



# Public Document Pack

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Committee Manager Carrie O'Connor

27 June 2019

## Development Control Committee

A meeting of the Development Control Committee will be held in Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on **Wednesday 10th July 2019 at 2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Mrs Hamilton, Lury, Oliver-Redgate, Northeast, Mrs Pendleton, Roberts, Mrs Stainton, Mrs Yeates and Mrs Worne

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

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)<<http://www.arun.gov.uk/planning>>**

## AGENDA

1. APOLOGIES

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. 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.

### 5. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 5 June 2019 (attached).

### DEFERRED ITEM

### 6. BE/135/18/PL SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS, PO22 9NW

This application had been deferred from the meeting held on 5 June 2019 to enable further assessment of the surface water drainage plans. If that information becomes available a report will be circulated under separate cover prior to the meeting.

### PLANNING APPLICATIONS

### 7. WA/75/18/OUT LAND TO THE REAR OF 7 THE MEADOWS, WALBERTON BN18 0PB (Pages 9 - 20)

### 8. P/37/19/PL 10 HARBOUR ROAD PAGHAM PO21 4TG (Pages 21 - 28)

### 9. LU/136/19/PL LITTLEHAMPTON SKATE PARK, SEA ROAD, LITTLEHAMPTON BN16 2NA (Pages 29 - 38)

10. BR/14/19/PL COOPERS YARD, SHRIPNEY ROAD, (Pages 39 - 46)  
BOGNOR REGIS PO22 9LN
11. BR/35/19/HH CULVER COTTAGE, 37 ALDWICK ROAD, (Pages 47 - 54)  
BOGNOR REGIS PO21 2LN
12. BR/36/19/L CULVER COTTAGE, 37 ALDWICK ROAD, (Pages 55 - 60)  
BOGNOR REGIS PO21 2LN
13. BR/87/19/PL VARIOUS SITES ALONG BOGNOR REGIS (Pages 61 - 70)  
PROMENADE, BOGNOR REGIS
14. BE/30/19/PL BABSHAM BUSINESS CENTRE, BABSHAM (Pages 71 - 82)  
LANE, BERSTED PO21 5EL
15. PLANNING APPEALS (Pages 83 - 86)
16. TO CONSULT ON THE RENEWAL OF THE BUTLIN'S (Pages 87 - 102)  
LOCAL DEVELOPMENT ORDER

Butlins' Local Development Order (LDO) came into effect on 1 September 2014 and was valid for a period of 5 years. Butlins have expressed a desire to see the LDO renewed as they regard it as a useful tool for saving time and money for all parties. However, it should be noted that, since it was introduced in 2014 it has not been used.

Note : \*Indicates report is attached for all Members of the Council 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.

1.

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# Public Document Pack Agenda Item 5

Subject to approval at the next Development Control Committee meeting

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## DEVELOPMENT CONTROL COMMITTEE

5 June 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Thurston (Vice-Chair), Baker, B Blanchard-Cooper, Bower, Charles, Coster, Hamilton, Lury, Oliver-Redgate, Mrs Pendleton, Roberts, Mrs Stainton and Yeates

Councillors Elkins and Oppler were also in attendance for all or part of the meeting.

Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated: Councillor Mrs Pendleton, Minute 26 to 30 (part) and Minutes 41 to 42; Councillor Bower, Minute 37 (part) to 42; Councillors Roberts and Mrs Stainton, Minutes 33 to 42.

### 26. APOLOGIES

An apology for absence had been received from Councillor Northeast.

### 27. DECLARATIONS OF INTEREST

Declarations of interest were made as follows:-

Planning Application R/34/19/PL 4 Broadmark Parade, Broadmark Lane, Rustington – Councillor Bennett declared a personal interest as a member of Rustington Parish Council and he confirmed that he had not attended the Planning Committee that had considered this application.

Planning Application LU/78/19/PL 32 Griffin Crescent, Littlehampton – Councillor B Blanchard-Cooper declared a personal interest as a member of Littlehampton Town Council and in his capacity as Vice-Chairman of its Planning and Transportation Committee.

Planning Application BE/135/18/PL Salt Box Field, Land off Rowan Way, Bognor Regis – Councillor Mrs Yeates declared a personal and prejudicial interest as a having been involved in meetings regarding this application previously to becoming an Arun District Council Councillor. She confirmed that she would leave the meeting during consideration of this item.

### 28. START TIMES

The Committee

RESOLVED

That start times for meetings for the remainder of 2019/20 be 2:30 p.m.

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29. MINUTES

The Minutes of the meeting held on 6 March 2019 were approved by the Committee and signed by the Chairman as a correct record.

30. URGENT ITEM BE/135/18/PL SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS PO22 9NW

*(Prior to the consideration of this item, in line with her personal and prejudicial interests declared at the start of the meeting Councillor Mrs Yeates left the meeting for the duration of this item).*

BE/135/18/PL- Hybrid application comprising of Outline application for the principle of employment uses B1 – B8. Full application for Class B8 warehouse with fuel-island and car parking (Unit 2), 2 No. Class B1/B8 employment units with associated parking and servicing (Units 6 & 7), Class A1 retail food store with car parking and servicing (Unit 8). 2 No. drive thru units with car parking and servicing (Units 4 & 5), car showroom, workshops (including MOT testing), vehicle storage, external display areas, service areas and parking (Unit 9) together with access roads, associated ground and engineering works, landscaping and ancillary works. This application affects the character and appearance of the Shripney Conservation Area and Public Right of Way.

With agreement from the Chairman, it was agreed that this application could be dealt with as a matter of urgency as it had been identified that if the application was not presented and determined at the meeting, the applicant would withdraw and the District would lose out on £33.7 million of capital investment, the delivery of approximately 30.520 sqm of new mixed use floor-space and between 500 and 1000 new private sector jobs.

The Principal Planning Officer presented the proposal and highlighted the officer's written report update which was circulated at the meeting in respect of:-

- requested amendments from the applicant with regard to Conditions 2, 4, 15 , 34 and 43 of the Full application and Condition 13 of the Outline application
- receipt of a late letter from a local resident raising concerns about traffic congestion and the impact of the proposed development on town centre shops
- a revised surface water drainage strategy submitted by the applicant
- the officer's response to the matters raised
- Amended recommendation to read "Authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman to
  - (a) authorise the execution and completion of the Section 106 Agreement;
  - (b) make amendments to the drainage conditions (Condition 12 of Full application and Condition 10 of Outline application) to reflect the drainage scheme when finalised, including subsequent amendments to plans listed in Condition 2 of the Full and Condition 4 of the Outline;
  - (c) approve planning permission subject to conditions and the S106 Agreement

The Group Head of Planning clarified that the details regarding the surface water drainage scheme had only been received this week and that was the reason agreement to the change to the recommendation was being sought to enable the application to be determined under delegated authority following consideration of those details.

Members participated in a full discussion on the matter and covered a number of issues which included:-

- Infrastructure and highway concerns due to increased traffic movements in the locality. Mr Gledhill from County Highways was in attendance and provided advice to Members.
- Drainage and surface water issues – the Council's Drainage Engineer was in attendance and provided advice to Members.

In the course of debate it was acknowledged that employment opportunities with the District must be encouraged but that the serious concerns being voiced also needed to be addressed.

On turning to the amended recommendation as set out above, the Committee

**RESOLVED**

That the officer recommendation to approve the application under delegated authority be rejected.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bennett, Bower, Charles, Roberts and Mrs Stainton (5). Those voting AGAINST were Councillors Mrs Baker, B. Blanchard-Cooper, Coster, Mrs Hamilton, Lury, Oliver-Redgate and Ms Thurston (7). Councillor Mrs Pendleton ABSTAINED.

It was then proposed and duly seconded that the application be deferred. Although serious reservations had been expressed with regard to highways matters, Members received advice from the Group Head of Planning that these were irrelevant to this application as they had already been addressed and approved in the previous application. It was therefore agreed that the reason for a deferral should relate to the fact that the detail of the Surface Water Drainage plans were outstanding and required further assessment.

The Committee then

**RESOLVED**

That the application be deferred to enable further assessment of the Surface Water Drainage plans

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31. BR/270/18/PL 18-20 LONDON ROAD, BOGNOR REGIS PO21 1PY

*Councillor Oppler spoke to the following application in his role as Ward Councillor.*

BR/270/18/PL – Part conversion & extension of existing building to provide 6 No. additional storeys over existing rooftop to provide up to 104 No. student residential units with access from Bedford Street, associated servicing & ancillary accommodation, entrance & new internal stairs to existing building to provide access from Bedford Street. This application may affect the setting of listed buildings & the character & appearance of nearby conservation areas Having received a report on the matter, the Committee considered the proposal and were advised that there had been no objections from statutory consultees or the Town Council and that only two letters of objections had been received.

In the course of discussing the proposal, a divergence of views were expressed in that some Members were of the view that it was an overdevelopment that would have an adverse impact on the Town Centre. Other Members expressed their support for an innovative scheme in a suitable location and that student accommodation was needed.

The Committee

RESOLVED

That the application be approved as detailed in the report.

As the vote was tied, the Chairman used his casting vote.

32. BR/311/18/PL LAND TO THE EAST OF UNIVERSITY OF CHICHESTER, UPPER BOGNOR ROAD, BOGNOR REGIS PO21 1HR

BR/311/18/PL – Erection of 176 bedroom student accommodation building with associated hard & soft landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Upper Bognor Road, Mead Lane Conservation Area & is a Departure from the Development Plan Having received the report on the matter, together with the officer's written report update detailing an amendment to the wording of condition 6 regarding occupation of the premises, the Committee received a detailed presentation from the Planning Team Leader and, following consideration,

RESOLVED

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



33. BR/329/18/PL 123 LONGFORD ROAD, BOGNOR REGIS PO21 1AE

BR/329/18/PL – Change of use of single dwelling house to 2 No. residential apartments Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

34. FP/249/18/PL 22 NORTH WAY, FELPHAM PO22 7BT

FP/249/18/PL – Replacement of existing bungalow with 1 No. chalet bungalow (to approved design FP/259/17/HH Having received a report on the matter, together with the officer's written report update detailing amended plans received requiring a 21 day notification to Felpham Parish Council and resultant amended recommendation to delegate authority to the Group Head of Planning to determine the application after that 21 day period, the Committee

RESOLVED

That authority be delegated to the Group Head of Planning to determine the application.

35. FG/29/19/PL SOUTH POINT, 1 BEEHIVE LANE, FERRING BN12 5NL

FG/29/19/PL – Erection of 1 No.2 bed dwelling Having received a report on the matter, together with the officer's written report update detailing no objection from the Landscape Officer, the Committee

RESOLVED

That the application be approved as detailed in the report.

36. FG/35/19/PL QUERCUS NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PH

*Councillor Elkins spoke to this application in his role as Ward Councillor.*

FG/35/19/PL – Variation of condition 2 following a grant of planning permission FG/52/18/PL – permit deliveries to be made to the site by HGV's. No more than 5 times per week between the hours of 05:00 and 06:00 and in addition to deliveries made during the hours of 06:00 to 19:00 Having received a report on the matter, together with the officer's written report update detailing:-

- An additional informative relating to deliveries
- Research into operating restrictions on adjoining and nearby sites
- Additional representation received from local resident the Committee participated in some debate on the matter. Concerns were expressed with regard to the

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noise and disturbance caused to nearby residents and the negative impact this would have to allow deliveries from 5.00 a.m.

The Committee

RESOLVED

That the officer recommendation to approve be rejected.

The Group Head of Planning then gave advice on the options open Members and, following discussion, it was agreed that the variation should be refused on the basis that the proposal would generate unacceptable levels of activity and noise.

The Committee then

RESOLVED

That the application be refused for the following reason:-

“The proposal would generate unacceptable levels of activity and noise which would adversely affect the adjoining properties in conflict with Planning Policies DDM1, QEDM1 and QESP1 of the Arun Local Plan.

37. LU/78/19/PL 32 GRIFFIN CRESCENT, LITTLEHAMPTON BN17 7LJ

*(Councillor B. Blanchard-Cooper had declared a personal interest in this application and remained in the meeting and took part in the debate and vote.)*

LU/78/19/PL – Division of single dwelling into 2 No. dwellings & alterations to roof to form new rooms Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

38. M/24/19/PL 3 THE HARD, ELMER PO22 6JS

M/24/19/PL – Replacement residential dwelling. This application may affect a Public Right of Way Having received a report on the matter, together with the officer's written update report detailing additional conditions as requested by West Sussex County Council with regard to provision of cycle storage; the application of conditions in respect of side window elevations; and amendment to condition 2 to include revised and additional plans, some Members expressed concern that the proposal was out of keeping with the area. However, an opposite view was expressed that the area was diverse and that there were examples of different styles.

The Committee

RESOLVED

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

39. M/155/18/PL 5 CENTRAL DRIVE, MIDDLETON PO22 7TT

M/155/18/PL – Replacement dwelling (resubmission following M/114/18/PL)  
Having received a report on the matter, together with the officer's written report update detailing amendment to condition 3; correction that the tree was a Monterey Cypress and that it was not covered by a Tree Preservation Order and had been felled by the next door neighbour; and amendment to Conditions 4 and 5 due to the felling of the tree, the Committee

RESOLVED

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

40. R/34/19/PL 4 BROADMARK PARADE, BROADMARK LANE, RUSTINGTON BN16 2NE

*(Councillor Bennett had declared a personal interest on this application and remained in the meeting and took part in the debate and vote.)*

R/34/19/PL – Change of use of currently vacant former A1 (Shops) ground floor premises to a mixed A3/A5 (Restaurants & Café & Hot Food Takeaway) use, incorporating the erection of a single storey rear extension, replacement shopfront & associated plant & extraction equipment Having received a report on the matter, together with the officer's written report update detailing an amendment to the condition relating to opening hours, the Committee considered the matter.

In the course of debate, it was proposed and agreed that the closing times be extended to 11.00 p.m. in line with the other business in the area. The Committee therefore

RESOLVED

That the application be approved as detailed in the report, subject to amendment of the closing times being extended to 11:00pm in line with the other business in the area.

41. WA/18/19/PL LAND ADJACENT 1 ORCHARD WAY, FONTWELL BN18 0SH

WA/18/19/PL – Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway (resubmission following WA/58/18PL). Having received a report on the matter, the Committee

Subject to approval at the next Development Control Committee meeting

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RESOLVED

That the application be approved as detailed in the report.

42. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 6.30 pm)

PLANNING APPLICATION REPORT

REF NO: WA/75/18/OUT

LOCATION: Land to the rear of 7 The Meadows  
Walberton  
BN18 0PB

PROPOSAL: Outline application with some matters reserved for 1 No. dwelling. This application may affect the character & appearance of the Walberton Village Conservation Area.

**SITE AND SURROUNDINGS**

|                                 |   |
|---------------------------------|---|
| DESCRIPTION OF APPLICATION      | Outline application with all matters reserved except for access. It is proposed to gain access to the site from a private lane to the east of The Meadows. The new access would branch off the principle access to Coppice House approached by Church Lane. The proposal subdivides the existing garden serving No.7 Meadows for a single dwelling. |
| SITE AREA                       | 0.06 of a hectare.  |
| RESIDENTIAL DEVELOPMENT DENSITY | 16 dwellings per hectare.   |
| TOPOGRAPHY                      | Predominantly flat.   |
| TREES                           | There is a small group of trees located at the sites most eastern corner at the location where the access is proposed.  |
| BOUNDARY TREATMENT              | The existing site is screened by a post and rail fence running the southern and east boundary and a close boarded fence along the north boundary. It remains open along the western boundary.   |
| SITE CHARACTERISTICS            | The site is occupied by a large detached two storey dwelling, set back from the road and accesses by a shared drive with neighbouring no.8.   |
| CHARACTER OF LOCALITY           | The site forms a parcel of land currently the garden serving no.7 The Meadows. The site is located on a road lined by staggered residential development predominantly comprising large, detached two storey dwellings. The land to the immediate south is open paddock and countryside.   |

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Walberton Parish Council objects to this application on the grounds that it conflicts with its Neighbourhood Development Plan. The Parish Council is willing to consider this site along with others in

its Neighbourhood Plan Review shortly. There are possible access issues.

9 letters of objection raising the following issues:

- (1) Insufficient information provided - size, style & drainage. Loss of privacy and amenity. It would create noise and disturbance in the back gardens of properties.
- (2) No evidence of any real surveying relating to the biodiversity on the site. Dormice and owls known in the area. Roosting bats in St. Mary's church will be disturbed.
- (3) Adverse effect on the appearance of the Conservation Area and public right of way.
- (4) Site not in Neighbourhood Plan.
- (5) Development of a garden is against the NPPF?
- (6) Unneighbourly form of development - harming the landscape at the edge of the village.
- (7) Access problems. Church Lane acts as an important car parking area serving the well attended St. Mary's Parish Church.
- (8) Westernmost section of access road is believed to be part of Local Green Space designated by the Neighbourhood Plan for protection.
- (9) Affect the setting of a Listed Building (Dower House).
- (10) Affect the character of the conservation area.
- (11) It would create a precedent for future development and environmental deterioration.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Precedent is not a material planning consideration as all applications are considered on their own individual merits. All other issues are discussed and addressed in the conclusions section of the report.

As this is a site within the defined built up area boundary in the Walberton Neighbourhood Plan there is no conflict with that Plan.

#### **CONSULTATIONS**

Conservation Officer

WSCC Strategic Planning

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

#### **CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS:

- Visibility at the junction onto Church Lane appears sufficient for the anticipated road speeds.
- No evidence to suggest that the junction (Church Lane) is operating unsafely or that the addition of a single dwelling would exacerbate an existing safety concern.
- The Highways Authority (LHA) would expect sufficient parking provision for the proposed dwelling in accordance with the WSCC parking demand calculator. Details of parking and turning would be expected at reserved matters stage.
- Details of secure and covered cycle storage would be expected at Reserved Matters stage.
- The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network is therefore not contrary to the National Planning Policy Framework (paragraph 109). There are no transport grounds to resist the proposal.

ADC TREE OFFICER:

- No objection subject to conditions imposed.
- There are significant trees on/off this site which might be adversely affected by this proposal. No arboricultural information has been submitted - this is a requirement of BS5837:2012.
- Were this application to proceed sufficient information is required to be submitted to guarantee any trees would be adequately respected and protected.

DRAINAGE:

No objection subject to conditions.

CONSERVATION COMMENT:

- The application site is located adjoining part of the boundary of the Walberton Village Conservation Area. Access would be provided for by way of the drive to Coppice House. Tree and hedge screening is present to the east of the site which effectively screens the proposed development from Church Lane. It is considered that this screening should remain, and be enhanced so that there are limited opportunities to view the new property from the church.
- The concept of a dwelling in this location is therefore considered acceptable. The success of a scheme such as this will depend upon the siting of the dwelling, its design and the quality of the materials used. All of which will need to be justified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

**POLICY CONTEXT**

Designations applicable to site:

Location of dwelling within the Built up Area Boundary.

Lindsey Treatment Catchment.

Located on the edge of the Walberton Village Conservation Area.

**DEVELOPMENT PLAN POLICES**

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

|        |  |
|--------|--|
| DDM1   | D DM1 Aspects of form and design quality |
| DSP1   | D SP1 Design                             |
| SDSP2  | SD SP2 Built-up Area Boundary            |
| WDM1   | W DM1 Water supply and quality           |
| WDM2   | W DM2 Flood Risk                         |
| WSP1   | W SP1 Water                              |
| WDM3   | W DM3 Sustainable Urban Drainage Systems |
| ENVDM4 | ENV DM4 Protection of trees              |
| ENVDM5 | ENV DM5 Development and biodiversity     |
| HERDM3 | HER DM3 Conservation Areas               |
| HERDM1 | HER DM1 Listed Buildings                 |
| SDSP1  | SD SP1 Sustainable Development           |

TSP1 T SP1 Transport and Development

|   |   |
|---|---|
| <a href="#">Walberton Neighbourhood Plan Policy 2017 HP13</a> | Design Guidance                                   |
| Walberton Neighbourhood Plan Policy 2017 GA5                  | Traffic Management                                |
| Walberton Neighbourhood Plan Policy 2017 VE4                  | Conservation Areas and Areas of Special Character |
| Walberton Neighbourhood Plan Policy 2017 HP1                  | Spatial Plan of the Parish                        |
| Walberton Neighbourhood Plan Policy 2017 HP11                 | Housing Density                                   |

**PLANNING POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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

The relevant policies in the Walberton Neighbourhood Development Plan have been taken into account in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with the Development Plan in that it proposes residential development within the built up area boundary as it applies to the Arun Local Plan and Walberton Neighbourhood Plan and would not adversely impact on either visual or residential amenity or the character of the area.

**OTHER MATERIAL CONSIDERATIONS**

There are other material considerations that warrant a decision other than in accordance with the development plan namely the acceptable impact of the proposal on the character of the area.

**CONCLUSIONS**



PRINCIPLE:

The site lies within the built up area boundary of Walberton where development is acceptable in principle. The access to the site is outside of the built up area boundary (BUAB) but it is an existing access and no new access is created.

The development in so far as the dwelling and curtilage are concerned is in accordance with policy SD SP2 of the Arun Local Plan provided it complies with other key policies of the Local Plan density, trees and highway safety.

Policy HP1 of the Walberton Neighbourhood Plan resist the development of dwellings outside its built up area boundary. However, the dwelling and curtilage do not conflict with this policy as they are within the BUAB.

Arun Local Plan:

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development) of the Arun Local Plan. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

NPPF:

The NPPF generally seeks to promote effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)) especially if this would help to meet identified needs for housing where land supply is constrained.

Conclusion on Principle.

The development complies with Development Plan policy with regards to the dwelling and curtilage. The access point is outside of the BUAB but it largely utilises an existing access/driveway and therefore does not unacceptably harm this countryside designation.

It is now necessary to assess compliance with other issues as outlined below.

ACCESS/HIGHWAYS:

Access is a matter to be determined at this time and the scheme proposes to create a new access to the east of the site, linking it to an existing adopted private access way serving Coppice House.

Local residents object to the scheme on the grounds that the access is unsafe affecting the traffic created by the Church to the south.

Policy T SP1 of the Arun Local Plan seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The access arrangements have been assessed by West Sussex Highways. They consider that visibility at the junction onto Church Lane is sufficient for the anticipated road speeds and there is no evidence to suggest that the junction (Church Lane) is operating unsafely or that the addition of a single dwelling would exacerbate an existing safety concern.

They conclude that the proposal for a single dwelling would not have a 'severe' impact on the operation of the Highway network and the proposal is therefore not contrary to the National Planning Policy Framework (paragraph 109) with regards to highway safety.

Policy T SP1 also includes guidance on car parking. However, parking will need to be assessed at a further application as the layout is only provided for illustration. There are no details as to the sizes of the houses (particularly the number of bedrooms) such that the required parking provision could be determined at this stage.

There are no highway grounds to resist the proposal and the proposal therefore complies with policy T SP1 of the Arun Local Plan.

#### CHARACTER & VISUAL AMENITY

Although the layout plan is not to be decided at this time, the applicant indicates one detached dwelling and this reflects the description of development. It is necessary to consider whether one dwelling is appropriate at the site.

Arun Local Plan policies D DM1 and D SP1 requires that the Council have regard to certain aspects of development including that it reflects the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The indicative layout is considered to represent an acceptable density as it is within a range set by that of other surrounding residential houses. The housing density is considered to compliment the character and appearance of the immediate area. No.7 The Meadows is located in a significantly larger plot and although the plot is proposed to be subdivided the resulting character would be compatible with the existing character and appearance of the area in compliance with policies D SP1, and D DM1 of the Arun Local Plan and Policies HP11 and HP13 of the Walberton Neighbourhood Plan.

Further, the NPPF generally seeks to promote effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

#### NEIGHBOURING AMENITY:

Local residents should note that this application can only determine the principle of the development and the access arrangements. Matters relating to design, appearance, scale (i.e. building height) and layout are to be reserved for a future application. Therefore, it is not possible to give full weight to these concerns at the current time. However, the following points are made in response to the objections.

As stated above, it is considered that the illustrative layout indicates that the dwelling could be sited so as to be sufficiently far enough away from existing dwellings to ensure that privacy is maintained. Should this application be approved a further reserved matters application will consider siting, layout and appearance so that the impact on neighbouring residential amenity can be assessed and safeguarded.

#### IMPACT ON THE SETTING OF THE CONSERVATION AREA:

The proposed access for the site is located in the Walberton Conservation Area whilst the siting of the dwelling lies outside and beyond the edge of the Conservation Area.

A dense screen of shrubs and trees is present to the east of the site which is considered to provide an effective screen of the site from Church Lane. The Council's Conservation Officer is supportive in principle of a new dwelling at this location subject to control over the siting, design and quality of the materials to be used in the dwellings construction.

Overall the development in principle is acceptable as it has a neutral impact on the Conservation Area in accordance with HER DM3 of the Arun Local Plan.

**TREES:**

The applicant has demonstrated 'in principle' that some development could occur on this site without undue detriment to significant trees worthy of retention. At this stage there is no information given relating to the type/quality of trees present nor is there information to satisfy the Council no undue harm to existing trees will take place were development to commence.

With the Council's Tree Officers agreement a condition is proposed to overcome his on principle objection. The conditions as recommended are adequate to ensure harm is mitigated and where the development proceeds these conditions would protect any significant trees from harm.

**ECLOGY:**

Local residents also have concerns with the proposal in respect of biodiversity, as the site is located on the edge of the village and abutting open fields. The location of the proposed dwelling is within a domestic garden and therefore the requirement to provide information on biodiversity of the impact of the scheme is not required.

**SUMMARY**

The proposed development is in outline form and based on the indicative details submitted it is not considered to result in any unacceptable adverse impacts on the area by way of design, neighbouring residential amenity and local highway safety and is therefore in accordance with relevant development plan policies.

It is therefore considered that this application should be approved subject to the conditions set out below.

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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

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

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

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

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

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

Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and T SP1 of the Arun Local Plan 2011-31.

- 4 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be

maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- . An indicative programme for carrying out the works.
- . The anticipated number, frequency and types of vehicles used during construction.
- . The method of access and routing of vehicles during construction.
- . The parking of vehicles by site operatives and visitors.
- . The loading and unloading of plant, materials and waste.
- . The storage of plant and materials used in construction of the development.
- . Proposed construction days/hours.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies T SP1, QE DM1 and QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a road which could compromise highway safety in accordance with the National Planning Policy Framework.

- 6 No development including site access, demolition or associated construction activities shall commence unless and until an Arboricultural Implications Assessment (AIA) has been submitted and agreed in writing with the Council. The AIA must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same. All details/measures agreed must be adhered to for the duration of the development.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre commencement condition so as to safeguard the health of any trees identified to be retained.

- 7 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District

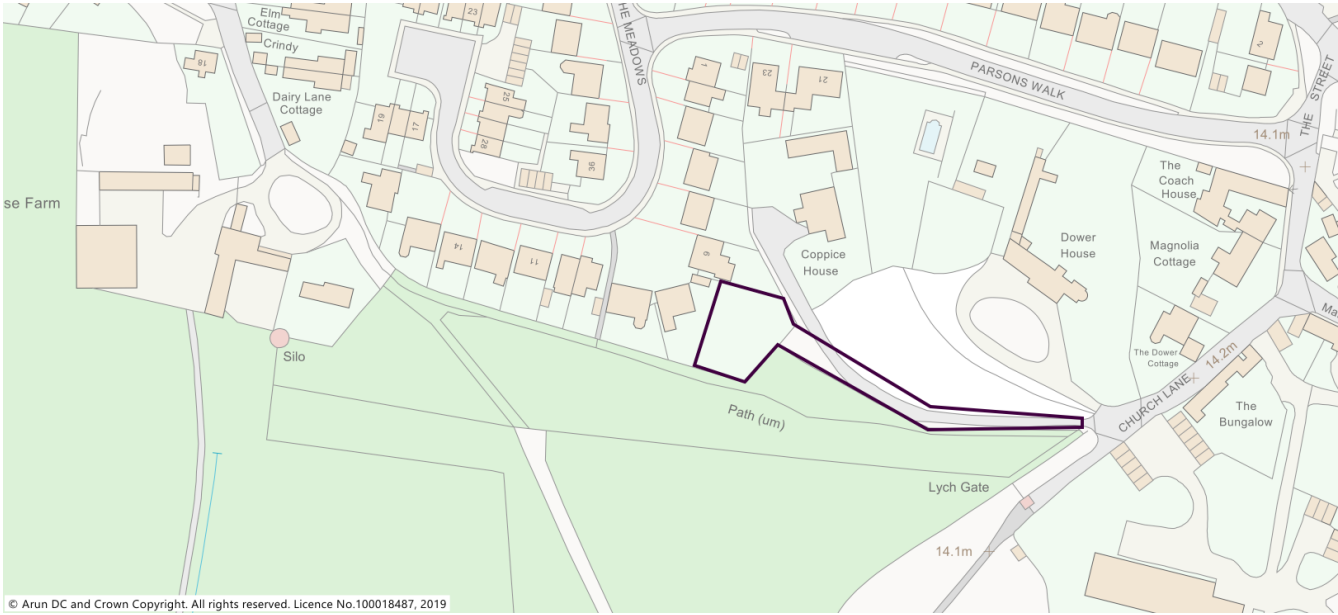
Councils website, this should be submitted with a Discharge of Conditions Application.

- 8      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9      INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 10     INFORMATIVE: The applicant is advised to contact the proprietor of the private access drive in order to obtain formal approval for the site access works onto the private lane.

|                          |
|--------------------------|
| <b>BACKGROUND PAPERS</b> |
|--------------------------|

[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)

**WA/75/18/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: P/37/19/PL

LOCATION: 10 Harbour Road  
Pagham  
PO21 4TG

PROPOSAL: Demolition of existing structures and the building of a new modern family home

**SITE AND SURROUNDINGS**

|                            |   |
|----------------------------|---|
| DESCRIPTION OF APPLICATION | The application seeks to demolish the existing structures on the site to construct a replacement 3 bed family home which would be single storey and constructed of larch. The front of the roof features a screened deck area to the rear of which is a green roof. Car parking is retained to the front of the property. |
| TOPOGRAPHY                 | Predominantly flat.   |
| TREES                      | None of any significance affected by the proposed development.  |
| BOUNDARY TREATMENT         | The boundaries to the east and west and rear consist of fencing approximately 1.8m in height. To the front there is a fence of around 1m.   |
| SITE CHARACTERISTICS       | The site consist of various flat roof structures including railway carriages.   |
| CHARACTER OF LOCALITY      | The area consist of residential properties of various styles and designs.   |
| None.                      |   |

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Pagham Parish Council

Pagham Parish Council provided an objection stating it represented an overdevelopment of the plot resulting in an overbearing effect on the neighbouring properties. The building footprint significantly increase compared to that which exists.

1 letter of objection from nearby occupier

- There is an outside stairway to a roof terrace. This will lead to my property being overlooked.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

## CONSULTATIONS

Engineers (Drainage)

### CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - There are no conditions to request. Further information regarding the property and the Environment Agency flood mapping has been provided which should be viewed online.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

Area of Special Character

Pagham Harbour Zone A

Built up area boundary

### DEVELOPMENT PLAN POLICES

[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  |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| HERDM4 | HER DM4 Areas of Special Character                      |
| ENVDM2 | ENV DM2 Pagham Harbour                                  |

### PLANNING POLICY GUIDANCE:

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

### SUPPLEMENTARY POLICY GUIDANCE:

|     |  |
|-----|--|
| PDS | Pagham Parish Council's Village Design Statement by PaghamPC |
|-----|--|

## 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for

the relevant designated neighbourhood area.

Pagham does not have a made Neighbourhood Plan but its emerging plan has reached Regulation 14 stage and therefore policies 1 and 3 are relevant.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

As stated in SD SP2 the key policies considered are DDM1, DDM4 and HER DM4 of the Arun Local Plan.

Policy 1 and 3 of the emerging Pagham Neighbourhood Plan are of relevance to the proposal and the proposal complies with these policies. Policy 1 directs development to the built up area and Policy 3 seeks to ensure design reflects and enhances the character of the area. The site is in the built up area and the design, being on an estate of dwellings of differing appearance, enhance the character of the area.

##### **DESIGN AND VISUAL AMENITY**

The proposal seeks to demolish existing structures and construct a modern single storey replacement dwelling.

The area is mixed in appearance, with varied design and scale. The dwelling sits comfortably in the street scene in terms of its scale and massing and is not considered unduly dominant upon the street scene retaining 14m to the front boundary of the property. The dwelling is single storey and does not extend beyond the principle elevation of neighbouring properties at the front. To either side of the dwelling are bungalows which have a higher roofs than the new dwelling. The new dwelling would have a larger footprint than those either side particularly in the "L" shaped rear addition.

The dwelling incorporates design features which give the property a modern character. It is designed with a contemporary appearance and will be constructed of Larch and a variety of sustainable roof types consisting of a green roof and solar panels. The front elevation of the dwelling has a timber decked roof to form a roof garden with a staircase for access to this with a balcony to a height of 1.6m.

The dwelling is considered to improve the appearance of the site. The new dwelling by virtue of its size,

location and design is not considered to give rise to any unacceptable adverse impact on the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The dwelling has 3 main living areas with a narrow structure forming a corridor between the main dwelling and single storey rear addition. The dining/living area fronting the street scene has a depth of 6.3m and a width of approximately 9m retaining approximately 1m to side boundaries. It has a maximum height of 5.25m with 1.6m of that forming a timber railing for the roof garden. A staircase will be positioned to the rear of this for access to the roof garden.

The dwelling then increases in depth a further 6.5m and serves bedrooms. The height will reduce to approximately 3.6m and will have a green roof.

To the north western elevation the dwelling continues to run along the boundary to form a linking corridor. It is 3m high and 2m wide and connects to a rear structure which has a sloping roof with solar panels to a maximum height of 3.75m and width of 9.7m. There is approximately 3m retained to the rear boundary. An inner garden is formed between the main dwelling and rear connecting structure.

Whilst the dwelling extends beyond that of neighbouring properties it is of a modest height and an outbuilding could be constructed up to 4m at this distance from the boundary without permission. It is not considered the rear addition of the dwelling results in any adverse impacts upon the neighbours to this elevation additional to that which could be built under permitted development.

The height of the dwelling sits below the ridge heights of neighbouring properties at No.12 and No.8 which are bungalows and, as a result, is not considered to give rise to any adverse overbearing or overshadowing impacts upon neighbouring occupiers. There are additional windows and doors however none are in a position that are considered to give rise to any adverse overlooking upon neighbouring amenity with fencing along all boundaries and trees to the rear.

The timber balcony encloses the front, side and rear elevation of the timber decked roof situated at the front of the property and as a result of its siting with views to the south of the street scene and the neighbouring properties at single storey, it is not considered to provide adverse overlooking with no direct views into neighbouring properties.

The development is not deemed to harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

#### AREA OF CHARACTER

The dwelling is located in an Area of Character. The proposal creates a dwelling individual in style with the use of non-traditional materials which is not out of character in the area and Pagham Beach Estate and as a result the proposal is not considered to give rise to any harm upon the character of the area and accords with HERDM4 of the Arun Local Plan.

The property is located in Pagham Harbour Special Protection Area. The proposal seeks to replace a dwelling and does so with only a small increase in footprint. It will not result in the introduction of residential occupiers and therefore has only a minimal effect on the local environment. There is no requirement for a contribution towards the Pagham Harbour SPA in accordance with the policy adopted at Cabinet on 10th April 2017

#### PARKING

There will be an additional paved area to the front of the dwelling however 14m is retained to the road frontage and it is not considered that the proposal will give rise to any parking or highway issues.

## SUMMARY

The proposed development is deemed to accord with the relevant development policies and 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.

### 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 - 295- DWG- 001
- Area Location Map - 295- DWG -004
- Block/Site Plan and Side Elevations Proposed - 295- GA-01 Rev D
- Plans Proposed - 295- GA-03 Rev A
- Elevations - External Proposed - 295- GA-04 Rev A
- Elevations - Internals/Sections Proposed - 295 GA- 05 Rev B
- Roof Plan and Section Proposed - 295- GA -02 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy DDM1 of the Arun Local Plan.

- 3 The balcony roof screening shall be constructed to the balcony/timber deck as shown on plan 295-GA-05 Rev B to a height of 1.6m and retained in its entirety in perpetuity. The balcony/timber deck shall not be used until the balcony screening is completed.

Reasons: In the interests of amenity of neighbouring dwellings in accordance with policies DDM1 of the Arun Local Plan.

- 4 The green roof area shown on the approved plans shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard amenities of occupiers of adjoining property in accordance with policy D DM4 of the Arun Local Plan.

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

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

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

## **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 and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**P/37/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: LU/136/19/PL

LOCATION: Littlehampton Skate Park  
Sea Road  
Littlehampton  
BN16 2NA

PROPOSAL: Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for new concrete skate park with 4 No. floodlighting & new parkour training facility. This application is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION This is an application submitted by Arun District Council for the provision of additional equipment within the area of the skatepark.

This would include a new skate park 1.8m in height, 41m in length and 8m wide and a training facility structure (framed exercise apparatus) 10m x 8m in area with a maximum height of 2.8m.

A set of 4 flood lights would be located on 3 sides of the skate park and would be 8m high. One at each end and two on the southern side.

SITE AREA 2700 sq. metres.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Low walling approximately 0.5m high to road frontage. Hedging to west approximately 1m in height and to rear approximately 2m high. To the east some bush planting approximately 1m high.

SITE CHARACTERISTICS The site is located in front of pumping station and already includes a skate board ramp which has a tarmac base with a range of metal ramps and steel handrails. The area surrounding the existing equipment is grassed with pathways linking the equipment to the pavement on Sea Road.

CHARACTER OF LOCALITY A seafront location adjacent to the entrance to the new swimming centre. A golf course is located to the north and west.

**RELEVANT SITE HISTORY**

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council.  
Awaited.

#### 2 Support:

- Would love to see the skate park developed into a modern facility.
- This facility would benefit young people by providing a place to practice improving physical health as well as social and mental wellbeing.
- Skate parks can create a positive and supportive community user group.
- These facilities develop spatial awareness.

#### 3 Objections:

- The proposed extension and floodlights are not in keeping with the location close to a quiet residential area.
- Anti social activities by skateboard users.
- There will be conflict with the railway just the other side of the site.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The railway and crossing area is outside of the application site and cannot be controlled as part of this proposal.

With the imposition of suitable conditions lighting could be controlled adequately to prevent adverse nuisance to neighbouring dwellings which are in excess of 100m from the site. Given these distances noise levels are not considered to result in material harm.

## CONSULTATIONS

Parks and Landscapes

Environmental Health

Estates Manager

Sport England South East

Southern Water Planning

Economic Regeneration

Engineering Services Manager

Engineers (Coastal Protection)

Engineers (Drainage)

Environment Agency

WSCC Strategic Planning

**CONSULTATION RESPONSES RECEIVED:**

Southern Water - No Objection. Informative requested.

Sport England - No Objection. Advice provided.

Environment Agency - Awaited.

Environmental Health - No Objection subject to imposition of conditions relating to noise, external lighting, a construction management plan and hours of construction.

County Highways - Awaited.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

It would not be appropriate to control details of the construction given the distance of the site from adjacent residential properties. Also given that there is a long established skate park and the considerable distance away from the nearest residential properties it is not necessary or reasonable to impose the conditions concerning the control of noise suggested by Environmental Health.

**POLICY CONTEXT**

Designation applicable to site:  
 Outside Built Up Area Boundary  
 Flood Zone 3

**DEVELOPMENT PLAN POLICES**

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

|        |   |
|--------|---|
| DSP1   | D SP1 Design  |
| DDM1   | D DM1 Aspects of form and design quality                      |
| TSP1   | T SP1 Transport and Development                               |
| CSP1   | C SP1 Countryside   |
| WDM2   | W DM2 Flood Risk  |
| OSRDM1 | Protection of open space, outdoor sport, comm& rec facilities |
| HWBSP1 | HWB SP1 Health and Wellbeing                                  |
| QEDM1  | QE DM1 Noise Pollution  |
| QEDM2  | QE DM2 Light pollution  |
| QESP1  | QE SP1 Quality of the Environment                             |

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)      The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2      A Spatial Plan for the Town

**PLANNING POLICY GUIDANCE:**

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

## 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Littlehampton Neighbourhood Plan has been made and policies 1 Presumption in Favour of Sustainable Development and 2 A Spatial Plan for the Town are considered to be relevant to the determination of this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the expansion of an existing skate part is in compliance with local plan policy to protect community facilities in the District without having an unacceptable impact on the visual amenities of the locality or the residential amenities of nearby properties.

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE

The proposed development is situated outside the built up area boundary as defined in policy SD SP2 of the Arun Local Plan. It therefore falls to be considered as countryside and against policy C SP1 of the Local Plan. Part (f) of this policy allows for development that accords with policies in the Plan which refer to a specific use or type of development. The proposal would enhance an existing outdoor community sports facility in accordance with policy OSR DM1 of the Local Plan and is therefore also compliant with policy C SP1.

In this case the other key policy considerations are deemed to be D DM1, QE DM1, QE DM2, QE SP1 and D SP1 of Arun Local Plan which cover such issues as visual amenity/character and residential amenity.

Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. The policy states

that existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped unless the development is for an alternative open space, sports, community and the needs outweigh the loss.

Policy HWB SP1 of the Arun Local Plan relates to The promotion of healthy communities and reducing health inequalities.

Policy 1 of the Littlehampton Neighbourhood Plan (LNP) supports development that is in accordance with policies of the LNP and other development plan policies. Policy 2 promotes community facilities that are provided within the built up area of Littlehampton. Whilst the proposal is located outside the built up area boundary as defined in the Neighbourhood Plan and contrary to Policy 2 the proposal is acceptable in this regard given that it is an expansion of an existing facility and is in accordance with the policies of the Arun Local Plan.

Further, the National Planning Policy Framework (NPPF) generally seeks to promote the effective use of all land (para 117) and seeks to promote healthy and safe communities and improve opportunities for sport and physical activity (paras 91 and 96). Whilst outside of the defined BUAB, the site is in a sustainable location.

#### **CHARACTER AND VISUAL AMENITY**

The application seeks permission for additional equipment to an existing skate park.

The site is enclosed by hedging to the west and the existing pumping station to the north. It is not considered that the structures would be visually prominent given their position, dimensions and boundary screening. Therefore, given the size and design of the proposal it is considered to be in accordance with policy D DM1 of the Arun Local Plan.

The aims of Policy C SP1 is to preserve the character and beauty of the countryside and to manage the urban/rural fringe. The proposal would not result in demonstrable harm to the character of the area.

The application site is adjoined to the south by the road adjacent to the seafront, north by the pumping station, east by the entrance to the swimming centre and west by the golf course. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form and recreational uses. The additional structures would not significantly alter the appearance of the area.

The new swimming centre bounds the site to the east, and as a recreational use the proposed structures would not only complement and improve the existing facilities on the site but they would also be in accordance with the use of the adjacent site.

#### **RESIDENTIAL AMENITY**

The proposal will be located approximately 110m from properties in Reef Close to the north west, and 120m to 130m from those in Humber Close and Fairway to the north.

The proposal would not be likely to cause an unacceptable adverse impact given the area is already used as a skate ramp area and is more than 100m from the nearest residential properties. Notwithstanding, the Environmental Health officer has suggested the imposition of a condition to monitor and control noise levels and this is included in the recommendation. The development is therefore considered to accord with policies D DM1 and Q SP1 of Arun Local Plan.

The proposal includes floodlighting around the new skate park facility. These floodlights would be 8m high and would be positioned to illuminate the ramped area. Light spill can be controlled from the units and it is suggested that the hours of operation are restricted by condition to ensure there is no adverse

impact on the character of the area or residential amenity. 9pm is considered a reasonable switching off time. This would reduce activity levels beyond this time in the winter. With these measures in place the proposal would accord with policy QE DM2 of the Arun Local Plan.

#### OPEN SPACE AND WELLBEING

Policy OSR DM1 of the Arun Local Plan relates to open space, sport and recreation. The policy states that existing open space, outdoor and indoor sport, community, arts and cultural facilities will be protected.

The proposal for additional outdoor facilities not only protects an existing facility but enhances it in accordance with the aims of policy OSR DM1 of the Arun local Plan.

Policy HWB SP1 of Arun Local Plan requires all development to be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. Where new health, recreation and leisure facilities are planned, where possible, these shall be located along public transport corridors that are easily accessible to members of the wider community. The proposal would be close to bus stops and meet these requirements by improving the range of equipment offered at the site and increasing the opportunities for recreation to a wider community.

Littlehampton Neighbourhood Plan Policy 16 Open Spaces states that existing facilities should not be lost to alternative uses except in very special circumstances. In this case the proposal would not be in conflict with this policy.

The NPPF para. 91 (c) states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of sports facilities and layouts that encourage walking and cycling. Paragraph 96 refers to access to high quality open spaces and opportunities for sport and physical activity being important for the health and well being of communities. This proposal would meet these objectives.

#### FLOODING CONSIDERATIONS

The application site is within an area of high flood risk, Flood Zone 3a and includes a Flood Risk Assessment (FRA). The proposed infrastructure is defined as 'water compatible development', falling under the 'outdoor sports and recreation' vulnerability classification. The development is therefore exempt from the Exception Test.

As the proposed skate park is located in Flood Zone 3 it is necessary to apply a sequential test to determine whether the development is located on the most appropriate site. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In this particular case other locations were excluded from development because it was considered this was the most appropriate location within an existing skate ramp. By maintaining the existing site as Littlehampton's 'destination' skate park the facility meets Arun Local Plan Policy HWB SP1.

The impermeable area of the site is increased with the installation of the skate park. However, according to the details submitted, the new drainage design will ensure that the risk of flooding is acceptable. Details of surface water drainage are to be conditioned to ensure that the risk of flooding is satisfactorily addressed prior to works commencing on the site.

Policy W DM2 of Arun Local Plan requires development in areas at risk from flooding to only be permitted where certain criteria are met. These include meeting the sequential test, submission of a satisfactory FRA, identification of the sustainability to the wider community and mitigation and adaptation, appropriate flood warning and evacuation plans, and new site drainage systems designed to take account of events which exceed the normal design standard. The development must take account of

relevant surface water management plans. The proposal accords with this policy.

Comments from the Environment Agency have been sought and are being further requested so that Members can be advised on any flooding issues raised by the EA when they meet to consider this application.

**HIGHWAY AND TRANSPORT**

The site is sustainably located along a public transport corridor that is easily accessible to members of the wider community. The proposal would be close to bus stops and there is layby parking on both sides of Sea Road where children could be dropped off and collected by car. It is also easily accessible by the network of public footpaths in the area. The proposal would therefore accord with policies TSP1 and DDM1(10) of the Local Plan.

**SUMMARY**

Overall, taking into account that the equipment is sited on an existing facility and will cause no significant detrimental impact on the character of the area or residential amenity, it is deemed to be in accordance with policies CSP1, WDM2, D DM1, TSP1,HWB SP1, OSRDM1 and QEDM1 of the Arun Local Plan. It is recommended that planning permission is approved subject to the following conditions.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

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

Location Plan  
Block/Site Plan  
Concept 5 Dimensions Plan  
Concept 5 Dimensions  
Parkour Training Facility NSP119  
Elevations of Tubular Post Top Column Lighting 28350-1

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 Flood Lighting hereby approved shall be installed and maintained in accordance with the Lighting Details Littlehampton Skate Park Option 5 document submitted with the application. The approved lighting shall be switched off between 2100 and 0700 hours.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 4 The development shall not commence until surface water drainage details have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the approved details. Any details approved shall be permanently retained.

Reason: To prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site in accordance with policies W DM2 and WDM3 of the Arun Local Plan.

- 5 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

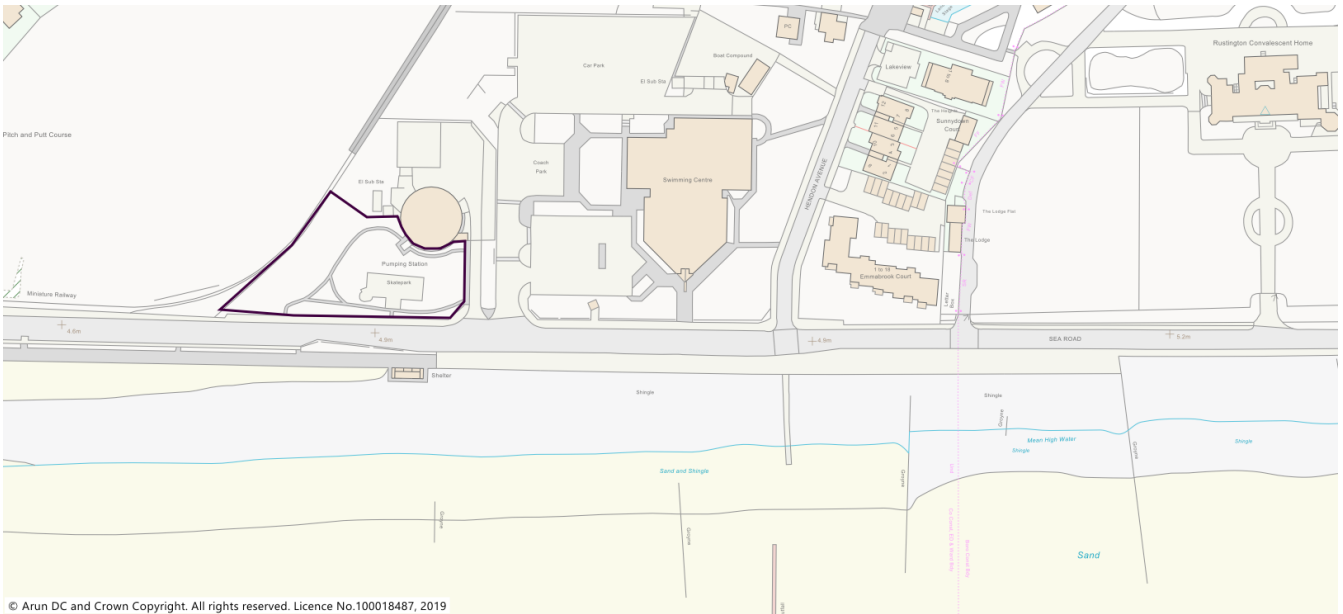
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including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

## 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 and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)



**LU/136/19/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/14/19/PL

**LOCATION:** Coopers Yard  
Shripney Road  
Bognor Regis  
PO22 9LN

**PROPOSAL:** Retention of storage container. This application may affect the setting of listed buildings.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |  |
|----------------------------|--|
| DESCRIPTION OF APPLICATION | The application seeks the retention of a metal storage container to the front of the property.   |
| TOPOGRAPHY                 | Site rises up from road  |
| TREES                      | None affected by the development.  |
| BOUNDARY TREATMENT         | The front elevation consists of a wall approximately 1.8m in height, part brick and fencing with wooden gates. The northern elevation consist of brick wall and the side elevation of No.3 Farm Cottages forms the southern elevation to the application site. |
| SITE CHARACTERISTICS       | The site is occupied by a small manufacturing unit used for the manufacture and distribution of massage units. There is space to the front of the property to allow the parking at least 3 cars.   |
| CHARACTER OF LOCALITY      | The area consists of a mixture of residential and commercial properties. There is a listed building next to the site to the south, followed by ' The Friary Arms'. To the north is a car rental business.  |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|            |  |                                  |
|------------|--|----------------------------------|
| BR/7/13/   | Change of use from car servicing and repair (General Industry B2) to light industrial (Business B1)  | ApproveConditionally<br>22-02-13 |
| BR/120/09/ | Change of use from B1 (Light Industrial) for car servicing and repair  | ApproveConditionally<br>24-07-09 |
| BR/303/07/ | Revisions to previously approved detached building with B1 use (BR/37/03) to incorporate revised roof detail and fenestration and doorway changes. | Approve<br>26-11-07              |

BR/93/98/

Change of use to B1 business with revised plan & elevations to existing building

ApproveConditionally  
30-07-98

Relevant planning history noted.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Objection on grounds of overshadowing, privacy/overbearing, design and appearance, visual impact and the impact upon the residents of the Farm Cottages (listed building).

1 letter of objection from a nearby occupier.

- Due to its size it is detrimental to my property and upon my wellbeing and enjoyment of my home.
- It is dominant and overbearing and provides a sense of enclosure.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in conclusion.

**CONSULTATIONS**

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - The setting of the property has to some extent been harmed by the neighbouring commercial development. That is not to say further inappropriate development should be allowed. It is suggested that if the concept of development in this location is considered acceptable, that a more appropriate designed structure could be considered in this location. This could reduce views through to the neighbouring commercial uses, and potentially be an enhancement. At present the current proposal is not capable of support. Full comments are available online.

Engineers (Drainage)- Awaited

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:

Built up area boundary

**DEVELOPMENT PLAN POLICES**

Arun Local Plan 2011 - 2031:

|        |  |
|--------|--|
| DDM1   | D DM1 Aspects of form and design quality |
| SDSP2  | SD SP2 Built-up Area Boundary            |
| DSP1   | D SP1 Design                             |
| HERDM1 | HER DM1 Listed Buildings                 |

**PLANNING POLICY GUIDANCE:**

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

**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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would have an adverse impact on the setting of the nearby Listed Building contrary to policy HER DM1.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that the structure is for a temporary period and the harm would be removed when the container leaves.

**CONCLUSIONS****PRINCIPLE**

As stated in SD SP2 the key policies considered are D DM1 and HER DM1 of the Arun Local Plan.

Bognor Town Council has a 'made' Neighbourhood Plan however none of the policies are relevant to the application.

#### DESIGN AND VISUAL AMENITY

The storage container is located to the boundary frontage and is highly visible. The site has permission for light industrial and the storage container is to be used to alongside this.

The container is blue and is highly visible. The surrounding area is mixed in design and style of properties and with both residential and commercial uses present.

The container is sited on the northern boundary and is approximately 2.4m in high. The view from the northern elevation is mostly screened with a brick wall of approximately 2m in height and the views from this elevation are limited. Whilst it sits at the frontage, due to the boundary treatment (walling and fencing to around 1.8m), the development is partially screened and as a result is not considered to appear so intrusive in the street scene that a temporary permission is not acceptable. The southern elevation neighbouring properties sit relatively close to the road frontage and whilst the container is visible from the southern elevation again views are partially restricted from these properties as a result of the siting of the container.

The container alters the appearance of the street scene, it is for a temporary period and the impact upon the street scene is considered limited. Due to the mixed design in the area with commercial and residential uses and the container being partially screened from the north and west, the impact upon the street scene is not considered to have an unacceptable impact on the established character of the area or the host dwelling and accord with D DM1 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The proposal has a width of 2.4m and a depth of 6m. It has a height of approximately 2.4m.

With a large wall and garage situated to the northern elevation the storage container is not considered to give rise to any adverse impacts upon this elevation.

The neighbouring property's side elevation forms the boundary to the south of the site. With a kitchen window at ground floor and a bedroom window at first floor level these overlook the container. Whilst it is noted the container may reduce some views from the ground floor window it is not considered significant due to the separation distance of approximately 8m between the container and the side elevation and it is not considered any overbearing or overshadowing impacts would be significant in such that a refusal would be justified.

With no openings to the side of the container it is not deemed to give rise to any adverse overlooking upon this property. As a result of the siting and size of the container is not considered to adversely harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 of the Arun Local Plan.

#### IMPACT ON LISTED BUILDING

The neighbouring properties form a row of 3 cottages which are Grade II listed buildings. The terrace comprises a timber-framed building comprising 3 cottages. The listing description identifies that it is probably C16 or C17. There is a flint wall to the front of the terrace, which appears to continue to the front of the application site. The development around the application site and the listed terrace is mixed with both residential and commercial uses present. The existing setting of the property has to some extent been harmed by the presence of the neighbouring commercial development. However, that is not to say that further inappropriate development should be allowed.

The container is located to the front of the application site, and is visible from the street. It is read in the context of the listed terrace, and it is considered not to be suitable; development in this context should reflect the character of the listed terrace, and not be in conflict with it.

It is suggested by the Conservation Officer that if the concept of development in this location is considered to be acceptable, that a more appropriate designed structure could be considered in this location. This could reduce views through to the neighbouring commercial uses, and potentially be an enhancement. Development in this context should reflect the character of the listed terrace, and not be in conflict with it.

Paragraph 196 of the NPPF relates to when harm is identified it should be weighted against the public benefit of the proposal. As the container is required for the use of a business it is considered to of benefit to the public in which the business contributes to the local economy. Para 192 requires Council's to take account of other factors and as the storage container is of a temporary use the impact is considered limited as when the temporary permission expires the harm to the Listed Building will be removed.

In light of its benefit to the economy and its temporary use, the proposal is considered acceptable in relation to the limited harm provided and the conflict with policy HER DM1

#### SUMMARY

The proposed development is deemed to accord with the 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.

#### RECOMMENDATION

##### APPROVE CONDITIONALLY

- 1 The building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of the period ending 2 years from the date of this permission.

Reasons: To enable the Local Planning Authority to review the circumstances under which this permission is granted and to ensure that the harm created to the setting of the Listed Building is removed in accordance with policy HER DM1 of the Arun Local Plan.

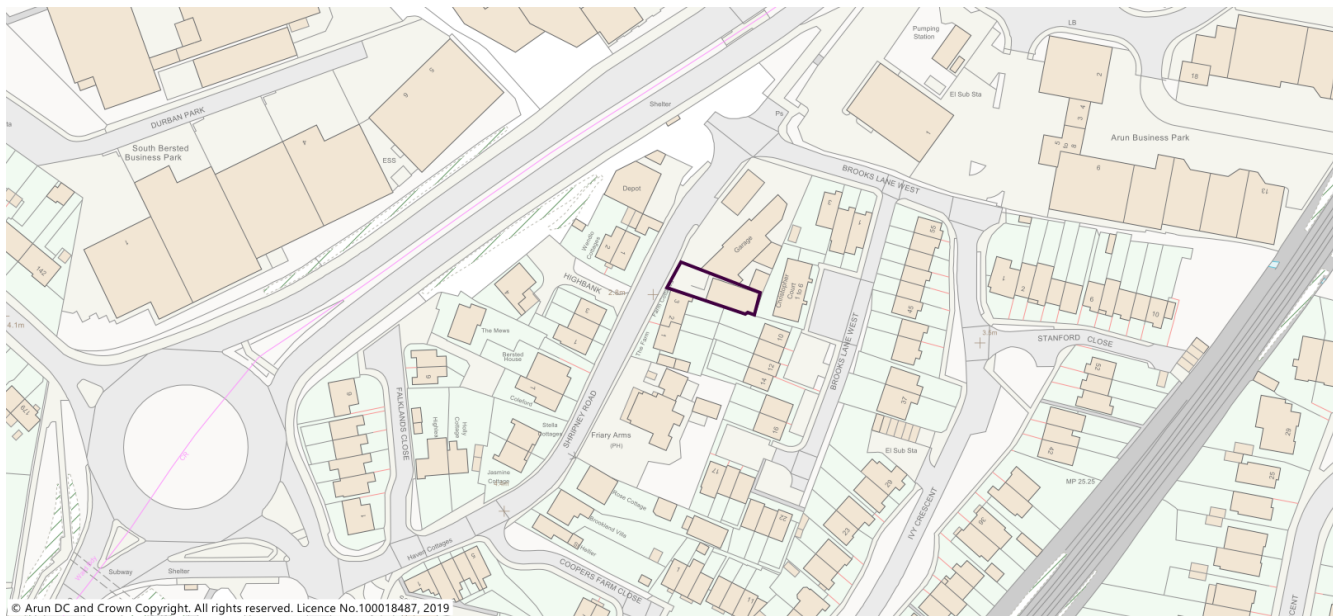
- 2      **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,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

|                          |
|--------------------------|
| <b>BACKGROUND PAPERS</b> |
|--------------------------|

[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)



**BR/14/19/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/35/19/HH

LOCATION: Culver Cottage  
37 Aldwick Road  
Bognor Regis  
PO21 2LN

PROPOSAL: Two storey side extension including demolition of existing garden room. This application affects the character and appearance of the Aldwick Road Conservation Area.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      The application seeks to demolish an existing garden room to the western side of the property and construct a two storey extension of contemporary appearance.

**RELEVANT SITE HISTORY**

|             |  |                                  |
|-------------|--|----------------------------------|
| BR/36/19/L  | Listed building consent for a two storey side extension including demolition of existing garden room.  |                                  |
| BR/300/12/  | Reinstatement of two chimney stacks & internal alterations.  | ApproveConditionally<br>05-02-13 |
| BR/128/12/L | Application for Listed Building Consent for reinstatement of 2 no. chimney stacks, removal of section of wall to form kitchen/dining room, removal of partition wall on landing & relocation of bathroom | ApproveConditionally<br>28-08-12 |
| BR/170/01/L | Application for Listed Building Consent to take down and rebuild in a lime mortar 1:2 and a half, east boundary wall to match existing   | ApproveConditionally<br>07-08-01 |

**REPRESENTATIONS**

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Object on the grounds of design and appearance. It does not maintain the character of the listed building, having a negative impact on its heritage or that of the Conservation Area. It is in conflict with policy 1 of the NPD regarding proposals concerned with extensions and alterations of designated heritage assets, HER DM1 and HER DM3 to preserve and enhance listed buildings.

No representation received from nearby occupiers.

Conservation Area Advisory Committee - No objection, precise details of materials and finished should be submitted to the Conservation Officer.

## CONSULTATIONS

Conservation Officer

Arboriculturist

### CONSULTATION RESPONSES RECEIVED:

Conservation Officer - This Conservation Area predominantly comprises terraces. The area contains a limited number of detached houses, of which Culver Cottage is one. The application is considered to not cause harm to the significance of the heritage assets or their setting

Natural England - No objection. Based on the plans the proposed development will not have significant adverse impact upon statutorily protected sites or landscapes.

## POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Listed Building

Conservation Area

### DEVELOPMENT PLAN POLICES

[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) |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| DSP1   | D SP1 Design  |
| HERDM1 | HER DM1 Listed Buildings                                |
| HERDM3 | HER DM3 Conservation Areas                              |
| HERSP1 | HER SP1 The Historic Environment                        |

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

### PLANNING POLICY GUIDANCE:

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

## CONCLUSIONS

### PRINCIPLE

The key policies considered are DDM1, DDM4 and HER DM1 and HER DM3 of the Arun Local Plan.

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 HERDM3 states proposals should seek to preserve or enhance the character or appearance of the Conservation Area.

Bognor Town Council has a 'made' Neighbourhood Plan with policy 1 of relevance to the application. Policy 1 relates to extensions and alterations of designated and non-designated assets. Proposals should identify the significance of any affected heritage asset and assess any harm and benefit. A heritage statement was submitted with the application with comments regarding this included within the report.

### DESIGN AND VISUAL AMENITY

The proposal seeks to demolish a garden room and construct a two storey extension to the west elevation. The dwelling is detached with Aldwick Road to the north and Victoria Drive to the West. As a result of the siting of the host dwelling and proposed extension, the proposal is highly visible from the street scene.

The development would alter the appearance of the property in the street scene. The change is not necessarily harmful. Whilst the extension is clearly a new addition and not subservient it is well integrated in terms of scale and design with the height siting below that of the host dwelling. The development retains 2.7m to the west boundary and does not appear visually obtrusive or unduly dominant upon the street scene.

In contrast to the existing building, the proposal seeks contemporary materials. Zinc and cedar cladding is proposed to the front and rear elevation. The west elevation will be rendered to match the existing dwelling in colour-washed render.

The extension incorporates design features which give the property a modern character. Whilst these materials are not evident within the street scene, the surrounding area does consist of buildings of a variety of styles and designs and therefore the proposal is not considered to appear adversely out of character and instead is considered to add visual interest to the street scene and wider area.

The two storey extension by virtue of its size, location and design is not considered to give rise to any unacceptable adverse impact on the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The two storey extension is 4.9m wide and runs along the western side elevation with a length of 7.6m which will meet with the rear of the property. It is designed with a flat roof and have a maximum height of 6m which sits just below the eaves of the host dwelling.

With roads adjacent to the property both at the north and west elevation the extension is not considered to appear adversely overbearing or overshadowing upon neighbouring amenity with sufficient separation to the boundaries.

There will be 2 windows to the front which overlook the street scene. To the west elevation there will be 4 additional windows however due to their design and the siting these are not deemed to give rise to any adverse overlooking upon neighbouring amenity and with Victoria Road running alongside this elevation views will mainly consist of the street scene. To the south there is 20m separation to the rear boundary and with a storage/parking area behind this and no neighbouring properties, the extension is again not considered to give rise to any adverse overlooking upon neighbouring amenity.

Due to the siting of the extension, the proposal does not harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 and D DM4 of the Arun Local Plan.

#### CONSERVATION AREA AND LISTED BUILDING

Culver Cottage has been subject to numerous external and internal alterations over the years resulting in a more open-plan property. There is a single storey extension to the front western elevation which is partly hidden behind a later, more substantial garden room. The proposal is to remove the garden room and single storey bathroom wing in favour of a new two storey side extension to the west of the property.

In contrast to the existing property, a contemporary approach has been taken to the extension. If an alternative design is used, the appearance of the existing building could be retained, while introducing a refined design that would enable the focus to remain on the original host property. It is considered that, in this context, this approach is acceptable. Internal alterations appear to be limited to the insertion of a new wall in the bathroom. Such a proposal is acceptable, subject to details such as skirting etc. matching the existing features.

The success of the proposal is be reliant upon the quality of the materials and finishes proposed. The application is considered to not cause harm to the significance of the heritage assets or their setting.

The proposal is considered to comply with HER DM1 and HER DM3.

#### TREES

There is a large tree located to the rear of the extension. No works are proposed to the tree however an informative will be included to ensure that adequate tree protection methods are in place and any consents required are in place should works be required at a later date.

#### SUMMARY

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

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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

Rights.

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

#### **RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

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

- Location and Block Plan
- North Elevation 599-105E
- South Elevation 599-107
- West Elevation 599-108 E
- Proposed Roof Plan - 599-104
- Proposed First Floor Plan - 599-103 E
- Proposed Ground Floor Plan - 599-102E
- Proposed Site Plan - 599-101

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

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

policy D DM1 of the Arun Local Plan.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 INFORMATIVE: The proposed development may affect trees within the site or on neighbouring land. The applicant should ensure that adequate tree protection methods are in place and any consents required from other land owners are in place.

|                          |
|--------------------------|
| <b>BACKGROUND PAPERS</b> |
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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)



**BR/35/19/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:** BR/36/19/L

**LOCATION:** Culver Cottage  
37 Aldwick Road  
Bognor Regis  
PO21 2LN

**PROPOSAL:** Listed building consent for a two storey side extension including demolition of existing garden room.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |  |
|----------------------------|--|
| DESCRIPTION OF APPLICATION | Demolish existing garden room to the west side of the property and construct a contemporary two storey extension.  |
| TOPOGRAPHY                 | Predominantly flat.  |
| TREES                      | None affected by the development.  |
| BOUNDARY TREATMENT         | Flint wall to front and sides. Fencing to rear adjacent to the Sailing Club.   |
| SITE CHARACTERISTICS       | Grade II Listed property. The house is rendered and pointed cream. There is a lean-to garden room and single storey bathroom wing to the west of the site, a covered walkway to front door and a single storey pitched roof front extension. |
| CHARACTER OF LOCALITY      | Mixed residential and shopping and close to sea front.   |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|             |  |                                  |
|-------------|--|----------------------------------|
| BR/35/19/HH | Two storey side extension including demolition of existing garden room. This application affects the character and appearance of the Aldwick Road Conservation Area.                                     |                                  |
| BR/300/12/  | Reinstatement of two chimney stacks & internal alterations.  | ApproveConditionally<br>05-02-13 |
| BR/128/12/L | Application for Listed Building Consent for reinstatement of 2 no. chimney stacks, removal of section of wall to form kitchen/dining room, removal of partition wall on landing & relocation of bathroom | ApproveConditionally<br>28-08-12 |
| BR/170/01/L | Application for Listed Building Consent to take down and   | ApproveConditionally             |

rebuild in a lime mortar 1:2 and a half, east boundary wall 07-08-01  
to match existing

|              |   |                          |
|--------------|---|--------------------------|
| BR/118/99/TC | Fell tree at the front of property within the Aldwick Road Conservation Area. | No Objection<br>18-06-99 |
|--------------|---|--------------------------|

Noted.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Object on the grounds of design and appearance. It does not maintain the character of the listed building, having a negative impact on its heritage or that of the Conservation Area. It is in conflict with policy 1 of the NPD regarding proposals concerned with extensions and alterations of designated heritage assets, HER DM1 and HER DM3 to preserve and enhance listed buildings.

Conservation Area Advisory Committee - No objection although stated precise details of materials and finished should be submitted to the Conservation Officer.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

## CONSULTATIONS

Conservation Officer

### CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Culver Cottage has been subject to numerous external and internal alterations over the years resulting in a more open-plan property. In contrast to the existing property, a contemporary approach appears to have been taken to the extension. The application is considered to not cause harm to the significance of the heritage assets or their setting.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:  
Built up area boundary  
Listed Building  
Conservation Area

### DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

|        |                                  |
|--------|----------------------------------|
| HERDM1 | HER DM1 Listed Buildings         |
| HERDM3 | HER DM3 Conservation Areas       |
| HERSP1 | HER SP1 The Historic Environment |

**PLANNING POLICY GUIDANCE:**

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

**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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the 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 character or the setting of the Grade II Listed Building or the character of the Conservation Area.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

The application concerns works to a Grade II Listed Building. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building,

and preserve its setting.

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, because the listed building is significant heritage asset proposals should protect the setting of these buildings.

Culver Cottage is an early 19th century Grade II listed detached Georgian property. It is two storeys, rendered with a hipped slate roof. The windows are wooden, sliding sash with their glazing bars intact. There is a Veranda with striped canopy on the ground floor, to the garden elevation of the property. An elongated porch leads from the road across the front garden area to the front door.

The property lies directly to the south of Aldwick Road and to the north of Bognor Regis Sailing Club, and is located within the Aldwick Road Conservation Area. This Conservation Area predominantly comprises of significant and imposing early 19th Century, Victorian and Edwardian terraces, representing an early westward extension of the seaside resort. The area also contains a limited number of detached houses, of which Culver Cottage is one.

Culver Cottage has been subject to numerous external and internal alterations over the years resulting in a more open-plan property. There is a single storey extension to the front western elevation which is partly hidden behind a latter, much more substantial garden room. The proposal is to remove the latter lean-to garden room and single storey bathroom wing in favour of a new two storey side extension to the west of the existing property.

In contrast to the existing property, a contemporary approach appears to have been taken to the extension. If an alternative design is used, the appearance of the existing building could be retained, while introducing a refined design that would enable the focus to remain on the original host property. It is considered that, in this context, this approach is acceptable. Internal alterations appear to be limited to the insertion of a new wall in the existing bathroom. Such a proposal is acceptable, subject to details such as skirting etc. matching the existing features.

The success of the proposal will ultimately be reliant upon the quality of the materials and finishes proposed.

The application is considered to not cause harm to the significance of the heritage assets or their setting and complies with policies HER DM1 and HER DM3 of the Arun Local Plan.

#### SUMMARY

The proposed development is deemed to accord with relevant development plan policies and does not cause harm to the significance of the heritage assets or their setting.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

#### APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

- Location and Block Plan
- North Elevation 599-105 E
- South Elevation 599-107
- West Elevation 599-108 E
- Proposed Roof Plan - 599-104
- Proposed First Floor Plan - 599-103 E
- Proposed Ground Floor Plan - 599-102 E
- Proposed Site Plan - 599-101

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 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To preserve the special character and appearance of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF .

|                          |
|--------------------------|
| <b>BACKGROUND PAPERS</b> |
|--------------------------|

[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)

**BR/36/19/L - 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/87/19/PL

LOCATION: Various sites along  
Bognor Regis Promenade  
Bognor Regis  
BN17 5LF

PROPOSAL: Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Change of use of parts of the seafront for temporary food and drink outlets and other seaside uses together with associated temporary/portable structures and equipment for use by businesses associated with those outlets.

TOPOGRAPHY The applicant is Arun District Council.  
Predominantly flat.

BOUNDARY TREATMENT The promenade is in on a higher level than the road to the north (The Esplanade), with a wall approximately 1.2m high or a very small difference in the level of road. In the vicinity of the Pier there is a marginal difference with railings on the edge of pavement, with the beach running along the southern side.

SITE CHARACTERISTICS Three sites are proposed within a communal promenade of Bognor Regis, to the east from the Pier.

Site A within the north-western corner of the rectangular area in the vicinity of the Pier; 10x10m.

Site B a semi-circular area known as the Bullnose approximately 108 sqm.

Site C of a rectangular shape of 15x5m near Butlin's.

CHARACTER OF LOCALITY Built up area, mix of residential and commercial use.

Site history noted

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection subject to compliance with policy 7 of the Bognor Regis Neighbourhood Plan (BRNP). Facilities should relate to the beach and be focused around 5 specific beach service points/hubs. Should

maintain visual integrity and key views in accordance with the Bognor Regis Characterisation Study 2014. The potential impact on the Bognor Reef SSSI should be considered.

2 letters of objection:

- Site outside Butlins identified as a choke point for vehicles, cyclists, pedestrians and prom train. Temporary unit in 2018 was moved because of this.
- Adequate number of outfits along the Prom - more will affect business sustainability.
- Space needed for Thomas (prom train) quite tight.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council in their policy 7 of the BRNP requires facilities to relate to the beach and be focused around 5 specific beach service points/hubs as indicated on the key priorities map within the Neighbourhood Plan.

The policy statement makes it clear that 'these points are in close proximity to step free access routes between the town and the foreshore. These five service points are the four key access routes as indicated on the key priorities map'; however this map does not contain these points.

The road train (Thomas) would not be impeded by two of the proposed sites (Pier and Bullnose) as they are not on the promenade where the train runs, and there are ample room at the site near Butlin's.

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

- Engineers (Coastal Protection)
- Engineering Services Manager
- Engineers (Drainage)
- Estates Manager
- Environment Agency
- Environmental Health
- Economic Regeneration
- WSCC Strategic Planning
- Southern Water Planning

**CONSULTATION RESPONSES RECEIVED:**

Southern Water: No objection - comment given on proximity of public sewer.

Environment Agency: No objection - structures should be kept in confines of site plans.

Environmental Health: Require detail of operating hours of food and drink outlets and if any generate noise etc.

WSCC Highways: No objection - impact on highway not severe as per paragraph 109 of the NPPF.

Conservation Officer:

Of the three sites proposed, site A, located in close proximity to The Pier (a Listed Building) and the Bognor Regis (The Steyne and Waterloo Square) Conservation Area is of interest. Site A is located almost immediately adjoining Waterloo Square.

The concept of temporary development in this location is considered to be acceptable as it to be placed

on the existing shingle, set to one side of the pier. I note that no information has been provided regarding what any temporary structure would look like, and would request that its appearance should be controlled in order to ensure that it does not harm the neighbouring assets.

On balance, the application is not considered to cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, and the contents of section 66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) need to be taken into account.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted - no objections to the proposals are raised by the statutory consultees. Operating hours are secured by condition 3; the proposed outlets would be unlikely to generate noise and the closest residential properties are at least 30m away.

#### POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Grade II Listed Building

Class C Road

Permitted Development Restriction relating to lighting and flood lighting

#### DEVELOPMENT PLAN POLICES

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

|        |  |
|--------|--|
| DDM1   | D DM1 Aspects of form and design quality                     |
| DSP1   | D SP1 Design   |
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |
| HERDM1 | HER DM1 Listed Buildings                                     |
| HERDM3 | HER DM3 Conservation Areas                                   |
| QEDM1  | QE DM1 Noise Pollution                                       |
| QEDM2  | QE DM2 Light pollution                                       |
| TOUDM1 | TOU DM1 Tourism related development                          |
| TOUSP1 | TOU SP1 Sustainable tourism and the visitor economy          |

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 2 Promoting the Seaside Identity

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

Bognor Regis Neighbourhood Plan 2015 Policy 8C The Pier

#### PLANNING POLICY GUIDANCE:

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

#### 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Bognor Regis has a "made" Neighbourhood Plan and the relevant policies are 1,2, 7 and 8C.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed would improve the quality of the visitor experience, would help to raise the overall profile and image of the area promoting the main tourism assets of the waterfront.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the 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 would not materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

PRINCIPLE:

The sites are situated within 'Wider Town Centre Area' of Bognor Regis on the seafront where such uses

are acceptable.

#### TOURISM:

Policy TOU SP1 of the Arun Local Plan states: 'Proposals for visitor related development will be determined by Arun's capacity to absorb such growth; for Arun this means tourism growth which:

- a. Encourages long -term visitor interest /activity;
- b. Ensures a viable visitor economy;
- c. Provides benefit to local people;
- d. Expands the visitors season; and
- e. Protect and enhance the natural and built environment of Arun

Policy TOU DM1 stresses that proposals which are likely to attract visitors will be supported provided they are in accessible locations.

#### NEIGHBOURHOOD PLAN:

Policy 1 of the Bognor Regis Neighbourhood Development Plan - Delivery of the vision- requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit. Policy 2- Promoting the seaside identity asks for a restoration and an increase of the seaside identity; Policy 7- Promotion of tourism and beach services around five specific Beach Service Points in close proximity to step free access routes between the town and the foreshore; expected to provide the greatest range of amenities such as seasonal promenade cafes, eateries, retail and information outlets relevant to beach and seafront experience and visitor's needs. This policy also requires that any alterations and additions to the seafront will need to assess potential impact on the Bognor Reef SSSI and take any measures necessary to remove any adverse effects on the reef which lies along the coast starting at the Pier and continuing Westward and is of great geological interest being an extensive area of vegetated shingle, a rare habitat type in Britain; and Policy 8c stresses the importance of the pier as a Grade II listed structure and a Key Priority Site in this Neighbourhood Plan.

#### HERITAGE:

Policy HER DM1 requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building. Policy HER DM3 stresses the preservation and an enhancement of the character or appearance of the Conservation Area, planning permission will be granted for proposal within or affecting the setting of a Conservation Area, provided it does not harm important views into, out of or within the Conservation Area.

NPPF part 15 requires protection and enhancement of valued landscapes, sites of biodiversity of geological value; and NPPF part16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

Site A is close to the Pier (grade II Listed Building), on the boundary of a Conservation Area. The facility would be placed on existing shingle and would provide seasonal promenade cafe/eateries of a moderate scale.

No information has been provided regarding the appearance of the structures. As the control of the land rests with the Council the quality of the units can be appropriately managed. The facility at site A would not cause harm to the significance of the heritage assets. The Conservation Officer hasn't raised an objection. The development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM1 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

#### **IMPACT ON SSSI:**

All structures would be portable, small scale and would be unlikely attract a considerable amount of visitors over and above existing users. Therefore it is not considered that the proposed development would have an impact on the Bognor Reef SSSI or Pagham Harbour (Zone B) and would comply with policy ENV DM1 of the Arun Local Plan and policies 2 and 7 of the Bognor Regis Neighbourhood Development Plan.

#### **AMENITY/NOISE:**

The uses positively influence the commercial and entertainment offer of the seafront and due to their temporary nature and character they would not adversely impact the amenities of the surrounding area and occupiers of nearby properties. They would not produce any unacceptable noise or light pollution. In addition, the nearest premises are at least 30m away. As such it would comply with policies QE DM1, QE DM2 of the Arun Local Plan.

#### **CONCLUSION:**

The change of use would bring to the coast services that would promote long term visitor interest and activity and provide benefits to local people complying with policy TOU SP1 of the Arun Local Plan.

The sites have been chosen carefully within accessible locations, within the 5 specific beach service points (the immediate area around the pier, the Bullnose and near Butlin's) in close proximity to step free access according to the requirements of policy TOU DM1 of the Arun Local Plan and Policy 7 of the Bognor Regis Neighbourhood Plan.

The temporary change of use of sites for food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets is considered to comply with relevant policies of the Arun Local Plan and the Bognor Regis Neighbourhood Development Plan in terms of heritage/amenities and the impact on the SSSI.

The proposal is therefore recommended for approval subject to the following conditions.

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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:

- Site Location Plan: 799/01
- Block Plans, Sheet 1 of 2: 799/02
- Block Plans, Sheet 2 of 2: 799/03

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 No operation in connection with the use of the areas outlined in red shown on plan 799/01 for temporary food & drink outlets & other uses, shall take place before 7.30 or after 23.00 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1, QE DM2.

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

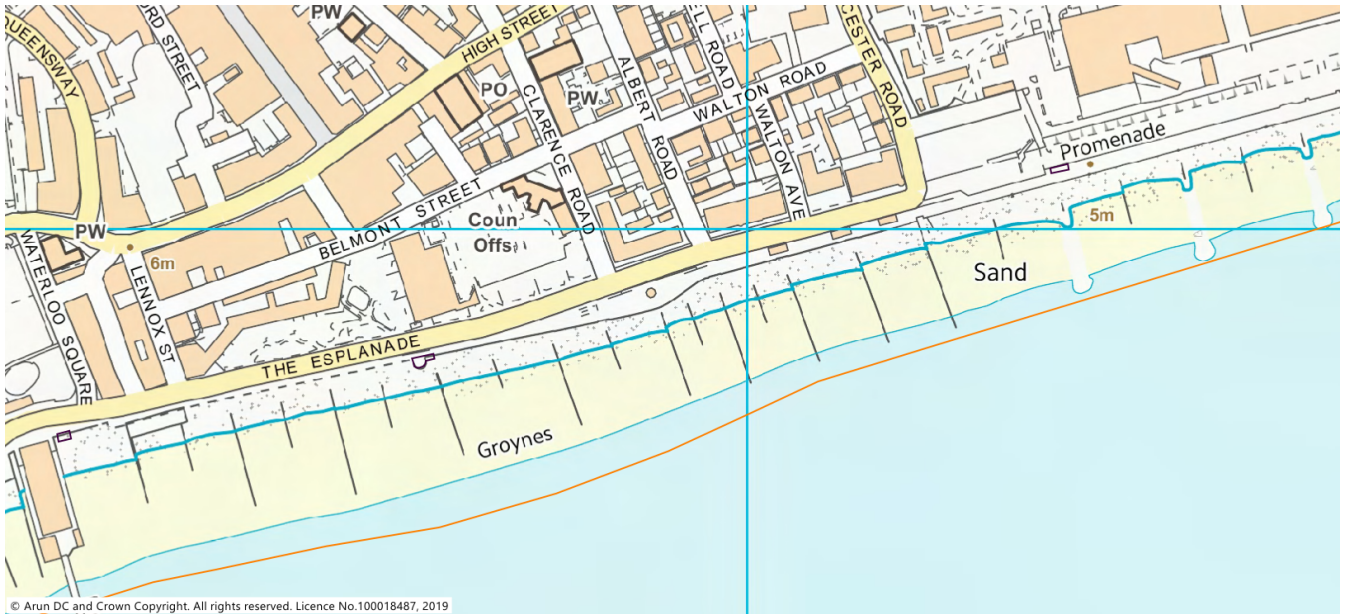
against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**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 and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)



**BR/87/19/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: BE/30/19/PL

LOCATION: Babsham Business Centre  
Babsham Lane  
Bersted  
PO21 5EL

PROPOSAL: Retention of secure containers, welfare facilities & secure fencing together with associated landscaping works.

**SITE AND SURROUNDINGS**

|                            |  |
|----------------------------|--|
| DESCRIPTION OF APPLICATION | Regularise ancillary facilities and development that has occurred in association with the approved use for the storage and delivery/removal of skips.<br><br>The application seeks permission to retain two secure containers (one for secure storage the other houses a generator), a portaloos, a portacabin used as an office/staff room, fencing along the southwestern boundary (mix of 2.15m mesh fence & 2.45m timber fence), 2.55m high gates, two 2m high flat topped landscaped bunds along the south east boundary and the areas of the site used for temporary vehicle storage, skip welding (both within the Dutch barn) and vehicle manoeuvring. The containers and portacabins vary in height, the highest being around 2.9m. The site layout includes an area of scrub land retained as a receptor area for reptiles including a reptile hibernaculum. |
| SITE AREA                  | 0.5 hectares.  |
| TOPOGRAPHY                 | Predominantly flat with 2m high flat topped bunds on the south eastern boundary.   |
| TREES                      | No trees on site. A couple of small/medium trees in the south eastern boundary hedge including an oak previously considered to have the potential to be used by bats and protected by planning condition.  |
| BOUNDARY TREATMENT         | Hedge and 2m high flat topped bunds to the south eastern boundary. Low earth bunds with scrub vegetation to the north western and north eastern boundaries. Mix of 2.15m mesh fence & 2.45m timber fence to south western boundary.  |
| SITE CHARACTERISTICS       | Used for storage of skips as an overflow facility to Recycle Southern Ltd's Elbridge Farm site. The only building is a barn which was previously open to the sides but has been altered with new walls.  |
| CHARACTER OF LOCALITY      | Rural area with a business centre on land to the south west. Residential properties to the south west at 20-25m from the   |

site. The access is along Babsham Lane (which is fronted by these residential properties) and down a single width track running along the south eastern side of the business centre. Arable agricultural fields to the northwest, northeast and southeast.

**RELEVANT SITE HISTORY**

BE/79/17/PL                      Change of use of land for skip storage                      ApproveConditionally  
12-12-17

The site was formerly part of a farm and was used for the storage of agricultural items. BE/79/17/PL was granted permission in December 2017 for the land to be used as an overflow skip storage site in connection with Recycle Southern's operation at Elbridge Farm subject to the following conditions which control how the site is to operate:

(7) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority.

(10) The use of the site shall be restricted to the hours of 8am to 6pm Mondays to Fridays, and 8.30am to 1pm on Saturdays, and the site shall not be used at any time on Sundays and Public Holidays.

(11) All vehicles, plant and machinery to be used on the site and those under the applicant's control moving to and from the site that are required to emit reversing warning noises, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.

(12) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site, unless approved in writing by the Local Planning Authority.

(13) No skips shall be stacked at a height greater than 3 metres.

(14) The site shall only be used for the storage of skips in accordance with Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 and for no other purpose (including any use in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

"Policy QE SP1 Quality of the environment, and QE DM1 - Noise Pollution - this application does not conform with the Local Plan objectives. (1) The site is unneighbourly, more vehicle movements and work involving welding will result in more noise pollution for the surrounding properties. The stated operating times of 8am to 6pm Monday to Friday and 8.30am to 1pm and no working on Sunday and Bank Holidays should remain. (2) the proposals will affect the highway safety of a country lane for residents

with extra lorry movements. (3) the workshop is too close to existing buildings, which has been stated as housing a generator and flammable materials associated with welding."

Eleven letters of support:

- (a) Recycle Southern provide a brilliant waste recycling service and need space to expand;
- (b) Without this site there could be more flytipping in the district and more waste to landfill;
- (c) No other similar waste recycling services in the area; and
- (d) Need for recycling services will only increase in the future.

Twenty-four letters of objection:

- (1) The use of the Dutch barn is not part of the application;
- (2) Conflict of interest as agents have also worked for ADC;
- (3) Wrong location for skip storage site;
- (4) Vehicles accessing the site on a Sunday;
- (5) Vehicles have to cross a cycle/pedestrian path and therefore harm to highway safety;
- (6) Material increase in the no. of vehicle movements;
- (7) WSCC should visit the site to assess;
- (8) Why is short term lorry parking required;
- (9) Overnight vehicle parking on site;
- (10) Site will be used as staff car park;
- (11) Mud on the road between Babsham Farm and Elbridge Farm;
- (12) Site should instead be accessed direct from the Gladius Way roundabout;
- (13) BE/79/17/PL made no reference to staff being on site;
- (14) Babsham Farm could become part of Elbridge Farm waste transfer operation;
- (15) No public consultation carried out before the application;
- (16) ADC should letter drop all affected residents and not rely simply on site notices;
- (17) Hazardous materials (oxygen/acetylene) to be kept on site - WSCC Fire not informed;
- (18) No lighting scheme details submitted;
- (19) Bunds have already been created and were done so during the bird breeding season;
- (20) Installed gates are 0.55m higher than originally proposed;
- (21) Fencing already installed;
- (22) No bunds previously on the site;
- (23) Concrete hardstanding has been added without permission;
- (24) Skips on site have waste in them;
- (25) Application proposes the site be open on weekdays half an hour earlier (from 7.30am) compared with approved hours;
- (26) Conditions on BE/79/17/PL already breached and not addressed by this application;
- (27) Applicant previously promised signage to alert lorry drivers to speed limit and pedestrian/cycle path yet none provided;
- (28) Noise from lorries entering/exiting the site; and
- (29) Air pollution.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

PARISH COUNCIL:

- (1) Noise and vehicle movements are considered in the conclusions section. The existing hours of opening are reasonable and there is no reason to amend these. The approved hours are those previously recommended by Environmental Health. The applicant would need to apply to vary condition 10 of BE/79/17/PL to amend hours of operation;

- (2) Highway safety is considered within the conclusions section; and
- (3) This is not a planning consideration. Those concerned should raise this with the HSE and/or West Sussex Fire & Rescue.

SUPPORTERS:

The supporter comments are noted.

OBJECTORS:

Items (6), (28) & (29) is discussed in the conclusions section. The other points are considered below:

- (1) The use of existing barn for vehicle storage and welding/skip repairs is ancillary to the approved use of the site for skip storage. It is not considered a separate permission is required;
- (2) There is no conflict as the agents are solely employed by the applicant in this matter;
- (3) The site already benefits from a permission that allows the storage of skips;
- (4) The applicant has stated they do not open on Sundays or Bank Holidays and these would not be their vehicles and may be connected with other businesses at Babsham Business Centre;
- (5) Vehicles do not cross a pedestrian/cycle path but rather they exit onto and traverse along Babsham Lane, a D class highway. There is a pedestrian/cycle path between the A259 roundabout to the south and the end of Babsham Lane but the northern end of this where it meets Babsham Lane is clearly demarcated with bollards;
- (7) WSCC have issued further advice but did not consider a site visit to be necessary particularly given the approved use of the site for the storage of skips;
- (8) This is required whilst paperwork is completed after a lorry has dropped off a skip;
- (9) The applicant has stated that there will be no overnight lorry parking;
- (10) Only one member of staff will be present on the site and therefore only one staff vehicle;
- (11) WSCC have not raised concerns or requested a wheel wash facility. The vehicles on site will be manoeuvring on hard standing not bare earth. It may be the case that this mud is either from other business present at Babsham Farm/Babsham Business Centre or from Elbridge Farm itself;
- (12) This would result in a new road built across agricultural land not in the applicants ownership;
- (13) Noted;
- (14) The site has a permission for skip storage - the application seeks to regularise certain ancillary developments provided in association with this use;
- (15) This is not currently a requirement of the planning application process;
- (16) ADC post site notices and advertise applications in the West Sussex Gazette in accordance with government rules on advertising applications;
- (17) This is not a planning consideration and those concerned should raise this with the HSE and/or West Sussex Fire & Rescue;
- (18) This is covered by an existing planning condition. If lighting is proposed it should be agreed through that process;
- (19) This is unfortunate. This application seeks to retain the bunds and there is no future risk to birds;
- (20) & (21) Noted. These will be considered within this report;
- (22) Noted;
- (23) The application seeks to retain this hardstanding;
- (24) If so this would be a breach of a planning condition;
- (25) The existing hours of opening are reasonable and there is no reason to amend these. The approved hours are those previously recommended by Environmental Health. The applicant would need to apply to vary condition 10 of BE/79/17/PL in order to amend the hours of operation;
- (26) This application seeks retrospective permission for many of the breaches; and
- (27) WSCC Highways have not requested a condition to secure this, there was no condition on the previous permission.

In addition to the above, the applicant has made the following points in response to the objections:

- There will not be any on site parking of lorries except as part of the process of loading and unloading of skips. Lorries remain on site whilst the paperwork is prepared. This is what is meant by 'short term lorry parking';
- All company vehicles entering the site are fitted with trackers and a site diary is kept for each vehicle movement to and from the site.
- There are no defined lorry parking spaces on site as lorries will not be parking at the site;
- There is a single member of staff who is required on site for the duration of unloading and loading and the recording of the site diary and associated paperwork;
- The staff member parks his vehicle (small car sized van) adjacent to the proposed site office;
- There are other businesses at Babsham Business Centre and it may be that other vehicles are being mistaken for those of the applicant;
- The use and operation of the site has not changed since BE/79/17/PL for skip storage was granted;
- Fencing/landscaping is proposed to keep noise and visual impact associated with the approved use to a minimum and keep it confined to the 'enclosed' site.

## CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Ecology Advisor

Environmental Health

Economic Regeneration

## CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Do not consider proposal would have 'severe' impact on operation of Highway network and is not contrary to the National Planning Policy Framework (para 109), and there are no transport grounds to resist the proposal. Recommend no conditions.

- The applicant has clarified that the 'short term lorry parking' will not involve any overnight lorry parking or formal lorry parking arrangement beyond the loading and unloading of skips and completion of associated documentation;
- Use is currently operating and no increase in the existing movements are proposed as result of the erection of the proposed welfare facilities, storage containers and fencing;
- Applicant has confirmed one staff member will be on site to facilitate delivery/collection of skips and carry out skip repairs when necessary and one vehicle will be parked on site during this period;
- Movements associated with a single staff member entering and exiting the site are not anticipated to result in any material intensification of use of the site;
- This application proposes no alterations to the existing access arrangements onto Babsham Lane;
- Babsham Lane also currently serves the existing business centre and a number of dwellings;
- No recorded injury accidents within the vicinity of the site as result of the road layout, or involving any HGVs entering or exiting the site; and
- The location of the storage containers and welfare facilities within the site still provides sufficient space for vehicles to turn on site and exit onto the public highway in a forward gear.

ADC ENVIRONMENTAL HEALTH - Request condition to ensure that any contamination found during

development is reported to the Council.

ADC DRAINAGE ENGINEERS - there is an ordinary watercourse along the south east corner of the site and the bund must not be located within 3m of this watercourse. Due to the amount of hardstanding to be created, request that pre-commencement drainage conditions be imposed.

ADC ECONOMIC DEVELOPMENT - No objections.

COUNCILS ECOLOGIST - Request conditions to secure mitigation measures in respect of bats, Great Crested Newts, reptiles and nesting birds.

#### COMMENTS ON CONSULTATION RESPONSES:

It is not appropriate to impose drainage, ecology or environmental health conditions as no new development is proposed (all development has already been carried out). In response to the drainage comment, the applicant confirms the bund has been moved 3m away from the watercourse as shown on a revised layout plan.

#### POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;  
Area of Special Control of Adverts;  
Archaeological Notification Area;  
No Public Sewer; and  
Pagham Harbour Access Management Zone B.

#### DEVELOPMENT PLAN POLICES

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

|        |   |
|--------|---|
| CSP1   | C SP1 Countryside                               |
| DDM1   | D DM1 Aspects of form and design quality        |
| DSP1   | D SP1 Design                                    |
| EMPDM1 | EMP DM1 Employment Land: Development Management |
| EMPSP1 | EMP SP1 Strategic Economic Growth               |
| ENVDM4 | ENV DM4 Protection of trees                     |
| ENVDM5 | ENV DM5 Development and biodiversity            |
| HERDM6 | HER DM6 Sites of Archaeological Interest        |
| HERSP1 | HER SP1 The Historic Environment                |
| QEDM1  | QE DM1 Noise Pollution                          |
| QEDM2  | QE DM2 Light pollution                          |
| QEDM3  | QE DM3 Air Pollution                            |
| QESP1  | QE SP1 Quality of the Environment               |
| SDSP2  | SD SP2 Built-up Area Boundary                   |
| SDSP3  | SD SP3 Gaps Between Settlements                 |
| TSP1   | T SP1 Transport and Development                 |
| WDM3   | W DM3 Sustainable Urban Drainage Systems        |



## WMDM1 WM DM1 Waste Management

|  |  |
|--|--|
| <a href="#">Bersted Neighbourhood Plan 2014 Policy ES2</a> | Surface water management                                   |
| Bersted Neighbourhood Plan 2014 Policy ES3                 | Protecting the Strategic Gap/Green Infrastructure Corridor |
| Bersted Neighbourhood Plan 2014 Policy ES5                 | Building design  |
| Bersted Neighbourhood Plan 2014 Policy ES6                 | Protection of trees  |
| Bersted Neighbourhood Plan 2014 Policy ES7                 | Development outside of the Built Up Area Boundary          |
| Bersted Neighbourhood Plan 2014 Policy EE1                 | Business expansion   |

**PLANNING POLICY GUIDANCE:**

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

**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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that the site already benefits from a permitted use for open storage and the additional facilities and new site features do not result in significant new harm to the amenity and living conditions of neighbouring residents or adversely affect the character of this countryside location.

**OTHER MATERIAL CONSIDERATIONS**

Whilst discussed elsewhere in the report, it must be remembered that the site has an approved use for the open storage of empty skips as an overflow to Recycle Southern's Elbridge Farm recycling centre. This use already necessitates lorry movements in and out of the site. Skips may be stacked to a height of 3m whilst the tallest proposed new site feature (shipping container) is only 2.9m.

**CONCLUSIONS****PRINCIPLE:**

The site is outside of the defined built up area boundary and in the countryside. The site benefits from planning permission for use as skip storage (BE/79/17/PL). This application seeks permission for certain facilities and features necessary to enable the approved use to function properly and to minimise harm to local residents (the new fencing) and any external views of the site (the new bunds).

Members should note that policy EMP DM1 of the Arun Local Plan states the Council will support the enhancement of existing employment sites by supporting appropriate proposals for development, upgrading & modernisation. The Council will also work with landowners/developers to achieve better management of employment areas, including measures which increase sustainability and reduce crime. The proposal includes crime prevention measures such as facilities for an on-site member of staff and a secure tool storage container.

Policy EE1 of the Bersted Neighbourhood Development Plan (BNDP) states: "Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable". Amenity issues are considered elsewhere in the report but are considered to be acceptable.

It is not considered there is conflict with countryside or employment policies of the development plan.

**LANDSCAPE, DESIGN AND VISUAL AMENITY:**

Arun Local Plan (ALP) policy SD SP3 seeks to ensure that the generally open and undeveloped nature of the gap between Bognor Regis and Chichester is retained. Development within the gap should not (a) undermine the physical and/or visual separation of settlements; or (b) not compromise the integrity of the gap, either individually or cumulatively with other existing/proposed development.

ALP policy LAN DM1 states that: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. The policy requires the scale of development keep within the general confines of the overall character of a locality. In addition, BNDP policy ES1 requires that new development should be of a high quality design and should contribute to local character.

The site benefits from planning permission for open storage of skips. Skips may be stacked up to 3m high. The highest of the temporary buildings/containers is 2.9m located along the south western boundary and near to existing buildings (including the existing Dutch Barn) and well away from the boundaries of the site with open countryside. Part of this application seeks permission for the retention of 2m high bunding to the south east boundary which has been put in to screen the site from adjacent farmland and longer distance views from the A259 bypass to the south/southeast.

The temporary buildings (portacabin, containers) are not high quality design but this is acceptable given that their purpose is to enable the site to function and that they are single storey with flat roofs such that they will not be readily seen from outside the site particularly if skips are present on the other parts of the site. The fencing/gates along the south west boundary is quite high but not excessive and is in a position

where it is close to existing built areas of the site and locality. The fencing has been installed to provide an acoustic barrier to nearby residents and to minimise crime.

It is not considered the new features associated with the approved skip storage are such that there is any new harm to the character of the locality or to the integrity of the existing strategic gap.

#### **HIGHWAY SAFETY AND TRAFFIC MOVEMENTS:**

Local Plan policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site has an approved use for skip storage and this necessitates delivery/removal of skips by HGV to/from the site. There are no controls on the number of vehicle movements other than that the site can only be used between 8am - 6pm Mondays to Fridays, and between 8.30am - 1pm on Saturdays.

WSCC Highways have been consulted and as reported in the consultation section, do not consider this proposal would have a 'severe' impact on the operation of the Highway network, and therefore is not contrary to the NPPF (para 109). They comment there will not be any increase in existing traffic movements as a result of the erection of the welfare facilities, storage containers and fencing. They consider this application will not result in any material intensification of use of the site and there will be no associated safety concerns. There is space in the site for occasional vehicle parking and for the turning of large vehicles.

It is not considered the proposals are in conflict with the development plan policies on highway safety.

#### **RESIDENTIAL AMENITY AND POLLUTION:**

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. In addition, policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". ALP policies QE DM1, QE DM2 and QE DM3 seek to protect residential properties from adverse effects of noise, air and light pollution.

It is not considered there will be any greater harm to residential amenity or levels of noise/air pollution as a result of the new on-site facilities when compared to the use of the site for skip storage approved by BE/79/17/PI. WSCC Highways consider that there will be no increase in traffic movements so therefore it

follows that there will be no greater noise or air pollution from HGV movements.

The plans show skips may be repaired in one half of the Dutch Barn - this will generate noise which has the potential to affect the living conditions of nearby properties. The applicant has taken steps to mitigate this impact. They have erected new walls to the side of the Dutch Barn thus minimising noise break out to the south west and have erected a mix of mesh and timber fencing to the south western boundary. The timber fence should reduce noise breakout from the site. The on-site generator is to be housed in a shipping container which acts as an acoustic barrier. It is material that there are existing non-residential buildings (part of Babsham Business Centre) on land between the site and the closest residential dwellings.

Environmental Health raise no objection. They previously put forward the current opening hours which prevent noise pollution outside of normal work times.

It is not considered the proposals conflict with development plan policies on pollution.

**SUMMARY:**

There are no conflicts in respect of the principle of this application given the proposals are for the enhancement of a site with an existing valid permission for skip storage and which allows for skips to be brought onto/removed from site. It is highly material that skips may be stacked up to 3m high and that the new containers/portacabins are lower than this. The application not only seeks permission for the retention of welfare facilities but the retention of bunding designed to minimise landscape impact, fencing designed to screen/secure & reduce noise and acoustic housing to the generator.

The concerns of the Parish Council and local residents are acknowledged. It is not considered the new on-site features and facilities are such that there will be any greater impact on amenities of residents than the approved use. There is intervening land between the site and residents (including Babsham Business Centre) and some of the concerns raised may be related to the activities of others.

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

Dwg 689/01 Rev A "Site Location and Block Plans"; and  
Dwg 689/PLE01 Rev B "Site Survey and Proposals Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 2 The two secure containers, office/welfare portacabin, portaloos, areas of new hardstanding and the interior of the barn building shall only be used for purposes ancillary to the use of the site as skip storage as authorised by planning permission ref BE/79/17/PL.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1 and T SP1 of the Arun Local Plan.

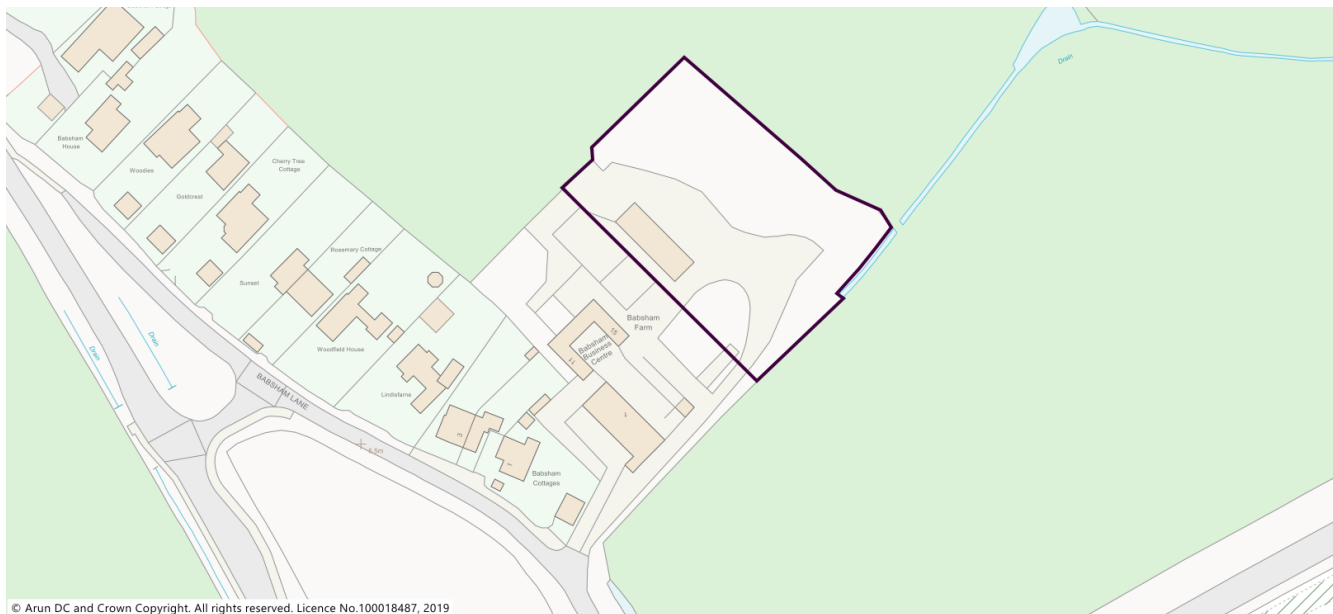
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as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

- 4 **INFORMATIVE:** The applicants attention is drawn to the conditions imposed on BE/79/17/PL which other than nos. 5 & 6 (as already discharged by BE/136/18/DOC), remain in force. In particular conditions 7, 10, 11, 12, 13 & 14 relate to how the site is to be used and operated.

**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 and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BE/30/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

- A/46/18/RES** Land west of Brook Lane and South of A259 Angmering  
**Received:** 20-04-19 Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/18/3210144
- AB/36/18/PL** Blastreat Limited & adj Greenhurst Fitzalan Road Arundel  
**Received:** 21-03-19 Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area  
*Public Inquiry* **26-11-19**  
**PINS Ref:** APP/C3810/W/19/3224632
- AL/115/17/OUT** Wings Nursery Lidsey Road Aldingbourne  
**Received:** 22-02-19 Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan  
*Public Inquiry*  
**PINS Ref:** APP/C3810/W/19/3221968
- BE/74/18/PL** 1 Finch Gardens Bersted  
**Received:** 27-03-19 Erection of 1 No. attached dwelling  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3223827
- BR/146/18/PO** Part of Bognor Regis School Pevensy Road & Westmeads Drive Bognor Regis  
**Received:** 03-06-19 Application to remove planning obligation dated 02/08/2011 under planning reference BR/120/11/ relating to Affordable Housing Contribution.  
*Written Representations*  
**PINS Ref:** APP/C3810/Q/19/3225490
- BR/215/18/PL** 75 Highfield Road Bognor Regis  
**Received:** 24-05-19 Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3227355

|   |   |
|---|---|
| <p><b>BR/267/18/T</b><br/> <b>Received:</b> 04-02-19</p>  | <p>4 Pinewood Gardens Bognor Regis<br/> Fell 1No. Liquid Amber tree<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/TPO/C3810/7203</p>  |
| <p><b>BR/52/18/PL</b><br/> <b>Received:</b> 29-04-19</p>  | <p>Bradlaw House 5 Sudley Road Bognor Regis<br/> Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) &amp; part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units). This application may affect the setting of a listed building.<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/C3810/W/19/3219856</p> |
| <p><b>EP/160/18/PL</b><br/> <b>Received:</b> 07-05-19</p> | <p>11 Beechlands Close East Preston<br/> Variation of condition No.3 imposed under planning reference no: EP/45/17/HH relating to the proposed materials<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/C3810/D/19/3226601</p>   |
| <p><b>EP/185/18/PL</b><br/> <b>Received:</b> 13-05-19</p> | <p>Land rear of Beechlands Cottages Beechlands Close East Preston<br/> Demolition of existing buildings &amp; erection of 3 No. dwellings with associated parking, alterations to existing access &amp; relocation of staircase to flats (resubmission following EP/7/18/PL).<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/C3810/W/19/3226561</p>  |
| <p><b>F/10/18/PL</b><br/> <b>Received:</b> 14-03-19</p>   | <p>Waterbury House Ford Road Ford<br/> Construction of 5 No. 1 bedroom flats together with staff accommodation, hard landscaping &amp; parking, (resubmission following F/29/17/PL). This application affects the setting of a listed building &amp; is a Departure from the Development Plan.<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/C3810/W/19/3224753</p>   |
| <p><b>FG/16/19/T</b><br/> <b>Received:</b> 25-04-19</p>   | <p>3 Lavender Court 38 Ferringham Lane Ferring<br/> Fell 1 No. Himalayan Cedar tree.<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/TPO/P3800/7334</p>   |
| <p><b>FG/191/18/PL</b><br/> <b>Received:</b> 27-03-19</p> | <p>Land north of 21 Ocean Drive Ferring<br/> Erection of 2 No. 3 bed chalet style dwellings with associated parking, landscaping &amp; bin store.<br/> <b>Written Representations</b><br/> <b>PINS Ref:</b> APP/C3810/W/19/3223637</p>  |



**FP/45/18/T**  
**Received:** 18-07-18

Japonica 9 Lionel Avenue Bognor Regis  
Fell 1No. Silver Birch and 1No. Ash Tree.

***Written Representations***

**PINS Ref:** APP/TPO/C3810/6874

**K/5/17/HH**  
**Received:** 17-08-17

Kingston Manor Kingston Lane Kingston  
Construction of a Detached 6 Bay Barn with Log Store

***Written Representations***

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

**P/6/17/OUT**  
**Received:** 28-02-19

Land North of Hook Lane Pagham  
Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

***Public Inquiry***

**PINS Ref:** APP/C3810/W/19/3223144

**R/182/18/PL**  
**Received:** 18-04-19

55 Milton Avenue Rustington  
Demolition of garage & construction of 1 No. 2-storey dwelling.

***Written Representations***

**PINS Ref:** APP/C3810/W/19/3225912

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 10 JULY 2019

**SUBJECT: TO CONSULT ON THE RENEWAL OF BUTLIN'S LOCAL DEVELOPMENT ORDER**

**REPORT AUTHOR:** Neil Crowther, Group Head of Planning

**DATE:** May 2019

**EXTN:** x 37839

**PORTFOLIO AREA:** Planning

#### **EXECUTIVE SUMMARY:**

The Butlin's Local Development Order (LDO) came into effect on 1 September 2014 and was valid for a period of 5 years.

The LDO allows Butlin's to make small changes to their buildings without requiring a planning application to be made each time. Permissions provided by this LDO do not allow large changes or ones outside the site.

Butlin's have expressed a desire to see the LDO renewed as they regard it as a useful tool for saving time and money for all parties. However, it should be noted that, since it was introduced in 2014 it has not been used.

#### **RECOMMENDATIONS:**

That the Development Control Committee agrees that:

- i. The principle of a Local Development Order for Butlins is agreed for a further 5-year period.
- ii. The Group Head of Planning be granted delegated authority to;
  - a. Carry out formal public consultation on the draft renewal of the Local Development Order,
  - b. Consider the representations to the draft Butlins Local Development Order and make amendments if necessary
  - c. Submit the Local Development Order to the Secretary of State for Communities and Local Government, and,
  - d. Subject to the Secretary of State for Communities and Local Government not intervening through making a direction under Section 61B(1) of the Town and Country Planning Act, the Butlins Local Development Order is adopted as soon as reasonably practicable after the 1<sup>st</sup> of September 2013.

## **1. BACKGROUND:**

- 1.1 Local Development Orders (LDO's) were introduced through the Planning and Compulsory Purchase Act 2004. DCLG Circular 1/2006 'Guidance on Changes to the Development Control System' provides guidance to local planning authorities on the procedural steps for the preparation of LDOs.
- 1.2 The LDO process gives Local Planning Authority's (LPA's) the opportunity to establish permissions for specific classes, types or individual developments within a specific area. They have the ability to define parameters for development and to set out exceptions, or specific rules that must be followed before development commences (such as the provision of information to the LPA). As such, they are a flexible tool consistent with the reformed planning system, which encourage the use of a broad range of policy and implementation responses to secure spatial plan objectives and improve planning services.
- 1.3 LDO's cover developments that potentially still require planning permission and would not cover development permitted by The Town and County Planning (General Permitted Development) Order 1995. They are not a withdrawal of planning control on the basis that impacts from developments specified in an LDO are insignificant, so as to be regarded as permitted development. They are developments for which it can be shown that they can be effectively controlled within an LDO framework of decision making. This is a strategic consideration of development impacts arising from developments specified in an LDO, which support the achievement of a policy objective and which are acceptable in planning terms following consideration of relevant policy objectives and material planning considerations.
- 1.4 Paragraph 51 of the National Planning Policy Framework (NPPF) states;  
  
'Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.'
- 1.5 The Butlin's complex is a strategic development site within the Arun District, with a total site area of 21.16ha.
- 1.6 The Local Development Order removes the need for planning permission. It therefore forms part of the statutory Planning Register and will also be highlighted in land charges searches. The adoption process for the Order has been consistent with the relevant legislation.
- 1.7 At its meeting of 31st July 2013, Arun District Council's Development Control Committee approved a Local Development Order relating to Butlins, in Bognor Regis, following an eight-week period of consultation ran from 5th December 2012. Following referral to the Secretary of State the Council adopted the Local Development Order with it coming into effect as of Monday 1st September 2014.

1.8 The LDO allows Butlin's permission to the following development without planning permission subject to several restrictions on the size, height and location of development within the site.

- The construction of a single storey extension to any existing building, structure or enclosure;
- The erection of solar panels on buildings;
- The construction of a new building, structure or enclosure not over 4metres tall;
- Development of sports facilities and funfair plant and machinery.

These developments will be allowed within the site that is identified by a black edge on the map that accompanies this Local Development Order.

1.9 In order to progress the renewal of the LDO, a consultation would be required to take place again. This would involve consulting upon the draft LDO, draft Statement of Reasons and a plan identifying the land.

1.10 Following completion of the public consultation period, the representations received on the Draft LDO would be considered and possible proposed amendments to the LDO arising from these representations. The Council would be required to refer the final LDO to the Secretary of State to confirm the LDO's adoption.

**2. PROPOSAL(S):**

To renew the Local Development Order for a further 5 year period.

**3. OPTIONS:**

To not renew the Local Development Order. This would mean that proposals for the developments listed within the current LDO would be required to make a planning application in the normal way.

**4. CONSULTATION:**

| Has consultation been undertaken with:  | YES | NO |
|---|-----|----|
| Relevant Town/Parish Council  | x   |    |
| Relevant District Ward Councillors  | x   |    |
| Other groups/persons (please specify)   |     |    |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:<br>(Explain in more detail at 6 below) | YES | NO |
| Financial   | x   |    |
| Legal   | x   |    |
| Human Rights/Equality Impact Assessment   |     | x  |
| Community Safety including Section 17 of Crime & Disorder Act   |     | x  |

|                                |  |   |
|--------------------------------|--|---|
| Sustainability                 |  | X |
| Asset Management/Property/Land |  | X |
| Technology                     |  | X |
| Other (please explain)         |  |   |
| <b>6. IMPLICATIONS:</b>        |  |   |

**7. REASON FOR THE DECISION:**

**8. BACKGROUND PAPERS:**

- Report to and Decision of Cabinet on 15 June 2009 “Local Development Orders”
- Report to and Decision of Development Control Committee 28 March 2012 “Butlins, Bognor Regis Local Development Order”
- Report to and Decision of Development Control Committee 31 July 2013 “Butlins, Bognor Regis Local Development Order”
- Appendix 1 – Existing Local Development Order
- Appendix 2 - Butlins, Bognor Regis Local Development Order Map
- Appendix 3 - Statement of Reasons (July 2019)

## **APPENDIX 1**

### **Section 61 A of The Town and Country Planning Act 1990**

#### **Arun District Council**

#### **Local Development Order Butlins Bognor Regis**

1. This Local Development Order (“LDO”) is made by Arun District Council (“the Council”) under Section 61A (2) of the Town and Country Planning Act 1990 (as amended).

2. Within the areas of Butlins, Bognor Regis (set out and shown edged with a bold black line on the attached map at Appendix A), planning permission is hereby granted for the development listed below.

3. This LDO takes effect on the date it is adopted by the Council and is limited to a five year period following which the LDO shall lapse.

#### **PERMITTED DEVELOPMENT TYPE I**

The enlargement, improvement or other alteration of a building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The height of the part of the building, structure or enclosure enlarged, improved or altered would exceed the height of the highest part of the roof of the existing building, structure or enclosure;
- (B) The enlarged part of the building, structure or enclosure would:
  - (i) extend beyond any elevation of the building, structure or enclosure by more than 10 metres, or
  - (ii) exceed 10 metres in height;
- (C) It would consist of or include –
  - (i) the construction or provision of a veranda, balcony or raised platform except those accessed from the ground floor of any building.
  - (ii) an alteration to any part of the roof of the building, structure or enclosure.
- (D) The enlarged part of the building, structure or enclosure is within 5 metres of the boundary of the site.

- (E) The proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
- (F) If the proposal will be used for the provision of guest or staff accommodation.

### **PERMITTED DEVELOPMENT TYPE II**

The addition of Solar Panels, including Photovoltaic's to the roof of any existing building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (B) It would result in the highest part of the alteration being higher than the highest part of the original roof.
- (C) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building, structure or enclosure.

### **PERMITTED DEVELOPMENT TYPE III**

The provision within the curtilage of the Butlins complex of a building, structure or enclosure required for purposes incidental to the enjoyment of residents and staff of the complex, or the maintenance, improvement or other alteration of such a building, structure or enclosure.

#### **Development not permitted**

Development is not permitted if –

- (A) the building, structure or enclosure would have more than one storey;
- (B) the height of the building, structure or enclosure would exceed –
  - (i) 4 metres in the case of a building, structure or enclosure with a dual-pitched roof,
  - (ii) 3 metres in any other case.
- (C) it would include the construction or provision of a veranda, balcony or raised platform.



(D) No part of any building, structure or enclosure shall be within 25 metres of the boundary of the site.

(E) the proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

#### **PERMITTED DEVELOPMENT TYPE IV**

Development of sports facilities and funfair consisting of the installation of plant, machinery, or structures to be used for or in connection with the entertainment of the clientele within the area

#### **Development Not Permitted**

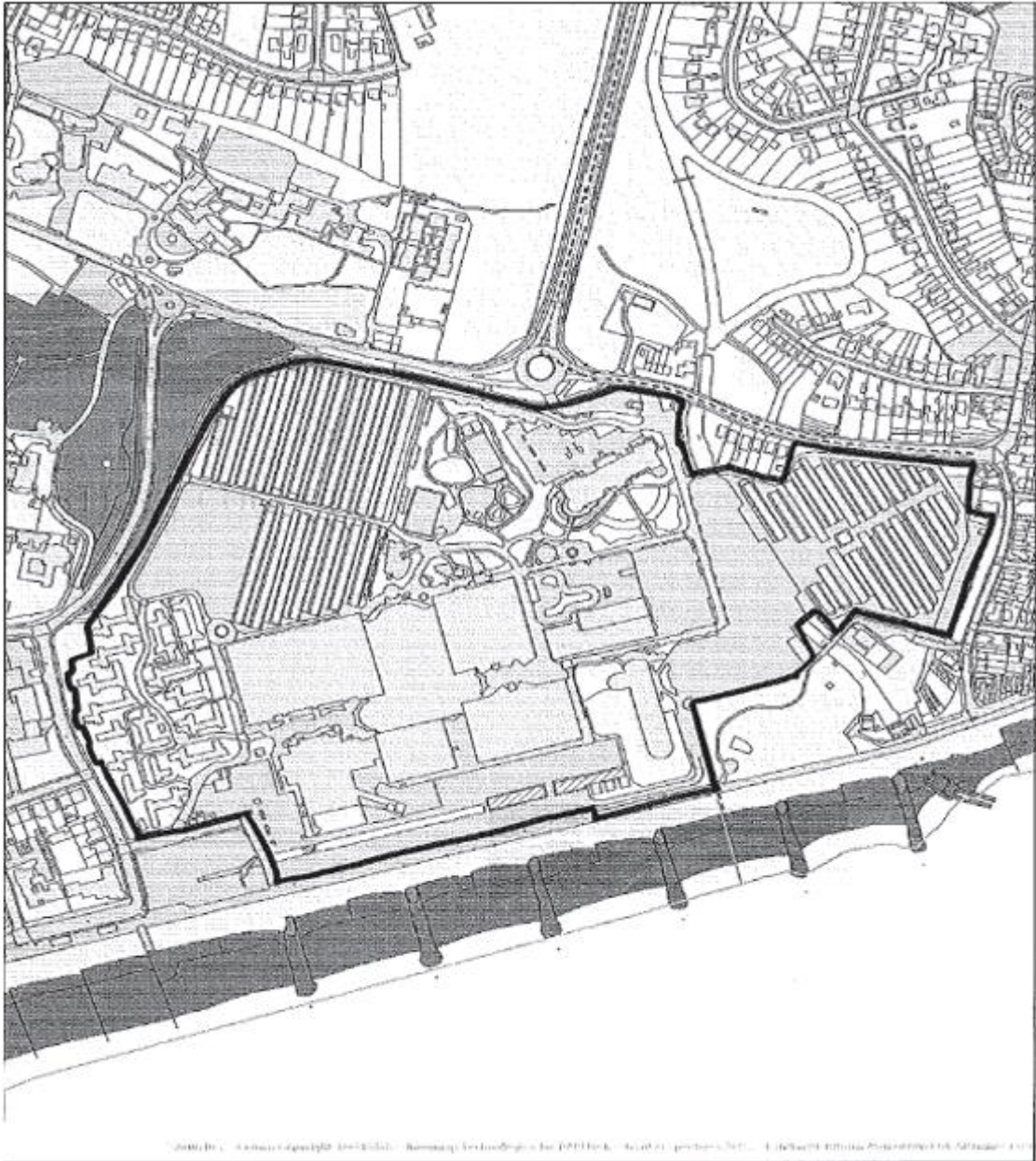
Development is not permitted if the plant or machinery would:

- (A) Exceed a height of 12 metres from ground level;
- (B) Be located within 100 metres of the boundary of the property;
- (C) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.

#### **INFORMATIVES**

1. This LDO does not remove the requirement for advertisement consent where appropriate.
2. This LDO does not remove the requirement for consents required under other legislations, such as licensing regulations.
3. This LDO is confined to the parts of Butlins Bognor Regis shown edged with a bold black line on the map attached as Appendix A
4. Should you require confirmation that the proposed use falls within the use classes permitted by the LDO it is recommended that a certificate of lawfulness be applied for from the Council.

**Appendix 2 - Butlins, Bognor Regis Local Development Order Map**





Butlins, Bognor Regis  
Local Development Order

Statement of Reasons (July 2019)

**Arun District Council**  
**Butlins Bognor Regis Local Development Order: Statement of Reasons**

**Summary**

- Arun District Council (ADC) wishes to create a Local Development Order (LDO) to help facilitate development within the Butlins holiday complex, a Strategic Development site within the Arun District. The intention is to take a flexible approach to small scale development proposals, which will be centrally located within the Butlins complex and as such, not visible from outside the site.
- The LDO would have the effect of providing limited permitted development rights to small scale development that is centrally located within the Butlins complex.
- This area is located within the defined Built up Area Boundary for Bognor Regis, within the designated Bognor Regis Town Centre Regeneration Area. The site is bordered by University College Chichester to the north, Felpham to the east, the sea to the south and Bognor Regis to the west. Much of the site is located within Flood Zones 2 and 3, as identified by the Environment Agency's Flood Risk maps.

Article 34 of the Town and Country Planning (Development Management Procedure)(Order) 2010 (DMPO) paragraph (1) outlines that *'where a local planning authority propose to make a local development order (LDO) they shall first prepare—*  
*(a) a draft of the order; and (b) a statement of their reasons for making the order'.*

A draft of the LDO is provided at Appendix A.

Article 34 paragraph (2) of the DMPO states that

*'the statement of reasons shall contain—*  
*(a) a description of the development which the order would permit;and*  
*(b) a plan or statement identifying the land to which the order would relate'.*

The text in this document acts as the statement of reasons for making the LDO. A plan identifying the land to which the LDO relates is attached at Appendix B.

**Description of development permitted**

- 1.1 The Local Development Order would provide limited permitted development rights to small scale development that would be centrally located within the Butlins Complex. This site does not currently benefit from permitted development rights, due to its business use.
- 1.2 The permitted development rights would be as follows:-

### **PERMITTED DEVELOPMENT TYPE I**

The enlargement, improvement or other alteration of a building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The height of the part of the building, structure or enclosure enlarged, improved or altered would exceed the height of the highest part of the roof of the existing building, structure or enclosure;
- (B) The enlarged part of the building, structure or enclosure would:
  - (i) extend beyond any elevation of the building, structure or enclosure by more than 10 metres, or
  - (ii) exceed 10 metres in height;
- (C) It would consist of or include –
  - (i) the construction or provision of a veranda, balcony or raised platform except those accessed from the ground floor of any building.
  - (ii) an alteration to any part of the roof of the building, structure or enclosure.
- (D) The enlarged part of the building, structure or enclosure is within 5 metres of the boundary of the site.
- (E) The proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
- (F) If the proposal will be used for the provision of guest or staff accommodation.

### **PERMITTED DEVELOPMENT TYPE II**

The addition of Solar Panels, including Photovoltaic's to the roof of any existing building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The alteration would protrude more than 150 millimetres beyond the plane

of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

- (B) It would result in the highest part of the alteration being higher than the highest part of the original roof.
- (C) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building, structure or enclosure.

### **PERMITTED DEVELOPMENT TYPE III**

The provision within the curtilage of the Butlins complex of a building, structure or enclosure required for purposes incidental to the enjoyment of residents and staff of the complex, or the maintenance, improvement or other alteration of such a building, structure or enclosure.

#### **Development not permitted**

Development is not permitted if –

- (A) the building, structure or enclosure would have more than one storey;
- (B) the height of the building, structure or enclosure would exceed –
  - (i) 4 metres in the case of a building, structure or enclosure with a dual-pitched roof,
  - (ii) 3 metres in any other case.
- (C) it would include the construction or provision of a veranda, balcony or raised platform.
- (D) no part of any building, structure or enclosure shall be within 25 metres of the boundary of the site.
- (E) the proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

### **PERMITTED DEVELOPMENT TYPE IV**

Development of sports facilities and funfair consisting of the installation of plant, machinery, or structures to be used for or in connection with the entertainment of the clientele within the area

#### **Development Not Permitted**

Development is not permitted if the plant or machinery would:

- (D) Exceed a height of 12 metres from ground level;
- (E) Be located within 100 metres of the boundary of the property (as illustrated in Appendix A);
- (F) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.

- 1.3 This guidance would apply to any existing or new building, structure or enclosure within the Butlins Complex, which is defined as being within the black edge on the map that accompanies this Local Development Order.
- 1.4 So anyone who wanted to erect a single storey extension to any existing building, structure or enclosure within the Butlins Complex or erect a new building, structure or enclosure, within the site that is identified by a black edge on the map that accompanies this Local Development Order, would be able to do so subject to the criteria outlined above, without the need to apply for planning permission.
- 1.5 This would be on the condition that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building, structure or enclosure.

Justification for creation of LDO

- 1.6 The Butlins complex is a strategic development site within the Arun District, with a total site area of 21.16ha.
- 1.7 The ultimate objective for the LDO is to assist in reducing the number of applications which are received for small scale developments within the Butlins Complex, which are not visible from outside the site.

Statement of the Policies which the LDO would implement

- 1.8 The LDO would implement Policy D DM1 (Aspects of Form & Quality) of the Arun District Local Plan and Policy 8d of the Bognor Regis Neighbourhood Plan.
- 1.9 Further, ADC believes that the LDO would assist with the regeneration of Bognor Regis Town Centre, by helping to facilitate development on this site.
- 1.10 It would accord with government policy contained within the National Planning Policy Framework.

### Lifetime of the LDO

- 1.11 It is intended that the LDO is active for a period of five years following the date of its adoption. This is to allow Arun District Council to monitor the effectiveness of the LDO. Following the end of this five-year period, the LDO would cease to apply. The Council would then have the following options:
- Renew the LDO under the same terms/ conditions as previously;
  - Renew the LDO but modify its terms and conditions; or
  - Delete the LDO and return the area to its previous policy designations.
- 1.12 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised.
- 1.13 Development which has started under the provision of the LDO can be completed following the expiry of the LDO after the end of the five-year period. Any development that has taken place under the LDO will be allowed to remain but no new development will be allowed under the terms of the LDO following its expiry without planning permission.

### Monitoring the LDO

- 1.14 It is intended that the LDO will be subject to continuous monitoring to assess its effectiveness. This will be carried out by annual site visits to assess what development has taken place and how many planning applications have been avoided. Regular liaison between ADC and Butlins will also be carried out to enable the Local Planning Authority to keep up-to-date with any development that is taking place on site.
- 1.15 It will also be the subject of a section in the Annual Monitoring Report, which will discuss further the impact of the LDO on the Butlins Complex and on the reduction in planning applications received, if any.

### Legal advice

- 1.16 The Council has sought and received legal advice on the key aspects of the LDO. This includes how to set out the LDO; potentially time-limiting the LDO; and conditions necessary to include in the LDO. This advice has been taken on board by the Council in the draft LDO.

### Residential Amenity issues

- 1.17 The Butlins complex is self-contained, with no residential properties within the immediate vicinity.
- 1.18 The site is bordered by the sea to the south side, Gloucester Road to the west and Upper Bognor Road to the north side. There is a row of 6 No. detached dwellings to the north east side of the site, as well as some residential properties immediately to the east of the application site. To



prevent any adverse impact upon any of these residential properties, no development will be allowed within 5 metres of the boundary of the Butlins complex. The site boundary is clearly identified by a black edge on the map that accompanies this Local Development Order.

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