



Public Document Pack

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Committee Manager Carley Lavender (Ext 37547)

22 January 2021

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Wednesday 3 February 2021 at 2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be viewed here [click here](#)

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 ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

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 as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 6 January 2021.

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

DEFERRED ITEM

6. **A/109/20/RES - LAND SOUTH OF WATER LANE, ANGMERING** (Pages 9 - 10)

7. **A/179/20/RES - LAND SOUTH OF WATER LANE, ANGMERING** (Pages 11 - 12)

8. **R/197/20/OUT - CROFT WORKS, 52 MILL LANE, RUSTINGTON** (Pages 13 - 16)

PLANNING APPLICATIONS

9. **FG/123/20/PL - LAND AT FORMER MCINTYRE NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PG** (Pages 17 - 32)
10. **BR/286/20/HH - 17 SHELLEY ROAD, BOGNOR REGIS PO21 2SL** (Pages 33 - 38)
11. **AB/109/20/HH - WHITE COTTAGE, 32 KING STREET, ARUNDEL BN18 9BW** (Pages 39 - 48)

PLANNING APPEALS

12. **APPEALS** (Pages 49 - 52)
13. **SD8 - FORD STRATEGIC SITE ALLOCATION, MASTERPLAN DOCUMENT ENDORSEMENT REPORT** (Pages 53 - 64)
14. **APPEALS PERFORMANCE AND COST 2020** (Pages 65 - 94)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting.

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 :

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Note : Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

DEVELOPMENT CONTROL COMMITTEE

6 January 2021 at 1.00 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

Councillors Clayden, Cooper, Bicknell and Mrs Worne were also in attendance as Ward Members for all or part of the meeting.

Apologies: None

384. DECLARATIONS OF INTEREST

Councillor Bennett declared a personal interest in application R/197/20/OUT as a member of Rustington Parish Council.

385. MINUTES

The Minutes of the meetings held on 25 November 2020 and 2 December 2020 were approved by the Committee.

386. A/109/20/RES LAND SOUTH OF WATER LANE, ANGMERING

6 Public Speakers

CLlr Nikki Hamilton-Street – Angmering Parish Council
Michael Coates - Objector
Mr Geoff Gibbs - Objector
Jessica Sparkes – Applicant
Paul Bicknell – Ward Councillor
Andy Cooper – Ward Councillor

Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).

The Planning Officer presented his report including matters in the update report. This was followed by Public Speakers and a response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of concerns were raised including flooding, access concerns and that the Angmering

Development Control Committee - 6.01.21

Advisory Group briefing that was due to be held before Christmas 2020 had been cancelled and instead only a few Members had been in attendance at a separate briefing instead and that on this basis a deferral of the application was proposed and seconded.

The Planning Officer and Engineering Services Manager provided Members with answers to the issues raised regarding flooding and access. The Director of Place advised Members that they needed to provide specific reasoning and rationale in order to defer the application.

After further debate it was proposed that members defer the application so that there could be further consideration of the proposals by the Angmering Advisory Group. Committee members in their discussion made comments on drainage scheme, the construction management plan, density and the further consideration of views from the South Downs National Park.

Having been formally proposed and duly seconded, the Committee

RESOLVED

That the application be DEFERRED: -

- 1) to enable full consultation and a meeting with the advisory group to be held
- 2) to review the drainage concerns
- 3) to examine the landscaping and the south down national park review, and,
- 4) to examine the density and potential density decrease.

387. A/179/20/RES LAND SOUTH OF WATER LANE, ANGMERING

Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment over the Black Ditch, providing a road crossing to the proposed residential development.

The Chairman raised a procedural matter which was responded to by the Director of Place and confirmed with the Council's Solicitor.

It was proposed and duly seconded that the application be deferred with public speaking to be had on its return to the Committee.

The Committee

RESOLVED

That the application be DEFFERED

388. AW/240/20/PL 17 NYEWOOD LANE, ALDWICK PO21 2QB

Change of use of former residential parenting unit (C2 Residential Institution) to 8 bed House in Multiple Occupation (C4 Sui Generis). This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Officer presented his report advising members that the Officer recommendation was for approval on this application.

Members then took part in a full debate on the application where a number of concerns were raised including toilet provision, adequate areas of open space, the number of Houses of Multiple Occupation (HMO's) in the area and parking spaces.

The Planning Officer and the Director of Place both provided members with answers to the issues raised.

In further consideration of the matter, it was highlighted that people who would be referred to the use this dwelling would be for a very specific reason and not because it was a HMO.

The Committee

RESOLVED

That the application be APPROVED as detailed in the report and subject to the conditions outlined.

389. FG/127/20/PL ONSLOW CARAVAN PARK, ONSLOW DRIVE, FERRING BN12 5RX

2 PUBLIC SPEAKERS

Nadine Phibbs – Ferring Parish Council
Jeremy Farrelly – Agent

Onslow Caravan Park, Onslow Drive, Ferring. Retrospective application for the demolition of 3 No. existing buildings & erection of replacement workshop & machinery store building (amended design & siting to FG/37/17/PL). This site is in CIL Zone 5 (Zero Rated) as other development.

The Planning Officer presented his report including matters in the update report, this was then followed by Public Speakers.

Having considered the matter, the Committee

Development Control Committee - 6.01.21

RESOLVED

That the application be APPROVED subject to conditions as detailed in the report and the officer report update.

390. FP/181/20/PL BEACHCROFT HOTEL, CLYDE ROAD, FELPHAM PO22 7AH

2 storey rear bedroom extension. This site is in CIL Zone 4 (Zero Rated) as other development Beachcroft Hotel, Clyde Road

The Planning Officer presented his report advising members that the Officer recommendation was for approval on this application.

Members then took part in a debate on the application where a number of supportive comments were raised.

Having considered the matter, the Committee

RESOLVED

That the application be APPROVED as detailed in the report, subject to the conditions outlined.

391. LU/294/20/PL BROOKFIELD PARK AT HONEYSUCKLE CLOSE, LITTLEHAMPTON

Erection of 6m high flagpole. This site is in CIL Zone 5 (Zero Rated) as other development. Brookfield Park at Honeysuckle Close

The Planning Officer presented his report advising members that the Officer recommendation was for approval on this application.

Having considered the matter, the Committee

RESOLVED

That the application be APPROVED as detailed in the report, subject to conditions.

392. R/197/20/PL CROFT WORKS, 52 MILL LANE, RUSTINGTON BN16 3JN

[The Chairman redeclared his personal interest as a member of Rustington Parish Council.]

3 PUBLIC SPEAKERS

Peter Warren – Rustington Parish Council
Mrs Rousell - Objector
Adam King - Agent

Croft Works, 52 Mill Lane, Rustington Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

The Planning Officer then presented his report including matters in the update report. This was followed by the Public Speakers and a response was provided by the Planning Officer.

Members then took part in a full debate on the application, where a number of issues were raised including access concerns and pedestrian safety. Members were particularly concerned that West Sussex County Council (WSSCC) had only completed a desktop review of this application and that one member of the committee had completed his own site visit and could confirm that the measurements included in the report were inaccurate in his opinion. It was then proposed that a deferral of this application was needed so a site inspection could be completed to clarify the measurements of the access to the site.

The Director of Place provided members with advice on the logistics of a socially distanced site visit in order to comply with the current lockdown restrictions in place. He also confirmed that the applicant would have provided the measurements on their application and that the committee could defer on this basis to allow for the applicant to resolve the issues you have raised.

It was the proposed and duly seconded that, the Committee

RESOLVED

That the application be DEFERRED for clarification of site entrance measurements at the lane entrance

The Chairman then called an adjournment to the meeting from 16:05 – 16:15.

393. Y/99/20/PL BONHAMS FIELD, MAIN ROAD, YAPTON BN18 0DX

4 PUBLIC SPEAKERS

Angela Broughton - Objector
Sue Barnes - Objector
Ian Johnson – Agent
Amanda Worne – Ward Member

Development Control Committee - 6.01.21

Bonhams Field, Main Road, Yapton Variation of conditions following Y/1/17/OUT to reword conditions 12, 14 & 16 as set out in the application covering letter in order to allow for the proposed access works to be implemented separately to the rest of the planning permission.

The Planning Officer then presented his report including matters in the update report. This was followed by the Public Speakers and a response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of issues were raised including drainage and flooding concerns, consultation with local residents and members felt uncomfortable and conflicted with being asked to make a decision on this application without the full picture being in front of them.

The Director of Place, Planning Officer and the Council's Solicitor all provided members with answers to the issues raised and gave advice on the importance of considering this application on its planning merits alone.

At the conclusion of the debate the Director of Place provided further advice on the prospect of not following the technical advice that had been presented to them within the report and report update and that should members refuse this application the Council would be awarded with additional costs on appeal.

Having considered the matter fully, the Committee

RESOLVED

That the application be APPROVED subject to conditions as detailed in the report and the officer report update.

394. APPEALS

The Committee received and noted the appeals that had been received and the Director of Place provided members with a verbal update on the following appeals;

- Inglenook application
- 77 Aldwick Road application
- The Bowerys application
- 11 West Dean Way application

He also confirmed that a review was underway to change the way the Council deals with appeals.

(The meeting concluded at 5.34 pm)

Subject to approval at the next Development Control Committee meeting

339

Development Control Committee - 6.01.21

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Report following a request for further information, negotiations or consultation

REF NO: A/109/20/RES

LOCATION: Land South of Water Lane
Angmering

PROPOSAL: Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).

DEVELOPMENT CONTROL COMMITTEE 6th JANUARY 2021

This Committee deferred the application so that there could be further consideration of the proposals by the Angmering Advisory Group. Committee members in their discussion made comments on drainage scheme, the construction management plan, density and the further consideration of views from the South Downs National Park.

ANGMERING ADVISORY GROUP

A meeting of the Angmering Advisory Group is due to take place on the 26th January, which will consider the issues raised in the discussion and reasons for deferral, the outcome of which will be reported in a Report Update.

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Report following a request for further information, negotiations or consultation

REF NO: A/179/20/RES
LOCATION: Land South of Water Lane
Angmering
PROPOSAL: Approval of reserved matters (appearance, layout, scale and landscaping)
following outline consent A/99/17/OUT, for a culverted embankment.

DEVELOPMENT CONTROL COMMITTEE 6th JANUARY 2021

This Committee deferred the application, following the deferral of A/109/20/RES, so that there could be further consideration of the proposals by the Angmering Advisory Group.

ANGMERING ADVISORY GROUP

A meeting of the Angmering Advisory Group is due to take place on the 26th January, which will consider the issues raised in the discussion and reasons for deferral, the outcome of which will be reported in a Report Update.

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Report following a request for further information, negotiations or consultation

REF NO: R/197/20/OUT

LOCATION: Croft Works
52 Mill Lane
Rustington

PROPOSAL: Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

This application was deferred from the DC Committee meeting on 06-01-2021 to check that the width of the access road complies with building regulations for access by fire service vehicles. This is set out in Approved Document - B (AD-B) Volume 1 2019 section 13 Table 13.1 on page 98. It is expected that vehicles will travel in a straight line, not need to make a turn whilst passing through and there should be 3.7 metres between curbs.

The agent has subsequently visited the site and measured the width of the access at several points along the access road and taken photographs of where the measurements are taken from. A revised drawing showing these dimensions has been received and the case officer has visited the site to verify the measurements given.

In summary, there are some small discrepancies between the OS/Title plans used and the dimensions on the ground. This appears to result from fences being placed in different positions to the legal title over time, with the neighbours to the south seemingly encroaching slightly onto these title plans.

Following the case officer site inspection it was found that the width of the entrance point is very close to the previously noted 4.65m at around 4.4- 4.5m. There is a pinch point at around the centre of the access driveway where this reduces to 3.3m wide. At the end of the driveway the dimension measures 3.8m which is slightly less than the 4.1m on the title plan.

Based on the measurements determined by the case officer it would appear that the access way would not be capable of complying with the above stated Building Regulations.

The agent has advised that appropriate Building Regulations will be met by way of the provision of sprinklers and/or a fire hydrant. This can be secured by way of a condition.

West Sussex County Council have been consulted regarding the veracity of complying with the relevant Building Regulation with the following:

'County Water and Access have viewed the plan and agent's e-mail and confirm the current intentions do not meet with the requirements of Approved Document - B Volume 1: 2019 edition B5 section 13 for Fire Appliance access. The minimum access width for a fire appliance is 3.7 metres between curbs and 3.1 metres through a gateway in a straight line, so there is adequate access width, there is also a need for suitable space to turn and make an exit, which may also be possible.

However for houses fully sprinklered in accordance with British Standard (BS) 9251: 2014 or BS EN 12845, BS 9991:2015 para 50.1.2 does allow the distance between the fire appliance and any point within all houses to be up to 90 metres. The distance from the main road to the furthest point is

approximately 80 metres so within this required distance.

If access to the properties is not suitable for a fire appliance there is no reason to have a fire hydrant along the access driveway. Fire hydrants provide water to the fire appliance not the scene of the fire; there is an existing fire hydrant within 30 metres of the access point. The preference would be to gain access to the properties, if this cannot be achieved each property will need to be fully sprinklered.'

The Council's Building Control Department has advised that a suppression system, such as sprinklers would be acceptable.

Further comments have been received from County Highways following a further request to undertake a site visit by stating that in this instance they cannot see how a site visit can be justified as being absolutely necessary given the current circumstances. They make the following comments:

1) The principle of the application is for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows. While trip generation data (existing and proposed) has not been provided it is reasonable to conclude that the proposed will not result in an increase in vehicular activity being associated with the site. It's more likely that the proposed will result in less trips being associated with the site.

2) The private access ways / access point also serves circa 10+ other dwellings. As such regardless of the existing storage trips that would be lost as a result of this proposal, it would be difficult to substantiate that the proposal will result in any significant increase in vehicular activity at the access point with the maintained network or internal access ways.

3) Trips associated with residential dwellings are typically tidal in nature, whereby 'out' trips are created in morning peak and 'in' trips are created in the late afternoon peak. The existing use as storage could have created 'in / out' trips throughout the day. As such it would be considered that the proposed two dwellings will likely result in less chance of vehicle conflict on parts of the internal private accessways where passing is not possible.

4) The internal accessways are private and therefore the Local Highway Authorities primary concerns is the access point with the maintained network Mill Lane B2187. This access point can be effectively assessed using a desktop study using OS mapping, the submitted plans, recent google street view and other WSCC datasets, for example accident data records.

5) Local google street view mapping for the private road is dated 2009. However, the publicly maintainable highway has images from 2019 that overlook the private road. This demonstrates that no change has occurred since 2009.

6) While a specific site visit has not been conducted, local knowledge of the area and previous visits can be taken into consideration when making an overall assessment.

7) The access onto the public highway is over 11 metres in width so difficult to substantiate any issues with passing of vehicles here given the existing shared use. It is the view of the Highway Authority that any internal access width issues should therefore be raised and substantiated by the residents or considered as an amenity issue by the Local Planning Authority. Though such issues would be difficult to substantiate given reasons listed above.

It is also noted that the report incorrectly refers to 8 parking spaces. There are 6 spaces provided. 3 per dwelling.

The recommendation has been amended by the inclusion of the updated block plan showing true dimensions of the access road (amending the plans condition 2) to refer to the later amendment and the inclusion of an additional condition (number 19) requiring that prior to occupation details of a sprinkler system be provided and agreed with the Local Planning Authority.

PLANNING APPLICATION REPORT

REF NO: R/197/20/OUT

LOCATION: Croft Works
52 Mill Lane
Rustington
BN16 3JN

PROPOSAL: Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

SITE AND SURROUNDINGS

| | |
|---------------------------------|---|
| DESCRIPTION OF APPLICATION | <p>The application is in outline form with access, appearance, layout and scale forming part of the proposal. Landscaping would be agreed at reserved matters stage.</p> <p>The 2 detached chalet style properties would be 1.5 storey with plain clay hipped roofs and stock brickwork elevations. The roof area contains a bedroom and study for each dwelling with the 2 other bedrooms located at ground floor level.</p> <p>Each property would have a private rear garden and there would be a parking for 8 cars.</p> <p>There would be an allocated shared refuse and recycling area on the access road where bins would be located on collection day.</p> <p>The existing access track off Mill Lane would be utilised to serve the development.</p> |
| SITE AREA | 0.1 hectares |
| RESIDENTIAL DEVELOPMENT DENSITY | 20 dph. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | A substantial mature Hornbeam tree in garden of the Windmill Public House. |
| BOUNDARY TREATMENT | Breeze block wall (1m raising to 2m high) to eastern boundary |

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PLANNING APPLICATION REPORT

REF NO: FG/123/20/PL

LOCATION: Land at former McIntyre Nursery
Littlehampton Road
Ferring
BN12 6PG

PROPOSAL: Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to demolish a polytunnel, storage building and scaffolders' shelters and racking, part regrading of the ground, new fencing, CCTV and lighting to enable the siting of 79 single-stacked storage containers.

The proposal relates to the western end of the original site, namely the 2 fenced compounds used for open storage as scaffolding and firewood yards.

Customers would typically access the facility using "Transit" vans, small goods vehicles or by car. The development site would be accessed from, the applicants adjoining site. Four of the containers from the adjacent site will be relocated from the existing site and so there would be a net increase of 75 containers. The proposed containers would match the existing containers on the adjoining site.

The existing timber close boarded fence on the western boundary would be replaced and increased in height to securely enclose the site and infill the 2 redundant entrance gates.

SITE AREA 1955 sq m

TOPOGRAPHY The land rises gradually from Littlehampton Road and up to the application at which point it steeply rises towards the National Park boundary at Highdown Hill.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Timber close-boarded fence to the northern end of the western boundary. Conifers to the north.

SITE CHARACTERISTICS The site was formerly used as a nursery featuring a polytunnel which was granted permission on appeal for a mixed use

comprising motor vehicle storage, scaffolders' yard and timber yard.

CHARACTER OF LOCALITY

The wider surrounding area is predominantly rural in character but the site of the former nursery contains a variety of commercial uses to the north and south of the application site including offices, storage and distribution, a scaffolding depot and a timber yard.

RELEVANT SITE HISTORY

| | | |
|--------------|---|----------------------------------|
| FG/135/19/PL | Demolition of a silo & erection of an office building (B1(a) Business), 6 No. parking spaces for office workers & erection of boundary fencing. | ApproveConditionally 27-05-20 |
|--------------|---|----------------------------------|

| | | |
|-------------|---|----------------------------------|
| FG/33/18/PL | Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. This application is a Departure from the Development Plan. | ApproveConditionally 03-10-18 |
|-------------|---|----------------------------------|

| | | |
|-----------|--------------------------------|--|
| ENF/6/12/ | Alleged unauthorised car sales | No Further Actn Appeal: E.N. Upheld Var 07-02-14 |
|-----------|--------------------------------|--|

An enforcement notice reference ENF/6/12 was served at the site for the unauthorised use of the polytunnel for the storage of vehicles, scaffolders' yard and a timber yard. On appeal the Planning Inspector granted planning permission for 'the material change of use of the land from horticulture to a mixed use comprising the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers, together with facilitating operational development comprising the erection of concrete steps'. The Inspector imposed a condition that in the interest of visual amenity the height of materials and equipment, other than wheeled plant/vehicles and storage containers connected with the use shall not exceed a height of 3 metres.

FG/33/18/PL for 42 storage containers on part of the site was approved on 03/10/2018. This proposal seeks to expand the use across the whole of the enforcement case site area.

REPRESENTATIONS

Ferring Parish Council - Objection

- This is a departure from the development plan and contrary to the Ferring N.P. and Arun Local Plan.
- The previous application FG/33/18/PL for 42 storage containers was strongly contested due to the unwarranted change of use and loss of land designated for agricultural/rural purposes.
- Safety concerns over the volume of potentially large vehicles using the narrow track which is also a bridleway and popular walking route to access Highdown Hill and gardens.

- Adding 79 further containers creates over-intensification and the prospect of such an increase in large vehicle movements.
- This area is also subject to the Dark Skies requirements for the National Park and greater intensification will have a detrimental impact on those requirements.

9 Objections

- This is not an industrial park and should not become one.
- Visual intrusion. The proposed containers will be another blot on the landscape.
- Increased traffic along McIntyre's Lane would not ensure safety of users.
- Totally unsuitable proposal in a rural area on the edge of rolling countryside leading up to Highdown Hill.
- Proposal contravenes both the Arun Local Plan and the Ferring Neighbourhood Plan, and attempts to further degrade the properly declared Angmering-Worthing Gap with more intensive development.
- Another 79 containers on top of the existing 42, would give a grand total of 121.
- There is no further local need for storage facilities.
- The applicants say that the additional employment created would be a single job.
- The current use is tolerable because it takes place within polytunnels that at least give the impression of horticulture.

13 Support

- The adjacent business is kept clean with no rubbish and is run very efficiently. The area will be improve considerably should this application be approved.
- It will provide much needed storage facilities.
- There is good access for vehicles and the nature of the business means that the road is usually very quiet.
- With the current COVID-19 crisis it's essential to help businesses succeed.
- The Stand-by storage site was once an eye sore, with a large poly-tunnel upon the site. It is now very clean and smart looking, with green storage containers, a new gate and fence.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be considered in the Conclusions section.

| |
|----------------------|
| CONSULTATIONS |
|----------------------|

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Condition requested.

County Highways - No Objection. Conditions requested.

The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Environmental Health - No Objection. Conditions requested.

Ecology Officer - No Objection.

The biodiversity enhancements recommended within the Preliminary Ecological Appraisal Report (Dec 2020) are suitable and should be conditioned.

South Downs National Parks Authority - No response received.

COMMENTS ON CONSULTATION RESPONSES:

With regard to the conditions requested by County Highways the agent provided a Construction Management Plan (CMP) with the application. This Plan would be an update of the CMP prepared in 2018 for Standby Self Storage's similar development of the adjoining site.

In terms of details of car parking spaces the hard surfacing on the adjoining site already exists. There is therefore no proposal to construct or formally set out additional car parking on the application site. The proposed plans of the amalgamated site illustrate that at least 6 car and van spaces can be spatially accommodated near the entrance gate. The dashed lines show the parking spaces 2.4 wide x 4.8 or 5.5m long. There is further space within the development site for additional informal parking, as acknowledged by County Highways.

Environmental Health have requested a Noise Assessment survey but given the position of the site the development would have no impact on the amenity of adjoining residents and imposition of such a condition would not be reasonable. There are 2 residential properties that front Littlehampton Road (200m distant), but these are subject to considerable noise due to their close proximity to the busy dual-carriageway A259. In this respect and given the distances involved, the development has little or no potential for noise mitigation, assuming any change in ambient noise levels would be significant.

The existing or potential noise generating activities of the permitted scaffold and firewood yards are also material factors. Instead, the adjoining occupiers are all commercial users and noise generators. The Planning Inspector for the 2014 appeal was mindful of traffic movements (including heavy vehicles) along the access road from existing users of the site, the neighbouring businesses and historic uses of the land.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Settlement Gap

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

| | |
|--------|---|
| CSP1 | C SP1 Countryside |
| DDM1 | D DM1 Aspects of form and design quality |
| QEDM4 | QE DM4 Contaminated Land |
| SDSP1 | SD SP1 Sustainable Development |
| TSP1 | T SP1 Transport and Development |
| DSP1 | D SP1 Design |
| EMPDM1 | EMP DM1 Employment Land: Development Management |
| LANDM1 | LAN DM1 Protection of landscape character |
| QEDM2 | QE DM2 Light pollution |
| QESP1 | QE SP1 Quality of the Environment |
| QEDM1 | QE DM1 Noise Pollution |
| HERDM3 | HER DM3 Conservation Areas |
| SDSP3 | SD SP3 Gaps Between Settlements |

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

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

SUPPLEMENTARY POLICY GUIDANCE:

- SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant Neighbourhood Plan policies have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would be development outside of the defined built up area boundary and within a defined Gap between Settlements.

Section 70(2) of TCPA provides that

- (2)In dealing with an application for planning permission the authority shall have regard to:
- (a)the provisions of the development plan, so far as material to the application,
 - (aza)a post-examination draft neighborhood development plan, so far as material to the application,
 - (b)any local finance considerations, so far as material to the application, and
 - (c)any other material considerations.

Legislation s11A(2) National Parks and Access to Countryside Act 1949 is relevant:

"In exercising or performing any functions in relation to, or so as to affect, land in any National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section 5 of this Act and if it appears there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park"

Section 5(1):

"The provisions of this Part of this Act shall have effect for the purpose -

- a. of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified .. and
- b. of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public"

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act 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 these criteria in that it is not considered to materially affect the setting of the Conservation Area or the National Park.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site the subject of this application is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances. None of the exceptions apply in this case.

The site is within the defined Angmering to Worthing Gap Between Settlements (Policy SD SP3). As such, development would only be permitted if it would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development or cannot be located elsewhere and if it maintains the character of the undeveloped coast.

The policy aims to designate certain land in the District so as to prevent coalescence between settlements and retain the generally open and undeveloped nature of the designated gaps.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. This includes that it is an appropriate sized extension of an existing employment site, it would not result in an unacceptable intensification of use of the public access and takes account of landscape context and neighbouring residential properties. It also refers to the site being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area.

In this case the proposal is not in conflict with this policy as it is not an extension nor an unacceptable intensification from what is already approved on the site. The use of the land for a mixed use comprising the storage of motor vehicles, the stationing of a portable building used as an office, a scaffolders' yard and a firewood yard, including the stationing of storage containers was approved via the successful enforcement notice appeal.

Furthermore for the reasons set out below the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring

uses is also found to be acceptable.

Ferring Neighbourhood Plan in policy 1A states that '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.' This is consistent with Arun Local plan Policy C SP1.

The Ferring Neighbourhood Plan in policy 7 'will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' For the reasons explained in the planning history below the land the subject of this application is not in any of the above uses.

The remainder of policy 7 requires that:

- Any development shall minimise visual impacts on the surrounding countryside.
- All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.
- Suitable measures are proposed to improve the setting and/or screening of the development within its wider setting of the National Park.

Whilst the proposal does not comply with Arun Local Plan policy C SP1 or policy 1A of the Ferring Neighbourhood Plan, demonstrable harm needs to be shown to the aims of the policies. It is also necessary to consider the planning history of the site and compare the difference between that proposed and what already has planning permission.

The existing permission from the enforcement notice appeal decision on the proposal site allows for a scaffolders' yard and timber yard. As such refusal of this application on the grounds of conflict with policy C SP1 and policy 1 would be very difficult to sustain for the reasons set out in the following sections.

Furthermore, the landscape and visual amenity section below also demonstrates that the impact on the landscape context, which includes the setting of the Highdown Conservation Area and National Park, and the Angmering to Worthing Gap will be acceptable.

LANDSCAPE AND VISUAL AMENITY

Given the proposals close proximity to the South Downs National Park (24m to the east and 280m to the north) policy LAN DM1 is relevant. This requires that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Substantial screen planting in terms of conifer trees is established to the north of the site. A further 50m north of this is an additional screen of high Poplar trees. This provides a strong buffer screen so as to ensure that the impact of the proposal on the abutting National Park is acceptable. This will mean that the containers at a height of 2.6 m will be out of sight at the boundary of the National Park as will be the case from the top of Highdown Hill where there is further screening from views towards the Littlehampton Road.

The storage area and containers will not be visible from the entrance to the site from the A259 which is sufficiently distant and views from the west will be limited and acceptable given the height of the existing fence.

Views from the east and towards this section of the National Park and the Highdown Conservation Area

are prevented due to the dense tree/vegetation screening that is present along the whole side of the service road that is accessed off the A259. The siting of the containers will be such that they will not harm important views into or out of the Conservation Area and in doing so these structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials.

The site is located in an area of mixed commercial use with a large building in storage use. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings.. In character terms, therefore, the immediate site surroundings cannot be considered to be 'rural' in nature where the proposed storage containers would not be out of character in this context. The containers in place of the existing polytunnel and other buildings approved for storage will not impact significantly on the character of the area.

Equally the proposal is to replace an area that currently has consent for commercial use/storage and so will not lead to a coalescence of the Angmering to Worthing settlements and the overall integrity of this gap.

Given the low level (2.6m) and downward direction of lighting for the containers and the low number and height of lamp bollards together with the degree of screening from the National Park, the proposed illumination will not have an unacceptable glaring effect when the site is seen from the National Park. This will be more so when the backdrop to the site will be the some times illuminated heavy traffic, along the A259.

It is therefore considered that in so far as LAN DM1 the proposal will not have an unacceptable impact on views into and out of the Park. The proposal also includes new boundary screening along the western boundary adjacent to the proposed container storage.

ACCESS AND HIGHWAY SAFETY

County Highways have no objection to the proposal and access into the site is from a private lane. The site access is of sufficient width with good visibility and the proposal is unlikely to generate a level of traffic for it to make county highways raise an objection. It considered that the containers could be safely delivered and removed.

In terms of the general increased use of the lane from this proposal the previous history of the site for horticultural purposes needs to be taken into account. This would have involved the movement of farm machinery, goods and employees to and from the site. Increased vehicle movements can have a discernible effect on the way in which a site is perceived and, in a peaceful isolated setting, detract from the character of the locality. Due to other businesses in close proximity, the likely intensification of movement is not likely to be to an perceptible level.

A development of 830sqm for B8 self-storage use would generate around 1.7 two-way vehicle trips in the AM peak hour and 2.1 in the PM peak hour, with a daily trip rate of around 25.33 two-way trips. This level of trips would not meet the thresholds for wider traffic assessments of the highway network to be undertaken. It is not considered that the proposal would give rise to a significant level of trips at the access point or on the highway network.

The access point from the A259 provides space for two vehicles to pass on point of entry to avoid any standing traffic on the highway, which would cause a safety concern. There are no indications from assessing accident data that this access is or has been operating unsafely.

In terms of parking the application doesn't meet the WSCC Guidance on Parking at New Developments (Sept 2020). B8 Storage use would be expected to provide 1 space per 100sqm of storage space. (8

spaces). The Design & Access Statement indicates that 6 spaces will be provided. Arun's parking standards require parking in commercial developments to be based on the developments land use, trip rates associated with the development and the user group of staff/visitors. Based on the existing use generation, the nature of the proposal and the neighbouring approved use the parking level proposed would be acceptable.

There is space on site to park so the development would not interfere with the safety or operation of the highway network. Whilst there is conflict with regard to the need to provide compliant parking on site the use is not considered to harm highway safety. The proposal would therefore accord with policy T SP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Whilst an intensification of vehicle movements is forecast, the proposed use of the site will not significantly add to the existing approved commercial use of the area in terms of impact on neighbouring residential amenity by way of noise and disturbance. This is so given the current approval for the use of the site for the storage of cars and to operate a scaffolders' and timber yard.

The proposed use is unlikely to give rise to the kind of noise generation that could be expected from commercial or goods vehicles associated with the previous horticultural use of the site or that associated with the use approved by the enforcement notice appeal. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

No objection on grounds of noise nuisance has been raised by the Council's Environmental Health officers.

Objections have been raised concerning the detrimental impact that lighting levels from the proposal will have on the visual amenity of the area. Policy QE DM2 of the Local Plan requires applications which involve outdoor lighting to be accompanied by a lighting scheme.

The submitted light assessment refers to minimal light escape with lighting attached to containers and willow screening incorporated in the scheme to block out car headlights at the end of walkway to the North West and South West. Most lighting will be sensor controlled to come on only when storage containers are accessed. The rest would have a time facility dependant on the zone.

Given the above it is not considered that the proposal would have a materially adverse impact on residential amenity by reason of noise, disturbance or lighting and the proposal therefore accords with policies D SP1, D DM1, QE DM1 and QE SP1 of Arun Local Plan.

ECOLOGY CONSIDERATIONS

An Ecological Appraisal has been submitted in support of the application which assesses that the development site is of low ecological value. The survey did not identify the presence of any protected species and no further survey work was recommended.

Subsequent to the completion of the report, a revised lighting scheme and amended proposed site plan has been produced to address concerns about possible impact on surrounding land and its potential habitat for bats and the following ecological enhancements are proposed:

- Plant with grasses the new banking along the east fence line that borders the warehouse and yard of PHS All Clear and cut the grass only once a year.
- Retain existing vegetation to the earth bank along the southern boundary of the site and construct a

deadwood habitat pile in this secluded location.

- Install 'bat friendly' lighting, as per the revised Lighting Assessment and amended drawing number 5230-2D.
- Install a total of 2 No. bird boxes and 2 No. bat boxes attached to fencing along the south and north boundaries.
- Incorporate 3 No. wildlife access holes in the new solid timber fencing proposed along the west boundary (remaining boundaries have existing or new open mesh palisade fencing).

These enhancements are conditioned and will ensure that the development provides a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan. The Council's Ecologist is satisfied that the biodiversity enhancements recommended within the Preliminary Ecological Appraisal Report (Dec 2020) are suitable.

HERITAGE IMPACT ASSESSMENT

The application site is approximately 130m south of the Highdown Conservation Area. As such policy HER DM3 applies in terms of the proposals impact on the setting of this Conservation Area. The aim of the policy is to grant planning permission provided that:

- New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings.
- It does not harm important views into, out of or within the Conservation Area.

The site is more than 250m south west of the Listed Building known as Highdown within the Highdown Conservation Area. Policy HER DM1 requires development to protect and where possible enhance the setting of listed buildings.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a Listed Building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the conservation area or the Listed Building to its North West, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

The siting of the proposed containers, and associated proposed works is such that it will not harm important views into and out of the Conservation Area and Listed Building. Largely due to the design of the proposal, and the significant screening present around the site. In doing so, the proposal acknowledges the character of their special environment from its layout, form, scale, detailing and use of coloured elevations.

The proposed development is considered to be in accordance with HER DM1 and HER DM3 of the Arun Local Plan, and the relevant sections of the NPPF, in that it can be demonstrated that the proposal has no harm upon the setting of the Listed Building or the conservation area. Sections 66 and 72 are not therefore relevant.

CONCLUSION

The use of the site for the stationing of 79 storage containers conflicts with policy C SP1 of the Arun Local Plan and the Angmering - Worthing Gap policy SD SP3. However, on balance, and for the reasons outlined above the impact on the wider landscape which includes the National Park and Highdown Hill Conservation Area and the character of the general locality including nearby residential properties is considered to be acceptable and a recommendation for approval is made.

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 and Block Plan 5320-2revD
General Drawing 20GP - 30002eG
Location Plan 5320-1
Site Plan 17330720
Block Plan 17330720
Container Floor Plan , Roof Plan, Elevations 5320 5A
Fence Elevations 5320-4
Sections 5320-3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy (condition 3) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 5 Prior to use of the site details of the proposed banking shall be submitted to and approved by the Local Planning Authority and the approved banking and new screening/fencing indicated on site plan 5320-2revD shall be erected and provided in accordance with approved details. The screening/fencing/banking so provided shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surfacing have been submitted to and approved in writing by the Local

Planning Authority. The design must demonstrate a fully permeable surface, including any proposed sub-base.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This needs to be a pre commencement condition to ensure that suitable drainage can be provided before any works commence.

- 7 The development shall proceed in accordance with the submitted Construction Management Plan dated 05-10-2020.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and TSP1 of the Arun Local Plan

- 8 The development shall proceed in accordance with the submitted Preliminary Ecological Appraisal Report by Darwin Ecology dated December 2020. The enhancements shall be provided prior to use of the site commencing and shall be retained in perpetuity and shall include installation of a hedgehog nesting box.

Reason: In the interests of the ecology of the area in accordance with policy ENV DM5 of the Arun Local Plan.

- 9 The development shall proceed in accordance with the submitted lighting assessment (Standby Self Storage / John Collins Associates) dated December 2020 and Drawing Number 5320-2 Rev D (December 23rd 2020). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from pollution in accordance with policy QE SP1 of Arun Local Plan.

- 10 The containers shall not be used until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan.

- 11 The containers shall always be of a green finish to a specification to be agreed in writing with the Local Planning Authority and maintained thereafter in the colour agreed and a condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 12 The containers shall not be stacked, stored or deposited on the site to a height exceeding 2.6 metres.

Reason: To safeguard the visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 13 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

- 14 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.
- 15 INFORMATIVE: Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive.
The piles must undergo soft demolition.
- 16 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.

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| BACKGROUND PAPERS |
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

FG/123/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BR/286/20/HH

LOCATION: 17 Shelley Road
Bognor Regis
PO21 2SL

PROPOSAL: Removal of existing garage and erection of single storey side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Single storey extension to east side of the dwelling projecting beyond the rear of the building. The accommodation appears in the form of an annex with bedroom, bathroom and kitchen.

REPRESENTATIONS

Bognor Regis Town Council: Object - overbearing and overshadowing of the neighbouring property.

One objection based on the proposal having substantial size, scale and positioning on the boundary leading to:

- Visual intrusion on the amenity space of the neighbouring private amenity space.
- An overbearing impact on the neighbouring private garden and loss of daylight.
- Increased sense of overlooking, loss of privacy and light on the private garden and patio area as well as the windows on the western elevation.
- Dispute land ownership certificate - concern re overhang of gutters/location of foundations.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

| | |
|------|---|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1 | D SP1 Design |

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

CONCLUSIONS

PRINCIPLE

The key policies considered are DDM1 and DDM4 of the Arun Local Plan. There are no policies of relevance in the Bognor Regis Neighbourhood Plan to this application.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

SITE HISTORY

Relevant site history noted.

DESIGN AND VISUAL AMENITY

The development to the side and rear is single storey with a flat roof and does not add significant bulk to the property and is a subservient addition. It appears sympathetic in appearance with materials matching the host dwelling. The scale of the dwelling does not increase dramatically with the garage being removed to make way for the extension.

Houses in the locality have been subject to some alterations, mainly single storey extensions, garages and outbuildings, this is evident throughout the street. There is no set character to the development in the locality with bungalows and varying designs of dwellings throughout Shelley Road.

The proposal is modest in size and appears subservient to the dwelling, set slightly back from the principle elevation. It will have flat roof with a maximum height of 3.1m with the majority of the height at 2.85m. The most notable visible change from the street scene being the garage conversion, something which can be achieved under the permitted development rights.

The development is not considered to adversely impact upon the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal removes the garage and replaces it with an extension running along the east boundary. The roof will be changed to a flat roof from a lean-to. The garage eaves height is 2.3m this means there will be an increase of 0.55m on the boundary with the structure running along the majority of the side and projecting from the rear.

There will be a window and a door to the front elevation, as these are at ground floor it is not considered views are additional to that which can already be achieved from the public realm or the existing garage and does not provide adverse overlooking. A door and window to the rear overlooks the garden of the host dwelling with no views of the neighbouring property available.

The development is not considered to give rise to significantly adverse impacts on neighbouring occupiers despite the small gap and height of the extension. This includes an assessment of the 45 degree rule on the rear window of the property to the east . It is appreciated the extension protrudes to the rear and there will be some impact on the amenity from the neighbouring windows due to the height/position of the rear projection but the proposal only protrudes just past the existing rear elevation of the neighbouring property (15 Shelley Road) at a relatively low height.

The additional height and length of the extension would have some impact on the windows to the property to the east due to the introduction of additional built form. However the impact created by the proximity of the wall on residential amenity is not such that refusal is justified.

The proposal as a result of the siting and design the development is not considered to result in significant overlooking, overshadowing or overbearing impacts upon neighbouring amenity.

PARKING

Whilst the proposal will remove 1 garage space. There is sufficient space to the front for the parking for 1 further car and the highway has sufficient space for any other cars to be parked.

ANNEX ACCOMMODATION

The extension shows the internal accommodation to be in the form of an annex containing a bedroom, bathroom and kitchen. Annex accommodation is an acceptable form of development in the built up area and should not create any greater impact on amenity than any other form of extension. A condition is imposed to restrict the use of the extension.

PERMITTED DEVELOPMENT

The General Permitted Development Order (2015) (as amended) Schedule 2 Part 1 Class A (j) it is possible, without an application for planning permission, to extend at single storey level up to 4m in height beyond a wall forming a side elevation so long as the extension is not more than half the width of the dwelling. Whilst this would not allow for the rear projection element an out building in this position could be erected under Schedule 2 Part 1 Class E with an height of 2.5m.

The use of permitted development as described above would have a similar impact on the amenity of the property to the east and therefore it is necessary to consider the potential "fall back" position.

OWNERSHIP CERTIFICATE

A letter of objection challenges the validity of the ownership certificate submitted with the application raising concerns about parts of the development (gutters/foundations) extending in to the neighbouring property. The applicant's agent has been asked to confirm ownership details.

SUMMARY

The proposed development is deemed to accord with relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

| |
|-------------------------|
| HUMAN RIGHTS ACT |
|-------------------------|

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan, Block Plan and Proposed Floor Plan Sheet 1 of 3
 - Proposed Elevations Sheet 2 of 3
 - Existing Floor Plans and Elevations and Proposed Roof Plan Sheet 3 of 3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 17 Shelley Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun 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.

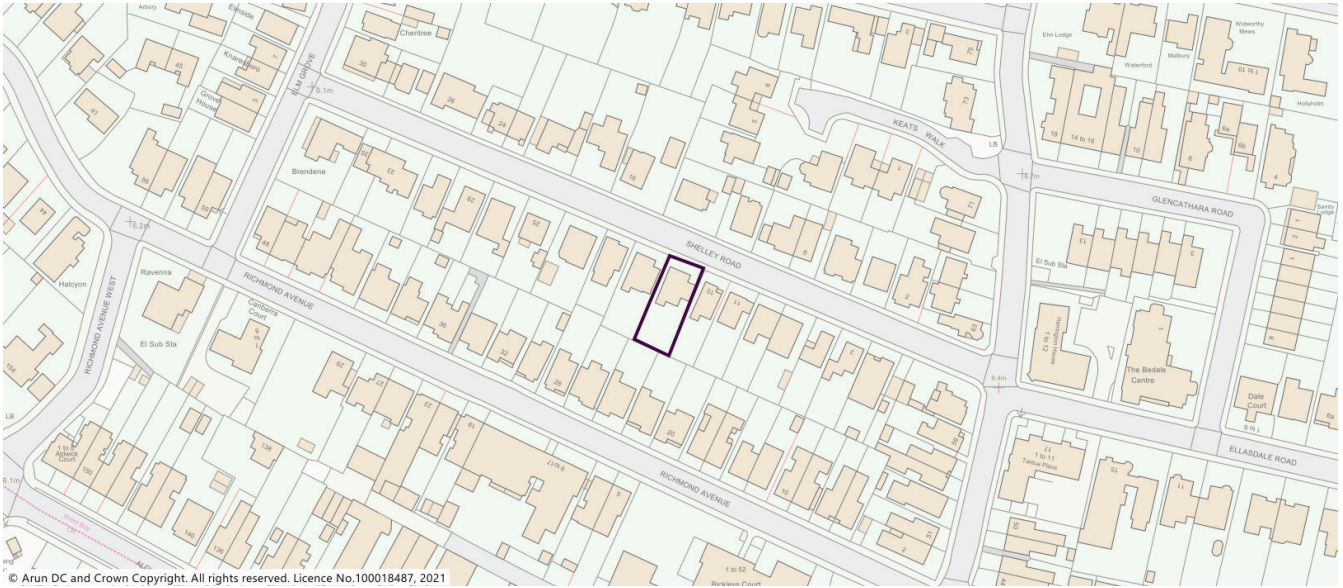
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

BR/286/20/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: AB/109/20/HH

LOCATION: White Cottage
32 King Street
Arundel
BN18 9BW

PROPOSAL: Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is to construct a single storey rear extension, internal alterations and alterations to the fenestration. Furthermore, the part-replacement of the roof structure with 2No. conservation rooflights, re-covering of the main roof and the partial re-build of the detached garage with replacement pitched roof. This will be enabled following the demolition of the existing rear additions following approval of AB/43/20/PL.

The partial rebuild of the garage relates to the reroofing and three of the walls of the existing garage removed and replaced. This does not result in any change in the appearance of the garage in that the scale will remain the same, the nature of these works are predominantly reparative.

RELEVANT SITE HISTORY

| | | |
|-------------|--|----------------------------------|
| AB/43/20/PL | Demolition of rear extension. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings. | ApproveConditionally 14-07-20 |
|-------------|--|----------------------------------|

REPRESENTATIONS

Arundel Town Council - No objection.

7 letters of objection:

- There is harm to the Listed Building of 36 King Street.
- The proposal is of a poor design.

- The proposal will harmfully affect the character of the Conservation Area and the setting of nearby Listed Buildings.
- The loss of the hedge will cause nuisance, visual harm, a loss of amenity and biodiversity.
- The 10m long flank wall will relate in a loss of sunlight and daylight to 36 King Street.
- The development may cause disturbance to the subsoil of the application site.
- The development would be contrary to the Party Wall Act 1996.
- The submitted Biodiversity report is totally inadequate.

Agent Supporting Document:

- The proposed extension extends from the rear of the property in a same way to the previous floor plan.
- Whilst the proposal is along the boundary line, it is 3m shorter than the existing development.
- The design of the proposal allows for an improved living environment, whilst benefitting the appearance and function of the house as a whole.
- The roof of the proposal is 0.5m lower than the extension which previously existed.

OFFICERS COMMENTS ON REPRESENTATIONS:

Comments noted. The representations raised will be addressed in the conclusion section.

Disturbance to subsoil and consideration of the Party Wall Act and hedgerow regulations are not planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer - No objection.

- The proposed development is considered to cause less than substantial harm to the character of the Conservation Area of the setting of the neighbouring listed building.
- The removal of the clay hanging tiles would be unacceptable, details of all materials should be required via condition.
- The use of UPVC windows is unfortunate.
- The works to the roof will receive support.
- The proposal result in the removal of the hedge, details of an alternate means of enclosure along the Northern boundary will be requested via condition.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

| | |
|--------|---|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1 | D SP1 Design |
| HERDM1 | HER DM1 Listed Buildings |
| HERDM3 | HER DM3 Conservation Areas |
| HERSP1 | HER SP1 The Historic Environment |

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

| | |
|-------|-------------------------------------|
| NPPDG | National Design Guide |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

CONCLUSIONS

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of a Listed Building.

Policy AR1 of the Arundel Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Arun Local Plan.

SITE HISTORY

The application follows application AB/43/20/PL, which granted permission to demolish the existing rear projection from the host dwelling. This extension measured 11m long, 7m wide and 4m high at a distance of approximately 2.5m from the Northern site boundary.

This differs from the extension proposed under this application, in that the proposal is 10m long, 9.8m wide and approximately 3.8m high (when taken at its most extreme points).

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The site is located within the Arundel Conservation Area. The proposed extension has been designed in a way which satisfactorily responds to the physical characteristics of the site and the surrounding area.

The proposed single storey rear extension projects from the Eastern elevation of the host dwelling by approximately 9m. Due to this siting at the rear of the site this extension will not be visible from the street scene of King Street. As a result of the topography of the application site, sloping down from north to south excavation has had to be carried out in order to level the land upon which to build the extension. The proposed rear extension itself is considered to appear subservient to the host dwelling, and well

integrated with its built form. This is due to the use of materials to match the host dwelling. Furthermore, the eaves and ridge heights of the extension are subordinate in appearance to the host dwelling in terms of their location and height.

The works to the roof are considered to have visual merit to the host dwelling, and this element of the proposal enjoys support from the Council's Conservation Officer. The same can be said with relation to the proposed works to the garage, as it is also considered to have visual merit, and remain subservient to the host dwelling. With relation to other details relating to the use of appropriate and sympathetic materials, including the removal of the hung tiles these will be secured by way of condition.

The proposed development is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 72(1) of the Planning (Listed Buildings and 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 these criteria in that it is considered to result in less than substantial harm to the setting of neighbouring Grade II Listed Buildings or the character of the Conservation Area.

CONSERVATION AREA

The relevant Local Plan policy for assessment of the impact on the setting of the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within or affecting the setting of a conservation Area provided that (b) alterations or additions to existing buildings are sensitively, constructed of appropriate materials and are sympathetic in scale, form and detailing, (e) it retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance and development that is likely to prejudice their setting should be refused.

Arundel Conservation Area is principally formed of the historic core of buildings in the town centre. Predominant materials include flint and brick, render and slate roofing with some clay tiles also present. Properties front directly onto the pavement and a number are small in scale. The property itself is an attractive element of the street being a mixture of painted brick and tile hanging walls. It has casement windows and fronts directly onto the road. It is of aesthetic significance within the Conservation Area.

The proposed extension is substantial and will occupy a large floor area, but it has a low form and in part replaces an earlier extension. This part of the proposal would not be readily visible in the street scene, being largely screened from view from the site frontage by the existing 2 storey property. The removal of the tile hanging from the front and rear elevations will be controlled by condition. The proposal seeks to replace the modern Marley machine made concrete hanging tiles. These cover the front and rear sections of the house. However historically, tile hanging on this particular property forms part of the established appearance and therefore character of the building. Its loss would detract from the building, especially the front and street elevation and this part of the proposal will be controlled by condition.

The works to the roof which will see the replacement of the existing tiles with something more appropriate for a conservation area is a positive feature of the application, and is supported. Conservation grade roof lights have been proposed for the extension at the rear of the property and for the southern aspect of the roof on the two storey section of the house. Although roof lights are primarily positioned at the back of properties within the conservation area of Arundel there are few examples where they have been positioned to be visible from the road.

Subject to the imposition of appropriate conditions the replacement extension and alterations are considered to be sensitively designed and constructed of appropriate materials and sympathetic in scale, form and detailing, and are suitably located to retain historically significant boundaries and elements of the area's established pattern of development, character and historic value and do not harm important views into, or out of or within the Conservation Area in accordance with policies HER SP1 and HER DM3 of Arun Local Plan.

In accordance with paragraph 189 of the NPPF, a Heritage Statement has been prepared which assesses the impact the development on the Conservation Area.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed extension and alterations could have on the appreciation of the significance of the locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would not detract from the appearance of the area.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the proposal is acceptable in terms of its position and appearance subject to a condition controlling the materials.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

LISTED BUILDINGS

Whilst the site is not a statutory Listed Building a number of Listed Buildings are situated within its immediate vicinity and there would be an impact on their setting resulting from the development proposed.

The relevant Local Plan policy for assessment of the impact on the setting of adjacent Listed Buildings is policy HER DM1 which states that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

There are a number of Listed Buildings in close proximity to the site, including 24-30 (even numbers) and 36 King Street. King Street consists predominantly of a series of terraced houses which were developed from the early C19.

The revised scheme is in keeping with the character of the adjacent Listed Building and does not

dominate the sky line or appear as an overbearing addition to their settings. The highest proposed roof line will be 0.5 meters lower height than previously existed and the proposal involves excavating and levelling the site to ensure that the single storey extension will sit lower than the current ground levels allow. The proposed extension to the rear is sited close to the site boundary with 36 King Street however the reduced length/size of the proposed extension has reduced the need to remove a portion of the hedge by 6.7 metres. The extension has been designed so as not to sit directly on the boundary line and has allowed for enough space for planting suitable to cover the new brick wall which will further reduce the impact on the setting of adjacent listed buildings. The neighbouring listed buildings are predominantly appreciated from their frontages, forming part of an attractive terrace with other terraces in the road. This view will be unaffected by the proposal.

It would enhance the setting of adjacent listed buildings by improving the visual appearance of the area, introducing a single storey extension of traditional design allowing better visual appreciation of neighbouring listed buildings. The proposal would therefore accord with policy HER DM1(e) in that it would enhance the setting of nearby listed buildings.

The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM1 of the Arun Local Plan .

Other Material Planning Considerations

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

National Planning Policy Framework (NPPF)

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

In accordance with paragraph 189 of the NPPF a Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may be affect the proposed development.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight In accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the

NPPF this harm needs to be weighed against the public benefits of the proposal.

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Creating construction jobs.
- Securing the optimum use for a dwelling within a Conservation Area.

It is considered that these benefits sufficiently outweigh the harm caused and the proposal is therefore compliant with the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings.

The proposed development has an eaves height of 2.4m from within the development site, however, as the application site to the North is higher, this eaves height is 1.9m when viewed from the ground level of the neighbouring site.

The proposed extension then slopes up to a maximum height of 3.5m when 2m from this Northern boundary. There will be views of the roof of the proposed extension from the rear garden of the neighbouring dwelling to the north. However, the impact will be acceptable for the following reasons.

A condition is recommended that details are submitted and agreed with the Council in connection with new screening to the northern boundary to address the fact that the existing screening is proposed to be removed to allow the extension to be built.

In addition the design of the extension is such that the roof will, at eaves point slope away from the neighbour to the north. Views into the neighbouring property to the north will not alter to what they are now from this single storey extension.

The development is therefore not considered to be unneighbourly nor result in any loss of privacy of neighbouring dwellings in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

CONCLUSION

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

| |
|-------------------------|
| HUMAN RIGHTS ACT |
|-------------------------|

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

Consideration has been specifically given to Article 8 (Right to respect 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

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location & Block Plan - 12/11/2020 - Rev. A
- Proposed Ground Floor Plan - 12/11/2020 - Rev. C
- Proposed First Floor Plan - 12/11/2020 - Rev. C
- Proposed Elevations - South & West - 12/11/2020 - Rev. C
- Proposed Elevations - North & East - 12/11/2020 - Rev. C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan and does not purport to grant permission for the materials which are conditioned separately.

- 3 Notwithstanding the material details provided on the approved elevation plans 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, roofs and all fenestration of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until details have been submitted to and approved by the Local Planning Authority of means of enclosure and potential shrub planting along the boundary between the host dwelling and the neighbouring dwelling to the North. The extensions shall not be occupied until such boundary treatment has been installed/planted in line with the approved details and retained as such in perpetuity.

Reason: In the interests of the of amenity and heritage protection of the development, in accordance with Arun Local Plan policies D DM1 and HER DM1.

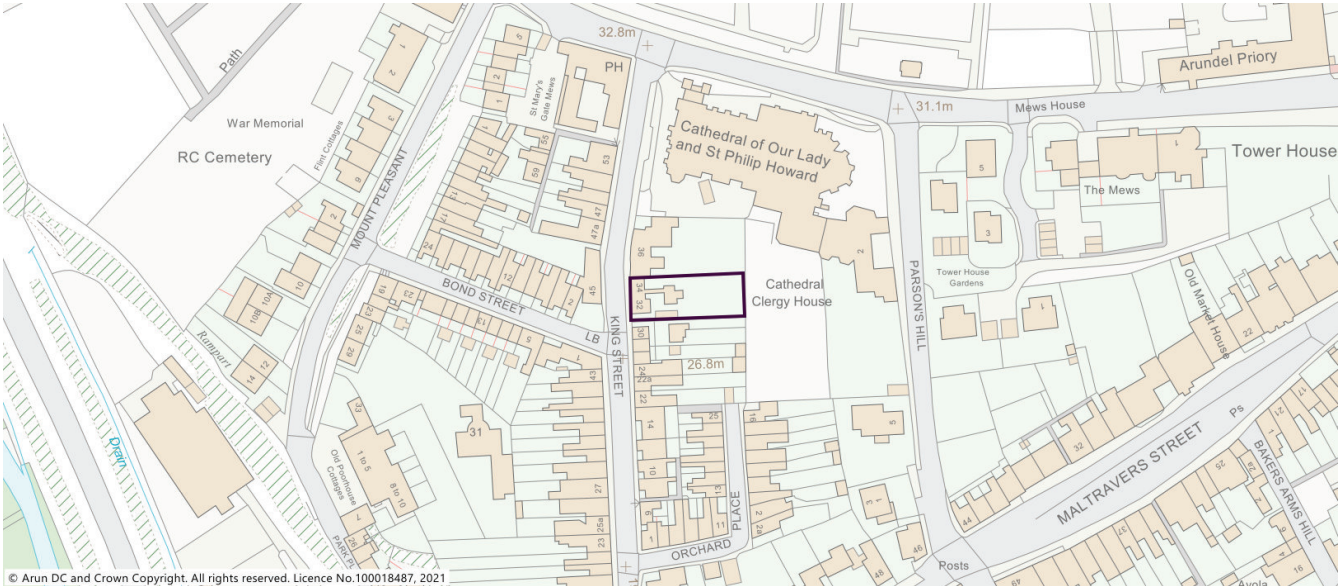
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(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.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

AB/109/20/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

| | |
|---|--|
| <p>AW/131/19/T Received: 12-07-19</p> | <p>12 Hunters Close Aldwick Bay Estate Aldwick Reduce height by 8m to 1 No. Lombardy Poplar tree.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/TPO/C3810/7494</p> |
| <p>BE/135/17/PL Received: 06-05-20</p> | <p>Shripney Garden Caravan Site Shripney Lane Bersted Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy.</p> <p style="text-align: center;"><i>Informal Hearing</i> 10-02-21</p> <p>PINS Ref: APP/C3810/W/18/3214487</p> |
| <p>BE/69/20/CLP Received: 03-12-20</p> | <p>3 Homing Gardens Bersted Lawful development certificate for the proposed replacement of current garage/workshop.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/X/20/3261144</p> |
| <p>BN/128/19/OUT Received: 01-12-20</p> | <p>Land Adjacent to Highfield House Yapton Road Barnham Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access. Departure from the Development Plan - development in the Countryside. This application affects the setting of a Listed Building.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/W/20/3257996</p> |
| <p>BN/24/20/PL Received: 07-08-20</p> | <p>Tile Barn Farm 32 Hill Lane Barnham Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: W/4001228</p> |
| <p>BN/46/20/PL Received: 12-01-21</p> | <p>Land Rear Of Poachers Eastergate Lane Eastergate Construction of 1 No. 4-bed detached dwelling with detached carport. This application is a Departure from the Development Plan.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/W/20/3262770</p> |
| <p>BN/74/20/PL Received: 01-12-20</p> | <p>3 Woodside Barnham Change of use of some land from public amenity land to private garden, and erect new 1.8m wooden fence with concrete posts.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/W/20/3260999</p> |

| | |
|--|--|
| <p>BR/31/20/PL Received: 12-10-20</p> | <p>77 Aldwick Road Bognor Regis Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL) Written Representations PINS Ref: W/4001823</p> |
| <p>BR/347/19/T Received: 20-03-20</p> | <p>4 Pinewood Gardens Bognor Regis Fell 1 No. Liquid Amber tree. Informal Hearing PINS Ref: APP/TPO/C3810/7809</p> |
| <p>FG/70/20/HH Received: 30-11-20</p> | <p>9 Telgarth Road Ferring Hip to Gable remodel of exiting loft conversion. Written Representations PINS Ref: D/4001600</p> |
| <p>FP/61/20/PL Received: 02-09-20</p> | <p>10 Felpham Gardens Felpham Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL). Written Representations PINS Ref: W/4001528</p> |
| <p>LU/257/20/HH Received: 14-01-21</p> | <p>2 Meadow Way Littlehampton Two storey brick side extension under tiled roof Written Representations PINS Ref: APP/C3810/D/20/3264683</p> |
| <p>M/40/20/HH Received: 31-12-20</p> | <p>12 East Avenue Ancton Middleton-On-Sea First floor and ground floor side extensions. Written Representations PINS Ref: APP/C3810/D/20/3260184</p> |
| <p>M/80/19/PL Received: 23-09-20</p> | <p>Former Poultry Farm Land West of Yapton Road Middleton on Sea Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision Informal Hearing 25-11-20 PINS Ref: W/4001151</p> |
| <p>P/18/20/PL Received: 16-12-20</p> | <p>Land west of Barton House Manor Park Pagham Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated parking & access. This application affects the setting of a listed building. Written Representations</p> |

PINS Ref: APP/C3810/W/20/3261859

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

PINS Ref: APP/C3810/C/18/3212055

ENF/211/16

Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane
Bersted West Sussex

Received:

Informal Hearing

PINS Ref: APP/C3810/C/19/3222033

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966

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MASTERPLAN DOCUMENT ENDORSEMENT REPORT

REF NO: SD8 FORD

LOCATION: Ford Strategic Site Allocation

PROPOSAL: Submission of the Masterplan Document for Endorsement

SITE AND SURROUNDINGS

DESCRIPTION OF PROPOSAL:

A Masterplan Document has been prepared and submitted by Barton Willmore, on behalf of Redrow Homes and Waters Developments, to facilitate delivery of development at the Ford strategic site allocation. The site is allocated for development in the Arun Local Plan 2011-2031 for at least 1,500 dwellings, alongside infrastructure including a new primary school, community facilities, public open space, sports and retail provision.

The Masterplan Document sets out the development principles for the site that planning applications will need to follow.

The Masterplan Document seeks to demonstrate how the requirements for the allocation, as set out in Policy H SP2c of the Local Plan, can be delivered. These requirements include the building of at least 1,500 new homes, employment provision, a new primary school and a community hub, which will include retail, library and healthcare facilities. There is also a policy requirement for two new sports pitches and changing facilities and a 3G pitch facility to serve the east of the District.

SURROUNDING AREA:

The site is located between the villages of Yapton, Ford and Climping. It is approximately 3km to the north west of Littlehampton town centre and 4km south west of Arundel town centre. The South Downs National Park boundary lies approximately 2km to the north of the site.

The site is approximately 0.7km south of Ford railway station and 0.4km west of the River Arun

The site is bound by Ford Lane to the north, Ford Road to the east, Horsemere Green Lane to the south and Yapton Road/Rollaston Park to the west.

The site contains several Public Rights of Way (PROW) which pass through the allocation (Path Numbers 363, 363_1, 366, 200_3 and 175). These provide footpath connections between Yapton and Ford Lane, or eastwards

to Ford Road, and Yapton Road to Ford Road (via Rudford Industrial Estate).

SITE DESCRIPTION:

The Ford strategic site allocation boundary contains an area of approximately 112 hectares. Much of the land is in agricultural use. However, a large proportion of the concrete runways of the former Ford Airfield remain. These are used for car boot sales, a farmers' market and market uses on Thursdays, Saturdays and Sundays.

The former airfield accommodates several waste management uses. These include a wastewater treatment works (operated by Southern Water), a waste transfer station (operated by Grundon) and a recycling facility (operated by Viridor). The access road to these three sites passes through the eastern part of the strategic site allocation, from Ford Road.

In the western part of the site, there is the 'Flying Fortress' (indoor children's play area) and the 'Arun Sports Arena' (indoor five-a-side football facility). The access to these facilities is from Rollaston Park.

The whole of the site allocation lies within the Parish of Ford. It adjoins the Climping Parish boundary at Horsemere Green Lane and Yapton Road. It touches the Yapton Parish boundary at its western-most point, on the course of the former Chichester and Arundel Canal.

RELEVANT SITE HISTORY:

F/4/20/OUT: Pending consideration

Outline planning application (with all matters reserved except for access) for the development of up to 1,500 dwellings (Use Class C3), 60-bed care home (Use Class C2), up to 9,000 sqm of employment floorspace (Use Classes B1), local centre of up to 2,350 sqm including up to 900 sqm retail / commercial (Use Classes A1-A5) and 1,450 sqm community / leisure floorspace (Use Classes D1-D2), land for a two-form entry primary school (Use Class D1), public open space, allotments, new sports pitches and associated facilities, drainage, parking and associated access, infrastructure, landscape, ancillary and site preparation works, including demolition of existing buildings and part removal of existing runway hardstanding.

F/5/20/PL: Pending consideration

Reconfiguration of Ford Market, including revised market access, hardstanding for replacement vehicular parking and associated infrastructure, landscape, ancillary and site preparation works.

PURPOSE OF THE MASTERPLAN DOCUMENT

The Masterplan Document is not a substitute for an outline planning application. Its endorsement is the first step before an outline planning application is determined.

The Masterplan Document seeks to establish the broad principles of the development only. It does not set out in detail the timing and delivery of necessary infrastructure.

Officers are reporting this Masterplan Document to Members for endorsement. Officers consider that the principles set out in the document will allow for policy compliant planning applications to come forward for the development in phases. The Masterplan will enable a high-quality imaginative design giving a sense of place and a permeable layout which aligns with the aims and objectives of Arun District Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Masterplan Document has evolved over a six-year period. During that time, Barton Willmore, Redrow Homes and Wates Developments have held six consultation events to understand the views of the local community and to translate these into a masterplan.

- October 2014 – The agent and developers met the Ford Neighbourhood Plan Group to consider potential development options.
- March 2015 – Feedback from the previous event was reflected in a sketch masterplan. The result of a subsequent ballot was that the development should be Neighbourhood Plan led.
- November 2015 – Two options were presented to the local community in response to a change in the planning context that required Arun District Council to plan for a significant increase in the amount of development. The result of a subsequent ballot was that the previously agreed Neighbourhood Plan allocation of 750 dwellings should be increased to 1,500 dwellings, which would assist with the delivery of the desired community facilities.
- May 2018 – An event was held to update the community on progress and to encourage people to take part in a design workshop the following month.
- June 2018 – A weekend community workshop event took place. Round table discussions were held on four themes: 1) Homes, Character and Creating Places, 2) Heart of Ford, 3) Movement and Connectivity, and 4) Green and Blue Infrastructure. The feedback from these discussions was reflected upon and a series of sketches was then produced and presented to the local community.
- January 2020 – A public exhibition took place to present the culmination of the work, engagement and consultation previously undertaken. The event provided an opportunity for the local community and key stakeholders to review the plans ahead of submission of the planning applications (F/4/20/OUT and F/5/20/PL) and members of the project team were available to answer questions.

In pre-application meetings held with officers of Arun District Council, Barton Willmore, Redrow and Wates were advised to submit a Masterplan to Arun District Council before making applications. They were advised that the Masterplan should cover the whole of the strategic site allocation and not just that part of the site, where the developers had entered into an agreement with the landowners, which had been the subject of the previous consultation events. They were also informed that the Masterplan would be reported to one of Arun District Council's committees for endorsement and that there would be consultation as part of the process.

Two planning applications (F/4/20/OUT and F/5/20/PL), as described above, were received on 25 February 2020. A Masterplan Document was received on 13 May 2020. There have been three revisions of the latter to address concerns raised by officers.

As part of the endorsement process, Arun District Council consulted members of the public for a 31-day period between 14 December 2020 and 14 January 2021. Notices were displayed on the Council's website; the process was advertised via social media channels and hard copies of notices were sent to relevant Parish and Town Councils for displaying locally. A summary of the responses received during the consultation period is provided below. Representations received after the 14th January will be reported to Committee as an Update.

SUMMARY OF REPRESENTATIONS RECEIVED:

Representations have been made by 12 people during the consultation period at the time of writing this Report (by the 13th January). There have been 2 in support, 8 objections and 2 general comments. The representations raise the following issues:

- Ford is a better location for development than Barnham, Eastergate and Westergate
- Ford is a good area to develop
- The need to improve provision for pedestrians and cyclists between the site and Ford railway station
- A link is suggested between footpath 365 and Ford station and the provision of a safe crossing on Ford Lane
- The majority of trips in the area will continue to be undertaken in private vehicles
- The need for significant highway improvements at key junctions to be guaranteed
- Until there is certainty on both the funding and timing of essential A259 highway improvements, development at the Ford airfield site should not be allowed to proceed
- The traffic studies that have been undertaken are unrealistic
- Little account has been taken of the cumulative effects of traffic generated by development in the locality
- Evaluation of the traffic impact resulting from the development grossly underestimates the likely impact on local roads and junctions and completely ignores its effects on Horsemere Green Lane
- The need for the Church Lane/Horsemere Green Lane junction to be made safer
- There appear to be no plans to make it easier for people to walk around the area
- There is a need to protect a north-south route through the area to enable the movement of traffic between the A259 and A27
- The analysis of traffic using the Ford railway crossing is flawed
- The gap between the proposed development and Horsemere Green Lane is too narrow and will lead to coalescence of the villages
- Loss of the countryside character of the area
- The need to fully incorporate a 'Greenway' along the route of the former canal, as a traffic-free route for all non-motorised users
- The shortage of bridleway provision for equestrians
- The need to facilitate a north/south route between the coast and the South Downs National Park for use by equestrians and other non-motorised users
- A new plan should be formulated for walking and cycling to local employment areas, services and recreation areas such as the South Downs National Park

Aldwick Parish Council expressed a need for there to be considerable improvement of the road infrastructure before any development is undertaken. Its members were also concerned about security due to the proximity of Ford prison.

Additional representations received on 14th January (consultation closing date) have been received and are being considered. These comments will be considered as part of the Report Update.

COMMENTS ON REPRESENTATIONS RECEIVED:

A loss, or change in the character, of existing open countryside will have been considered an inevitable outcome when the site was allocated for development in the Arun Local Plan.

At the planning application stage, illustrative cross-sections can be prepared to demonstrate visual separation between Ford and the neighbouring villages.

Matters relating to infrastructure delivery, traffic/highways, bridleway provision and footpath provision will be fully considered in subsequent planning applications. The Local Planning Authority has the ability to withhold the grant of planning permission until satisfactory details have been submitted with applications to address these issues. However, the Masterplan Document demonstrates the principles which the developers propose to follow. These are assessed in full below.

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| POLICY CONTEXT |
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Designations applicable to the site:

- Built-up Area Boundary (SD SP2)
- Strategic Housing Allocations (H SP2) – Ford

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 – 2031 (ALP):

H SP2 Strategic Site Allocations

Ford Neighbourhood Development Plan 2017-2031 (FNDP)

SA1 Ford Airfield

PLANNING POLICY GUIDANCE:

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|-------|--|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |
| NPPDG | National Design Guide |
| SPD | Arun District Design Guide Supplementary Planning Document |

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| CONCLUSIONS |
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PRINCIPLE:

The submitted Masterplan Document seeks to fulfil Policy H SP2 of the Arun Local Plan, which states: “Development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective

areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.”

Policy H SP2 (ALP) also includes a list of criteria that development at each of the strategic allocations needs to meet.

The Arun District Design Guide Supplementary Planning Document (SPD) makes clear that:

“Strategic housing sites should incorporate an appropriately enhanced range of shops, employment, sports, community facilities, local services and affordable housing contributions to serve their population as well as those from surrounding areas, providing improvements to and linking with existing infrastructure and surrounding transport networks in a way that is appropriate to their scale and location.” (Page 124)

Pages 124–125 provide a list of 16 criteria that Major Development should fulfil. The criteria summarise parts D–L (Section 2) of the Design Guide. These parts of the Design Guide contain detailed guidance on what Masterplans and their subsequent developments should achieve. Page 125 adds:

“The Masterplanning process should be illustrated and informed through a number of key visions and strategies and communicated through plans and drawings, as advised in Section 2. These may include, but are not limited to:

- *Initial site appraisal, vision statement and concept plan*
- *Movement framework and strategy*
- *Landscaping strategy*
- *Proposals for open spaces, sports and community facilities*
- *Technical surveys and assessments as appropriate, carried out by qualified specialists and informed by features identified in the initial site appraisal.”*

The submitted Masterplan Document has generally followed this approach. The detailed guidance and the 16 criteria have been considered during the evolution of the Masterplan Document, to the extent that they are relevant at this stage of the process. For the reasons set out in the subsequent sections of this report, Officers consider that the submitted Masterplan Document satisfies the criteria, as well as those set out in Policy H SP2.

USE MIX:

Relevant Policies:

ALP H SP2c: Inland Arun, Ford (SD8), ALP EMP DM1: Employment Land: Development Management, ALP RET SP1: Hierarchy of Town Centres, ALP RET DM1: Retail development, FNDP SA1: Ford Airfield, FNDP EE4: Support for new commercial uses.

The Masterplan Document proposes a mix of uses, which includes 1,500 new homes, a primary school and nursery, a community hub (including retail, library and healthcare facilities), sports pitches and changing facilities, employment provision, public open space and the retention of Ford Market.

The Masterplan Document contains an indicative framework plan showing residential uses primarily to the west and employment and market uses to the east. Land to the north of Viridor is indicated for employment use, while the two parcels of land in the eastern part of

the allocation, bordering Ford Road, are proposed for potential employment/commercial use. The precise use is to be determined through the submission of a future planning application.

The framework plan shows an indicative area for the local centre adjacent to the Flying Fortress and Arun Sports Arena and an enlarged playing field. South-west of the local centre, an indicative area of land is identified for the provision of a primary school and nursery. This accords with the local plan policy (H SP2c) requirement to provide a community hub, including new retail, commercial and community facilities, library and healthcare facilities clustered together. While located closer to Yapton than the existing or historic settlement of Ford, it is noted that there was no consensus among the three parish councils on the precise location for the new heart of Ford when options were presented for consideration in December 2019.

During preparation of the Masterplan Document, the Government introduced Class E to the Town and Country Planning (Use Classes) Order 1987. The effect of this amendment, on 1 September 2020, is that Class E consolidates retail shops, financial and professional services, restaurants and cafes, offices, research and development, industrial processes, medical or health centres, creches, day nurseries or day centres and indoor sport and recreation, into a single use class. The spirit of the change is to ensure flexibility across commercial floorspace within the UK and to allow the market to decide.

Whilst precise uses have not been fully included at this stage, these can be specified in future planning applications. The size and location of areas proposed for commercial use are nevertheless considered to be acceptable.

The Masterplan Document recognises that land to north west has been identified as the preferred site for a new secondary school. A potential access to the secondary school is indicated (in Figure 24) approximately 800m north west of the proposed centre or heart of Ford. The location of the proposed secondary school and its proximity to the heart of the new community has the potential to work well. At the present time the adjacent land required for the delivery of the new secondary school has not yet been secured. If the delivery of the secondary school in the preferred location becomes untenable and an alternative location needs to be identified then the masterplan may require revision. This matter should ideally be resolved before the planning application is determined

HOUSING MIX:

Relevant Policies:

ALP H SP1: The Housing Requirement, ALP H DM1: Housing Mix, ALP AH SP2: Affordable Housing, ALP H DM2 Independent living and care homes, FNDP H2: Housing mix, FNDP LC1: Support Independent Living.

Policy H DM1 of the Arun Local Plan requires developments of 11 units or more to deliver a balanced mix of market and affordable dwelling sizes. The definitive mix of housing will be included in future planning applications.

The submitted Masterplan Document shows indicative locations of housing and open spaces and demonstrates that a range of house types and densities are capable of being delivered.

The Masterplan Document allows for a policy compliant (30%) provision of affordable housing to be delivered across the site which would equate, on the basis of a total of 1,500 units, to 450 dwellings towards the Council's requirement. The Council currently has 1022 open applications on the Housing Register of people requiring affordable housing. The delivery of affordable dwellings will respond to an identified need.

Policy H DM1 of the Arun Local Plan also requires a proportion of the housing to be of a type that meets the needs of older people. The Masterplan Document includes the provision of a care home, which will assist with meeting the needs of the elderly. It is envisaged that a 60-bed care home would be delivered. The location of this facility is indicated immediately to the north of the route of the former Chichester to Arundel Canal.

The Masterplan Document also states that self and/or custom build plots can be provided on a phase by phase basis, according to needs identified at that time and secured through the use of appropriately worded planning conditions.

HIGHWAYS AND ACCESS:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, FNDP GA1: Footpath and cycle path network.

The Masterplan proposes the creation of two roundabouts, on Ford Lane and Yapton Road, linked by a spine road. This street will serve the main areas of development in the western part of the allocation and will pass through the local centre. The eastern areas will be served by the existing access on Ford Road. The Masterplan Document explains that a direct link between Yapton Road and Ford Road was considered but discarded because it would have compromised the operations of Ford Market and potentially created a 'rat-run' between residential areas.

The Key Principles Plan showing vehicular movement (Figure 24) includes a potential access to adjoining land in the north-west, which has been earmarked for a new secondary school.

The same plan shows the potential location of three bus stops along the spine road and it is understood that there have been discussions with the Stagecoach Bus Company regarding the potential re-routing of an existing high frequency service through the site. What is unusual is that the plan shows an 800m walking distance/catchment from each of the stops, rather than a 400m distance which is the norm. This can be rectified at the application stage when the site layout has been considered in more detail and/or discussions with Stagecoach are more advanced.

The Masterplan Document notes that an application for planning permission will need to be supported by a Transport Assessment, which provides a review of the impacts of the traffic generated by the proposed development on the existing highway network. It adds that the proposals will mitigate impacts on the highway network and appropriate contributions/works will be secured as part of a s106 agreement. The Transport Assessment will also need to consider the cumulative effects of traffic generated by other permitted development in the locality.

PEDESTRIAN AND CYCLE ACCESS/PERMEABILITY:

Relevant Policies:

ALP T SP1: Transport and Development, ALP T DM1: Sustainable Travel and Public Rights of Way, FNDP GA1: Footpath and cycle path network.

Figure 23 in the Masterplan Document provides a Key Principles Plan concerning pedestrian and cycle movement. It shows key routes for pedestrians and cyclists within the site and connections to the wider area. The Masterplan Document states that the "...strategy includes an improved walking and cycle route to connect the 'Heart of Ford' to Ford Railway Station, as well as [an] attractive and legible network of links through the site connecting the surrounding areas of Ford, Yapton and Climping through the new neighbourhood, and providing access to the River Arun, the coast and the surrounding countryside."

However, from Figure 23, the walking and cycling route to Ford Railway Station appears to follow its present course along existing public rights of way and Ford Road and it isn't clear what improvements are proposed to be undertaken. Similarly, it is unclear from the Plan how the route of the former Chichester to Arundel Canal is to be used to facilitate the movement of non-motorised users. It is also noted that the plan only shows a "potential" future link for pedestrians and cyclists to Ford Road.

The Ford Neighbourhood Development Plan states:

"There is reasonable access within the Parish to the surrounding countryside, but no direct route from the west to the east of the Parish and no cycle paths. Improving and increasing the network of footpaths and cycle paths would encourage walking and cycling for both utility and leisure purposes. If this could be more safely achieved there would be health benefits as well as a reduction in traffic levels." (Paragraph GA1.1)

The Masterplan Document also states that there are limited Bridleways in the vicinity of Ford Airfield and therefore limited opportunities for connection to such routes for equestrian purposes. However, in response to consultation on the Masterplan, the Arun District Bridleways Group has provided detailed comments, including the following:

"The lack of a current bridleway network outside the site to connect with should not prevent bridleways being designed into the scheme. The site is adjacent to five public highways, Ford Lane, Rollaston Park, Horsemere Green Lane, Yapton Road, and Church Lane/Ford Road, therefore there is every ability to connect bridleway routes through the site to other highways of a higher status."

Some additional work to address the above matters is recommended prior to the Masterplan being endorsed by the Council.

The definitive materials and detailing of these routes will come forward in future planning applications as part of the delivery of this Masterplan. However, this strategy provides a commitment to a network and hierarchy of connectivity across the site which accords with the Arun Local Plan policies.

FLOOD RISK AND DRAINAGE:

Relevant Policies:

ALP ENV SP1: Natural Environment, ALP W SP1: Water, ALP W DM1: Water supply and quality, ALP W DM2: Flood risk, ALP W DM3: Sustainable Urban Drainage Systems, FNDP EH4: Surface water management.

To promote sustainable drainage and prevent flooding issues, attenuation basins have been identified in the Masterplan Document (Figure 21) where water would naturally collect and be retained. These are mainly within the two major areas of open space to the east of the proposed housing. The size of the basins has been determined using a worst-case scenario, but could be reduced subject to detailed design work, alongside the potential for infiltration. Some of the land (in the north) shown for drainage, landscaping and open space/allotments lies outside of the allocation boundary. The location of an attenuation area within the southern major area of open space makes use of land that is affected by odour from the Wastewater Treatment Works.

A planning application will need to be supported by a Flood Risk Assessment and Drainage Strategy that sets out how the proposals will positively respond to sustainable water management. This includes opportunities to create a comprehensive green and blue infrastructure network.

INFRASTRUCTURE DELIVERY AND PROVISION:

Relevant Policies:

ALP INF SP1: Infrastructure Provision and Implementation

The Masterplan Document does not specify detailed requirements for the provision of infrastructure. This will be considered separately at the planning application stage.

However, to ensure that the development will be supported by the necessary infrastructure, individual planning applications will all contribute towards on-site and/or off-site provision of highways, education, libraries, fire and rescue, sport and recreation facilities, healthcare facilities, other community facilities and public open space.

There has already been some discussion between Officers and the appropriate service provider bodies to both ensure delivery and service provision of these infrastructure items. Negotiations will continue with the developers regarding both financial and non-financial obligations. The principle of a contribution towards some items of infrastructure, such as a bridge over the railway, has yet to be agreed.

The delivery of infrastructure may be subjected to a phasing plan which will be assessed and, subject to acceptability, subsequently approved as part of the outline planning application. This will make sure that infrastructure is delivered in line with new development to ensure it is available for those who need it, when they need it.

Funding for infrastructure will come from both committed projects where contributions have already been provided as part of existing planning applications. However, the majority of funding will come from developer contributions as part of the subsequent planning applications. The Strategic Site is CIL exempt which provides the District Council with the full scope of powers to require all necessary infrastructure contributions to ensure their delivery.

LANDSCAPE:

Relevant Policies:

ALP HWB SP1: Health & Wellbeing, ALP OSR DM1: Open Space, Sport & Recreation, FNDP EH1: Protection of trees and hedgerows.

The Masterplan Document suggests that the landscape thinking is to provide a network of open spaces surrounding the development. These spaces will accommodate informal activity and ecology. They will also link the development with the existing surrounding settlements. The document states that particular consideration has been given to prevent the new development visually merging with Yapton to the west and Climping to the south. Therefore, an area of woodland is proposed to be introduced along Horsemere Green Lane. Additional soft landscape buffers are proposed to help manage the transition between different uses within and around the site.

The overall amount of public open space does not appear to have been stated in the Masterplan Document but, at the application stage, it will be necessary to demonstrate that the proposal accords with the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD.

The Arun Green Infrastructure Study advocates the linking of new green spaces to existing green spaces to establish a wider green network throughout the District. Provision of the green infrastructure set out in the submitted Masterplan Document would contribute to this network, in accordance with the Council's aspirations.

HEALTH AND WELLBEING:

Relevant Policies:

ALP HWB SP1: Health and Wellbeing, ALP OSR DM1: Open Space, Sport and Recreation, ALP INF SP1: Infrastructure Provision and Implementation, FNDP LC2: Healthcare facilities.

The Masterplan includes the provision of three Local Equipped Areas for Play (LEAPs), a Neighbourhood Equipped Area for Play (NEAP), two new sports pitches and "village greens". Their locations are shown on the Annotated Masterplan (Figure 28).

The Masterplan Document states that two new sports pitches will be provided as part of the proposed development, with changing facilities linked/associated with the indoor sports (Arun Sports [Arena]) facility. Clarification will be needed at the application stage because the changing facilities have not been included on the Annotated Masterplan. The facilities are required in accordance with Policy H SP2c.

It has been agreed that a 3G pitch facility is not required at Ford as the need for 3G pitches within the District will be met elsewhere, but financial contributions will be sought towards the offsite provision of a 3G pitch instead.

The masterplan makes provision for healthcare facilities in the local centre.

The Masterplan Document supports the health and wellbeing objectives of the District Council by facilitating a development where most homes will have easy access to public open space.

RELATIONSHIP WITH WASTE MANAGEMENT SITES

Relevant Policies:

ALP WM DM1: Waste Management, WSWLP W10: Strategic Waste Allocations, FNDP EE3: Protection of existing businesses.

The Grundon waste management site is a Strategic Waste Site Allocation, due to it being allocated in the West Sussex Waste Local Plan. Policies WM DM1 of the Arun Local Plan and WA10 of the Waste Local Plan, safeguard the site from any development either on or adjoining it that would prejudice its development (in whole or in part) for the allocated waste management or uses.

To meet this requirement, the Masterplan proposes mitigation measures, including a buffer zone, to protect the amenity of future residents. Therefore, in line with the Neighbourhood Plan and Local Plan allocation, it is argued that a mixed-use development would not prejudice any existing or currently consented operations. Applicants for planning permission will need to demonstrate that this is the case through the preparation and submission of a Waste Infrastructure Statement alongside any Environmental Statement that may also be required.

The Masterplan Document recognises odour from the Southern Water Wastewater Treatment Works as a constraint to development in one part of the strategic allocation. The Indicative Framework Plan proposes the use of that part of the site as open space, with an attenuation basin. Thus, the proposals have had regard to the Ford Wastewater Treatment Works and will not prejudice its operation. The Masterplan Document adds that a corridor of land has been reserved to allow for any additional pipeline connections that may be needed into the Wastewater Treatment Works, though its precise location isn't entirely clear.

An Odour Assessment will need to be submitted at the application stage.

SUMMARY:

The Masterplan Document contains a vision for delivery of development at the Ford Strategic Site Allocation and sets out the development principles for planning applications to follow.

This Officers report has considered the main issues in the context of Local Plan and Neighbourhood Plan policies. Based upon the Annotated Masterplan and the principles contained within the Document, it is considered that the submitted Masterplan would be capable of guiding a development that is compliant with the Development Plan.

Subject to the receipt of a substitute plan for Figure 23 that clearly demonstrates improved provision for pedestrians, cyclists and equestrians, it is recommended that the Masterplan Document should proceed to formal endorsement.

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| RECOMMENDATION |
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Subject to the receipt of a substitute plan for Figure 23 that clearly demonstrates improved provision for pedestrians, cyclists and equestrians, it is recommended that "The Landings" Masterplan Document November 2020 should proceed to formal endorsement.

AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 3 February 2021

Information Paper

Subject : Appeals Performance & Cost 2020

Report Date: January 2021

EXECUTIVE SUMMARY

The purpose of this report is to advise Members on how the Council has performed in the calendar year 2020 in respect of appeals.

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2020 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.
- 1.2 On 5 February 2020, a report to Committee reported appeal performance for the 2019 calendar year. In summary, performance for this period was as follows;
- A total of 43 appeals were determined in 2019, an increase of 14 over that determined in 2018.
 - Of these, 26 were dismissed representing a success rate for the Council of 61% of all appeals dismissed. That equated to a 23% increase in success rate over 2018.
 - Of all planning appeal decisions, 60% were made in accordance with the recommendation of officers.
- 1.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality decision making at the Council.

2.0 ALL APPEALS

- 2.1 A total of 50 appeals against decisions to refuse planning permission were determined in 2020, an increase of 7 over that determined in 2019 and 21 more than in 2018. Appeals workload has nearly doubled over the past two years. Of these appeals, 24 were dismissed representing a success rate for the Council of **48%** of all appeals dismissed. That equates to a 13% decrease in success rate over 2019.

However, it should be noted that this overall performance is significantly affected by appeals decisions against decisions made at Development Control Committee (DCC) contrary to the advice of officers. Performance in accordance with the recommendation of officers shows that **74%** of appeals were determined in accordance with the recommendation. This is an increase of 14% on 2019.

3.0 WRITTEN REPRESENTATIONS

Overall performance

- 3.1 A total of 47 appeals were determined by written representations in 2020. Overall, 23 appeals were dismissed. This equates to a success rate of 49% being dismissed. This represents a decrease in performance of 9% compared to 2019.
- 3.2 77% of Decisions were made in accordance with the recommendation of officers. This represents an increase of 17% on 2019 performance and 29% from 2018.
- 3.3 A procedural measure was adopted after the 2018 appeals performance where each application that is recommended for refusal needed to be agreed by the Group Head for Planning. This has had a significant positive result on appeal performance over the past couple of years.

Committee performance

- 3.5 There were 13 appeals arising out of a decision at DCC to refuse permission contrary to the recommendation of officers. All of these appeals were allowed.

4.0 INFORMAL HEARINGS

- 4.1 During 2020, there were three appeals determined by way of informal hearing. These were CM/16/18/PL (Care Home, Bairds Farm), Y/20/18/OUT (Bonhams, Hoe Lane and EG/22/19/OUT (Boweries).
- 4.2 CM/16/18/PL & Y/20/18/OUT were recommended for refusal but the appeals were both allowed. EG/22/19/OUT was dismissed in accordance with the delegated refusal. Costs were awarded against the Council in Y/20/18/OUT. This will be discussed in section 10.

5.0 PUBLIC INQUIRIES

5.1 During 2020, there were no appeals determined by way of public inquiries.

6.0 PERFORMANCE OF DEVELOPMENT CONTROL COMMITTEE

6.1 Since the committee was formed in May 2019, there has been a significant increase in the amount of decisions that have been taken contrary to the advice of officers. In the municipal year 2018/2019, there were 6 out of 88 applications that were refused planning permission contrary to the advice of officers. In the year 2019/20, there were 16 out of 81 (20%). These decisions have resulted in substantial additional costs to the Council (see section 8). These decisions have resulted in a large number of appeals and these decisions have started to be received in the calendar year 2020.

6.2 There have been 13 appeal decisions received on applications that were refused planning permission at Development Control Committee against the advice of officers during 2020. This represents over 25% of all appeals and has significantly increased the amount of officer time required to process and defend. These appeals were;

| | | | | |
|----|--------------|-----------------------|---------|-----------------------------------|
| 1 | FG/35/19/PL | Quercus Nursery | Allowed | |
| 2 | Y/62/18/OUT | Clays Farm | Allowed | |
| 3 | K/19/19/HH | Little Tangle | Allowed | |
| 4 | CM/25/19/PL | Kent's Yard | Allowed | |
| 5 | Y/103/18/PL | Yapton Crematorium | Allowed | Costs Awarded against the Council |
| 6 | FG/74/19/PL | Highdown | Allowed | |
| 7 | BE/69/19/OUT | The Cottage, Shripney | Allowed | Costs Awarded against the Council |
| 8 | EP/148/19/PL | Lime Tree Close | Allowed | Costs Awarded against the Council |
| 9 | P/58/19/PL | Inglenook Hotel | Allowed | Costs Awarded against the Council |
| 10 | R/268/19/PL | Manor Road | Allowed | |
| 11 | BR/73/19/PL | Norfolk Hotel | Allowed | |
| 12 | AL/42/19/PL | Nyton House | Allowed | |
| 13 | AL/43/19/L | Nyton House | Allowed | |

6.3 The Council has not managed to successfully defend any of the above decisions made by DCC contrary to the recommendation of officers in 2020. Further, four of these decisions resulted in an award of costs against the Council for unreasonable behaviour. This decision making has had a significant negative impact on the

Councils performance at appeals (see para 2.1). The costs associated with these decisions will be set out in section 8.

6.4 The areas of disagreement and conclusions in the decisions on these 13 appeals are as follows:

- The main area of note is the failure to be able to produce evidence, particularly in respect of technical matters such as highways (Crematorium, Inglenook, Lime Tree Close) and noise (Quercus). Failure to have such evidence has resulted in a number of awards of costs against the Council.
- Failure to recognise that detailed matters should be dealt with at reserved matters stage (The Cottage)
- The general theme of all of these appeals is that there has to be a sound reason for refusal, and evidence, in order to not to accept the advice of officers (or of those consultants instructed by the Council to provide an opinion). It is demonstrably not sufficient to just not support a refusal and have no evidence to justify why.

6.5 There are also 3 current appeals awaiting decisions for applications that were refused planning permission at Committee against the advice of officers.

6.6 Members will have noted the recent Planning Review which concluded that the Committee were not taking proper account of local and national policies in their decision making and the Council will continue to lose more appeals and incur increased costs if changes are not made. Further, the Review confirms that it is the responsibility of Officers to provide a risk assessment of the chances or success and risk of costs when taking decisions.

6.7 It states that there is a responsibility to learn from appeal costs and decisions. Further training for members will address recommendation 45 & 46 of the Planning Review. Committee may wish to express a view on whether a report such as this is necessary as regularly as every quarter (as suggested in recommendation 51).

7.0 MAJOR PROPOSALS

7.1 During 2020, there were 10 appeals classified as a 'major' scheme. Performance at appeal on 'major' applications is important for the reasons set out in section 11 of this report. These appeals were:

- CM/16/19/PL - Development of a 64-bed Specialist Dementia Care Home. Land to the r/o Bairds Farm Shop. Delegated refusal allowed at appeal.
- Y/20/18/OUT - Land adjacent to Bonhams & Flints, Hoe Lane. erection of 10 dwellings. Delegated refusal dismissed at appeal.

- Y/62/18/OUT – Clays Farm, North End Road. 33 Dwellings. Refused at DCC contrary to officer recommendation and allowed at appeal.
- LU/210/19/PL – Inglecroft, Toddington Lane. Erection of 10 detached dwellings. Delegated refusal allowed at appeal.
- AL/72/19/PL - Ryefields Farmhouse, Oak Lane. Erection of 10 dwellings. Delegated refusal dismissed at appeal.
- LU/3/19/PL - Empty Supermarket Premises, Avon Road. Redevelopment of site comprising 83 No. residential units & retail floorspace. Delegated refusal dismissed at appeal.
- BE/69/19/OUT – The Cottage, Shripney Road. Outline application for 31 dwellings. Refused at DCC contrary to officer recommendation and allowed at appeal.
- Y/103/18/PL - 10 Acre Field North of Grevatts Lane. Chapel Crematorium. Refused at DCC contrary to officer recommendation and allowed at appeal.
- AW/232/19/OUT – 19 – 21 Nywood Lane. Erection of up to 20 flats. Delegated refusal dismissed at appeal.
- EG/22/19/OUT – The Boweries. Erection of 28 dwellings. Delegated refusal dismissed at appeal.

7.2 Of these 10 appeals, only four were dismissed. However, eight were determined in accordance with the recommendation of officers.

7.3 The data in section 11 relates to the two-year period 01/01/17 – 31/12/18 and so does not include these appeals. However, using the same methodology as in section 11, the performance of the authority in the calendar year 2020 was 9.2% which is a poorer performance than previous years and would put the Council dangerously close to the threshold of 10% for being an '**under-performing authority**' if this level of performance did not improve.

8.0 COSTS

8.1 The costs of defending appeals during 2020, where there were costs awards, and consultants used, is set out in the table below. It should also be noted that significant officer time is also required for managing appeals workloads (even in instances where consultants are used).

| Site | Decision | Costs Awarded (£) | Consultant Costs (£) | Overall Cost (£) |
|-------------------------------|----------|---------------------|----------------------|------------------|
| The Cottage, Shripney | Allowed | £11,500 | n/a | £11,500 |
| 10 Acre Field, Yapton | Allowed | £29,000 (estimate) | n/a | £29,000 |
| Lime Tree Close, East Preston | Allowed | £4,000 (estimate) | n/a | £4,000 |
| Middleton Nursing Home | Awaited | Decision awaited | £10,700 | £10,700 |
| Inglenook Hotel | Allowed | Yes. Claim awaited. | £7,000 | £7,000 |
| BR/233/19/PL | Allowed | Yes. Claim awaited. | n/a | |
| Y/20/18/PL | Allowed | Yes. Claim awaited. | n/a | |

| | | | |
|-----------|--|---------|---------|
| TOTAL (£) | | £17,700 | £62,200 |
|-----------|--|---------|---------|

8.2 The table above shows that the costs of defending appeals in the calendar year. All but two of the above appeals were submitted following decisions to refuse planning permission contrary to the advice of officers. It is estimated that all of these decisions will result in costs of about £95,000 being incurred by the Council.

8.3 An analysis of the reasons for a costs award against the Council for unreasonable behaviour is set out in section 10.

9.0 SUMMARY OF ISSUES

9.1 Attached to this report is a summary of all the appeal decisions received in the 2020 period.

The schedule for all appeals determined in 2020 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:

- In nine of the decisions the Inspectors disagreed with officer's view that proposals would result in unacceptable harm to the area's character and appearance. This is a lower figure than in 2019, which shows that the Council is improving when using this as a reason for refusal.
- In seven appeal decisions Inspectors have disagreed that proposals would have an adverse effect on neighbour's/future occupiers' residential amenity. One of these decisions was as a result of an Environmental Health objection on excessive noise

on neighbours/future inhabitants from what was taking place. In 2 appeals Inspectors did not agree with the Council that there was a substandard amount of external amenity space. The forthcoming Arun Design Guide will help in appeals where this is an issue.

- In three appeals, Inspectors disagreed that a sites location outside the built-up area did not necessarily mean that it should be refused on sustainability grounds. Two of these were allowed on the grounds that the extra housing had more positive than negative effects.
- In three appeals Inspectors did not agree that settlement gap policy was being undermined.
- There were decisions made, contrary to Officer recommendation, where the Council chose to use highway reasons for refusal. The Inspector in each of these cases agreed with the expert highway opinion (and the second opinion sought by the Council) to approve and awarded costs against the Council for unreasonable behaviour in using this unsubstantiated reason for refusal.
- In three appeals the Inspector disagreed with officer's opinion that the impact of a change to a Heritage property (Listed Building) and/or the setting of a neighbouring heritage property (Listed Building) was unacceptable.

10.0 COSTS AWARDS AGAINST THE COUNCIL

- 10.1 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.
- 10.2 In 2020 there were 7 applications for costs. 6 of these were against the Council where costs were awarded and the other was an unsuccessful application made by the appellant where no costs were awarded (Clays Farm, Yapton).
- 10.3 The following appeals were where costs were awarded against the Council for unreasonable behaviour.

| | | |
|--------------|-------------------------------|-----------|
| Y/103/18/PL | Yapton Crematorium | Allowed |
| BE/69/19/OUT | The Cottage, Shripney | Allowed |
| EP/148/19/PL | Lime Tree Close | Allowed |
| P/58/19/PL | Inglenook Hotel | Allowed |
| BR/233/19/PL | 77 Aldwick Road, Bognor Regis | Allowed |
| Y/20/18/PL | Hoe Lane, Flansham | Dismissed |

Y/103/18/PL - Costs awarded on grounds on unreasonable behaviour due to the fact that the development was in accordance with the development plan policies and there had been very little evidence submitted to demonstrate that the technical assessments of the effect of the proposal on the highway were flawed or factually wrong. The Inspector did acknowledge the importance of local knowledge as

evidence but considered this to be outweighed by the lack of contrary technical evidence.

BE/69/19/OUT - Costs awarded on grounds on unreasonable behaviour due to the fact that the Council determined the application in respect of matters that were not for determination at outline stage. The Council also did not substantiate its reasons for refusal with any clear evidence.

EP/148/19/PL – Costs awarded on grounds on unreasonable behaviour due to the failure to demonstrate why it did not accept officer advice, or the parking survey, that there was sufficient on-street car parking within the vicinity of the appeal site.

P/58/19/PL - Costs awarded on grounds on unreasonable behaviour due to the fact that the extensive professional evidence from both main parties submitted prior to the determination of the application was ignored and no evidence was provided at the appeal which allowed the Inspector to disagree with the recommendations of these professionals at the application stage.

Y/20/18/PL - The Council did not provide sufficient evidence at the Hearing to demonstrate that the strategic allocations were deliverable. It also sought to introduce a new issue at the appeal stage that of Flansham as a place being a non-designated heritage asset.

BR/233/29/PL - costs were awarded due to additional reasons for refusal being introduced which wasn't consistent with the planning histories on the site. These related to impacts on nos. 75, 77 and 79.

- 10.4 One very clear conclusion from these decisions is that, if the Committee are seeking to refuse an application, evidence to support this decision must be able to be produced at an appeal. Failure to be able to do this has resulted in four costs awards against the Council and significant expense.

11.0 UNDER PERFORMING PLANNING AUTHORITY?

- 11.1 The Government's document 'Improving Planning Performance (2018)' says that the performance of Local Authorities in deciding applications for planning permission enables development to deliver home ownership, building homes people can afford to buy and supporting economic growth. It also states that a Local Planning Authority can be considered as not fulfilling this role by reference to the criteria in this document and it may be that "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications".
- 11.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are

subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.

11.3 In the case of Arun for the period 01/01/17 – 31/12/18 (the most up to date evidence published by the Government), it records the number of major application decisions as 95 which have resulted in 10 appeals. Of these 8 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 8.3% in terms of quality of decisions. This compares to 0.6% for England as a whole.

11.4 Other authorities in West Sussex perform as follows;

| | | |
|------------|---|------|
| Worthing | - | 0% |
| Adur | - | 0% |
| Horsham | - | 0.8% |
| Chichester | - | 1.1% |
| Mid Sussex | - | 1.5% |
| Crawley | - | 2.1% |
| Arun | - | 8.3% |

11.5 Whilst the performance of the Council over this period does not put it at risk of 'special measures' it has to be acknowledged that it is very poor when compared to the national average and the performance of our adjoining authorities. Nationally, Arun is 340 out of 347 authorities on this indicator.

11.6 As set out in section 7, it is likely that future performance in the next couple of years is likely to show a further decrease in performance against this measure.

12.0 CONCLUSIONS

12.1 When compared to 2020, the above shows that there has been a 13% decrease in the overall success rate in terms of the Council's ability to defend appeals. At a success rate of winning 49% of all appeals the Council has not met its corporate target of winning 70% of appeals for the last 5 years.

12.2 However, decisions made in accordance with the recommendation of officers has improved again in 2020. There has been a 14% increase in 2020 and an increase of 26% compared to figures in 2018.

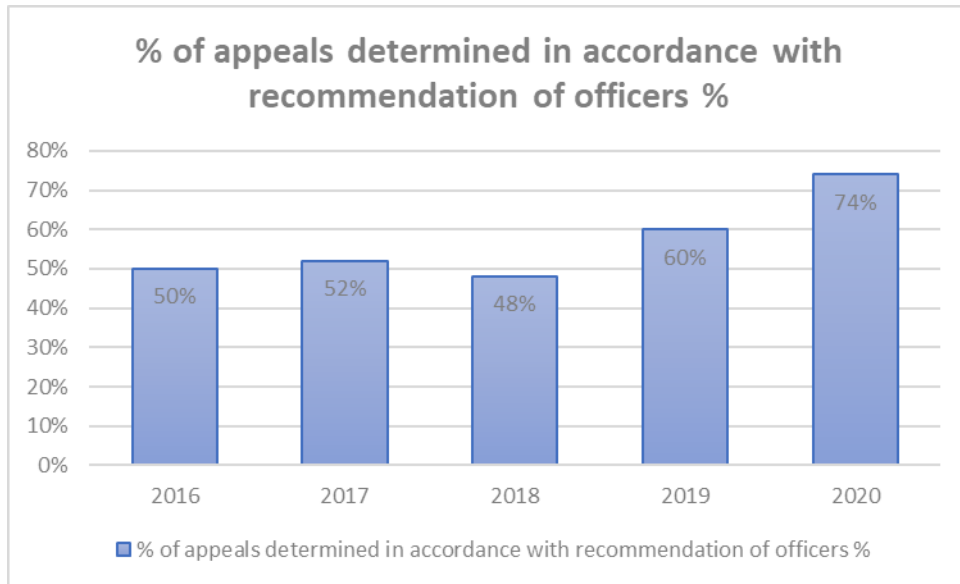
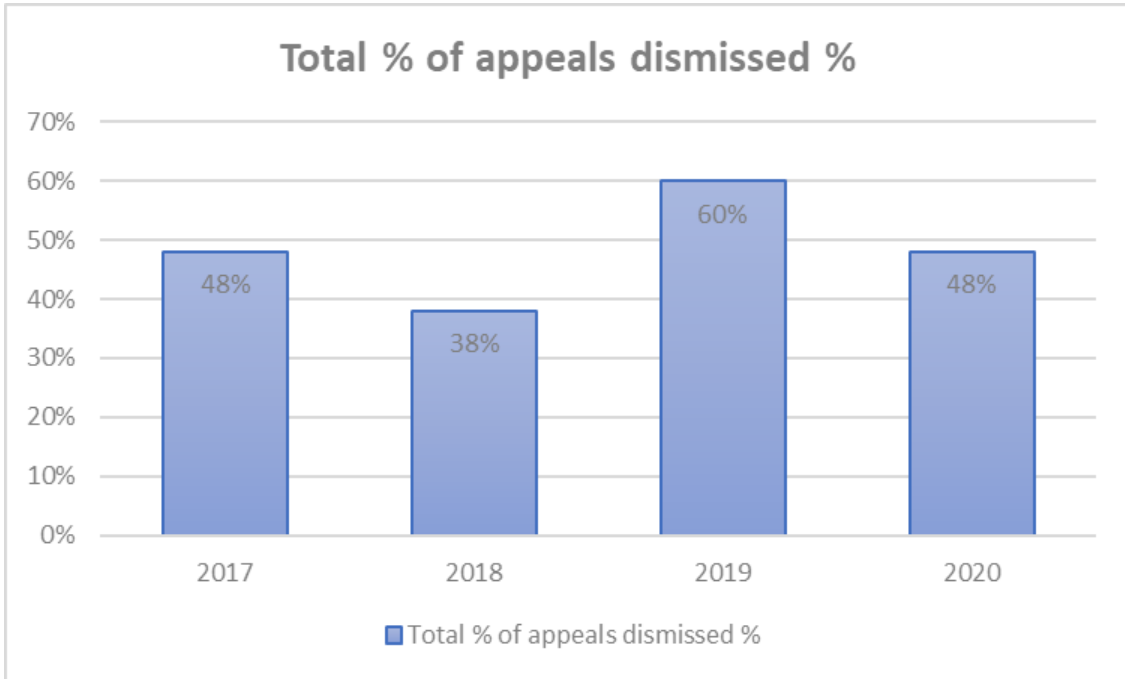
12.3 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

Background Papers: Appendix 1 – Appeals Summary 2020

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| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|---|--|--|
| FG/59/19/HH Pied A Terre, Ferring Street | Erection of single storey extension to east elevation & first floor extension | R-R-ALC | WR The proposal due to its's modest scale would remain subordinate, rather than overbearing, in relation to the apartments at Pump Court. Moreover, the separation of the proposal from No 2 and Pump Court would be at a distance not uncommon in this residential location. Further, the first-floor window facing Pump Court would be obscure glazed in the interests of privacy for neighbouring occupiers. Sunlight and daylight experienced by neighbouring occupiers to the side and rear of the property, despite the given solar path, may well rise and fall during the day and through the course of the year. Nonetheless, given the distance between the buildings and the relative height of the proposed development I find this would not be materially harmful on the basis of the evidence before me. |
| K/19/19/HH Little Tangley, Middle Way | Two storey rear extension with a small canopy projecting the footprint to the front. | DIS-DC Committee- AC-R-ALC | WR The proposed development would not have a material impact on the living conditions of the occupants of The Poynings and Clova. |
| CM/16/18/PL Land to the r/o Bairds Farm Shop | Development of a 64-bed Specialist Dementia Care Centre. | DIS-DC Committee R-R-ALC | Hearing The location of the site, relative to the farm shop and properties to the south, would not bring the built form of Climping any closer to Littlehampton or Middleton. The erection of buildings where none presently exists would inevitably result in some loss of openness. However, the enclosed nature of the site and modest roof height being proposed means that the impact would not be significant or harmful in the context of the gap as a whole. The visual separation between Littlehampton and Middleton-on- |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---------------------------------|------------------------|--|---|
| | | | <p>Sea and the separate identities of those respective settlements would be maintained. The development could not reasonably be located elsewhere. There would be no conflict with ALP Policy SD SP3.</p> <p>The footprint would be extensive, but this would not be apparent to the casual observer who would only see parts of a domestic scale building.</p> <p>Although outside of the Built-Up Area Boundary, the site has good accessibility to services and facilities There is no compelling evidence to support the assertion that the land could revert back to agricultural production.</p> <p>The scheme would free up general needs housing. The development would also bring forward key social benefits by reducing hospital admissions and 'bed blocking'. It would enable dementia sufferers to remain local to home and improve their well-being. All of these benefits are factored into the planning balance.</p> |
| EP/82/19/HH 31 Cheviot Close | Erection of a fence | R-R-D | <p>WR</p> <p>Although the open plan front garden would be retained, the provision of a close boarded fence, mostly 1.8 metres in height, along the front, side and rear boundary of the appeal property would introduce a substantial and unsympathetic form of boundary treatment in a locally prominent location.</p> |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|--|--|--|
| CM/18/19/PL Land at Entrance to Waterford Gardens Horsemere Green Lane | Erection of 2 No 3 bed dwellings with off-road parking and associated landscaping | R-R-ALC | WR The proposal does not have a harmful impact on the character of the area, represents sustainable development, has suitable parking provision, has good access to the road, there is fallback permission for a larger dwelling and the Council has no HLS. |
| Y/20/18/OUT Land adjacent to Bonhams & Flints Hoe Lane | Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). | R-R-D Costs decision - Allowed | Hearing This appeal was solely dismissed on the grounds of significant and demonstrable harm to the character of Flansham by the change of the existing rural character of the appeal site to an urban area linking Felpham and Flansham and because the development would not satisfactorily recognise and respond to the intrinsic character of the countryside. The Inspector also dismissed any concerns as to loss of agricultural land, the safety of the access, the impact of new lighting, the impact of the development on local surface water drainage and the impact on the foul sewer network. The Costs decision was allowed because: (a) the Council had not corrected an error in the Local Plan regarding the 930 dwellings per annum figure for the annual housing requirement for the period 2016/17 to 2020/21 (b) the Council had not been able to provide any evidence that the strategic sites were deliverable. The Council was only able to provide verbal reports of conversations with developers/landowners/site promoters and this was not |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|--|---|--|---|
| | | | <p>sufficient.</p> <p>(c) That the Council stated in its statement that Flansham should be considered as a non-designated heritage asset without there being a material change of circumstances since the planning refusal.</p> |
| A/158/18/PL Land Rear Of 1 To 6 The Cottrells | Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings | R-R-ALC | <p>WR</p> <p>The internal layout is not in accordance with the approved plans and the dwelling appears to be set-out as a 3-bedroom dwelling.</p> <p>The amenity space would not be attractive to every household, particularly families with children. Nevertheless, it may suit single occupiers or couples, including older persons and those who find gardening a chore.</p> <p>The re-configuration of the internal layout has not created an unacceptable living environment. It is sufficient for day to day activities, in respect of either a two or three-bedroom dwelling. Consequently, the proposal accords with Policy DDM1 of the Arun Local Plan.</p> |
| Y/62/18/OUT Clays Farm North End Road | Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential | <p>DIS-DC Committee- ACS approved cond sub S106-R-ALC</p> <p>Cost decision - Dismissed</p> | <p>WR</p> <p>The main issue was the effect of the development on agricultural land and the Inspector considered the harm to be moderate but that this harm would not significantly and demonstrably outweigh the benefits of the proposal. These being 33 dwellings in a sustainable location - a modest contribution towards the Council's housing shortfall and the related social & economic benefits).</p> |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|--|--|--|---|
| | dwellings, access, landscaping & associated works. | | <p>The costs decision was dismissed because:</p> <p>(a) despite the change in agricultural land grade from 1 to 2, there remained conflict with ALP policy SO DM1; and</p> <p>(b) committee members are not bound to follow the recommendations of their officers and that the Housing Land Supply was different when the appeal application was refused compared to when the duplicate application was approved.</p> |
| LU/210/19/PL Inglecroft Toddington Lane | Demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net) - Resubmission of LU/133/19/PL | R-R-ALC | <p>WR</p> <p>The main issue is whether adequate information in respect of drainage, construction management and contamination has been provided in order to permit the proposal without the need for associated pre-commencement conditions.</p> <p>The Local Lead Flood Authority, identifies that the site is at a low risk from flood, however requested that a pre-commencement condition requiring a Surface Water Management Plan (SWMP) should be imposed on any permission granted for this scheme.</p> |
| LU/125/19/PL 54 Arundel Road Littlehampton | Demolition of 3 no. garages & erection of 7 room HMO with shared facilities & parking for 3 cars. | R-R-D | <p>WR</p> <p>The intention was to build a three-storey dwelling in the rear garden of a large Victorian terraced property on the site of a block of three garages.</p> |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|--|--|---|
| FG/35/19/PL Quercus Nursery Littlehampton Road | Variation of condition 2 following a grant of planning permission FG/52/18/PL - permit deliveries to be made to the site by HGVs | DIS-DC Committee- approved cond-R- ALC | WR The disputed condition was imposed to limit the hours and volume of deliveries to Quercus Nursery in the interests of amenity of adjacent residential dwellings, particularly noise and activity associated with the business. However due to the nature of the business which requires early delivery of perishable goods, and the driving restrictions placed upon delivery drivers there is a need to extend the opening hours and frequency of deliveries from those imposed by the Council. Deliveries would be made into a defined area set behind protective fencing and away from the nursery entrance. I give substantial weight to the independent Noise Impact Assessment and the evidence provided by the Councils' professional Environmental Health Department. In the absence of any convincing evidence to the contrary, the limited number of deliveries suggested from 5am would not cause an unacceptable impact on the living conditions of the occupiers of nearby properties.. |
| K/16/19/PL The New Stables Kingston | Proposed single four bed dwelling | R-R-D | WR The appeal was successfully defended but the Inspector did not agree that the proposal is in an inaccessible location. The proposal is however in a spatial gap. |
| AL/72/19/PL Ryefields Farmhouse, Oak Lane | Demolition of existing buildings & erection of 10 No. houses. | R-R-D | WR The Inspector concluded: (i) That the proposed development would not prejudice the comprehensive delivery of development in respect of the |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|---|--|---|
| | | | <p>BEW strategic allocation;</p> <p>(ii) That the proposed development would not be accessible to all users other than by vehicle and would not meet the needs of vulnerable users;</p> <p>(iii) That the proposal failed to demonstrate that kerbside collection of waste bins would be possible for waste collection vehicles of 12 metres in length;</p> <p>(iv) That inadequate information had been provided to demonstrate that the proposed development would be capable of providing satisfactory foul and surface water drainage.</p> |
| R/72/19/PL 6 Manor Road | Demolition of existing garage & store on existing dwelling | R-R-D | <p>WR</p> <p>The design of the proposal would fail to provide adequate living conditions for future occupiers. It would therefore conflict with Policy D SP1 of the Arun Local Plan (2018).</p> |
| LU/3/19/PL Empty Supermarket Premises Avon Road | Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace. | R-R-D | <p>WR</p> <p>The development when considered in its entirety would tower over the adjacent buildings, particularly the adjacent conservation area and listed buildings. This would fail to reflect the general townscape which. As such the proposal would fail to reflect the more modest level of development in the area.</p> <p>The building would extend almost the full length of the site along Anchor Springs in several places this would provide a blank façade facing the highway which would appear as an oppressive and uninhabitable space.</p> <p>The vertical elements and front gable ends exacerbate the excessive height of the buildings.</p> |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|---|--|---|
| | | | <p>The redevelopment of this site as proposed would fail to achieve a high-quality development. The excessive scale and mass of the proposal when considered in its entirety would result in harm to the character and appearance of the area.</p> <p>The proposal would result in harm to the setting of the adjacent and nearby listed buildings, and it would fail to preserve or enhance the setting of the adjacent CA.</p> |
| FP/139/19/OUT Land East of 12 Alfriston Close | Outline application with all matters reserved for the erection of 1 No. dwelling. | R-R-D | <p>WR</p> <p>The site would occupy a small grassed area. A small bungalow on the confined site would appear cramped and incongruous - out of keeping and harmful to the character and appearance of the area. The proposal would conflict with Local and Neighbourhood Plan policy. The presumption in favour of sustainable development.</p> |
| BE/69/19/OUT The Cottage, Shripney Road | Outline planning application with all matters reserved except access for up to 31 No. houses | DIS DC Committee- AC-R-ALC (costs allowed) | <p>WR</p> <p>Inspector found that the proposal would conflict in principle with regards to its location but that there are material considerations that would outweigh this conflict and that the proposal would comply with the development plan in respect of a number of policies.</p> <p>A separate costs decision awarded full costs in favour of the appellant. This was on the basis that the Council had gone against the advice of its professional officers without good reason to do so and then failed to substantiate its objection.</p> |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|---|--|--|---|
| BE/112/19/PL 12 Plover Close | 1 No dwelling (resubmission following BE/65/19/PL) | R-R-D | WR The differing design of the bungalow together with its detached set back position would give a visual impression of a dwelling squeezed on to it. The proposal would appear cramped at odds with the character of the area in conflict with Local Plan and Neighbourhood Plan policies. The lack of housing land supply did not outweigh the harm of the scheme. |
| A/146/19/PL Land rear of 1 The Heathers | Demolition of existing storage building & erection of a 3- bedroom chalet bungalow. | R-R-D | WR The site is located in a tight-grain residential area of two-storey dwellings. The development has been completed with the required parking spaces. The internal layout is not in accordance with the approved plans and the dwelling appears to be set-out as a 3-bedroom dwelling. |
| EP/74/19/HH 2 Hillview Crescent | Hip to barn hip extension & single storey rear extension. | R-R-D | WR The proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area. |
| AW/228/19/HH 44 Aldwick Felds | Re-siting of boundary wall. | R-R-D | WR The area is typified by open plan or low-walled gardens and landscaped setbacks and verges to create a sense of space. The proposal would enclose a setback and extend forward of the side elevation of no 44 and in front of 46. The proposal was overly prominent and at odds with its immediate setting. The height, scale, and position of the wall would be incongruous with the prevailing streetscene in conflict with Local Plan policy and the NPPF. |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|--|---|--|---|
| LU/255/19/HH 33 Potters Mead | Construction of two storey side extension and associated works | R-R-D | WR The proposed development would have a harmful impact upon the character and appearance of the host dwelling and its wider locality as a result of its prominent location. |
| LU/297/19/PL Land to rear of 141 Wick Street, Littlehampton | 1 No. new dwelling (resubmission following LU/84/19/PL). | R-R-D | WR Whilst the Inspector found in favour of the appellant on the third main issue, this does not justify the harm identified on the first and second main issues. The proposed development would conflict with the adopted development plan in respect of the first and second main issues, and there are no material considerations indicating a decision otherwise than in accordance with it. |
| LY/9/18/PL Arundel Vineyard | Application for Continuance of use without compliance with condition 2-occupation imposed under LY/16/02/, condition 3-occupation imposed under LY/3/04/ & condition 3-occupation imposed under LY/25/04/ | R-R-ALC | WR The Inspector found that based on the information available the dwelling is no longer required for a rural worker and there is no evidence the attempts made to market the dwelling were unreasonable. The Inspector concluded that it is not necessary or reasonable for the occupancy of this dwelling to be limited to an agricultural or forestry worker as set out in the condition, and, that removing the condition does not conflict with Policy H DM3 of the Local Plan. |

| Site | Proposal | Recommendation/ Decision/Appeal Decision | Procedure/Issues Raised By Inspector |
|--|---|--|--|
| LY/8/18/PL Arundel Vineyard | Change of use from Vineyard to garden amenity area serving Arundel Vineyard (resubmission following LY/19/17/PL). | R-R-ALC | <p>WR</p> <p>The Inspector concluded that the site is enclosed and not easily seen from any public viewpoints. Therefore, any visual effects of the change of use from outside the site are particularly limited and does not harm the character or appearance of the area.</p> <p>The Inspector was of the opinion that, given the enclosed nature of the appeal site and the lack of built development forming part of the appeal development, there is no significant effect on the gap between Arundel and Littlehampton.</p> |
| FG/74/19/PL Highdown Industrial Park | 2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage | DIS DC Committee- AC-R-ALC | <p>WR</p> <p>The proposal would retain the identity of the gap between Angmering and Worthing, and would comply with the criteria set out in Policy SD SP3 of the Local Plan in respect of ensuring the gap as identified is protected to prevent coalescence and retains its separate identity. The proposal would not conflict with Policy 7 of the FGNP.</p> <p>The proposal would not be detrimental to the setting of the SDNP or High Down Hill, it would therefore comply with Policy LAN DM1 of the Arun Local Plan which requires that development within the setting of the SDNP must have special regard to the conservation of that setting.</p> |
| EP/148/19/PL 9 Lime Tree Close | Application for variation of condition no.2 imposed on planning permission | DIS DC Committee- AC-R-ALC Costs allowed | <p>WR</p> <p>The proposal would not meet the level of parking as set out in the Council's adopted standards. However, the level of overspill would be comfortably accommodated within the local area, and the proposal would not have a severe impact on highway safety.</p> |

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| | EP/52/18/PL relating to amended internal layout & external appearance | | The proposal would comply with Policy TSP1 which requires development to take into account the impact on onstreet parking. The proposal would comply with Policy 1 of the East Preston Neighbourhood Plan |
| Y/103/18/PL 10 Acre Field North of Grevatts Lane | Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements | Dis DC Committee- Acs App cond sub to S106-R-ALC Costs allowed | <p>WR</p> <p>Inspector concluded that the proposal would not be detrimental to highway safety and is a sustainable form of development.</p> <p>A separate costs decision awarded full costs in favour of the appellant. This was on the basis that the proposed development was in accordance with the provisions of the development plan, national policy and other material considerations</p> |
| CM/25/19/PL Kents Yard, Brookpit Lane | Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building | Dis DC Committee- AC-R-ALC | <p>WR</p> <p>The proposal would largely maintain the external appearance of the host building, with no significant change to the existing proportions of the barn structure. The existing open courtyard to the front of the building would also be retained and the agricultural appearance of the building would be preserved, in views from the surrounding area.</p> <p>All 3 properties would have a private area of garden to its rear that provides enough space for most activities typically carried out in such areas. The large courtyard to the front of each unit would add to this space, providing opportunities for informal recreation. Cumulatively, there would be a more than</p> |

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| | | | satisfactory level of external amenity space provided for each of the 3 units proposed. |
| CM/53/19/PL Kents Yard Brookpit Lane | Change of use of barns to 3no dwellings - Resubmission of CM/25/19/PL | R-R-D | <p>WR</p> <p>The existing courtyard would be partitioned into parking and amenity spaces in an awkward and asymmetric manner. The box hedging and ornamental trees would occupy a significant proportion of the courtyard, resulting in the loss of its current open appearance.</p> <p>There would be a more than satisfactory level of external amenity space provided for each of the 3 units proposed. Whilst the proposal would provide acceptable living conditions for future residents in relation to amenity space, there would be unacceptable harm to the character and appearance of the area and the setting of the neighbouring listed building, specifically due to the proposed partitioning of the internal courtyard.</p> |
| BE/117/19/HH 29 Westfield | Drop kerb to front of property with works to existing wall | R-R-D | <p>WR</p> <p>In order to facilitate access to the appeal site it would be necessary to lay a hardstanding over the generous green verge adjacent to Rowan Way to provide this access. Such development would be an alien and discordant intrusion into this open and established space.</p> <p>The proposal would result in an incongruous and alien development that would be harmful to the character of the area.</p> |

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| BE/79/19/PL Land adjacent to Walnut Tree Cottage, Shripney Lane | Single-storey bungalow on land adjacent to Walnut Tree Cottage | R-R-D | WR The building would have a very modern design which bears no relation to the buildings around it or the nature of the Conservation Area. The design would fail to comply with Local Plan policy or make a positive contribution to the Conservation Area. |
| AW/232/19/OUT 19-21 Nyewood Lane | Outline application with all matters reserved for demolition of 19 & 21 Nyewood Lane & erection of up to 20 No 1bed & 3 No 2bed flats. | R-R-D | WR The Inspector considered this aspect of Nyewood Lane to be transitional; despite taller and denser development being found both to the north and the south. The Inspector considered that the development would more than likely result in overlooking as a result of the height, size, scale and outlook of any possible building that could result. The Inspector also considered that the proposed parking arrangement would result in vehicular/pedestrian/bicycle conflicts given the combination and frequency of movements. |
| AL/75/19/PL Bridge Cottage, Lidsey Road | Construction of 8 no. dwellings, alterations to access and associated works. | R-R-D | WR The Inspector considered that the proposed development would cause significant harm to the countryside and to the delivery of the strategic site for a comprehensively planned new settlement, including the provision of infrastructure. The Inspector considered that the proposed development would not provide safe or convenient means for non-car travel and |

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| | | | <p>would cause significant harm to highway safety.</p> <p>There is a realistic prospect that the appeal proposal would cause significant harm to protected species (reptiles) and habitat.</p> |
| M/62/19/PL 177 Middleton Road | Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road. | R-R-D | <p>WR</p> <p>The Inspector found that the development would be harmful to the character of the area. It would conflict with Policies D SP1, D DM1, D DM2 of the Arun Local Plan which collectively require new development to make efficient use of land and to reflect the characteristics of the site and local area. It would also conflict with the policy HER DM4 of the Local Plan which requires new development to preserve, and where possible, enhance the special character of such areas. The loss of the tree and subsequent failure to address possible improvement to biodiversity conflicted with policies ENV DM4 and D DM1 of the Local Plan. The proposal would provide adequate living conditions for future occupiers.</p> |
| BE/100/19/PL Springfields, Chichester Road | 2 No. dwellings | R-R-D | <p>WR</p> <p>The Inspector found that the development of 2 no. dwellings would adversely affect the open landscape character. The Inspector found that the benefits associated with 2 detached dwellings would not be substantial enough to outweigh the irreversible harm to the landscape.</p> |

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| AL/42/19/PL Nyton House | Construction of a 10 No. bedroom dementia unit with attached covered walkway | DIS DC Committee- AC-R-ALC | WR Inspector found that the harm would be less than substantial, and this would be outweighed by the need for dementia care provision. Also, no harm to living conditions of neighbouring properties. |
| AL/43/19/L Nyton House | Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered. | DIS DC Committee- AC-R-ALC | WR Inspector found that the harm would be less than substantial, and this would be outweighed by the need for dementia care provision. |
| R/268/19/PL 6 Manor Road, Rustington | Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL). | Dis DC Committee- AC-R-ALC | WR The erection of a well-designed and respectfully scaled building in this location would be a suitable addition to this residential area. As such the proposal would comply with Policy QE SP1 of the Arun Local Plan which requires development to contribute positively to the quality of the environment. The proposal would comply with Policy 2 of the Rustington Neighbourhood Plan which requires development to reflect the character and scale of the surrounding buildings. |
| R/92/20/PL 6 Manor Road | Demolition of existing garage & store on | DIS DC Committee- R-R-ALC | WR The erection of a well-designed and respectfully scaled building |

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| | existing dwelling & erection of 2 No detached bungalows to rear | | in this location would be a suitable addition to this residential area. As such the proposal would comply with Policy QE SP1 of the Arun Local Plan. The proposal would comply with Policy 2 of the Rustington Neighbourhood Plan which requires development to reflect the character and scale of the surrounding buildings. |
| BR/73/19/PL Land to East of Royal Norfolk Hotel, Aldwick Road, | Three terraced residential dwellings, garden/cycle storage sheds and associated parking utilising the existing access | DIS DC Committee-SAC App Cond with S106-R-ALC | WR The main issue was the effect on the setting of the Grade II listed Royal Norfolk Hotel and the character and appearance of the Conservation Area. The Inspector considered there to be no harm to the Conservation Area and 'less than substantial' harm to the setting & Significance of the LB. This would be outweighed by the public benefits. |
| AL/62/19/PL Sundown, Littleheath Road | 1 No. new dwelling. This application is a Departure from the Development Plan | R-R-ALC | WR The location of the proposal would increase travel demand and conflicts with NP policy on sustainable movement. The character of the area would not be harmed. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. |
| P/58/19/PL Inglenook Hotel, Pagham Road | Erection of 9 no. dwellings with associated access, | DIS DC Committee-SAC App Cond with S106-R-ALC | WR The Inspector did not consider that the proposal would result in any harm to highway safety and considered that it was an |

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| | parking, cycle & refuse storage and landscape design | Costs allowed | <p>appropriate location for new dwellings. The Inspector found no other harm with the proposals.</p> <p>A separate costs appeal was awarded to the appellant on the basis that the Council demonstrated unreasonable behaviour.</p> |
| BR/75/20/HH 140 London Road | Conversion of roofspace to habitable use to include a rear dormer and terrace | R-R-D | <p>WR</p> <p>The proposed terrace would give rise to an unacceptable level of overlooking of neighbouring properties private amenity areas.</p> |
| EG/22/19/OUT The Boweries, Barnham Road | Outline application with some matters reserved for the erection of 28 No. dwellings. | R-R-D | <p>Hearing</p> <p>The adverse impacts arising from the failure to achieve high quality design by incorporating surface water drainage into the mini-masterplan would significantly and demonstrably outweigh any benefits of delivering new homes more quickly than might otherwise have been the case had the appellant waited for the masterplan exercise to conclude.</p> |
| BR/233/19/PL 77 Aldwick Road, Bognor Regis | Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats | R-R-ALC Costs allowed | <p>WR</p> <p>Inspector considered the loss of the individual existing business to be regrettable, some retention of retail space at the site limited the weight given to this factor.</p> <p>Inspector considered impacts on highways to be informed by the evidence and not the empirical evidence provided by residents.</p> |

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| | | | Appellant had not provided for Pagham Harbour SPA mitigation. Inspector considered that a condition requiring a new planning obligation was deemed to meet the NPPG tests for Grampian conditions. |
| BR/149/20/HH 11 Westingway Bognor Regis | Extension of existing garage to be an Oak framed garage | R-R-ALC | WR While outbuildings in the area are mostly set back behind the established development line there are exceptions. The extended garage would infill the gap to the road frontage so that the resultant outbuilding would be flush with the footpath along Parkway. The development would not represent an unduly dominant feature as it would assimilate well into the street scene. |
| BR/281/18/PL 99 Victoria Drive | Demolition of existing dwelling & erection of a three story building to provide 9 No. flats. | R-R-ALC | WR The Inspector noted the 6m gap between the proposal and 97 and so determined that there would be no harm to 97 from overlooking or any sense of a visually overbearing development. The occupiers of 95 and 97 are also able to introduce new planting to mitigate any perceived overlooking. |
| FG/141/19/PL Elm Lodge Tamarisk Way Ferring | 1 No detached chalet style dwelling | R-R-ALC | WR The Inspector concluded that there would be no material harm to the living conditions of the occupiers of Elm Lodge or Magalia. |