All neighbouring dwellings meet or exceed rear garden lengths of 10m and the proposal now accords with this depth. The bungalows to the east have wider and deeper plots and are of much lower density. It is therefore considered that the proposal represents an acceptable form of development in keeping with the existing pattern of development and the character of the locality. The proposal is therefore in compliance with policy GEN7 (ii) and Policies 1 and 3 of East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun District local Plan Policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The NPPF indicates that good design should contribute positively to making places better for people. It also encourages the creation of places, streets and spaces which meet the needs of people and are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice. Given the reasonable garden areas this proposal is considered to be acceptable on the residential amenities of future occupiers and the neighbouring dwelling to the north. The dwellings now have an improved outlook. Unit 1 has space in front provided as a front garden area providing space onto an access road, parking area and shop service area.

Each property will have a living, dining room, kitchen and w.c. on the ground floor with three bedrooms and two bathrooms at first floor level. The eastern property (Unit 1) will have a Gross Internal Area (GIA) of 108sqm and the western unit (Unit 2) will have a GIA of 118sqm. Externally, the properties will have

119sqm and 93sqm gardens respectively and a depth of 10m which provides for an acceptable amount of outside amenity space and accords with the Nationally Described Space Standards.

Officers have previously referred to the potential for overlooking from the walkway to the flats to the west. This has been addressed in the positioning of windows on the rear elevation of Unit 2. There is only one bedroom window at the eastern end of the rear elevation which is approximately 13m from the end of the walkway and at an oblique angle which will preclude materially adverse overlooking resulting. It is also proposed to raise the fence on the western boundary with trellising to restrict overlooking to the garden. The relationship proposed between the garden and the walkway is the same as that approved at Beechlands Cottages to the south where it was considered acceptable.

In terms of the relationship of the proposed dwellings with the rear elevations of Beechland Cottages, the scheme has been designed so that there are only 3 first floor habitable rooms on the south elevation which are approximately 21m from the rear of the existing cottages including the end property which has planning permission. The properties are also at an oblique angle. In terms of the north elevations, these will be situated 20m and more from the northern boundary dwellings which represents an appropriate distance to preclude overlooking.

The application also proposes improvements to the existing service access which passes along the west side of Beechlands Cottages. This will maintain and improve access to the rear of the shops for delivery purposes. Such access is only by agreement with the owner of the shops as the majority of deliveries take place to the front due to ease of access there. The tenants of the shops and flats have no right to park on the application site. All other rights of access such as for UK Power Network and 125 North Lane will remain. An area for the shops to store delivery trolleys and bins is also proposed which also represents an improvement on the current situation where no such storage facilities exist.

The proposal includes relocation of the existing fire escape staircase from the rear of the shops to the northern end of the parade. This would increase the potential for overlooking in this area and potentially increase activity adjacent to the boundary. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, is indicated on the north elevation plan to be screened with 1.8m high obscured glass. Therefore whilst the staircase would be located adjacent to the northern boundary it would not result in direct overlooking of the neighbouring dwelling.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision. The West Sussex County Council parking demand calculator indicates the requirement for 5 no. parking spaces where each property has two allocated spaces. The proposal provides 5 spaces with two spaces for Unit 2 (one in the car port and 1 in front), two for Unit 1 (one in the car port and one in the courtyard and a fifth space is provided for visitors. The proposal provides sufficient on-site parking to meet its needs and is in a highly sustainable location where other means of transport are available.

A condition relating to the submission of a Construction Management Plan has been suggested since the site is located adjacent to the rear service area for the shops and without clearly defined areas for contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles obstruction and congestion on adjoining roads could result.

CONCLUSIONS

The application is therefore 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 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, Block Plan and Location Plan 2.11 revD, Proposed Plans and Elevations 2.10 revC, Elevations of New Staircase to existing building 2.03 revA

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

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

Reason: To avoid undue congestion of the site and consequent obstruction to access. It is

considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access which could compromise highway safety in accordance with the NPPF.

- 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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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.

- 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 in accordance with policy GEN7 of Arun District Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

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

- 8 Before occupation of the dwellings the emergency escape staircase on the north elevation shall be provided with obscure glazing as detailed on drawing 2.03 revA and it shall be retained at all times and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 9 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.

- 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: Drainage Engineers advise that 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 available on request.

- 13 INFORMATIVE:A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on the website.

EP/7/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

6th June 2018

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

AT THE DEVELOPMENT CONTROL COMMITTEE

WALBERTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
WA/84/17/PL	Demolition of existing structure & paddock & erection of farm building for the secure storage of farm machinery, fertilizer, hay & straw (resubmission following WA/63/16/PL).	Fairmeads Farm Binsted Lane Arundel BN18 0LQ
Case Officer:	Andrew Amery	
Recommendation:	Approve Conditionally	

MIDDLETON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
M/123/17/HH	Two storey extension to existing building. Re-submission of M/71/17/HH	Little Thatch 93 Middleton Road Middleton on Sea PO22 6DW
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditionally	

FORD

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
F/5/18/RES	Approval of reserved matters following outline consent F/7/15/OUT relating to appearance, landscaping, layout & scale for residential development comprising of 45No. dwellings. This application also lies within the parish of Yapton. Resubmission of F/23/16/RES	Land South of Burndell Road Yapton BN18 0HR
Case Officer:	Mr D Easton	
Recommendation:	Approve Conditionally	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/5/18/PL	Hard standing to parking bay at front grass verge.	9 St Malo Court St Helier Road Ferring BN12 5EY
Case Officer:	Pat Aird	

Recommendation: Approve Conditonally

ANGMERING

Reference

[A/8/18/PL](#)

Development Description

Variation of condition 2 imposed under A/173/16/PL to read 'the development to be carried out in accordance with the following approved plans ADC 962/04 REVA, ADC962/13 & ADC962/14 relating to slight repositioning & change in size of building, revised position of rooflights on east, north & south elevations. This application affects the character & appearance of the Angmering Conservation Area.

Location

Land Rear of 1 To 6
The Cottrells
Angmering
BN16 4AF

Case Officer:

Mrs A Gardner

Recommendation:

Approve Conditonally

PLANNING APPLICATION REPORT

REF NO: WA/84/17/PL

LOCATION: Fairmeads Farm
Binsted Lane
Arundel
BN18 0LQ

PROPOSAL: Demolition of existing structure & paddock & erection of farm building for the secure storage of farm machinery, fertilizer, hay & straw (resubmission following WA/63/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the removal of an existing small structure and replace it with a building measuring 5.6m high with a width of 10.5m and a length of 18.3m. The building would be made from box profile steel roof sheeting (grey for the roof and green for the walls) and with a concrete block base. The building would have a sectional up and over door at one end and an open bay designated for hay storage at the other end.
SITE AREA	The site (red and blue edges shown on the plan) is approximately 2.65 ha.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consists of a mixture of hedging and trees of various heights and species. Some fencing to the southern boundary.
SITE CHARACTERISTICS	The site is agricultural land which currently features a number of dilapidated structures.
CHARACTER OF LOCALITY	The character of the locality is rural with agricultural land surrounding the application site and sporadic residential development situated to the north and south. The South Downs National Park is situated approximately 200m to the north of the application site with Meadow Lodge a grade II listed building located 86m to the north.

RELEVANT SITE HISTORY

WA/63/16/PL	Demolition of 3 No. existing agricultural buildings & erection of new agricultural building & farm workshop/office.	Refused 06-10-17
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The site history showing a refusal of a recent application is noted. The development proposed under this application differs from the previous application. The previous application was refused for the following reason:-

The proposed southernmost agricultural barn by virtue of its height and design would result in unacceptably adverse harm to the visual amenities of the rural locality in conflict with policy HP13 of the Walberton Neighbourhood Plan; GEN7 of the Arun District Local Plan; D DM1 and D SP1 of the emerging Local Plan; and the National Planning Policy Framework.

It is important to note that the previous application was for two buildings (this application is for one) and there is no longer a proposal for a farm workshop/office.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

WPC object on same grounds as previous application and are concerned about access/highway.

Previous objection (WA/63/16/PL) was:

"Considers the proposed development of new buildings on this 2.3 acre site is not supported by Arun District Local Plan (GEN 1, 3, 4, 7, 8, and Policy Dev 6, 8).

Further, that Walberton NDP policies (VE 9, GA 5, CL 1) are either not supportive or not engaged.

WPC also considers that these new buildings will not be within GDO Sched 2 Part 3 Class R (Permitted development of agricultural buildings to a flexible commercial use).

WPC notes that under "Environmental Assessment" the application does not refer to a number of biodiversity issues including protected species and the Barnham Rife, and attaches a report from Sussex Biodiversity."

12 letters of objection:

- There has never been a paddock on the site.
- The Design and Access Statement title suggests 16 hectares but there is not 16 hectares of land.
- The proposed buildings would affect the setting of the South Downs National Park 200m away.
- The proposed buildings are out of character with the surrounding area.
- No details of materials or colour of the buildings has been provided.
- Part 18 of the form suggests building has a footprint of 293.5 sqm when in fact it is 190 sqm.
- Only previously seen sheep in field for 3 weeks contrary to applicants statement.
- The site could not support the number of sheep stated or the amount of hay production.
- Machinery will only be used for a few weeks of the year.
- Concerned about business use.
- No control over future development.
- Increase in building footprint.
- Replacement of small building with much larger one.
- No control of machinery to be stored.
- Traffic/highway safety.
- Setting of Binsted Park.

- Applicant now owns 6.5 acres.
- Straw will be brought on to the site.
- Potential fire risk from stored items.
- Business is contracting work - do not show number of vehicle movements.
- Potential pollution to watercourse.
- Concern about barn owls, birds, reptiles and bats.
- All structures should be demolished.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The previous objection from Walberton Parish Council related to the previous scheme and there have been changes since then. Policies GEN1 and GEN4 are not saved policies and can not be considered. Policy GEN8 relates to the provision of infrastructure and there are not considered to be any relevant infrastructure requirements. Policy DEV8 is not applicable. Policy DEV6 allows for the construction of agricultural buildings under certain circumstances.

In terms of the made Walberton NDP - policy GA5 relates to applications that significantly increase the levels of traffic in the villages however there is no objection from WSCC on highway grounds to the proposal. Policy CL1 relates to proposals to upgrade or extend existing employment sites - this is not an existing employment site. Policy VE9 relates to the re-use, conversion and adaption of rural buildings - the proposal is for a new building so the policy does not apply.

The application has been subject to consultation with our ecologist and they raise no objection subject to conditions.

The reference to a paddock relates to the description of the development - the existence of a paddock (or otherwise) is not relevant to the determination of the application.

The site area of the proposal is noted in the report and it is accepted that the building is much larger than the one to be demolished.

The impact of the buildings on the SDNP is discussed later in the report as are character issues.

Details of the materials are on the plans and the dimensions of the building are noted in the report.

The applicants have stated a number of sheep on site/level of hay production which they believe they can achieve. The LPA have no evidence to dispute this however the National Sheep Association website refers to a stocking ratio of 6-10 sheep per acre.

Straw being brought on to the land would not affect the agricultural status of the land.

There is no proposal to demolish the buildings in a state of disrepair adjacent to the entrance.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSSC Highways: Impact on highway not severe under NPPF - no objection subject to conditions.

Ecology: Lighting scheme to minimize impact on bats. No works to trees hedging between 1/3 and 1/10. If this needs to be done ecologist to be consulted prior to works.

Engineers: No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside built up area.

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution
GEN7	The Form of New Development
DEV6	Agricultural Buildings

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
HER SP1	The Historic Environment
QE DM1	Noise Pollution
HER DM1	Listed Buildings
QE SP1	Quality of the Environment
QE DM2	Light Pollution
D SP1	Design
LAN DM1	Protection of Landscape Character
SD SP2	Built -Up Area Boundary

<u>Walberton Neighbourhood Plan Policy 2017 GA5</u>	Traffic Management
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2017 VE9	Rural Buildings

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The Walberton Neighbourhood Plan has been made and the relevant policies in it have been taken into account in 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 the siting of a building on the position proposed for agricultural purposes would not cause unacceptable harm to the character of the area, residential amenities of the area, ecology or the setting of the Listed Building to the north or the setting of the National Park.

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

Policy GEN3 states that development will not be permitted in the countryside unless;

(i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste.

It is considered that the proposed agricultural farm buildings would meet the requirements of GEN3 and as such the principle of the proposed development is considered acceptable subject to accordance with relevant policies within the development plan (Arun District Local Plan and Walberton Neighbourhood Plan) and any other material considerations.

Policy DEV6 of the adopted Local Plan allows for the construction of agricultural buildings if their scale, siting, design and materials minimise the visual impact on the landscape. It requires that new buildings are grouped around any existing buildings in order to minimise impact on the landscape. Alternatively isolated buildings are acceptable where their location is essential to the agricultural activity being undertaken and they are not in a prominent location.

It is considered that the application complies with this policy in that the scale etc of the building will have an acceptable visual impact on the landscape. The applicants have submitted a statement in support of agricultural need which states:-

"The machinery list seems reasonable for the proper management of the holding, and most of this will have to be stored inside for security and maintenance. I would therefore consider the proposed building to be of adequate size to allow for storage and access, together with feedstock, and miscellaneous tools etc together with a workshop/maintenance area for servicing the machinery. I assume part of the building may also be required to meet animal welfare requirements where stock on the farm need to be handled or require veterinary treatment and supervision."

DESIGN AND VISUAL AMENITY

The proposal seeks planning permission for the erection of one agricultural barn on the site which will be used for the storage of agricultural equipment and hay. The building with its narrow side facing the highway and positioned on the north side of the site replaces a very small building.

The building measures 18.3m x 10.5m and would be constructed from concrete blocks and block profiled sheeting. It is considered that the size, design and siting of the agricultural building is such that the application would not cause unacceptable harm to the visual amenities of the predominantly rural area.

RESIDENTIAL AMENITY

The proposed building will be situated approximately 6m from the northern boundary and 50m from the southern boundary. It is considered that the proposed building by virtue of its size, design, position and use will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon neighbouring residential properties.

The proposed use of the buildings for the storage of agricultural vehicles and hay will not generate unacceptable noise or impacts upon the residential amenity of nearby occupiers beyond what could be expected in a rural farming community.

HIGHWAYS IMPACTS

The proposal has been the subject of consideration by County Highways who have raised no objection in relation to the proposed scheme subject to the inclusion of a suitably worded condition regarding the access point.

ECOLOGY

The Council's Ecology advisor has considered the proposal and it is considered that suitably worded conditions would overcome their concerns.

SETTING OF LISTED BUILDINGS

The proposed building is due to be positioned some 70m to the south of Meadow Lodge and Morley's Croft is even further to the north on the opposite side of the road. Due to the size and design of the building and the landscape features in between it is not considered that the proposed building would have an adverse impact on the setting of the listed buildings given the agricultural nature of the area.

SETTING OF THE NATIONAL PARK

The South Downs National Park is sited approximately 195m to the north of the proposed building. Due to the height, position and design of the building together with intervening features it is not considered that the building would have an unacceptable adverse impact on the setting of the National Park.

SUMMARY

The application is considered to comply with relevant development plan policy as it would result in a modestly sized building located on agricultural land for a stated agricultural purpose.

It is therefore recommended that the application be approved subject to 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), 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:-
RA/671/120 Site Plan
RA/671/500 Block Plan
RA/674/100 D

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 building hereby approved shall be used only in connection with the agricultural land within the red and blue edge and the building shall not be used for any other business purpose including agricultural contracting or for vehicle repair except in relation to vehicles used in connection with Fairmead Farm.

Any farm equipment stored within the building must be needed in connection with Fairmead Farm.

Reason: Business use other than that related to agriculture on the site would be likely to give rise to traffic movements and disturbance to nearby residents contrary to GEN7 of the Arun Local Plan.

- 4 No part of the development site shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details (including swept path tracking for appropriate vehicles) submitted to and approved in writing by the Local Planning Authority.

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

- 5 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests within 24 hours prior to the vegetation being cleared and it is confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

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

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

WA/84/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: M/123/17/HH

LOCATION: Little Thatch
93 Middleton Road
Middleton on Sea
PO22 6DW

PROPOSAL: Two storey extension to existing building. Re-submission of M/71/17/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a 2 storey extension on the east side of the dwelling. The proposal would involve removing the roof of the dwelling, increasing its height and altering its profile and extending it closer to Middleton Road at first floor by approximately 6m and ground floor by 2.5m. The ridge height would increase by approximately 1.8m. The width of the dwelling at first floor on the south elevation would increase by 4m. The rear conservatory would also be increased in width and height.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing on top of low walling to site frontage to approx. 2m height. To side boundary fencing/hedging to approx. 2m.
SITE CHARACTERISTICS	Detached thatched property with painted rendered elevations and pitched roof detached garage at entrance to site and to east side boundary. Pitched roof single storey extension to rear adjacent to side boundary.
CHARACTER OF LOCALITY	Residential comprising large properties of varying design and size set on spacious plots.

RELEVANT SITE HISTORY

M/17/60	Additions	Approve 20-07-60
M/8/00/	Conservatory to rear	ApproveConditionally 31-03-00
M/141/87	Extension to rear	ApproveConditionally 04-01-88

M/134/17/CLP Lawful development certificate for the proposed temporary siting of 1 No. caravan.

M/133/17/PL Demolition & erection of 1 No. dwelling to existing ground floor slab.

Application M/133/17/PL is identical to this proposal, but relates to demolition of the existing dwelling and its replacement with a larger dwelling in the same position on the east side of the plot. The proposal is identical to this householder application and has been submitted as a fall back position in case work on any approved extensions would involve removal of more of the existing dwelling than anticipated.

It is intended that the Certificate of Lawfulness Application caravan application M/134/17/CLP will be determined shortly after determination of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No Objection

8 Objections (from 3 households) -

- Two storey extension description is misleading.
- The dwelling is a non-designated heritage asset and should be retained.
- The Village Design Statement explains that, whilst most roofs are clay tiles, many of the earliest buildings have roofs of Norfolk reed thatch and that these are now part of "Middleton's essential charm".
- The character and appearance of the dwelling at no. 93 contributes significantly to local distinctiveness and is aesthetically pleasing because it exhibits richness in its detail and materials.
- Paragraph 135 of the NPPF states that in weighing applications that affect directly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
- The NPPF confirms that significance can be harmed through alteration - here the characteristics of the cottage are not simply being altered, they would be lost.
- Concerns about the change in the building profile and bulk of the roof.
- The amendments do not satisfactorily address all of previous objections.
- Concerns about the presentation and accuracy of the plans.
- Neighbouring property has not been included in the 1:500 Block Plan.
- The Location Plan is incorrect. Neighbouring house is not drawn to scale and is much closer to the boundary in reality.
- Question the 1m gap annotated on the plan. The block plan also shows the boundary to house gap as 3.3m. Drawing number AB-100-7 V5 - 'proposed floor plan and elevation' shows this distance to be 3.4m. It is therefore requested that key boundary measurements are double-checked on site.
- The dwelling at no. 93 is set back from the public highway more than the others nearby on the northern side of Middleton Road. This alignment results in any developments having a greater impact on adjacent

properties.

- The revised plans still incorporate a formal and substantially sized annexe along the eastern side. Bedroom 2 would not be physically connected to the rest of the first floor and the duplication of entrance doors, kitchens, utility rooms, lounges and downstairs toilets highlights the intensive use of the extended building.
- The proposed layout would provide accommodation which would be totally independent from the main dwelling. There is no demonstrable dependence on the western side of the dwelling in terms of functional and practical links.
- The lowering of the ridge next to the neighbour is rather 'token' in nature and would still be much higher than the existing thatched roof.
- The substantial increase in the height would be particularly dominating and the overall bulk of the roof would be prominent from various angles.
- The size of the new front dormer and the over-reliance on rooflights on the rear elevation emphasises its scale.
- A more subservient annexe would help minimise the impact on the eastern side.
- The two storey front projection adds additional bulk at the front of the dwelling, in line with the rooflights over neighbours kitchen diner and the dormers above.
- It isn't clear how far the east elevation will be extended on its south side. The measurements are unclear. Currently there is a large flat roof glass extension to the lounge similar to a conservatory. If this is now to be incorporated in the southern roof line then the drawings are not to scale as this flat roof extends roughly 2m and is not shown on the dotted line on AB-100-12 V5.
- The revised plans are not accompanied by a day/sunlight report to demonstrate the impact at the rear of our property, especially in the afternoon during the months when the sun is lower in the sky.
- A loss of privacy does not relate solely to overlooking from windows. It also involves activity and disturbance in close proximity to private areas, including gardens. There would be no need for the occupiers of the annexe to use any of the facilities within the main house. The single connection point (on the ground floor) could easily be blocked off and therefore, in effect, a second, elongated house is being proposed alongside the boundary hedge. This would have an intrusive presence.
- The second front door on the east elevation is in very close proximity to neighbours habitable rooms and external sitting out area.
- This door is not a 'rear entrance' as annotated. It would be well-used by the occupiers of the annexe.
- The ramp shown on the plans increases its overall height and the direction of the lighting is likely to be disturbing. More acceptable alternative access points are available.
- The introduction of a first floor window on the east elevation whilst high level would still allow overlooking towards neighbours sitting out area and kitchen diner (with rooflights) and dormers above - these all face no. 93 and are within close proximity of the boundary. There would certainly be a perception of being constantly overlooked.
- The upper level window on the first floor plan does not tie up with the location shown on the east elevation drawing. The distance between the window in the dormer and the southern frame of the high level window do not seem to correspond.
- The design is not in keeping with the village design statement.
- The overall re-design of the project is not in keeping with the rest of the properties in Middleton Road
- The bungalow to the rear has both living and sleeping accommodation facing the proposed property.
- Concern with the siting of the building plot close to the east and south boundaries rather than centrally which would be less imposing.

COMMENTS ON REPRESENTATIONS RECEIVED:

- A new set of scaled plans have been submitted to now clearly show the distance to the site boundary. The site, including the existing and neighbouring property, have been professionally surveyed which means that all distances shown are as accurate as can be.
- There is no requirement for the plans to include the updated footprint of the adjacent dwelling which has

been extended. However clearer plans have been requested and received which show accurate distances from the proposal to the neighbouring property.

- The application relates to the latest submitted plans as well as the description which is considered to be acceptable.
- The annexe within the dwelling is fully integrated. It has no separate parking or outdoor space and is clearly indicated on the submitted existing and proposed floor plans.
- The proposal represents a reconfiguration of the existing annexe.
- The only change is that the first floor bedroom would only be accessible from the ground floor annexe, not the rest of the house at first floor.
- A condition has been imposed to ensure that the accommodation is not used as a separate residential unit.
- The door on the side elevation would not result in materially unacceptable noise levels to the adjoining dwelling.
- Many properties have side access doors adjacent to neighbouring dwellings.
- Daylight and sunlight reports have now been received which demonstrate that there would be no materially adverse impact on residential amenity in this regard.
- Middleton Village Design Statement refers to the geographical area defined in Arun District Local Plan as an Area of Special Character and this site lies outside of that boundary.
- The village design statement is not part of the development plan and is for guidance purposes only. Whilst the loss of the thatch referred to in the Village Design Statement is regretted the Local Planning Authority could not refuse the application because the thatched roof is not retained. The Design Statement refers to extensions being of the highest quality and in keeping with their setting. The application is considered to be compliant with this part of the guidance and whilst the extension would not match the materials of the existing dwelling the design and proposed materials would enhance its current appearance which is considered to be in a state of disrepair.
- The building is not listed, not defined as a Building of Special Character or located within a Conservation Area. It does not therefore fall within the definition of a Heritage Asset within the National Planning Policy Framework.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

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

[Publication Version of the Local Plan \(October 2014\):](#)

- D DM1 Aspects of Form and Design Quality
- D DM4 Extensions & Alterations to Existing Buildings
- D SP1 Design
- SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

- SPD7 Middleton on Sea Village Design Statement

POLICY COMMENTARY

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

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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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. 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).

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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).

Middleton Parish Council is not in the process of making a 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 although it is not visually subservient to the host dwelling the proposed extension accords with Policy DEV19 (i), (iii), (iv) and (v).

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 dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

BACKGROUND

The application has been amended since originally submitted to move the extension adjacent to the eastern boundary southwards so that it is approximately 1m closer to the front of the site. The profile of the extension has also been altered to reduce the impact of its bulk in relation to the neighbouring dwelling.

VISUAL AMENITY AND CHARACTER

The proposed two storey side extension is sited on the east elevation of the house forward of the front building line of the existing property. The development will involve the removal of the roof, part of the elevations and rear extension together with an increase in the overall height of the dwelling.

The extension will be clearly visible from the road and alter the appearance of the dwelling changing it from a relatively small thatched dwelling to a larger 2 storey dwelling with a tiled roof. The width would increase by 4m and the depth by 8m. However the plot size is one of the largest on the north side of Middleton Road and the dwelling is considerably set back from the site frontage by approx.24m. The increase in width and 1.6m increase in ridge height of the property would not therefore be readily noticeable. The design of the extension would alter the profile of the building, but includes retention of the low eaves to part of the elevations which helps to reduce the perceived bulk of the extension. As a result the enlarged dwelling would not appear overly dominant or out of keeping in the street scene.

The dwelling is located close to the eastern boundary and its position on this part of the plot would remain unaltered. The materials of the extensions are included in the application and include plain clay tiles to dormers, bonnet roof hips and clay tile roof, green oak posts with stone straddles, white render and horizontal slate grey weather boarding. These materials would be in keeping with those on properties in the immediate locality. The originally submitted drawings have been professionally enhanced to better articulate the proposed elevation drawings and highlight the incorporation of local features. Given their design, appearance and siting within the application site the proposed extensions are not considered to have an unacceptable impact on the character and appearance of the area.

The rear conservatory extension is not visible from Middleton Road. The height and depth of the extensions is such that an adequate amount of garden space is retained .

Therefore, it is not considered that the proposed development, taken as a whole, would have an unacceptable adverse impact on the character and appearance of the host property or the wider area.

RESIDENTIAL AMENITY

The application has been amended from the scheme originally submitted by moving the extension on the east side forward in relation to the side boundary to prevent the adverse overbearing effects which previously resulted to the rear garden area of 97 Middleton Road.

The dwelling is not centrally located on the plot. It is adjacent to the eastern boundary and with regard to the amenity of adjoining occupiers this is the only property (no 97) which would be affected by the proposed extension. This dwelling has been extended on its west side adjacent to the shared boundary. It has roof lights and dormer windows in a side dining/kitchen extension of the elevation which faces the application site. Due to the height, depth and shape of the proposed gabled end elevation and the separation distance of approximately 3.2m, the loss of outlook from these windows would not result in unacceptable material harm.

A condition has been recommended to ensure that the first floor high level window in the east elevation is obscure glazed and a condition is suggested to prevent any further windows being added in this elevation in the future. This would prevent any adverse overlooking.

The applicant has submitted a Daylight, Sunlight and Overshadowing Report. The report considers the potential for the proposed scheme to exceed the Building Research Establishment (BRE) target values for daylight, sunlight and overshadowing. The floor plans provided indicate that there are only two windows serving a bathroom and bedroom at first floor level within 97 Middleton Road that directly face the development site. The BRE recommends that if a proposed development does not exceed a 25 degree angle then the neighbouring property will maintain a good level of sky visibility. 93 Middleton Road sits back from 97 Middleton Road and will not obstruct the windows/rooms at first floor level. The development at 93 Middleton Road will not exceed the 25 degree angle. Both windows/rooms are considered to fully comply with the BRE guidelines in daylight terms as the development does not exceed the 25 degree angle, therefore 97 Middleton Road will continue to maintain acceptable levels of daylight.

None of the neighbouring living room windows face within 90 degrees of due south and based on the recommendations documented in the BRE Guide do not need to be considered for the Sunlight method of assessment. In overshadowing terms, 97 Middleton Road has a north facing garden which is relatively open to the east. As a result, the garden will continue to benefit from direct sunlight from the east through to the south west before there is the potential for any additional overshadowing to be caused by the development at 93 Middleton Road. During this time, more than half of the garden will receive at least 2 hours of direct sunlight on 21 March when the clocks go forward. Therefore, the scheme is considered to fully comply with the BRE target values in overshadowing terms and any additional overshadowing would be acceptable.

The provision of a door in the east elevation to provide access to the annexe is not considered to result in a level of activity and noise disturbance that could reasonably be refused on amenity grounds.

The impact on the adjoining property to the west, no 91, is also considered to be acceptable. Although the property would be extended 1m closer to the side boundary at ground floor level and 3m at second floor and the depth of the first floor area would increase by 7.5m it would be located 9.47m from the side

boundary and would be adjacent to the rear garden area. This would prevent any materially adverse overbearing or overlooking effects. Side facing windows already exist at first floor in the side elevation although they are now proposed to be located an acceptable 1m closed from the boundary.

CONCLUSION

Therefore, in summary, it is considered that there would not be any unacceptable adverse harm to the living conditions of neighbouring properties or the character of the area. The proposed development therefore complies with adopted policies in the Arun Local Plan 2003 and the Middleton on Sea Village Design Statement.

Whilst the proposed extension is such that it would be contrary to Policy DEV19(ii) in that it would not be subservient to the host dwelling, it is considered that the development would be in keeping with the character and appearance of the locality. It would not have a significant impact on the visual amenities of the locality, nor would it have an unacceptable adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore 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 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 submitted on 12-02-2018 :

Comparative Elevations AB:100 12 Version 5, Elevation and Ground Floor Plan
AB 100 7E version 5; Sections
AB 100 11C version 5, Existing Plans and Elevations,
AB:100:3 rev A submitted on 10-04-2018, and the following plans submitted on 15-05-2018:
100 :1250 Location plan and 1:500 Block plan
101: 1:200 Topographic Site Survey
102A:1:200 Proposed site plan showing proposed roof plan and including neighbouring properties.
103A: 1:100 Proposed Ground Floor Plan and South and West Elevations
104A:1:100 Proposed First Floor Plan and North and East Elevations
105:1:250 Existing and Proposed Street Scene
106: Colour Materials and Finishes Schedule

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

- 3 The window at first floor level on the east elevation of the building shall at all times be glazed with obscured glass and /fixed to be permanently non-opening up to a level of 1.7m above the finished floor level.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor or above in the east elevation of the building without the prior permission of the Local Planning Authority on an application in that behalf.

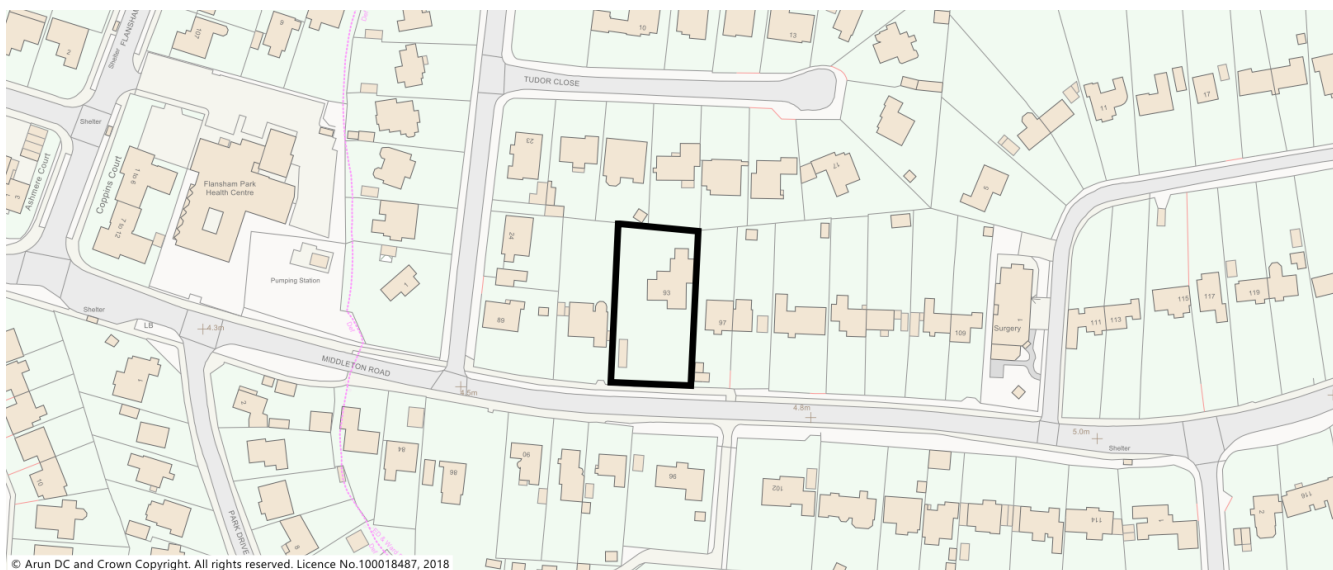
Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The family annex accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 93 Middleton Road as a dwelling and shall not be used as a separate unit of accommodation.

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

- 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/123/17/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: F/5/18/RES

LOCATION: Land South of Burndell Road
Yapton
BN18 0HR

PROPOSAL: Approval of reserved matters following outline consent F/7/15/OUT relating to appearance, landscaping, layout & scale for residential development comprising of 45No. dwellings. This application also lies within the parish of Yapton. Resubmission of F/23/16/RES

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks approval of reserved matters in relation to appearance, landscaping, layout & scale following the granting of outline permission under reference F/7/15/OUT for the construction of 45 residential dwellings.
SITE AREA	The site has an area of approximately 2.4 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	The development will have a gross density of approximately 19 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The northern boundary of the site adjoins the residential properties which front Burndell Road, the boundary consists of domestic fencing of varying heights. Most of the boundaries are supplemented by hedging or trees. There is wire fencing, hedging and five bar gate to highway boundary in Burndell Road. The southern, eastern and western boundaries are enclosed by mature hedgerows, 3-4 metres in height with intermittent trees of varying maturity.
SITE CHARACTERISTICS	The site is located to the south of nine residential properties fronting Burndell Road with a narrow road frontage. The site largely comprises open grassland, and would appear to have been used as grazing land. Access to the site from Burndell Road is provided between the properties 'Kyrie' and 1 Northwood Cottages.
CHARACTER OF LOCALITY	Residential properties are situated to the north of the application site with agricultural land situated to the south and east of the application site.

RELEVANT SITE HISTORY

F/7/15/OUT	Outline application for residential development	App Cond with S106
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comprising 45 dwellings. Formation of access onto Burndell Road (Resubmission following F/9/14/PL) - This application also lies within the parish of Yapton. This application is a Departure from the Development Plan.

10-03-16

Outline consent for the construction of 45 residential dwellings was granted under reference F/7/15/OUT.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

OBJECTION

- Open pond and play area should be included at the site.
- One property should be provided for a very disabled resident of Ford and this was agreed by the site promoters.
- The agreement to build one property for a very disabled resident of Ford must be honoured.
- Housing mix should deliver a range of house types and tenures including bungalows, sheltered accommodation, self build and shared equity.
- Policy H2 of the Ford Neighbourhood Plan has been ignored.
- This development was about meeting the needs of local people in high quality imaginative design houses and a site to include larger areas of natural and semi-natural greenspace and amenity space.

YAPTON PARISH COUNCIL

No Objection.

1 No. letter of objection:

- Objection to the proposed drainage scheme.
- The drainage provision would have approximately half the whole sites surface water entering a ditch that I jointly own with the site.

2 No. letters of support:

- I support this application which is now in agreement with the s106 agreement already in place.
- We support the application, even though the development backs on to us, because we recognise and accept that there is a need for some further housing locally.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

Highways England

WSCC Strategic Planning

Surface Water Drainage Team

Parks and Landscapes

Southern Water Planning

Sussex Police-Community Safety

Planning and Housing Strategy
Environmental Health
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
NHS Coastal West Sussex CCG
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ENGINEERS (DRAINAGE)

- Our preference is for the use of detention ponds over tanks as they are easier to maintain and provide amenity.
- Further details of the ground water monitoring and percolation tests described within the drainage provision will need to be provided to ensure there is sufficient evidence of percolation tests undertaken in the winter period and at the location and depth of the proposed structures.

HOUSING STRATEGY AND ENABLING MANAGER

No objection

HIGHWAYS ENGLAND

No objection

WSCC (HIGHWAYS)

- The new vehicular access onto Burndell Road has been approved as part of the Outline planning application F/7/15/OUT.
- In terms of layout the proposals remain comparable to the indicative site plan submitted as part of the 2015 application.
- The internal carriageway will be 4.8m in width. Visibility splays have been demonstrated satisfactorily and in accordance with Manual for Streets parameters. The LHA are satisfied with the specifications of the internal carriageway.
- Footways will be provided within the site. No specific dimensions have been provided but a 2.0m minimum is considered acceptable and in accordance with Manual for Streets.
- A total of 101 car parking spaces will be provided on site. The proposed provision does not exceed the requirement generated by the Parking Demand Calculator (PDC).
- A swept path analysis diagram has been provided to demonstrate that a refuse vehicle can turn within the site.

SUSSEX POLICE

No objection

SOUTHERN WATER

No objection

GREENSPACE

I confirm that I would recommend no objection on landscape grounds to the details contained within this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN3	Protection of the Countryside
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 DM2	Internal Space Standards
D SP1	Design
H DM1	Housing Mix
AH SP2	Affordable Housing
HWB SP1	Health & Wellbeing
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Ford Neighbourhood Plan has reached reg. 18 stage but the examination has been suspended on the 18th September 2017 until the Inspectors report on the Arun District Local Plan has been issued. The site lies outside of the Yapton Neighbourhood Plan area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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 principle of development and the site access has been established through the approval of planning application F/7/15/OUT. The application therefore seeks approval for the outstanding reserved matters (landscaping, appearance, layout and scale).

LAYOUT, SCALE AND APPEARANCE

Saved policy GEN7 considers the form of new development and requires that new development responds positively to the identified characteristics of a particular site and creates a development which respects those characteristics.

Emerging policies D SP1, D DM1, D DM2 and D DM3 consider design, aspects of form and design quality, internal space standards and external space standards respectively. New housing development should consider a wide range of elements including character, appearance/attractiveness, impact, layout movement, layout legibility, density and scale, designed in a way that reduces/prevents crime. Policy SA2 'Burndell Road' of the draft FNP sets out specific requirements to be addressed as part of any proposal for the site in relation to the design, layout, drainage, open space, landscaping and affordable housing provision.

The site as proposed would be laid out around the principle of a road which loops around the edge of the development. A central 'village green' would run through the centre of the site with some of the dwellings facing out onto this area of greenspace. The layout is similar in appearance to that originally proposed at outline stage which was incorporated into the s106 agreement. A footpath runs around the edge of the site with a LEAP situated in the southern most corner of the site.

The Affordable Housing is situated adjacent to the western boundary of the site. Whilst, the Affordable Units are situated in close proximity to one another it is considered that by virtue of the layout proposed the affordable units would be well integrated with the market housing on site and would accord with policy AH SP2 of the eALP.

The dwellings hereby proposed would accord with the Nationally Described Space Standards (NDSS) in terms of the internal floor areas and as such the proposal would accord with policy D DM2 of the eALP.

The materials and finished proposed for the housing includes 2 different roofing materials (Plain Tiles and Slate Effect Tiles); facing brick; flint walls and reconstituted stone. Condition 11 of F/7/15/OUT requires the submission of a schedule of materials prior to the commencement of development on site.

The proposed dwellings are traditional in design and are predominantly two storey with some bungalows and chalet bungalows present on the site. Therefore, it is considered that the proposed dwellings will reflect the established character of existing nearby development. The properties are varied in design with architectural features consisting of differing brick detailing, brick arches above windows and doors and stone cills. Dwellings in prominent locations on the site feature additional architectural detailing consisting of brick quoins or flint elevations. Therefore, it is considered that the design of the buildings would accord with policy GEN7 of the ALP, Policies SA2 and H1 of the FNP and Policy D DM1 of the modified eALP.

Consideration has been given to crime prevention through the design and layout of the site. The number of properties with side and back garden fencing adjacent to the roads has been minimised and rear access to plots would have lockable gates enclosed by 1.8 - 2m high fences or walls. The play areas and open spaces have good natural surveillance and overall the proposals comply with Policy D DM1 of the

modified eALP through providing security measures to make the place feel safer.

The density of development at the site is 19 dwellings per hectare and it is considered the proposal makes efficient use of the land while providing a mix of dwelling types and taking into account the character of the surrounding area (which has a broad mix of dwelling types, sizes and densities). Therefore, the proposed development is deemed to accord with policy D SP1 of the emerging Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed site plan demonstrates sufficient separation between the proposed dwellings to avoid any unacceptable adverse overlooking, overshadowing or overbearing impacts. By virtue of the layout adequate separation distances will be retained from the boundaries of the site and it is considered that the proposal will not give rise to any adverse impacts upon properties neighbouring the application site. Therefore, the proposed development is deemed to accord with policy GEN7(iv) of the Arun District Local Plan and D DM1 of the emerging Arun District Local Plan.

AFFORDABLE HOUSING AND HOUSING MIX

A deed of variation application has been submitted (under reference F/2/18/PO) in order to amend the affordable housing provision at the site. It is proposed that the affordable housing provision will be amended to consist of 13 intermediate tenure dwellings. This variation to the tenure mix is due to assessment of the deliverability of the affordable housing mix identifying that no provider would take on the 6 no. affordable rented units in this location. Therefore the Council's Housing Strategy and Delivery Manager has agreed to this amendment to the affordable housing provision on site.

It should be noted that the 2 no. affordable bungalows identified in the original s106 agreement remain part of the proposed scheme.

The objection from Ford Parish Council has identified that at outline stage the previous site promoter had identified that an affordable dwelling would be made available for a severely disabled resident of Ford. However, no such provision was included as part of the previous outline application, approval or s106 agreement. Therefore, no mechanism exists by which the Local Planning Authority can secure the provision of this dwelling and as such it does not form justification for the refusal of the application.

It has also been identified in the consultation response from Ford Parish Council that the proposed application fails to accord with policy H2 of the Ford Neighbourhood Plan (FNP). The Neighbourhood Plan is currently unmade and has been suspended until the Inspectors report on the Arun District Local Plan has been issued. Therefore, at this time minimal weight can be attributed to policy H2 of the FNP.

The proposed development will provide 13 no. affordable units which equates to a 30% provision on site in accordance with policy H2 of the Ford Neighbourhood Plan and AH SP2 of the emerging Arun Local Plan. The FNP and policy AH SP2 also consider housing mix. The scheme consists of the following mix of dwellings;

Dwelling type	Number of units	Percentage
2 bed	11	24.5%
3 bed	23	51%
4 bed	11	24.5%

Policy H DM1 seeks a mix of dwelling types and sizes and for developments over 11 units a balanced mix based on the most up to date SHMA. The latest housing need evidence (GL Hearn 2016) recommends the following housing mix for all dwellings;

1 bed	20%
2 bed	40%
3 bed	30%
4 bed	10%

This scheme would provide a significantly higher proportion of 4 bedroom dwellings and significantly lower proportion of 2 bed dwellings than the recommended housing mix with no 1 bedroom properties provided. No justification for the difference has been provided in support of the application. Therefore the site does not provide a balanced mix of dwellings in accordance with the latest evidence, as required by Policy H DM1, but this is not considered to outweigh the benefits of the scheme when considered as a whole.

In terms of the housing mix of the affordable housing provision on site this is currently the subject of a deed of variation under reference F/2/18/PO which seeks to amend the s106 to provide 100% intermediate housing. The affordable housing provision on site is identified as consisting of 5 x 2 bedroom properties and 8 x 3 bedroom properties in accordance with policy H2.1 of the FNP. This includes the provision of 2 no. bungalows. Therefore, it is considered that whilst a mixture of tenures have not been provided, a range of house types including bungalows have been provided in accordance with policy H2 of the FNP.

Policy AH SP2 seeks for the provision of the following housing mix;

1 bed	35 - 40%
2 bed	35 - 40%
3 bed	15 - 20%
4+ bed	5-10%

However, the application has been the subject of consultation with the Council's Housing Strategy and Delivery Manager who has raised no objection to the affordable housing mix.

LANDSCAPING AND OPEN SPACE PROVISION

Policy GEN28 of the ALP protects trees with a TPO unless the removal of the tree would be in the interests of good arboricultural practice or the benefits of the proposal outweigh the amenity value of the protected trees. The policy also seeks equivalent replacement trees.

Emerging Local Plan policies LAN DM1, SO DM1 and ENV DM4 consider protection of landscape character, soils and protection of trees.

Arun District Council's Open Space and Recreation Standards Supplementary Planning Guidance (SPG) advises on the amount of public open space to be provided by new development. It advises that a well designed scheme could incorporate areas of open space, existing landscape features such as mature trees and hedgerows, appropriate new planting, provision of children's play areas and car parking and a mechanism for long-term management of the developing landscape. The general criteria stipulates that large usable blocks of open space should be provided and land allocated for public open space should be done so in addition to that required for the purposes of the Highway Authority.

The proposed development incorporates 6,070sqm of open space which exceeds the minimum requirements in accordance with fields in trust by approximately 2,614sqm. The level of open space provision was set originally secured as part of the s106 agreement signed under reference F/7/15/OUT. This s106 agreement also secured the provision of a landscaped public amenity space; an open space area; an area of open space looping around the perimeter of the development; a children's playground; and a village green. The proposed layout is considered to have met the requirements of the s106

agreement and is deemed to result in a high quality open space provision.

The Council's Greenspace team have been consulted in relation to this application and it has been confirmed that the detailed landscape scheme, includes detail of species choice, density, quantities and size at time of planting. The scheme is identified as appropriate for the site and suitable for location. Therefore, no objection has been raised in relation to the proposed development.

Conditions have been requested for the submission of detail regarding the play offer proposed as part of the LEAP as well as fencing and connectivity to pathways. These conditions have been incorporated as part of this recommendation report.

PARKING AND HIGHWAY ISSUES

Policy GEN12 of the ALP refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator.

Parking provision for the proposed dwellings is in accordance with WSCC Parking Demand Calculator for the size of dwellings proposed and visitor parking is provided throughout the development. Therefore, the parking provision at the site is considered acceptable.

DRAINAGE

The Council's Drainage Engineers have been consulted in relation to this development and in their consultation response have advised that the preference is the use of detention ponds over tanks as they are easier to maintain as well as providing amenity. It has also been identified that further details of groundwater monitoring and percolation tests will need to be provided to ensure there is sufficient evidence of percolation tests undertaken in the winter period and at the location and depth of the proposed structures.

However, whilst additional detail concerning the drainage provision at the site has been provided the developer will still need to submit detailed information to discharge conditions 4, 5 and 6 (drainage) imposed under reference F/7/15/OUT prior to the commencement of development on site. Therefore, it is considered that the additional information and concerns identified by the Council's Drainage Engineers will be resolved as part of the discharge of conditions process.

SUMMARY

The reserved matters application seeks approval for appearance, layout, landscaping and scale. It is considered that the detail submitted is acceptable and accords with relevant development plan policies. Therefore, it is recommended that the application is approved 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 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;

Location Plan - dwg no. 18-1012-001

Site Plan - dwg no. 18-1012-006-A

Garages and Garden Store Plans - dwg no. 18-1012-052-1st

Boundary Wall and Fence Details - dwg no. 18-1012-051-1st

Massing and Active Frontages Plan - dwg no. 18-1012-007

Site Sections - ddwg no. 18-1012-050-1s

Plot 1 - Floor Plans & Elevations - 18-1012-020-B

Plot 2 & 31 - Floor Plans & Elevations - 18-1012-021-B

Plot 3 - Floor Plans & Elevations - 18-1012-022-B

Plot 4 & 5 - Floor Plans & Elevations - 18-1012-023-B

Plot 6, 7 & 37 - Floor Plans & Elevations - 18-1012-024-B

Plot 8 - Floor Plans & Elevations - 18-1012-025-B

Plot 9 & 10 - Floor Plans & Elevations - 18-1012-026-B

Plot 11, 12, 29 & 30 - Floor Plans & Elevations - 18-1012-027-B

Plot 13 - 16 - Floor Plans & Elevations - 18-1012-028-A

Plot 17 - Floor Plans & Elevations - 18-1012-029-B

Plot 18-19 - Floor Plans & Elevations - 18-1012-030-B

Plot 20-21 - Floor Plans & Elevations - 18-1012-031-B

Plot 22-24 - Floor Plans & Elevations - 18-1012-032-A

Plot 25-28 - Floor Plans & Elevations - 18-1012-033-B

Plot 34 - Floor Plans & Elevations - 18-1012-036-B

Plot 33 - Floor Plans & Elevations - 18-1012-035-B

Plot 32 - Floor Plans & Elevations - 18-1012-034-B

Plot 35 - Floor Plans & Elevations - 18-1012-037-B

Plot 36 - Floor Plans & Elevations - 18-1012-038-B

Plots 38, 39, 40 & 41 - Floor Plans & Elevations - 18-1012-039-B

Plots 42 & 43 - Floor Plans & Elevations - 18-1012-040-1st

Plots 44 & 45 - Floor Plans & Elevations - 18-1012-041-B

Landscape General Arrangements (Sheet 1 of 4) dwg. 1938-1001 P04

Landscape General Arrangements (Sheet 2 of 4) dwg. 1938-1001 P04

Landscape General Arrangements (Sheet 3 of 4) dwg. 1938-1001 P04

Landscape General Arrangements (Sheet 4 of 4) dwg. 1938-1001 P04
Soft Landscape Proposals (Sheet 1 of 4) dwg. 1938-3001-P01
Soft Landscape Proposals (Sheet 2 of 4) dwg. 1938-3002-P01
Soft Landscape Proposals (Sheet 3 of 4) dwg. 1938-3003-P01
Soft Landscape Proposals (Sheet 4 of 4) dwg. 1938-3004-P01

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 No dwelling shall be occupied until the parking spaces, turning facilities and garages for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they relate. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy GEN7 of the Arun District Local Plan

- 3 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 4 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

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

F/5/18/RES - 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/5/18/PL

LOCATION: 9 St Malo Court
St Helier Road
Ferring
BN12 5EY

PROPOSAL: Hard standing to parking bay at front grass verge.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This proposal is for a car parking space to be located on the frontage of this site abutting the road serving this area and adjacent to the applicants property. It would be sited where there is presently a grassed verge between the existing low front boundary wall and metalled edge of the road.</p> <p>The applicant advises that there is often insufficient space within St Malo Court to park and wishes to provide his disabled relative with a safer parking space outside the property rather than the present visitor parking on Sea Lane. The surface finish would be grass, growing through hard wearing matting to give the continued appearance of a grassed verge.</p>
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A low dwarf wall between the grass verge and the garden of no.9.
SITE CHARACTERISTICS	The site is one of a pair of flats (nos.8 and 9). These are part of a group with a centre courtyard parking which the 5 blocks of 2 flats share. Access is from St Helier Road into the courtyard. The land around the pair of flats is for the most part open and laid to grass.
CHARACTER OF LOCALITY	The area is residential. On Sea Lane dwellings are a mixture of types and designs, including two-storey and bungalows. In St Helier Road, apart from St Malo Court, the dwellings are a mixture of bungalows or chalet type bungalows of mixed design and materials. Opposite the site is some limited two storey development. Dwellings in St Helier Road have verges in front behind which there is a low means of enclosure. The area has a mature, spacious and uncluttered open appearance.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council objects on the basis that this will set a precedent and will alter the street scene clearly contrary to policy GEN7 of the Arun District Local Plan.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not agreed that the creation of the parking bay will have an unacceptable detrimental impact on the open character of the area for the reasons set out in the conclusions section.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways raises no objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2 Built -Up Area Boundary

D DM1 Aspects of Form and Design Quality

D SP1 Design

T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Ferring has a Made Neighbourhood Plan, this is therefore part of the Development Plan and must be considered. Whilst there are no policies relating specifically to the type of development proposed in this application, Policy 1A is relevant and this states that:

Policy 1A: Spatial Plan for the Parish

The Neighbourhood Plan defines the built up area boundary of Ferring village, as shown on the

Proposals Map.

Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted. The proposed development is in accord with the above policy.

The proposal accords with the above policy.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the boundary of the built up area and as such there can be no objection to the principle of development subject to compliance/consistency with development plan policies and all other material considerations. This includes the need for development to be in keeping with the character and appearance of an area in accordance with Policy 1A that requires developments to be 'suited to an urban setting'.

DESIGN AND VISUAL AMENITY

The proposal insofar as it relates to the associated works and development to provide a parking space, as described in the applicants supporting information dated 22 March 2018, will have a very limited impact on the appearance of the existing verge area. At present, the full detail of what would comprise the parking space and its construction have not been submitted, but this aspect of could be controlled by a condition so as to ensure a satisfactory scheme is delivered in terms of design and visual amenity.

There is also the further consideration of what the development works would facilitate as a consequence of the parking of a car on the space provided. This would be the regular parking of a car on what would normally be expected to be uncluttered verge which contributes to the open and pleasant appearance of the immediate locality. The question is whether this parking would be so harmful to visual amenity that it would be reasonable to refuse planning permission. In this regard, it also needs to be borne in mind that parking on or partly on the verge can already occur, with or without the more formalised provision of a the space. From a visual inspection at the time of the site visit and photographic evidence submitted it is

evident that such parking already occurs.

It is considered that the provision of a more specialised surface, mixed with grass growing through would mitigate the visual impact of informal parking and damage to the verge. Whether or not the provision of the space is made will not prevent the parking which presently occurs. It is not considered that the provision of the space in a satisfactory manner would result in a significant harm to visual impact and amenity.

It is therefore considered that the more formalised provision of the parking space is acceptable in terms of design and visual amenity, subject to full details which can be controlled by a condition.

RESIDENTIAL AMENITY

The proposal will impact on outlook from nearby dwellings. However, for the same reasons as given above in respect of design and amenity the impact is not considered to be significantly increased to a level where there would be harm such that a refusal of permission would be justified.

HIGHWAYS

St Helier Road is a Private Street and is not an Adopted Highway. Therefore the road is under the control of residents and/or a residents association. The granting of planning permission would not remove the need to obtain any required private permissions or consents.

The provision of the space would also mean that a car could be accommodated fully off-street and would therefore mitigate the potential for impact on the flow of traffic arising from parking partially on and partially off street. This would represent an improvement in a highway and pedestrian safety context.

CONCLUSION

The proposed development is not considered to result in unacceptable impact or harm to visual or residential amenity and is therefore in accord with policies.

It is therefore recommended that the application be approved, subject to 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

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 drawings:

Site Location Plan - Received with Application
 Block Plan - Received with Application.
 Works Schedule - Email Dated 22.03.2018

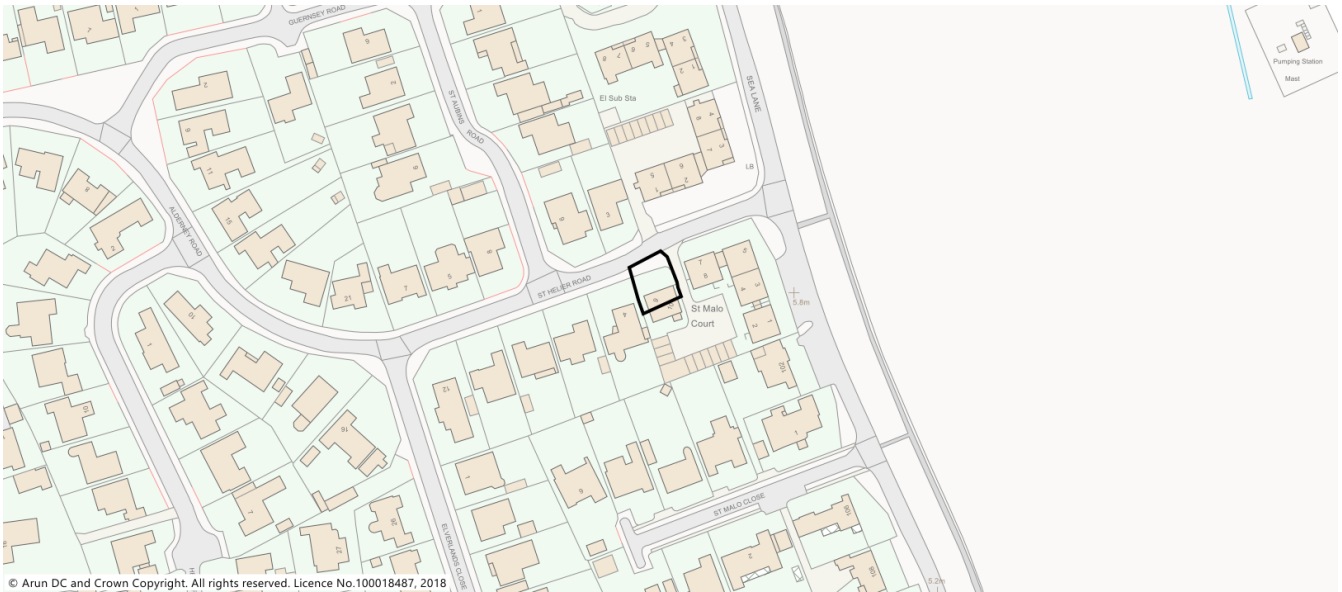
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Before the development hereby permitted is first commenced, accurate and detailed drawings and sections of the parking space to be provided shall first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure the provision of a satisfactory scheme in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan. This is a pre commencement condition which is justified on the grounds of controlling the potential impact on the visual amenity of the locality.

- 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 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/5/18/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/8/18/PL
LOCATION:	Land Rear of 1 To 6 The Cottrells Angmering BN16 4AF
PROPOSAL:	Variation of condition 2 imposed under A/173/16/PL to read 'the development to be carried out in accordance with the following approved plans ADC 962/04 REVA, ADC962/13 & ADC962/14 relating to slight repositioning & change in size of building, revised position of rooflights on east, north & south elevations. This application affects the character & appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>As above. The proposal is for amendments to a detached 2 storey development of modern design. The property has a height of 6.7m and is L shaped with a rear length of 14.3m and a side length of 10m. 5 car ports and 2 parking spaces are provided at ground floor, together with a kitchen/dining area to serve the 2 bedroom dwelling. A rear garden area of 28 sq m is also included.</p> <p>The proposal relates to the revised position of rooflights on the east, north and south elevations. One of the rooflights on the south elevation would be lower than previously approved, but the same height as the other 2 approved on that elevation, 2 on the east elevation are the same height as approved, one is higher and on the north elevation 2 of the windows are higher than approved.</p> <p>The other alterations relate to an increase in length of the rear elevation of the building by 0.1m. The revised internal layout has provided a larger lounge area and deleted an en-suite bathroom at first floor. The ground floor kitchen/dining area has been altered to a kitchen and the stairs have been slightly re-positioned.</p>
SITE AREA	0.03 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by this application.
BOUNDARY TREATMENT	Walling enclosing part of frontage and side boundary to approximately 1.5m in height and close boarded fencing to the rear to approximately 1.8m in height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site.

SITE CHARACTERISTICS	The building is currently under construction and is nearing completion.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and design. The site is located within the Conservation Area which is defined as the historic core of the village. Adjoining garage/annexe building has timber clad elevations.

RELEVANT SITE HISTORY

A/162/17/PL	Application for Variation of Condition 2 imposed under A/173/16/PL to include 2 No. dormer windows in lieu of rooflights, a gable end to the south elevation & a Juliet balcony in lieu of window to west elevation. This application affects the Character & Appearance of the Angmering Conservation Area.	Refused 15-11-17
A/173/16/PL	Application for Variation of Condition 2 imposed under A/105/16/PL for removal of boundary walls to north & south & replace with planting & granite kerb stones, reconfiguration of approved bin & cycle store to provide direct garden access through separate kitchen & Ground floor WC, provision of bins & cycles within approved car port & within rear garden area, minor changes to window & door positions. This application affects the Character & Appearance of the Angmering Conservation Area.	ApproveConditionally 13-01-17
A/64/17/DOC	Application for approval of matters reserved by conditions imposed under A/173/16/PL relating to Conditions 3 - Schedule of materials, 5 - Construction site set up, 7 - Covered parking & secure cycle spaces & 9 - Landscaping scheme.	DOC Approved 20-06-17
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.	ApproveConditionally 08-09-16
A/8/16/PL	New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area	Refused 24-03-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - Adverse effect on the character and appearance of the Angmering Conservation Area.

12 Objections:

- The construction has not be carried out in accordance with the approved plans or the submitted plans.
- The building is closer to site boundaries.
- Request that measurements are taken on site to ensure building size accords with original permission.
- Would like assurance that ground level will be the same as the surrounding area.
- Roof profile should be hipped as approved originally.
- Roof light windows should be escape windows and in the correct position (1.5m from the internal floor to the lower sill). The lower height results in overlooking into rear bedroom windows of 1-6 The Cottrells and the property to the rear.
- There is a high likelihood that once the building has been agreed internal alterations to the layout will take place to create an additional bedroom. This should be restricted by condition.
- Would like confirmation regarding landscaping scheme and provision.
- Road is often blocked by builders, rubbish has piled up and the site has been left unsafe and unsecured.
- Why has building work not been stopped?
- The development appears shoe horned into the site.
- Request that requirement to demolish low block boundary wall and replacement with a fence is removed from the plans.
- Windows - the height and position of the windows allows people in the new building to view directly into our bedrooms, bathrooms and gardens. This direct view is of considerable concern as an invasion of privacy. The rear bedroom is frequently that used by the children of the house. As the new property is higher the occupants are looking down on us and therefore have a clearer view. Frosted or obscure glass might be a possible compromise.
- The windows and roof ridge are not to conservation standard.
- South boundary - the wall and kerbstone marking the boundary between the development and the shared alleyway have encroached onto the alleyway. The wall appears longer than on the plans, encroaches on a drain cover and the kerb is built on the alleyway and not on the land belonging to the development.
- Drop kerb - at present there has been a dropped kerb built to allow access to two of the public parking spaces being built as part of the project.
- The number of windows on the north elevation has reduced from six to five. Two have cill heights at 1.7m. Only one of the three roof lights in the east elevation has changed. It is now a little higher.
- The north-south width of the building has increased by 1.1m.
- The ground floor now has a separate back door in addition to the tri-fold doors opening into the garden.
- The staircase has been repositioned and a corridor has been created from the front door to the back door.
- The shared and en-suite bathrooms have been replaced by a single shared bathroom.
- The length of the lounge has increased by 2m due to the removal of one bathroom and repositioning the staircase.
- The landing and door positions to the two bedrooms have been altered accordingly.
- The submitted plans do not accord with what has been constructed on site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The development is the subject of a current enforcement case for non compliance with approved plans.

Whilst the building works have not been stopped this does not preclude enforcement action being taken at a later stage and applicants are aware that works which do not accord with the earlier approval are being undertaken entirely at the owners risk.

The issue of the property over sailing adjacent boundaries is essentially a private legal matter. However the agent has been asked to serve Notice on adjoining neighbours as part of this proposal and has refused to on the basis that the property has been erected only on land in the applicants ownership. Legal advice from the Council's Solicitor has been sought and confirms that the application can be determined on the basis of the submitted certificates.

The proposal is subject to a condition to ensure that landscaping is provided in accordance with the approved scheme and removing permitted development rights for alterations and extensions. The building has planning permission.

The proposal does not relate to the alterations which have taken place on site to incorporate a barn end and this change will need to be dealt with separately.

It was apparent from the plans when scaled that the size of the unit had increased slightly and the layout and position had altered slightly. It scaled as 30cm longer north-south and 10cm wider east to west. Revised plans have now been submitted which have slightly altered the position of the property and the application has been re-advertised accordingly.

External lighting would be permitted development once the unit is occupied.

Conditions 2 and 3 relate to the internal layout changes.

The internal layout changes are not considered significant. No intensification of use or increase in the number of bedrooms has resulted.

The requirement for escape windows is controlled by Building Regulations. The roof lights would not need to be provided as escape windows to accord with planning legislation.

CONSULTATIONS

Conservation Officer

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within designated Conservation Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN7	The Form of New Development
GEN12	Parking in New Development
AREA2	Conservation Areas

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
HER DM3	Conservation Areas
HER SP1	The Historic Environment

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

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

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design, HD8: Parking for New Developments and EH1: Development in the Conservation Area of Angmering Neighbourhood Plan are considered relevant to 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.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with this criteria in that it is not considered to materially affect the character of the Conservation 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 proposal relates to amendments to roof light numbers and positions in the roof of the previously approved dwelling which is located above car ports on an area which was previously used as hard standing for car parking within the Conservation Area. The site lies within the built up area boundary where the principle of residential development is acceptable. The building is under construction and the roof light changes have been submitted to accord with the positions they have been installed on site.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

To the north of the site is an ancillary garage building. The site occupies an elevated position in relation to development to the north. The dwelling is sited in similar position to the dwelling previously approved adjacent to a garage to the north, 9m from the road frontage. The property is L shaped with the rest of the development set back 19m from The Cottrells frontage. The alterations to the size, position and layout of the dwelling are not significant. The amended footprint and layout retain the open area and sense of space which is a contributory factor to the character of the area and the appearance of the Conservation Area. The intensity of use of the development would not increase since the number of bedrooms remains as approved.

The use of roof lights produces an uncluttered appearance to the roof and reduces the visual impact of the first floor. The changes to the roof light positions do not dominate the elevations of the building and the change in the dwelling position and size do not appear overly dominant in the street scene, many slate roofs are evident within the Conservation Area.

Part 12 of the National Planning Policy Framework (NPPF) refers to Conserving and enhancing the historic environment. It is considered that the proposal complies with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where its significance is affected any harm or loss should require clear and convincing justification. In this case, the repositioning of roof lights are considered to have a neutral impact on the appearance of the Conservation Area in compliance with the NPPF and policy EH1 of Angmering Neighbourhood Plan.

Most of the materials used in the development have previously been approved. Policy HD6 of Angmering Neighbourhood Plan requires new development to demonstrate high quality design, reflect local distinctiveness and seek to incorporate local design features evident in the surrounding area. It is considered that the design and materials adequately reflect their surroundings and a condition is imposed to ensure that the quality of materials for the piers, which was previously approved as cladding, is acceptable.

There are policies protecting the historic environment throughout the NPPF, with a specific section covering conserving and enhancing the historic environment (paragraphs 126 to 141).

Consideration of the historic environment and its heritage assets is a principal objective of sustainable development and hence of the NPPF and all development plans that conform to it. The development as a whole is considered to make a positive contribution to the appearance of the Conservation Area and therefore represents a sustainable form of development.

RESIDENTIAL AMENITY

This proposal relates to the revised position of roof lights and therefore loss of privacy is the main consideration in respect of impact on residential amenity. The cross section A-A indicates that the height of the windows on the east and west roof slopes have not decreased and are as previously. The more centrally located bathroom window is higher than originally approved reducing the opportunity for over looking if the window is open.

One of the lounge windows on the south elevation has been reduced in height to be level with 2 lower window positions previously approved. These windows have a cill height of 1.5 which is the same as the lower cill height previously approved. This has a lowest outside height of 1.7m which is considered adequate to prevent any materially adverse overlooking effects and loss of privacy to adjoining gardens.

Two of the windows on the north elevation have increased in height to have an internal cill height of 1.7m and the others remain in the position approved with an internal cill height of 1.5m. These heights are

considered adequate to prevent materially adverse overlooking resulting to adjoining properties or their gardens.

The main living room window remains unaltered and faces over the parking area. Views would be towards to The Cottrells road frontage where there would be no loss of privacy.

SPACE STANDARDS

The proposal accords with the Nationally Prescribed Space Standards relating to internal space standards. The accommodation is now split between ground and first floor so that the property is designed as a 2 storey dwelling where it would reasonably be expected that a rear garden area would be provided. The garden size of 28sqm to serve the property has previously permitted and it is therefore considered acceptable.

CONCLUSION

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

The application has been re-advertised following receipt of additional information clarifying the position and size of the building and the advertising period now expires on 15-03-2018. Therefore it is requested that the decision on this application is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of Committee.

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: Location and Block plans ADC962/LP, Elevations and Section ADC962/14, Floor Plan & Roof plan ADC962/13, Ground Floor Plan ADC962/04 Rev A and Comparison Plan ADC962/18.

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 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) or external alterations to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the layout of the building shall not be altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the intensity of use of the development in detail on this relatively small plot in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Details of the finishes to be used for the supporting piers shall be submitted to and approved by the Local Planning Authority and the materials so approved shall be provided prior to occupation.

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

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details submitted to and approved by the Local Planning Authority under A/64/17/DOC.

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

- 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 ADC962/04A. These spaces shall thereafter be retained for their designated use.

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

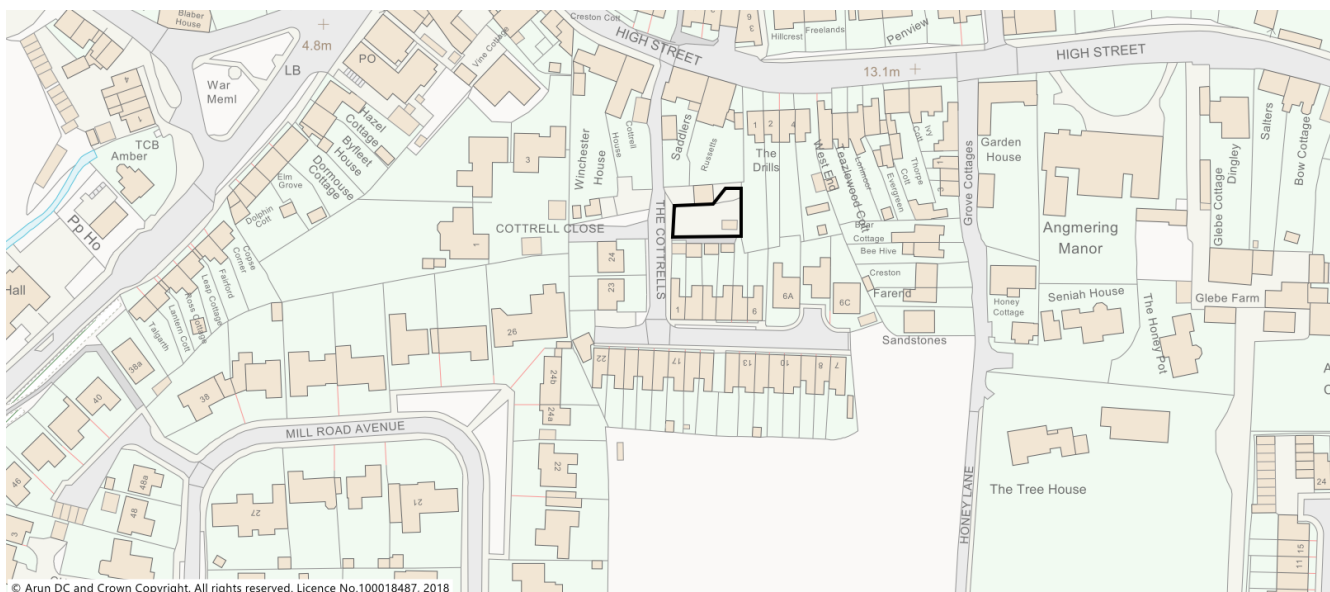
- 7 The landscaping details approved under A/64/17/ DOC shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion 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.

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

A/8/18/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 10

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AW/11/18/HH Received: 04-05-18	1 Wilman Gardens Aldwick Boundary wall. Written Representations PINS Ref: APP/C3810/D/18/3199410
AW/316/17/HH Received: 04-05-18	28 Blenheim Court Aldwick Detached garage Written Representations PINS Ref: APP/C3810/D/18/3197506
AW/38/17/PL Received: 27-02-18	74 Barrack Lane Aldwick Demolition of existing dwelling house & annex & erection of 5No. dwellings, with access drive & associated works. Re-submission of AW/80/16/PL Written Representations PINS Ref: APP/C3810/W/17/3187210
BE/83/17/PL Received: 27-02-18	Land adjacent to 385 Chichester Road & 24 Ashurst Close Bersted 1 No. dwelling & associated parking. Written Representations PINS Ref: APP/C3810/W/17/3191562
BR/156/16/PL Received: 30-11-17	Regis Centre, Car park & Place St Maur des Fosse, Belmont Road Car Park at Queensway, 3 Kiosks, Area of land West of Pier, Land East of Rock Gardens Bognor Regis Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area Informal Hearing 20-02-18 PINS Ref: APP/C3810/W/17/3178817
CM/1/17/OUT Received: 27-11-17	Land West of Church Lane & South of Horsemere Green Lane Climping Outline application for the erection of up to 300 dwellings & ancillary

development comprising open space, a building within use class D1 (Non-Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

Public Inquiry 10-07-18

PINS Ref: APP/C3810/W/17/3187601

EG/46/17/OUT

Land north of Spode Cottage & West of Greenings & South of Fontwell Cottages Eastergate Lane Fontwell

Received: 26-02-18

Outline application with all matters reserved for up to 30 No. dwellings. This is a departure from the Development Plan.

Public Inquiry

PINS Ref: APP/C3810/W/18/3195765

FP/13/18/T

37 Felpham Road Bognor Regis West Sussex

Received: 02-05-18

2m Crown Reduction to 1No. Hornbeam.

Written Representations

PINS Ref: APP/TPO/C3810/6750

FP/234/17/PL

10 South Road Felpham

Received: 27-02-18

Development of 1No. residential detached chalet. Plans to include partial demolition of 10 South Road extension to allow for suitable access.

Written Representations

PINS Ref: APP/C3810/W/18/3195440

K/5/17/HH

Kingston Manor Kingston Lane Kingston

Received: 17-08-17

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

LU/111/17/PL

19 Bayford Road Littlehampton

Received: 01-03-18

Change of use of existing residential property (C3 Dwellinghouses) to form 1 No. 7 bedroom HMO (Sui Generis).

Written Representations

PINS Ref: APP/C3810/W/18/3192887

LU/243/17/PL

56-57 Pier Road Littlehampton

Received: 01-03-18

Conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units (resubmission following LU/71/17/PL).

Written Representations

PINS Ref: APP/C3810/W/17/3189247

WA/86/17/PL

Received: 10-04-18

Pippins Yapton Lane Walberton

Continuation of use of land for the stationing of 3 No. residential mobile homes. This application is a Departure from the Development Plan

Written Representations

PINS Ref: APP/C3810/W/18/3197909

Y/77/17/OUT

Received: 09-04-18

Lake Barn Maypole Lane Yapton

Outline planning application with some matters reserved for the erection of a detached single storey dwelling house with vehicular access from Maypole Lane. This application is a Departure from the Development plan

Written Representations

PINS Ref: APP/C3810/W/18/3196233

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 8 June 2018

Subject : Constitutional Amendments to Part 8, Codes & Protocols – Section 6 –
Planning Local Code of Conduct

Report by : Neil Crowther

Report date: 16 May 2018

EXECUTIVE SUMMARY

This report sets out a proposed new Planning Local Code of Conduct as part of the comprehensive review of the Council's Constitution.

RECOMMENDATIONS

Members are requested to recommend to Full Council to agree that they approve new Code of Conduct.

1.0 INTRODUCTION

1.1 Working to the new template previously considered by the Working Party, it is proposed that the Planning Local Code of Conduct be updated (as set out in full at Appendix A). The updated Code essentially re-formats the previous Code and removes some of the unnecessarily long sections in order to make it read better and be more user friendly.

1.2 There are two significant changes proposed to the content of the Code

- To remove the Royal Town Planning Institute (RTPI) Code of Conduct from our Constitution. It is referenced but it does not need to be repeated within the Constitution and it is adequate to cross refer. Further, it removes the need to update the Council's Constitution every time the RTPI Code is amended.
- To remove sections 3, 4, 5 and 7 from the Code. These sections (from the current Code) relate to the administration of work within the department and the text, whilst useful, is much more appropriately included on the planning web

pages for information rather than within the Constitution. I have included the text so that members can see what it says but the recommendation is to remove these sections and a re-numbered document will then be presented to Full Council. The text proposed for removal is in *italics*.

- 1.3 Because of the change in structure, it is not practical to provide a tracked change version of the Code to highlight the amendments.

Background Papers: <https://www.arun.gov.uk/constitution>

APPENDIX A

Contact: Neil Crowther, Goup Head of Planning
PART 8 – CODES AND PROTOCOLS
SECTION 6 - PLANNING LOCAL CODE OF CONDUCT
For Members and Officers

1.0 INTRODUCTION

- 1.1 Arun District Council believes that Local Government should be conducted and operated openly, honestly, efficiently, equitably and fairly. Therefore, it has been agreed that it will conduct its planning business in accordance with these principles.
- 1.2 To demonstrate the commitment of the Council in these respects and for the purpose of clarity, the Council has adopted this Local Code of Conduct for Members/Officers when dealing with planning matters.
- 1.3 This Local Code of Conduct is supplemental to the Members' Code of Conduct and the Council's Constitution. It does not replace that Code or the Constitution but simply amplifies their provisions and attempts to apply the principles they embody to particular circumstances that can arise from the operation of the planning system.

2.0 CODES RELATING TO GENERAL MATTERS

- 2.1 Councillors will be guided by and adhere to the Members' Code of Conduct, the Council's Constitution and this Local Code of Conduct when dealing with planning matters.
- 2.2 Planning Officers (whether they are Members of the Royal Town Planning Institute or not) will be guided by and adhere to the Royal Town Planning Institute Code of Professional Conduct and this Local Code of Conduct when dealing with planning matters.
- 2.3 Councillors will serve the public and be responsible to the electorate in all planning matters except where it appears that to do so may result in a breach occurring of the Members' Code of Conduct, the Council's Constitution or this Local Code.
- 2.4 Planning Officers will serve the public, advise Councillors, carry out Council work and implement Council/Committee instructions in all planning matters except where it appears that to do so may result in a breach of the Council's Constitution, the RTPI Code of Professional Conduct or this Local Code occurring.

3.0 PLANNING FILES

- 3.1 *All files held by the Council relating to planning matters are open to public inspection, with the exception of the following:*

- *Files relating to informal enquiries made prior to the submission of a planning application*
- *Files relating to a current investigation regarding alleged breaches of planning control.*
- *Files relating to planning matters which are exempt from publication by virtue of Schedule 12A of the Local Government Act 1972.*

4.0 RECORD KEEPING

- 4.1 *All planning files relating to planning matters (including those that are not open to public inspection) include a complete written record of all events regarding the matter to which they relate. In particular, representations received, negotiations received, negotiations undertaken, information requested, site inspection notes, officer reports, consultations undertaken and responses received and decisions are recorded.*

5.0 METHOD OF DECIDING APPLICATIONS

- 5.1 *All applications for any form of consent under the Planning Acts are determined in accordance with the delegated authority granted to the Group Head of Planning contained in Part 4 of the Council's Constitution.*
- 5.2 *Applications for Planning Permission made by the Council itself are always determined by the Development Control Committee. Applicants who are also Councillors and/or Officers of the Council are obliged to-notify the Director of Place in writing when submitting the-application so that their interest can be noted on the public file. Thereafter, such-applications are always determined by the Development Control Committee.*

6.0 CODE OF CONDUCT

- 6.1 For these purposes "Lobbying" means an organised attempt to influence decision makers to make a decision for or against a proposal. Lobbying may occur by conversations or written communications. Given the need to avoid actual or perceived bias or in determining planning applications, Councillors and officers need to recognise lobbying when it occurs and take appropriate steps as suggested below to ensure that the Planning process is not compromised by it.
- 6.2 The Code is designed to ensure that decision-makers (whether they be Councillors and/or Planning Officers) can demonstrate that they have maintained objectivity/impartiality until all relevant information on which planning decisions must be made is available.

Members **should**:

- Avoid becoming members of local interest groups or organisations whose primary purpose is to lobby to promote or oppose planning proposals.

- Avoid publicly declaring which way they intend to vote on any particular application until they have had the opportunity to read the Officer's report.
- Avoid lobbying other Councillors in an effort to elicit their support for any particular approach regarding any application under consideration and/or organising support for or opposition to a planning application.
- Act with the overriding duty to the whole community of the District and not just those within a Ward.
- Consider whether they declare a prejudicial interest, not vote and withdraw from the room where an opinion has been previously declared.
- Report instances where Councillors receive communications, either verbally or in writing, from applicants or objectors to a planning application to the Planning Officer.
- Seek a post Committee Site Inspections when that is necessary if:
 - the impact of the proposal is difficult to visualise from plans and supporting materials or
 - there is good reason why the comments of the applicant and/or objectors cannot be adequately expressed in writing or
 - the application is particularly contentious
- Avoid meetings with applicants unless they have been arranged by Officers.
- Ask relevant questions for the purposes of clarifying their understanding of the proposals but do not express any strong view.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and, where regard is to be had to the Development Plan, make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- Ensure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- Avoid, where possible, nominating substitutes for Development Control Committee who are Members of both Conservation Area Advisory Committee where they have discussed items on that agenda.

Members **should not**:

- Enter into debates (verbally and/or in writing) regarding the merits of any application whilst it is under consideration by the Council and will usually therefore restrict any contact with applicants, objectors and/or supporters of any particular proposals to an explanation of procedural matters only.
- Use Political Group meetings to determine how Councillors should vote when the application is due to be considered.
- Pressurise officers to provide a particular recommendation or request that they undertake particular negotiations/consultations.
- Get involved in the processing of a planning application.
- Enter upon sites or make any contact with such persons outside the formal site inspection procedures. Failure to abide by this principle may lead to allegations of bias or failure to consider relevant issues.
- Enter into negotiations directly with applicants and/or their agents.
- Accept gifts or hospitality from any person involved or affected by a planning proposal.
- Enter into pre-submission discussions directly with potential applicants and/or their agents.

6.2 The position of Ward Councillors who do not sit on Development Control Committee is different in that they do not vote on any decisions. However, they can speak at meetings of the Committee. They should similarly consider carefully the consequences of declaring an opinion early. It may be disadvantageous to any case they have to argue. If they do declare an opinion

6.3 Officers **should**:

- Ensure that representations regarding applications under the Planning Acts (or any other planning matter) will only be considered by the Council if they are received in writing prior to the decision being made.
- Avoid publicly declaring the recommendation that they intend to make regarding any particular application until the case officer's recommendation/report has been formally agreed by relevant officers under the Scheme of Delegation (for those applications to be determined under Delegated Powers) or published as part of the Committee Agenda (for those applications to be determined by a Committee).

- Ensure that all applications to be determined by a Committee are accompanied by reports which contain all the information necessary for Councillors to make an informed and objective decision regarding any particular proposals.
- Restrict verbal presentations at the Committee to a simple update of the written report and comments advice necessary to respond to Members' questions.
- Provide written updates for more complex issues.
- Visit the site of every application received by the Council.
- Limit discussion during the site visit to matters of fact and rarely visit a site accompanied by the applicant or their agent.
- Only enter into pre-submission discussions upon receipt of a letter from the prospective applicant and/or their agent which clearly sets out the proposals and the advice sought.
- Record and maintain a gifts/hospitality register.

7.0 PRELIMINARY ENQUIRIES

7.1 *The Council will only entertain 'without prejudice' presentations from prospective applicants and/or their agents in respect of major proposals on the following basis:-*

- *Any request for such a presentation must be made in writing and accompanied by sufficient information to describe the proposals involved.*
- *Any request for such a presentation will be considered by the Cabinet Portfolio Member for Planning and the Director of Place in the first instance and will only be agreed where there is agreement that the presentation would provide useful pre submission information to the Council.*
- *If agreed, the presentation will be made to Members of the relevant Committee on the same day of its next available meeting following the receipt of the request.*
- *Members and Officers will listen to the presentation but will neither comment nor discuss the proposals other than to ask questions regarding the nature of the proposals.*

7.2 *Any response given by Officers will usually be made in writing (and always recorded on the file) and will include reference to the following points:-*

- *The provisions of the Development Plan.*
- *The views expressed are personal/provisional and not binding on the Council.*

7.3 *The advice given is subject to any representations received once an application is submitted and the outcome of consultations it is necessary to undertake.*

7.4 *Officers will rarely undertake a site visit in respect of such enquiries and will not usually undertake consultations with others.*

8.0 COMMITTEE PROCESS

8.1 A vote regarding the Officer written recommendations will be made in accordance with the following:-

- Officer report and recommendation is presented and debated by Committee where necessary.
- A vote is taken upon that by show of hands.
- The Chairman will announce the result and whether or not the recommendation is Carried

8.2 In the event that the Committee vote to reject the Officer's recommendation, the following process will be followed:

- The Senior Planning Officer present will be asked by the Chairman whether or not sufficient information was given by Members to enable the composition of clear and convincing reasons for refusal or alternatively Conditions of any approval by Officers. If this is possible, the suggested wording of the refusal reasons or the Condition will be read to the Committee by Officers and a further vote will be taken on that suggestion.

8.3 In the event that Officers do not find it possible to phrase a Condition or reason(s) for refusal based on the Members' debate, there are two alternative courses of action:

- Senior Planning and Legal Officers present will advise the Committee as to any planning/financial/legal implications of determining the application contrary to the Officer's advice (if any) in such circumstances and the Chairman will ask whether any Member wishes to move a resolution (with a seconder) regarding the wording of a decision or,
- The Chairman will ask the Committee whether or not it wishes the application to be deferred to enable an Officer's report to be prepared for the next available meeting so as to reflect the debate held and the issues raised. In either case, a vote should be taken.

8.4 Public Speaking

Members of the public are entitled to speak at Development Control Committees in accordance with the Scheme of Public Speaking approved by the Council. (See Part 5 of the Council's Constitution).

9.0 REVIEW/IMPLEMENTATION OF THE LOCAL PLANNING CODE OF CONDUCT

- 9.1 This Local Planning Code of Conduct will be reviewed by the Development Control Committee after 24 months of operation (from the date it is adopted) in the light of complaints received regarding the Council's planning procedures/practice during this period and experience gained from its operation.
- 9.2 The Code it contains will be implemented in the following ways:-
- Training for Officers/Members
 - Publication of the Code both within and outside the Council
 - Regular monitoring of compliance with this Code by the Group Head of Council Advice and Monitoring Officer who is the relevant Officer for this purpose
 - Regular publication of Planning Services Information documents
- 9.3 Any Member/Officer or member of the public who requires advice regarding the interpretations of this Local Code should contact the Monitoring Officer and/or the Director of Place.