



# Public Document Pack

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Committee Manager Carrie O'Connor

27 March 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 the Wednesday, 10th April, 2019 at 2.30 pm and you are requested to attend.

Members: Councillors Bower (Chairman), Mrs Bence (Vice-Chair), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Miss Rhodes, Mrs Oakley, Mrs Pendleton and Mrs Stainton

**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 FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating:

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial

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

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 6 March 2019 (attached).

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

**PLANNING APPLICATIONS**

6. WA/1/19/PL LAND EAST OF FONTWELL AVENUE, FONTWELL (Pages 5 - 12)

7. LU/330/18/PL LAND SOUTH OF CORNFIELD CLOSE, LITTLEHAMPTON (Pages 13 - 32)

8. FG/216/18/PL ASDA STORES LIMITED, LITTLEHAMPTON ROAD, FERRING (Pages 33 - 40)

9. FG/228/18/PL YEOMANS WORTHING PEUGEOT GARAGE PREMISES, LITTLEHAMPTON ROAD, FERRING (Pages 41 - 50)

10. BR/273/18/PL THE GABLES HOTEL, 28 CRESCENT ROAD, BOGNOR REGIS (Pages 51 - 62)

11. A/114/18/PL BROADLEES, DAPPERS LANE, ANGMERING (Pages 63 - 80)

12. AW/315/18/HH 14 CHURCHILL AVENUE, ALDWICK (Pages 81 - 84)

13. AL/107/18/PL NYTON STABLES, NYTON ROAD, (Pages 85 - 104)  
ALDINGBOURNE

### **PLANNING APPEALS**

14. APPEALS RECEIVED AGAINST PLANNING DECISIONS (Pages 105 -  
AND ENFORCEMENTS 108)

### **OFFICER REPORTS**

15. APPEALS PERFORMANCE AND COST 1 JANUARY 2018- (Pages 109 -  
31 DECEMBER 2018 130)

To consider the outcomes of the 2018 Appeals Monitoring Report.

### **BACKGROUND PAPERS**

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

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

Contact Officers :

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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.

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# Agenda Item 4

Subject to approval at the next Committee meeting

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## DEVELOPMENT CONTROL COMMITTEE

6 March 2019 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Mrs Rapnik, Miss Rhodes and Mrs Stainton.

Councillor Ambler was also in attendance at the meeting.

### 439. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Northeast.

### 440. DECLARATIONS OF INTEREST

Declarations of interest were made as follows:-

Planning Application BR/263/18/PL – Councillor Dillon declared a personal interest as a member of the Town Council’s Planning and Licensing Committee where the matter had been discussed but he had not expressed any view.

Planning Application Y/49/18/PL – Councillor Haymes declared a personal interest as Chairman of Yapton Parish Council and he stated that he had taken no part in any debate on the proposal.

### 441. MINUTES

The Minutes of the meeting held on 13 February 2019 were approved by the Committee and signed by the Chairman as a correct record.

### 442. PLANNING APPLICATIONS

BE/81/18/PL - Change of use of the property from dwelling house to mixed use dwelling house & attached building for the operation of a hairdressing business (A1) & retention of attached building, 324 Chichester Road, Bersted Having received a report on the matter, together with the officer’s written report update detailing a correction to the reason for condition 5 to remove reference to dogs and a correction to condition 6 to amend the word ‘constricted’ to ‘constructed’, the Committee considered the application and

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Development Control  
Committee – 06.03.19.

RESOLVED

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

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

BR/263/18/PL – Application for variation of conditions following grant of planning permission BR/348/16/PL relating to Condition 2 (Block plan & smoking shelter) and Condition 9 (smoking shelter materials), St Josephs, Albert Road, Bognor Regis Having received a report on the matter, the Committee duly considered the proposal and

RESOLVED

That the application be approved as detailed in the report.

K/40/18/PL – Demolition of existing dwelling & erection of 1 No. dwelling, associated landscaping & parking (resubmission following K/11/16/PL), Spring Tide, Gorse Avenue, East Preston Having received a report on the matter, together with the officer's written report update detailing an additional objection received and a verbal correction relating to a previous permission K/11/16/PL which was granted permission in 2016 and not 2018, the Committee considered the proposal.

The Planning Team Leader advised Members that this application was an improved amendment to the previously granted permission K/11/16/PL. It was not considered to cause unacceptable harm to the character of the area.

Some views were expressed that the modern design did not sit well in the area but on being put to the vote the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/310/18/PL – Addition of first floor to form self-contained flat, change of use of existing leisure use (D2 Assembly & Leisure) to office use (A2 Financial & Professional Services) at ground floor & external alterations, 1 Arcade Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing that the Town Council had now withdrawn its objection, the Committee

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Committee – 06.03.19.

RESOLVED

That the application be approved as detailed in the report.

*(In the course of consideration of the following item, Councillors Mrs Hall and Mrs Pendleton declared a personal interest as members of West Sussex County Council, the Highway Authority that would determine the application. They stated they had had no involvement in any discussions on the matter and would remain in the meeting and take part in the debate and vote.)*

LY/21/18/WS – Creation of a 1.1km Highway, with shared cycleway and footway, Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and swales, street lighting and associated works. This is a County Matter & will be determined by WSCC, East of Lyminster Village & Between Toddington Nurseries & A284 Lyminster Road, Lyminster, Littlehampton Having received a report on the matter, the Committee received a detailed presentation from the Principal Planning Officer and was advised that this proposal would be determined by West Sussex County Council as the Highway Authority and that Arun was being consulted as the Local Planning Authority.

Following consideration, the Committee

RESOLVED

That 'No Objection' be raised to the application, subject to conditions as set out in the report.

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

Y/49/18/PL – Development of 10 No. residential properties & associated infrastructure. This application is a Departure from the Development Plan, Land East of North End Road, Yapton The Committee had received a report on the matter, together with the officer's written report update detailing:-

- A consultation response from Environmental Health and resultant two additional conditions
- Deletion of the request for delegated authority to determine the application in light of the response from Environmental Health
- Additional representation received
- An amended plans condition

In presenting the detail of the application, the Planning Team Leader acknowledged that it did not comply with the Development Plan but that there were

Subject to approval at the next Committee meeting

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Committee – 06.03.19.

other material planning considerations which made it acceptable and was therefore being recommended for approval.

Member comment was made that the views from the Parish Council were pertinent and that it had been able to have positive input into several amendments to the proposal.

Following a brief discussion relating to S106 contributions, which were not relevant to this application, and school provision in the village, the Committee

RESOLVED

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

443. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 3.35 p.m.)

PLANNING APPLICATION REPORT

REF NO: WA/1/19/PL

LOCATION: Land East of Fontwell Avenue  
Fontwell

PROPOSAL: Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read 'No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A - Proposed Roundabout Improvements'. This application also lies within the parish of Eastergate.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The application seeks to vary condition 24, following the approval of planning application WA/22/15/OUT, to allow occupation of 150 dwellings prior to the completion of the improvements to the A27 / A29 (Fontwell Avenue / Arundel Road Roundabout) and the A27 / A29 roundabout to the northeast of Fontwell.

SITE AREA Approximately 18 hectares.

RESIDENTIAL DEVELOPMENT Net residential density of approximately 35 dph.

DENSITY

**RELEVANT SITE HISTORY**

WA/22/15/OUT	Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.	Called In by DCLG/SD 20-01-16
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**Appeal: Allowed+Conditions  
13-07-17**

Planning permission was granted under reference WA/22/15/OUT for up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure

utilities, drainage infrastructure, car & cycle parking & waste storage.

The outline approval under reference WA/22/15/OUT was the subject of 28 conditions.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Eastergate Parish Council

**WALBERTON PARISH COUNCIL**

Although Walberton Parish Council understands the reasoning behind the request and the timing issues of Highway improvements, the Council objects to this variation of a condition of outline planning. The Council has noted several communications from residents objecting to this change and is concerned that 150 houses, along with other developments to the south of Fontwell Avenue, will impact detrimentally on existing roads if there are no improvements to mitigate the increase in traffic.

**EASTERGATE PARISH COUNCIL**

The Council objects to the application. The Council has long argued that the development traffic should not be allowed to enter the main A29 road given the lengthy queues, northbound, and accelerating traffic southbound. The developers should be required to mitigate this danger by complying with the present planning conditions. The Council refers to BEWAG (Barnham, Eastergate and Walberton Advisory Group) meetings where this issue has been discussed.

**SLINDON PARISH COUNCIL;**

· Members considered that the access arrangements for the development were such that mitigation measures stated in this condition were justified. Observing other development that was now underway further down the A29 Fontwell Avenue, Members considered this highlighted the need for this infrastructure to be implemented as originally approved.

6 No. letters of objection;

- An access onto Wandleys Lane is proposed and this needs to be removed.
- Wandleys Lane by virtue of its size cannot accommodate the level of traffic proposed by this development.
- The proposed access would require trees to be removed which would adversely impact upon wildlife.
- Variation of the condition will result in a major increase in traffic congestion along Fontwell Avenue which will intensify the use of Wandleys Lane as a short cut.
- The road network in this area is busy and often creates queues of traffic, especially at peak times or when there are events at Fontwell Park. This will only become worse with the traffic associated with this development.
- Smaller lanes locally are used by drivers seeking to avoid queues at the roundabout.
- It must be considered as to what would happen if the developer went into administration. If this were to happen there would be no money to implement the mitigation measures.
- The traffic analysis only considers residential traffic and not commercial traffic that is likely to result from the construction of the commercial unit on the site.
- There does not appear to have been consideration as to the effect of the highway works themselves on traffic flow.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

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

## CONSULTATIONS

WSSC Strategic Planning  
 Highways England  
 Southern Water Planning  
 Engineering Services Manager  
 Engineers (Drainage)  
 Planning and Housing Strategy  
 Arboriculturist  
 Environment Agency  
 Arboriculturist  
 Environmental Health  
 Surface Water Drainage Team

### CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No comments.

WSSC HIGHWAYS - No objection is raised to the variation of the condition.

HIGHWAYS ENGLAND - No objection on the basis that the proposals will generate an acceptable, change in traffic on the strategic road network (SRN). We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13, particularly paras 9 & 10, and DCLG NPPF, particularly para 109), in this location and its vicinity.

### COMMENTS ON CONSULTATION RESPONSES:

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

## POLICY CONTEXT

Designation applicable to site:

### DEVELOPMENT PLAN POLICES

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

TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation

[Walberton Neighbourhood Plan Policy 2017 GA5](#)

Traffic Management

Walberton Neighbourhood Plan Policy 2017 GA6

A27/A29 Junction West, and Other Strategic Junctions

### 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.

The application site falls within the Parishes of Walberton and Eastergate both of which benefit from made neighbourhood plans. There are no relevant policies to the determination of this application contained within the Barnham and Eastergate Neighbourhood Plan. Policies GA5 and GA6 of the Walberton Neighbourhood Plan are relevant and will be taken into consideration in the conclusion to this report.

Policy GA6 identifies that proposals for the upgrading and remodelling of this junction and others that lie outside the Parish will be supported where these works will result in an improvement to the traffic environment of the residential roads through Fontwell and Walberton.

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

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

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

The proposal is considered to comply with relevant Development Plan policies in that it will not result in an unacceptably adverse impact upon the operation of the highways network.

## **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**

The site benefits from outline planning permission with all matters reserved save for access with permission having been granted under reference WA/22/15/OUT following call in by the Secretary of State under reference APP/C3810/V/16/3143095. The decision of the Secretary of State identified 27 Conditions, this application seeks to vary Condition 24 which states;

"No part of the development hereby permitted shall be occupied until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements."



The variation of the condition seeks to allow for occupation of up to 150 dwellings prior to the implementation and completion of the improvement works shown on 'Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements'.

The application relates to development which exceeds the thresholds of Schedule 2, 10(b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore, a screening opinion was issued which concluded that there would be no significant impacts on the environment and as such no further information was required to assess the environmental implication of the proposed variation.

#### HIGHWAYS IMPACT

The application was accompanied by a technical note dated 20th November 2018, which considers the trip generation of an initial phase of 150 units and presents the results of a modelling exercise in order to identify the impact of the development trips on the roundabout junction.

This assessment has been undertaken using the same model as agreed as part of the outline planning application and has been assessed at the future year of 2022. It has also followed the agreed distribution (from the original Transport Assessment) with 40% of development traffic routing to the A27 and the remaining 60% of traffic routing via the A29 to the south.

It is identified in table 2.2 that an initial phase of 150 private dwellings would add between 31 and 34 vehicle movements per hour through the junction (an average of just over 1 vehicle movement every 2 minutes). Given the existing high flows at the junction these additional vehicular movements would be imperceptible, representing a change in flows of less than 1% which is well within the normally expected day to day variation in traffic flows.

Table 3.3 and 3.4 identify that the maximum additional delay in the AM peak would be one second and two seconds in the PM peak, which would have a negligible impact on drivers. Four journey time routes were modelled within the technical note, in figure 3.1, from the north, south, east and west over a much wider route than just the junction. This identified that there would be a slight increase in journey times in the AM on the northbound route of approximately 26 seconds per vehicle in a congested network.

The technical note identifies that in the AM peak there would be an increase in queueing as a result of the 150 dwelling interim development scenario. However, as has already been identified above this increase in queueing will only result in small increases in junction delay and journey times on this route until such time as the junction enhancements were undertaken. In the PM peak there will only be marginal increases in queue lengths equating to a maximum of two additional vehicles in a queue.

The technical note concludes that the occupation of 150 dwellings prior to the implementation of the mitigation at the A27/A29 roundabout would not result in severe residual cumulative impacts on the road network and as such refusal on highways grounds would not be justified under paragraph 109 of the National Planning Policy Framework (NPPF).

These conclusions have been reiterated by Highways England and West Sussex County Council Highways who have raised no objection to the proposed variation of Condition 24. However, it was identified by Highways England in their consultation response that construction traffic has not been included within the Technical Note's assessment, and therefore, the Construction Management Plan (to be submitted under Condition 19) should preclude construction vehicles or workers arriving or leaving site during the network peak periods (i.e. 0800 - 0900 and 1700 - 1800 hours) as far as practicable.

Highways England have confirmed that the proposed restriction on site access during peak periods is aspirational and that they are not insisting on the restriction but simply encouraging the developer to

consider reducing impacts during construction. It was further confirmed by Highways England that the development, as proposed, is acceptable in terms of NPPF paragraph 109 and Department for Transport (DfT) Circular 02/2013 para 10.

The wording proposed by the applicant for the variation of Condition 24 has been amended. The amended wording is considered to retain the original intention for the variation but provides additional clarity to assist with interpretation and understanding of the conditions requirements.

It should be noted that objections have been received from both Eastergate Parish Council and Walberton Parish Council to the proposed variation due to detrimental impacts upon highway safety. The matter was also considered by the Barnham, Eastergate and Westergate Advisory Group on the 15th January 2109 with concerns being raised as to the impact this would have upon the highways network.

Given the above and despite the objections received from the Parish Councils it is concluded that the proposed variation of condition would accord with policy T SP1 of the Arun Local Plan; policies GA5 and GA6 of the Walberton Neighbourhood Plan; paragraph 109 of the NPPF; and DfT Circular 02/2013 para 10. Therefore, the proposed variation is considered acceptable in terms of its impact upon the operation of the Highways Network.

#### **SUMMARY**

The proposed variation of condition 24 following the approval of WA/22/15/OUT will not result in severe residual cumulative impacts on the road network and as such would not result in an unacceptable impact on highway safety in accordance with para 109 of the NPPF. The proposed variation would also accord with policy T SP1 of the Arun Local Plan and policies GA5 and GA6 of the Walberton Neighbourhood Plan; paragraph 109 of the NPPF; and DfT Circular 02/2013 para 10.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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**

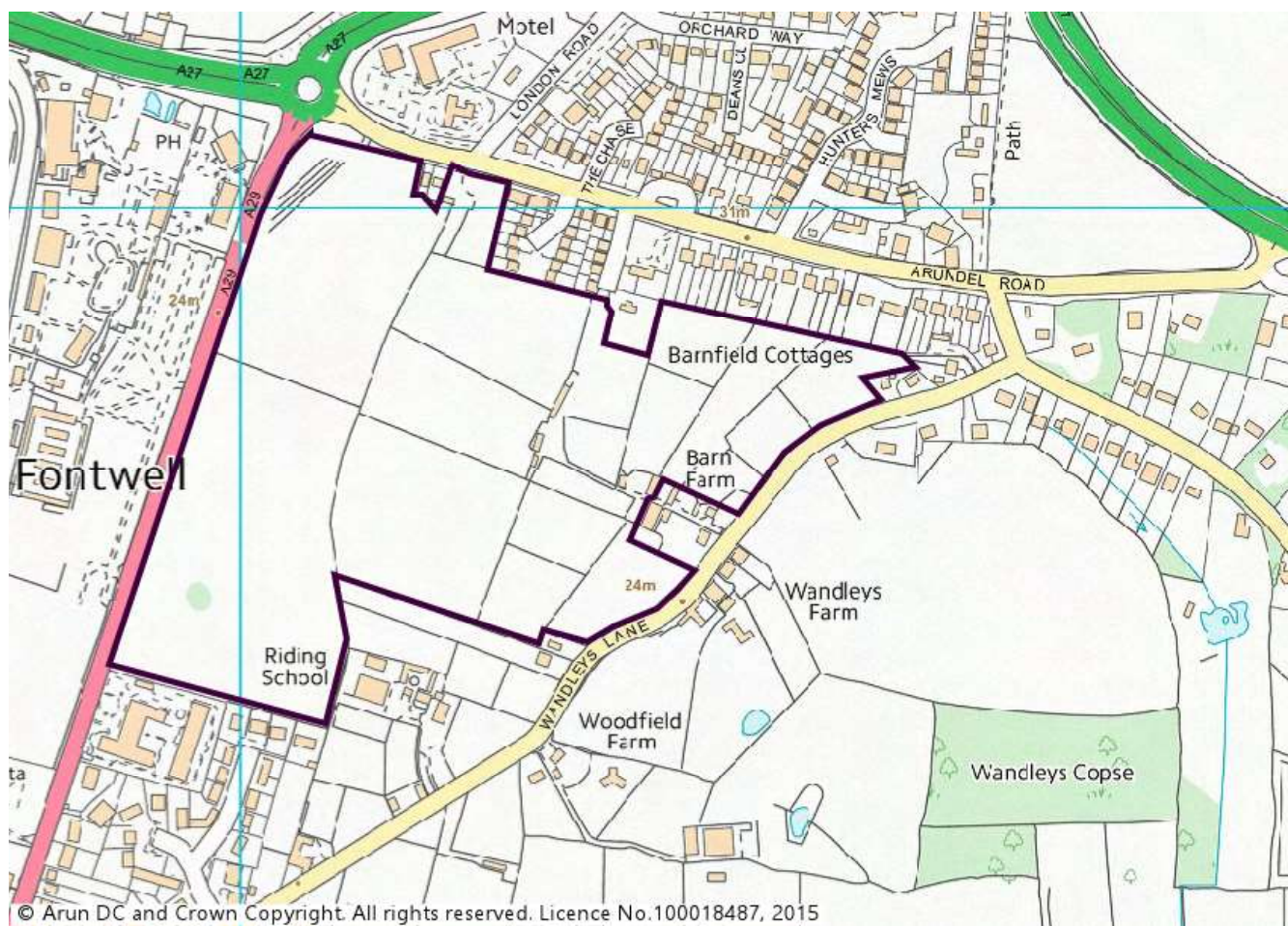
## APPROVE CONDITIONALLY

- 1 Condition 24 imposed under reference WA/22/15/OUT following appeal APP/C3810/V/16/6143095 is amended to read:

Prior to the occupation of 151 dwellings or no later than two years following the occupation of the first dwelling (whichever is the sooner) the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements shall be completed.

- 2 **INFORMATIVE:** This decision only varies Condition 24 and all other conditions imposed under the original approval (WA/22/15/OUT) remain in effect unaltered.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**WA/1/19/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/330/18/PL

LOCATION: Land South Of Cornfield Close  
Littlehampton  
BN17 6LD

PROPOSAL: Demolition of existing buildings & the erection of 77 residential homes with associated access, car parking, cycle parking, refuse/recycling storage, landscaping, earthworks & infrastructure

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The proposed 77 new homes comprise 18 flats (16 x 2 bed and 2 x 1 bed) and 59 houses (27 x 2 bed and 32 x 3 bed). A minimum of 30% would be allocated as affordable homes. The proposed layout of the development includes a single access point extending into the site and around a new circulation road. The focal point of the scheme is a significant central public amenity space which is well overlooked and provides opportunity for recreation and informal play as well as the potential for a Local Area of Play (LAP) to be integrated into this space.

The proposals include a block of 12 flats and a block of 6 flats. The 12 flats in the south west corner of the site would be four storey and the 6 flats in the south east corner of the site would be three storey.

The application is supported by reports covering drainage, contamination, landscaping, trees and archaeology.

SITE AREA 2.7 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 28 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The site is densely screened with mature trees and hedges to the east, south and west.

SITE CHARACTERISTICS The site is accessed from Cornfield Close and is a vacant former caravan and camping site. It comprises a large area of undeveloped grassland, with the exception of the access road which extends southwards into the site and circles the site perimeter.

There are a number of small vacant buildings in the north east

CHARACTER OF LOCALITY

corner of the site and residential properties located to the north of the site, with Worthing Road beyond. Cornfield School is located to the north-west of the site, with Littlehampton Academy situated to the south.

Predominantly residential characterised by fairly dense residential development, with a variety of house sizes and types.

Highdown Drive to the west of the site comprises a mixture of detached and semi-detached 2 storey houses and chalet bungalows.

Cornfield Close provides terraced and semi-detached 2 storey houses and Oakcroft Gardens to the east provides a mix of bungalows and chalet bungalows.

Development directly north of the A259 comprises 2, 3 and 4 storey houses and apartments.

**RELEVANT SITE HISTORY**

LU/310/91	Application under Regulation 5 of the Town & Country Planning General Regulations 1976 for Outline planning permission for residential development.	ApproveConditionally 17-06-92
LU/37/68	Proposed Use Of Land As Touring Caravan Site	ApproveConditionally 16-02-68

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Objection:

- Contrary to Policy TOU DM1 of Arun Local Plan which prevents the change of use of camping and caravan sites to other uses.
- The site is not allocated for residential use in the Local or Neighbourhood Plan.
- There is no other campsite in Littlehampton.
- Contamination and identified gas underground needs careful examination.
- Connection of foul water sewage to an existing connection in Cornfield Close needs consultation with Southern Water.
- Consideration needs to be given to how exit and access to the A259 fits into the plans being implemented next year to widen it and install a roundabout at Highdown Drive to accommodate the Fitzalan Link Road.
- Traffic flow in Cornfield Close for existing residents and access to the School should be protected as

well as parking spaces for residents and visitors to Cornfield Close.

- Consideration needs to be given to the provision of adequate health and education facilities and a legal obligation funding to that end.
- The roads, pavements and public open space should be constructed to an adoptable standard and include recreational play facilities.
- The 77 units should count towards the additional small sites allocation in the Local Plan.
- The application lacks clarification of how the 30% affordable units is being provided.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

There are alternative camping sites available within a reasonable distance of the application site. The contamination risks have been assessed by the Environmental Health Department and conditions recommended.

The foul sewerage has been considered by Southern Water and a condition recommended.

The proposal has been considered by County Highways and Highways England with regard to road layout and traffic flow in Cornfield Close and found it to be acceptable.

Implications for doctors surgeries and contributions have been considered as part of the application.

Adoption of highways would be considered separately by the County Council.

Provision and adoption of play facilities has been considered by the Landscape Officer.

The provision of 77 additional units would count towards additional windfall numbers.

Affordable Housing provision has been considered by the affordable housing officer and the split is appropriate and accords with policy. There would be no policy justification to request a higher provision.

<b>CONSULTATIONS</b>
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- Southern Water Planning
- Environment Agency
- Engineering Services Manager
- Engineers (Drainage)
- Sussex Police-Community Safety
- Environmental Health
- Environment Agency
- Highways England
- WSCC Strategic Planning
- Surface Water Drainage Team
- Estates Manager
- Parks and Landscapes
- Planning and Housing Strategy
- NHS Coastal West Sussex CCG
- Ecology Advisor
- Arboriculturist
- Economic Regeneration
- Archaeology Advisor

**CONSULTATION RESPONSES RECEIVED:**

ADC Landscapes - No Objection.

It should be confirmed that the quantity of Public Open Space (POS) meets the standard. The POS with a good open central village green area with front facing properties is welcomed. However there is concern that there is no buffer zone to the periphery of the site which falls adjacent to significant off site trees and onsite retained trees within individual property back gardens. This may be the cause of conflict over time as these trees further mature and compete for light and space.

The provision of onsite Local Area for Play(LAP) (non-equipped) and Local Equipped Area for Play (LEAP) would be sought along with an offsite Multi Use Games Area (MUGA) financial contribution.

The provision of landscaping for the development must be conditioned with any permission.

The applicants agent has questioned the requirement for open space and officers are awaiting the comments of the landscape officer in respect of this.

Drainage Engineer - No Objection. Standard conditions requested.

County Drainage Engineer - No Objection.

Ecology Officer - No Objection. The submission of a Construction Environmental Management Plan and Landscape and Management Plan should be conditioned.

NHS - No Objection. Contributions of £82,759 requested for Park Surgery extension and working with new facilities at the planned integrated care centre in central Littlehampton.

Tree Officer - No Objection. Proposed layout is far from ideal, but it is satisfactory. Conditions requested.

Environmental Health - No Objection. Conditions requested.

Sussex Police - No Objection.

Southern Water - No Objection. Conditions and Informatives requested.

Environment Agency - No Objection. Conditions requested.

Highways England - No Objection. Would support the production and implementation of a Construction Traffic Management Plan. This should restrict construction traffic to travel outside of the network peak periods and provide wheel wash facilities where necessary.

Affordable Housing Officer - No Objection. The applicants have proposed a development to comprise of 77 residential homes which includes 30% (23) affordable homes. This proportion of affordable housing would meet the council's Affordable Housing Policy requirements in terms of the numbers required on-site. The tenure of the affordable homes is not specified but should be 75% (17) rented and 25% (6) for intermediate housing (shared ownership).

County Highways - No Objection. Conditions requested. Infrastructure contributions required for education, libraries, fire and rescue.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Requested conditions have been imposed.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
Within Built Up Area Boundary



Tree Preservation Order TPO/LU/2/18  
 Archaeological Notification Area

**DEVELOPMENT PLAN POLICES**

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

DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitigation
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
AHSP2	AH SP2 Affordable Housing
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees
QEDM1	QE DM1 Noise Pollution
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
QEDM4	QE DM4 Contaminated Land
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u><a href="#">Littlehampton Neighbourhood Plan 2014 Policy 22</a></u>	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
Littlehampton Neighbourhood Plan 2014 Policy 15	Provision and improvement of school facilities

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

<b>POLICY COMMENTARY</b>
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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.

The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account.

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

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on the character or visual amenities of the locality or residential amenity.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site lies within the built up area boundary of the Local Plan where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Policy 1 of the Littlehampton Neighbourhood Plan states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. The site is within the Built Up Area Boundary as defined in the Neighbourhood Plan and Arun Local Plan. Policy 2 (a Spatial Plan for the Town) concentrates future housing within the built up area boundary of Littlehampton, especially within the Fitzalan corridor, connecting the strategic housing allocations at North Littlehampton with the Littlehampton Academy and Town Centre. This site is within that area.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), D DM1 (Aspects of Form and Design Quality), QE DM4 (Contaminated Land), TOU DM1 (Tourism related Development), AH SP2 Affordable Housing and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. 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.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.
- 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.

## Littlehampton Town Neighbourhood Plan (LNP)

Policy 3 (Housing Supply) relates to the phased provision of in excess of the 200 homes on allocated sites and windfall sites, which include affordable housing provision. On allocated sites there is a requirement for development in excess of 400m walking distance of the town centre, which is suitable for larger households, to have less than 25% of the total number of homes with 2 bedrooms or fewer. This site has a greater proportion close to 50% but it is not an allocated site.

Policy 4 (Housing Site Allocations) are relevant to determination of this application. Policy 4 relates to an area of land, which bounds the southern and western boundaries of the site which has the benefit of an allocation for residential development in the Littlehampton Neighbourhood Plan (LNP), this allocation is defined under Policy 4 of the LNP and details that the site is allocated for 'approximately 100 dwellings comprising primarily 2, 3 and 4-bedroom houses, to be delivered in the period 2020-2029, subject to the provision of a new open space on land adjacent to Oakcroft Gardens'.

## BACKGROUND

The Property & Estates Manager presented a report to Full Council on 13 September 2017 which followed on and was linked to a report presented to Cabinet on 17 July 2017 and which was subsequently approved. The Property & Estates team were completing a review of the Council's general fund assets, one of which was this application site at Daisyfields, Cornfield Close. The site at that time was under lease as a campsite. The report informed the Cabinet of the financial detail of the options available to the Council when determining the future of this site. In considering the matter, Member comment was made that the Council now had to look at every opportunity to generate income on behalf of the District's council tax payers and that this was the right time for the site as the lease was coming to an end. The Cabinet subsequently confirmed its decision. Terms have subsequently been agreed for its disposal and selection of purchaser from the four offers received has taken place. This application attempts to conclude matters and to complete disposal and conveyance of the freehold site.

## VIABILITY

The Council received an annual payment for the lease of this six acre site. The site was licenced for 40 Touring pitches and 40 tents. The financial performance of this lease was considered to be extremely poor and the Council's Property & Estates team reviewed the lease accordingly in order to assess options for raising its financial return.

The leaseholders provided the Council with a basic business plan and wished to continue on site and take on a new lease for the land for continued operation as a camp / caravan site. The plan included an investment injection into the site in order to improve the existing infrastructure and facilities, but did not provide sufficient detail to enable funding to be secured. A long lease would have been necessary to permit the leaseholder sufficient tenure to secure the finance required to deliver their plan. There was concern that the financial capacity of the leaseholder in the long term was not sufficient to provide or sustain a high quality viable business especially given the local competition of other local sites.

The Caravan and Camping market has altered significantly in recent years with customers now expecting extremely high quality, well maintained costly facilities. Arun District Council has experience in the role of Landlord in this market having two other Caravan sites under lease in the District, one located in Rowan Way, Bognor Regis and the other in Mill Lane, Littlehampton. The leaseholder on these sites (Caravan and Motorhome Club), one of the country's largest providers of caravan and camping sites, have invested very significantly in these sites. The club also have very robust reactive and planned maintenance plans as well as reinvestment plans in place requiring substantial financial resources in order to continue to meet their customers demand and high expectations of high quality facilities at their sites.

The Council's Cabinet on the 31st July 2017 resolved to dispose of the application site. This was in accordance of a report from the Property & Estates team that concluded that the site could not provide the Council with the financial return that it expected.

## TOURISM

Policy TOU DM1 of the Local Plan seeks to protect existing and encourage new tourism related development where appropriate. It states that change of use of camping and caravan sites to other uses, including permanent residential will not be permitted, unless the site is allocated for other development in the Local Plan.

The site has had a lawful use as a caravan park since the early 1970s and a history of residential occupation for almost 50 years. It was last used in March 2018. In order to make an assessment of the appropriateness of the loss of this site it is necessary to consider the provision of alternative caravan sites in the locality which could compensate for the loss and ameliorate any harm in loss of provision arising. Although the site has lawful use as a caravan park, it is vacant and has not been in use for some time and, as such, is no longer functioning as a caravan site within Littlehampton. There are a number of sites in the locality which provide similar caravan facilities, as follows:

- Littlehampton Caravan and Motorhome Club Site which is located 1km north west of the site and comprises 108 touring pitches, 60 of which are pitches on hardstanding.
- Brookside Holiday Caravan Park which comprises rental of static caravans throughout March - October, and is located approximately 1.4km north west of the site.
- Lyminster Nursery Caravan and Motorhome site which is located close to Brookside Caravan Park 1.5km of the site, Lyminster Nursery offers a small number of grass touring pitches.
- Coastal Caravan park is located approximately 4km south east of the site in East Preston and offers a number of touring and seasonal pitches with direct access onto the beach.

Whilst it is recognised that the proposal will result in the loss of a site with lawful use as a caravan site, it is not in use as such and is therefore not performing its relevant function as an asset to the tourism industry in the area. A decision has already been taken by the Council to sell the land. Furthermore, there are several other similar caravan sites within 1.5km which provide enhanced facilities.

The delivery of housing, including much needed affordable housing, therefore weighs heavily in favour of the proposal and it cannot reasonably be resisted on the basis of a loss of tourism facilities.

## CHARACTER AND VISUAL AMENITY

The site is bounded by residential development. Highdown Drive to the west of the site comprises a mixture of detached and semi-detached 2 storey houses and chalet bungalows, Cornfield Close provides terraced and semi-detached 2 storey houses and Oakcroft Gardens to the east provides a mix of bungalows and chalet bungalows. Whilst development directly north of the A259 comprises 2, 3 and 4 storey houses and apartments to the north and south comprising 2 storey semi-detached and detached dwellings. Given the nature of both the visual context of the site and the form of the development, the height, density and overall site coverage is similar to neighbouring buildings and is acceptable in terms of height and form.

The character of the area is considered to be suburban and the application site is at odds in this urban setting. Planning Policies and Central Government Advice support the efficient and effective use of land. Policy D DM1 requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, layout and building materials. Policy D SP1 of the Local Plan requires proposals to make efficient use of land. These principles are replicated in the Littlehampton Neighbourhood Plan in Policy 22. The NPPF also attaches great weight to the design of the built environment and states that local circumstances should be taken into account, to reflect the

character, needs and opportunities of each area. It states good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Para. 130 suggests permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Various house types are proposed within the development to respond and integrate into the existing context. Materials are varied comprising predominantly concrete roof tiles, some tile hanging, dark brown and red brick and timber cladding and render. The external finishes would be sympathetic to the local vernacular which has no overriding dominant material or colour. Brick is the predominant elevational material. Details such as stringer and header courses to window openings as well as feature areas of protruding brick banding to the apartment buildings are incorporated to add interest as is a variation in colour and texture between terraces and houses. Recessed front entry porches are incorporated to the houses detailed with a contrasting colour brick to the primary facade. Some buildings also have areas of vertical tile hanging to the upper floors which, along with the use of varying roof heights and gables, are deliberately positioned at focal points. The roof treatment will be a textured plain concrete tile with some variation in colour introduced from house to house in order to create further visual interest and the design includes pitched tiled roofs with overhanging eaves and gables. Some buildings also have areas of vertical tile hanging to the upper floors which, along with the use of varying roof heights and gables, are deliberately positioned at focal points. Full material details will be subject to a condition attached to the planning permission.

The layout of the proposal has been developed to respond to the local housing character. All of the dwellings comply with the Nationally Described Space Standards. Orientation of houses allows for good daylight and sunlight, clearly defined public and private space and ensures that boundaries to neighbouring properties are well screened. The layout creates a public realm and variation in street frontages which provide a sense of place and character providing a safe and attractive place for residents. The proposal is therefore in compliance with policies DDM1 and DSP1 of Arun Local Plan.

Policy ECC SP2 requires all new residential development to be energy efficient. The proposed properties have been designed to maximise solar gains whilst incorporating appropriate natural ventilation to assist with summer temperatures. A condition is imposed to ensure that 10% of energy requirements are from renewable or low carbon energy generation.

#### OPEN SPACE AND LANDSCAPING

Policy OSR DM1 sets out the Open Space, sport and recreation requirements for new development.

The agents have questioned the approach towards providing open space, sport and recreation requirements within the site. Regarding LEAP provision, the agents have suggested that an off-site contribution to upgrade local facilities would be the most appropriate approach given the sites close proximity to such facilities locally. The revised comments of Landscapes are awaited in this respect. Parks and Landscapes have been re-consulted to see if they would prefer to see a more formal approach to play within the site and would support a Local Area of Play (LAP) accommodated within the central open space.

Their comments are awaited to see if the proposal is compliant with the requirements of Policy OSR DM1 in terms of on-site open space provision.

The planning submission is accompanied by a Landscape Masterplan, detailing the proposed landscaping strategy which comprises the following principle elements:

- Japanese knotweed to be removed and replaced with a mix of native woody varieties.
  - Front gardens to be defined by hedging where possible to create defined boundaries
  - Native trees and wildflower meadow planting to areas of open space to enhance biodiversity and ensure visual amenity.
  - Retention of existing boundary vegetation and infill where appropriate to increase structure and biodiversity
  - Introduction of shrub and herbaceous borders to comprise species known to benefit pollinators
- Biodiversity. Existing trees and mature planting are to be retained where possible, with particular care taken with those on the boundary.

In this respect the landscaping proposals have not been objected to by Parks and Landscapes and are acceptable in principle. Details will be controlled by condition.

#### TREE RETENTION

A Tree Preservation Order has recently been imposed in relation to trees on the site boundaries which are indicated for retention as part of this proposal in accordance with policy ENVDM4 of the Local Plan. The applicants have provided an initial Tree Report inclusive of Tree Survey and Constraint Advice and a subsequent Arboricultural Impact Assessment & Method Statement along with a Tree Protection Plan.

The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. The vast majority of trees wholly within the site are of low value their loss would be adequately compensated by soft landscaping. The higher value trees are largely confined to the perimeter either on or off-site and provide both important screening value and habitat importance. They have been afforded adequate protection and will add value to the development.

The Tree Officer has expressed concern about the proximity and position of trees along the southern boundary to plots 44 - 49 and to a lesser extent along the east boundary to plots 50 - 58. These trees will block out some natural sunlight to the dwellings and gardens in addition to their seasonal nuisance from seed dispersal, leaves and potential sucker growth. It is anticipated that in the short-term they would come under pressure to prune. A landscaping condition will allow the Council to control any concerns raised by the Council's tree officer and make the proposal acceptable in this regard.

#### RESIDENTIAL AMENITY

With the exception of one of the terraced units to the north west corner of the site (plot 12) all dwellings have a minimum 10m rear garden depth. This would ensure that no materially adverse overbearing or overlooking effects would result. Plot 12 backs onto Cornfield Close and the distance to the boundary of the property to the north including this road is 19m which is sufficient distance to ensure no adverse impact on residential amenity. There is only one property which directly adjoins the site boundary with one of the proposed units and that is the property to the east at 50 Oakcroft Gardens. Plot 59 is a distance of 9.5m to 13.5m from the rear boundary. However overlooking would be at an oblique angle to the corner of the site and material overlooking would not therefore result to the adjacent existing dwelling. A landscaping scheme could be agreed by way of condition to further protect neighbouring residential amenities. The proposal therefore accords with policy DDM1 of Arun Local Plan.

#### TRANSPORT

Cornfield Close is a cul-de-sac which takes access from and runs parallel to Worthing Road (A259) approximately 250m west of the Bodyshop roundabout. The site is well serviced by a frequent bus route (No. 700 Coastliner) providing links to Brighton and central Littlehampton. Bus stops are located just 450m from the site and the route runs every 10 minutes. In addition, Littlehampton Railway Station is located approximately 1.5km south west of the site. Resident (all allocated) and visitor's parking has been provided within the site. All parking areas are landscaped and overlooked by nearby dwellings.

There are existing footpaths serving Cornfield Close and the surrounding roads, providing access to local amenities and employment opportunities including a local shell garage and associated local shop to the east of the site, with further amenities located along Wick Street including a pharmacy, florist, takeaways and a coffee shop west of the site.

The local area also includes a variety of public footpaths and open spaces. Worthing Recreation Ground is located north west of the site, providing playing pitches and equipped play areas. Whilst Brookfield Park just north east of the site provides further recreation opportunities, including equipped play areas to meet the needs of varying age groups and walking routes.

The proposed development would be served from the existing access point from Cornfield Close. Pedestrian access to the site would be provided by a 2m footway along the western side, with an uncontrolled pedestrian crossing proposed to provide a link to the existing footway on the opposite side of Cornfield Close.

The proposed level of car and cycle parking within the site is in line with local guidance in accordance with policy TSP1 of Arun Local Plan and policy 22 of the Neighbourhood Plan. The site's internal road dimensions are such that large vehicles such as a refuse vehicle can negotiate the carriageways and perform turning manoeuvres safely. County highways have no objection in principle in terms of highway safety and requested conditions have been recommended.

### AFFORDABLE HOUSING

Policy AH SP2 of the ALP sets out a requirement for all developments of 11 units or more to provide a minimum of 30% of the total number of units proposed on the site to be provided as affordable housing.

This proposal seeks to identify 23 out of 77 dwellings proposed to be affordable, equating to 30% provision. In addition, this scheme represents a tenure blind approach with units distributed throughout the scheme. This therefore accords with the requirements of policy AH SP2 of the Local Plan.

The proposal seeks approval to the following mix 9% affordable, 0% market for 1 bedroom units, 87% affordable and 43% 2 bedroom units, 4% affordable and 57% market for 3 bedroom units. This housing mix represents a departure from the projected percentage needs for the District, in favour of a higher proportion of smaller units. However there is an acute need for smaller, more affordable dwellings across the district, and the site's location within Littlehampton, a main settlement in the District, supports the provision of smaller residential units in this sustainable location, to meet these needs.

### BIODIVERSITY

The site is dominated by managed grassland, with single-storey buildings concentrated on the north-east corner of the site. Other habitats on site include introduced shrub, scattered trees, a tree line, dense scrub, refuse-tips, tall ruderal vegetation and hedgerows.

Habitats of moderate ecological value such as the boundary trees are proposed to be retained and enhanced within the development. A number of biodiversity enhancements have been proposed, including the strengthening of the western boundary hedgerow and creation of new native species-rich hedgerows along the southern and eastern boundaries. This will provide suitable shelter for slow-worm, hedgehog, nesting birds and enhanced foraging habitat for bats. Tree planting, shrub planting and meadow sowing of species of known benefit to wildlife and the creation of hibernacula for reptiles and artificial bird and bat boxes are proposed.

Biodiversity and proposed enhancements are detailed within the Ecological Impact Assessment which accompanied the planning application. The improved landscaping will aid in protecting and enhancing natural habitats and their local surroundings in accordance with policy ENV DM5 of Arun Local Plan. A

condition has been imposed to ensure adherence to the submitted Assessment.

#### FLOOD RISK AND DRAINAGE

The Proposed Development is located entirely within Flood Zone 1 and is therefore is considered to have little or no risk of fluvial flooding. In addition, and according to mapping from the Environment Agency, the site is considered at very low risk of surface water flooding.

The proposed surface water drainage strategy employs a geocellular crate soakaway on the public open space, following the removal of made ground. The strategy also proposes permeable paving in parking spaces provided for the apartments. The proposed strategy will direct surface water run-off generated on site to a soakaway, which will discharge flows by infiltration through clean soils, not made ground. Conditions requested by Engineers have been requested to ensure that further details are agreed. The proposal is therefore in accordance with policies WDM2 and WDM3 of Arun Local Plan.

#### CONTAMINATION

The site comprises a generally flat and level grass covered former caravan and camp site. Through the process of completing the desk study and intrusive investigation, it was discovered that the majority of the site comprised an infilled former brick quarry. Assessment of the investigation findings have identified particular hazards, or potential hazards which were considered to require intervention (remediation) to mitigate the risk of harm. Remediation works are proposed to break the identified plausible pollutant linkages associated with ground gases and in respect to soil contamination. The aim of the remediation is not to remove all contamination identified on site but to reduce the identified risk to an acceptable level with respect to human health, the built environment and controlled waters.

Environmental Health and the Environment Agency have been consulted and have not raised an objection. The conditions requested by Environmental Health and the Environment Agency have been recommended.

#### INFRASTRUCTURE

The proposal requires the payment of contributions towards provision of infrastructure in accordance with policy INF SP1. This policy states that proposals will be supported provided they contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. This proposal generates a requirement for contributions of £609,621 for education, £25,887 for libraries, £2,465 for fire and rescue, off site MUGA play equipment and £82,759 for health care. A legal agreement is being drafted in respect of these contributions. The proposal is therefore compliant with policy INF SP1 of the Local Plan and policy 15 of the Neighbourhood Plan.

#### CONCLUSION

The site is sustainably located and is situated within an established residential area within an existing settlement. The proposed development would provide high quality housing in a sustainable location to assist the district in meeting their housing need, as per the requirements of national policy.

It is considered that in accordance with relevant Development Plan policy and other material considerations, there are significant arguments in favour of supporting the development proposed and planning permission is recommended subject to the conditions set out overleaf.

If after four months of the date of the resolution the s106 has not been completed and signed delegated authority should be given to the Director of Planning and Economic Regeneration to refuse the application for the reason that:

(1) The proposed development makes no contribution towards local infrastructure and is thereby contrary



to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**SECTION 106 DETAILS**

See attached Heads of Terms document.

**RECOMMENDATION**

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:  
 Site Location Plan 1:1250 1000 00  
 Existing Topographic Survey 1:500 2002 00  
 Proposed Site Plan 1:500 2000 00  
 Proposed Block Plan 1:500 2001 00  
 Parking Plan 1:500 2003 00  
 House Type A & C4 - Plans and Elevations 1:100 2100 00  
 House Type B Plans & Elevations 1:100 2110 00  
 House Type B1 Plans & Elevations 1:100 2111 02  
 House Type B2 Plans & Elevations 1:100 2112 00

House Type B Lower Pitch Roof 1:100 Plans and Elevations 2113 01  
 House Type C Plans & Elevations 1:100 2120 00  
 House Type C1 Plans & Elevations 1:100 2121 00  
 House Type C2 Plans & Elevations 1:100 2122 00  
 House Type C3 Plans & Elevations 1:100 2123 00  
 House Type D Plans & Elevations 1:100 2130 00  
 House Type E Plans & Elevations 1:100 2140 00  
 Flats Block A Plans & Elevations 1:100 2150 00  
 Flats Block B Plans 1:100 2160 00  
 Flats Block B Elevations 1:100 2161 00  
 Site Sections AA & BB 1:200 2200 00  
 Site Sections CC & DD 1:200 2201 00  
 Site Sections EE & FF 1:200 2202 00  
 Rendered Elevations AA & BB 1:200 2203 00  
 Rendered Elevations CC & DD 1:200 2204 00  
 Rendered Elevations DD & EE 1:200 2205 00  
 Landscape Masterplan 1:500 THA21635 10

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 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implications Assessment Report Ref: THA21635aia-amsB, Rev.B:20.11.2018, dated 18/09/2018 (ACD Environmental).

Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a pre-commencement Site Meeting is to take place between the Arun District Council Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, dwg.no. THA21635-03A, dated 11.09.2018.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with policy ENV DM4 of Arun Local Plan and BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences or the trees will be at risk.

- 4 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and permanently retained as operational thereafter, unless otherwise

agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with policy ECC SP2 of Arun Local Planning Authority and the aims of the NPPF.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 6 Prior to commencement of development a Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) including full details of the habitat management and enhancements to take place on site shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved.

Reason: To safeguard the ecology of the area in accordance with policy ENV DM5 of Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences in order to protect wildlife.

- 7 No development shall commence 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 of the works.
- The anticipated number, frequency and types of vehicles used during construction, including restricting construction traffic to travel outside of the network peak periods.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste,.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- Details of public engagement both prior to and during construction works.
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies TSP1 and DDM1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

8 Prior to the commencement of development a remediation strategy to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority. This strategy shall include the following components:

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

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

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

9 Within 3 months of the start of the development, the Developer shall agree a timetable for submission of periodic verification reports to demonstrate the completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The reports shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The development shall proceed in accordance with approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Arun Local Plan policies QE SP1 and QE DM4.

10 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

11 Piling & investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out and completed in accordance with details so approved.

Reason: To prevent pollution of groundwater in accordance with Arun Local Plan policy W DM1.

- 12 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures in accordance with policy QE DM4 of Arun Local Plan and paragraph 170 of the National Planning Policy Framework. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 13 No part of the development shall be first occupied until the roads, footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy TSP1 of Arun Local Plan.

- 14 Prior to the commencement of construction works details of a proposed foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority details in consultation with Southern Water and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences

- 15 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works MUST stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, a remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenity of the local residents in accordance with policy DDM1 of Arun Local Plan.

- 16 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy

QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework."

- 17 No part of the development shall be first occupied until the roads, footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy TSP1 of Arun Local Plan.

- 18 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.

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

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.

- 19 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

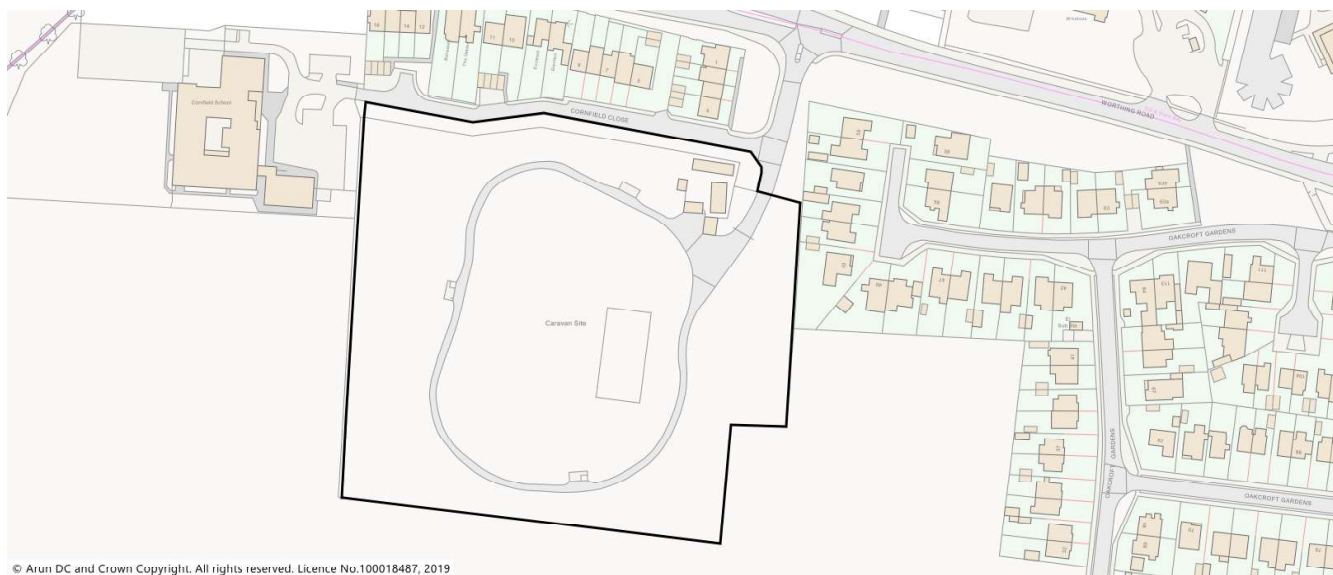
- 20 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). 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>.

- 21 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside

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

- 22 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.
- 23 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 24 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 25 INFORMATIVE: The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-andtravel/information-for-developers/temporary-development-signs/#overview>
- 26 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to contributions towards infrastructure and provision of a minimum of 30% affordable housing

**LU/330/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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**PLANNING APPLICATION REPORT**

**REF NO:** FG/216/18/PL

**LOCATION:** Asda Stores Limited  
Littlehampton Road  
Ferring  
BN12 6PN

**PROPOSAL:** Application for variation of condition 11 following grant of planning permission FG/16/12/ to allow for additional opening hours for the Christmas period to include 24 hour opening from 20th of December to 24th of December annually.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** Condition 11 of planning permission FG/16/12 states 'on any day the retail use shall be operated between the hours of 0600 and 0000 only and not at any other time.'

The proposal seeks consent to open for 24 hours from 20th to 24th December in any year .

The description of the proposal has been amended since the application was originally submitted to relate to future Christmas periods rather than just for 2018.

**BOUNDARY TREATMENT** Some hedging and fencing to site boundaries to approx. 1-2m.

**SITE CHARACTERISTICS** Existing and established retail unit.

**CHARACTER OF LOCALITY** The retail unit is located adjacent to a nurse's and residential dwellings.

**RELEVANT SITE HISTORY**

FG/16/12/	Application for a Minor Material Amendment following a grant of planning permission FG/33/10/ for minor alterations to elevations of building, including lobby, energy centre & plant. Minor alterations to car park layout, landscaping & surface materials (this application also falls within the parish of Angmering)	Approve Conditionally 24-08-12
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**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Objection - Whilst no formal objection was made to the temporary variation of opening hours, objections to the issuing of a 24 hour licence to sell alcohol were raised. The Parish Council is concerned that the availability of alcohol throughout these proposed extended hours could result in anti-social activity and undue disturbance to neighbouring residential properties.

5 Objections (including conservation group)

- There is no need for the store to be open 24 hours at any time of year especially when there are so many close residents nearby.
- Residents are entitled to the quiet enjoyment of our homes without noise from extra deliveries, car noise from staff and shoppers, metal trolley noise, and anti social behaviour, at all hours of the night.
- Increased light pollution impacting on South Downs National Park.- Excessive commercial use of the site.
- Not in keeping with the character of this stretch of Littlehampton Road, which is at least semi-rural.
- It does not respect the amenity of the neighbouring houses.
- The concurrent application for an alcohol licence to cover this period is even more out of character and shows complete disrespect for the community and the time of year.
- If this gets approved, Asda will stop at nothing. What next 24 hours 6 days a week? Will they then apply for the petrol filling station to be 24 hours?
- Need to maintain conditions near residential homes.
- Timing of applications close to Christmas is unhelpful.
- Please can all immediate neighbouring residents be notified in writing of any changes to the use of neighbouring land behind when its by a retailer?

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

The application has been advertised in accordance with procedure. Arun does not operate neighbour notification.

Whilst the site would be lit for 5 additional nights of the year (between midnight and 6am) lighting at the site is controlled by a condition on the planning permission and this condition would need to be varied if lighting levels are altered. Given the limited number of nights that lighting would be left on it is not considered that this would result in an adverse impact on residential amenity or the character of the area generally.

The issuing of an alcohol licence is a matter for environmental health and does not form part of this application.

Future applications would be considered on their own merits.

The application relates to use of the site for 5 nights only.

Any customers over the night time period are likely to be few in number and would use the parking area closest to the shops away from residential properties where the impact is reduced.

#### **CONSULTATIONS**

Environmental Health

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

Environmental Health - No Objection.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

## POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area Boundary.  
A259.

### DEVELOPMENT PLAN POLICES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
LANDM1	LAN DM1 Protection of landscape character
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun 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.

Policy 1A of Ferring Neighbourhood Plan is relevant to consideration of this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on either residential or visual amenity or the character of the 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**

Condition 11 on FG/16/12 states 'On any day, the retail use shall be operated between the hours of 0600 and 0000 only and not at any other time.' It is proposed to amend this condition to allow the following opening hours during the pre-Christmas period.

20 - 24 December (5 nights) - open 24 hrs

The store could open until midnight on 24th December in any year so permission is not required for late opening on this day. The extended hours for the 24th December relate to the hours between midnight and 0600 hours. However the applicant has advised that the store would close by 7pm on 24th.

#### **PRINCIPLE**

In this case the key policy considerations are deemed to be SD SP2 (built up area boundary), D DM1(3) (Aspects of Form and Design Quality), QE DM1 and policy RET DM1 the Arun Local Plan, Policy 1A of Ferring Neighbourhood Plan and the National Planning Policy Framework (NPPF) which supports the effective and efficient use of land. The Local Plan policies require development to be in keeping with the character of an area and not to have an unacceptable impact on residential amenity.

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. Policy 1A states 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.'

The proposal is located within the built up area boundary of Ferring as defined in Arun Local Plan and is therefore acceptable in principle and for the reasons set out below is considered to comply with the provisions of the Neighbourhood Plan and with other relevant development plan policies contained in the Arun Local Plan. It increases the use of an existing building with associated car parking close to the front of the store and is suited to an urban setting. It would enhance the retail provision at this site in accordance with policy RET DM1 of Arun Local Plan.

#### **VISUAL AMENITY AND IMPACT ON SOUTH DOWNS NATIONAL PARK**

The store and parking are existing and no extensions to the built form are proposed. There would therefore be no adverse impact on the visual amenities of the locality resulting from additional structures or alterations, but the development would add to the extent of lighting at the site for 5 nights. The site is located on the south side of the A259 opposite the National Park boundary. Any additional lighting would have an impact on the setting of the Park when viewed from the south. The store would be open overnight on winter evening when lighting would be required for longer periods. However, given that this would be for a limited period only it is not considered to result in any significant harm to the visual amenities of the locality or the setting of the Park.

#### **RESIDENTIAL AMENITY**

The extended opening hours would only relate to 5 days a year and have been requested at what is a very busy time of year for the store. The extended hours would facilitate shopping through the night on 5

consecutive days of the year. It is unlikely that the number of customers at this time would be similar to normal day time levels and consequently the activity associated with this would be focused close to the store entrance which is not located close to the surrounding residential properties. Whilst neighbouring residential dwellings to the south should expect peace and quiet over the night time period the activity associated with opening at this time would be limited and would not result in material harm. The proposal is therefore considered to accord with policies D DM1 and QE SP1 of the Arun Local Plan.

**ACCESS**

The development does not propose any changes to the existing vehicular access points into the site. The store entrances will also remain unchanged by this proposal. There is sufficient opportunity for pedestrians and cycles to access the store and no existing footpaths or cycle paths or cycle policy are affected by the proposal.

**CONCLUSION**

The site lies within the built up area boundary and given the limited extension to opening hours the proposal is considered to constitute sustainable development as set out in the NPPF and to accord with relevant development policies SD SP2, QESP1 and DDM1 of the Arun Local Plan and policy 1A of the Neighbourhood Plan.

However in order to fully assess the impact of the development on visual and residential amenity over a Christmas period it is recommended that permission is granted for the next pre Christmas period only.

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

## APPROVE CONDITIONALLY

1 Condition 11 to read:

On any day, as a maximum, the retail use shall be operated between the hours of 0600 and 0000 only and not at any other time, with the exception of 20th - 24th December 2019 when 24 hour opening is permitted. The 24 hour use of the building hereby permitted shall be discontinued permanently on 25-12-2019.

Reason: To enable the Local Planning Authority to review the special circumstances under which this permission is granted in the interests of the amenities of the locality in accordance with policy DDM1 of the Arun Local Plan.

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

Site Location Plan 100-01 Rev E

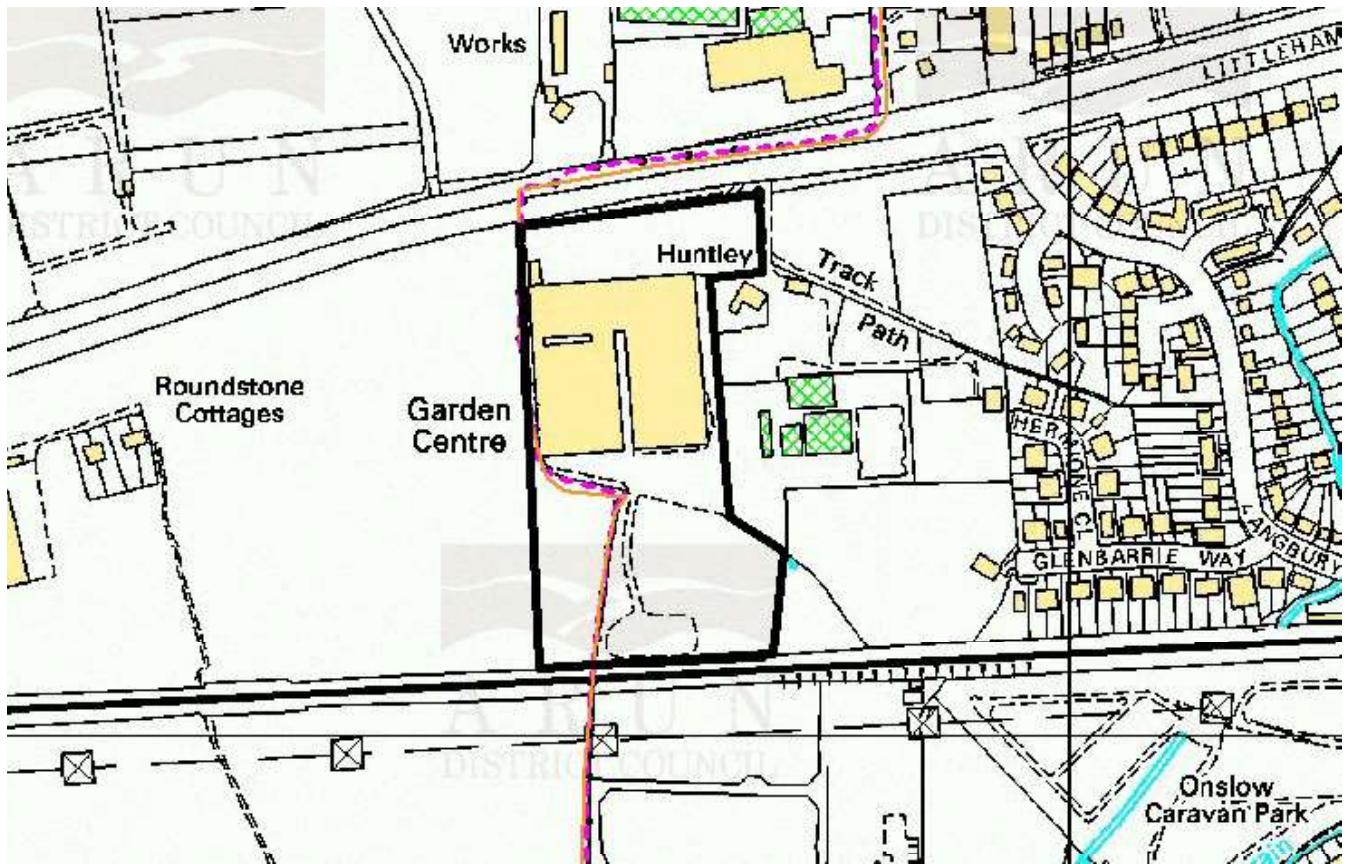
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 **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:** This temporary use expires on 25-12-2019. After this date the use shall revert to the operating hours approved under condition 11 of the original planning permission for the food store FG/16/12.

5 **INFORMATIVE:** This permission relates to the variation of condition 11 of planning permission FG/16/12 only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number FG/16/12 remain in force and must be complied with. This decision only relates to the variation of Condition 11 of that planning permission.

**FG/216/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: FG/228/18/PL

LOCATION: Yeomans Worthing Peugeot  
Garage Premises  
Littlehampton Road  
Ferring

PROPOSAL: Additional office space & supporting facilities (amendment to FG/39/18/PL). This application is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>The application seeks to extend the building at first floor level, above the existing ground floor garage. This proposal represents an increase of 207m<sup>2</sup> of office floorspace. The extension of office space will allow for additional employment opportunities at the head office (granted under FG/39/18/PL), benefitting the local area by enhancing its economic contribution.</p> <p>The proposed materials are detailed to match those of the building granted under FG/39/18/PL, and features windows at first floor level on its Northern, Eastern and Western aspects.</p>
SITE AREA	0.67ha.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	<p>The site boundaries are formed by a low wooden post and single rail fence, behind which is landscape planting including some specimen trees. This planting is recent and yet to mature. Otherwise, the frontage of the site has a generally open appearance. There are stone and brick walls on the north and east boundaries.</p>
SITE CHARACTERISTICS	<p>The site comprises an area currently used for car sales with a show room and work shop on the east side and associated car parking to the sides fronting the A259. A small area of land at the back of the site comprises of a group of dilapidated outbuildings and stables that were originally used as an equestrian yard. A bungalow with associated outbuildings in a dilapidated state is located on the east side adjacent to Hangleton Lane. The existing Peugeot showroom is a building of 2 storey height with a monopitch roof and clad with turquoise and dark grey aluminium panels above large areas of glazing on the frontage.</p>
CHARACTER OF LOCALITY	<p>The character of the A259 road in this area is commercial with a supermarket (ASDA) opposite. To the rear (north) of the site</p>

is The South Downs National Park. There is intervening development between the site and the Park. The character of the road frontage in the vicinity of the site is not rural, but rather commercial interspaced with residential. Development density and character becomes more rural northwards. To the east is a row of two storey residential properties with further residential properties to the north east.

## **RELEVANT SITE HISTORY**

FG/39/18/PL                      Demolition of existing property & outbuildings; erection of new Motor Dealership with Showroom, Offices & Motor Vehicle Workshop (including MOT) & new Head Office Facility adjoining the existing Peugeot building on site including associated hard & soft landscaping & associated supporting facilities. This application is a Departure from the Development Plan.                      Approve Conditionally 09-08-18

The Peugeot dealership has been extended to the north on appeal (FG/45/15/PL) and west following approval FG/134/13. Additionally, this proposal seeks to extend the Honda Dealership approved under FG/39/18/PL.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Objection:

- No provision for the increase in vehicle transporters has been made in this application.
- The application is a Departure from the Development Plan.
- The office space could be accommodated elsewhere within the built up area.
- The Parish Council are not the only objectors to the area.
- The site is becoming over intensified with inadequate parking and vehicle movement facilities.
- The application fails to demonstrate how increasing the intensity of the site will deliver safe operating practices.
- The impact on the street scene is inappropriate for the area.

Kingston Parish Council - Objection:

- Support the comments by Ferring Parish Council.
- Adverse impact on local infrastructure.

2 letters of objection (including Ferring Conservation Group):

- This area is open Downland, and is being ruined by all of the development in this area.
- Piecemeal permissions are unacceptable.
- Object to the intensification of the site.
- The road is now semi-rural, due to the unplanned commercial development of this corridor.
- There will be an additional parking demand generated by this application, without further provision on site.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and will be addressed in the conclusion section. The application seeks to increase the office space only, and no additional transporter movements are proposed. It is not considered that the application will have any significant impact on the character of the locality or the street scene, as result of its relatively modest scale and siting at the rear, within an established commercial site.

**CONSULTATIONS**

Engineering Services Manager  
Engineers (Drainage)

**CONSULTATION RESPONSES RECEIVED:**

The Council's Drainage Engineers - No objection:  
- It has been confirmed that this application is just a first floor extension and involves no increase in impermeable area.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
Outside built up area boundary.  
Angmering to Worthing settlement gap.

**DEVELOPMENT PLAN POLICES**

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

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

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD3	Parking Standards
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**POLICY COMMENTARY**

The Development Plan consists of the Arun District 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 Ferring Neighbourhood Plan has been made and the relevant policies considered in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies relating to development outside the built up area boundaries. The proposal accords with policy C SP1 (f). on the basis that it is a proposal for economic growth outside the built up area boundary which conforms with policy EMP DM1 (6.) of the Arun District Local Plan 2018.

As a result of the above the proposal is compliant with policy 1A of the Ferring Neighbourhood Plan (FNP) whose aim is to resist proposals outside the BUAB where they do not accord with development plan policies.

The proposal also complies with Policy 7 of the FNP whose aim is to resist 'any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' The proposal is for the extension of an already approved commercial use which will not have a detrimental impact on the visual amenity of the area or the setting of the National Park.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

The key policy considerations in the determination of this application are those contained within the Arun Local Plan (ADLP) and the Ferring Neighbourhood Plan (FNP). The application site is situated outside of the built up area boundary (BUAB) and within the Angmering to Worthing gap as specified by policies SD SP2 and SD SP3 of the ADLP. Policy C SP1 of the ADLP will not permit development situated outside of the BUAB unless it is consistent with other ADLP policies. Policy C SP1 of the ADLP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB.

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.

In order to determine whether the proposals accord with development policies for proposals outside of the BUAB, the relevant Local Plan policy to assess the proposals against is Policy EMP DM1.

Policy EMP DM1 of the ADLP relates to circumstances in which economic growth outside the BUAB may be permitted. This policy states under (3) that the Council will positively encourage the relocation of existing firms within the District and under (6) that planning permission will be granted on sites outside the built-up area, provided that it is satisfied the criteria in the policy.

This application is for the expansion of an existing business within the district and the applicant has stated that the current premises in Littlehampton are no longer fit for purpose and that the Honda dealership needs to be located in the eastern part of the district.

The proposal meets all of the other criteria set out in EMP DM1 (6.) in that:

It is an appropriately sized extension of an existing employment site. It is of a high standard of design, layout and landscaping appropriate to the context and a sympathetic relationship to the surrounding area.

The new buildings have been designed to complement the Peugeot dealership building. They are the same scale and built of similar materials using neutral toned cladding and extensive glazing to the frontage. The proposed use of the site is in line with the growing commercial use of the area and the appearance of the building in keeping with the neighbouring Peugeot dealership building.

Policy SD SP3 - Gaps Between Settlements. Angmering to Worthing.

Proposals are expected to maintain the generally open and undeveloped nature of this gap so as to prevent coalescence and retain their separate identity.

As described below there is considerable development abutting the site to the north and east which continues past Hangleton Lane to the west. This part of the gap is therefore not generally open and undeveloped in character and the development of the site will not materially add to this existing character and appearance.

Ferring Neighbourhood Plan (FNP).

The application site is located on land north of the Littlehampton Road and as such Policy 7 in the FNP applies. This states that the Neighbourhood Plan will support development subject to certain visual impact criteria. Further, it states that it will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.

The existing use of the application site is not an established agricultural, horticultural or equine use. The proposed development is therefore considered to be in accordance with FNP Policy 7.

Ferring Neighbourhood Plan 2014 Policy 1A states that proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted. The proposed development is in compliance with all the relevant development plan policies namely policy EMP DM1 of the Arun District Local Plan and policy 7 of the Ferring Neighbourhood Plan.

National Planning Policy Framework (NPPF).

Paragraphs 80 and 84 of the NPPF support economic growth through the planning system generally and in rural designated locations. It is therefore clear that the NPPF lends support to the development proposed. This is particularly the case since the proposal is not considered to give rise to unacceptable harm in respect of such matters as visual amenity, design and amenity in general and is considered to be in accord with the Development Plan.

#### **VISUAL AMENITY**

The proposed extension is considered to be of an appropriate design, which appears well integrated within the consented building, whilst complements the existing neighbouring dealership building. The proposed extension is at first floor level to the rear of the approved building, and thereby not be harmful to the character of the area. The land rises up behind the site into the South Downs National Park. However, due to the commercial and residential character of development on both sides of the A259 neighbouring the site there will be no material additional impact on the setting of the National Park. As such the proposal complies with policies D SP1, D DM1, QE SP1, D DM4 and LAN DM1 of the Arun Local Plan.

#### **RESIDENTIAL AMENITY**

There will be an acceptable impact on the houses to the east as the existing show room stands between them and the new development. The proposed extension will be 2m higher than the approved building. However, the proposed development is not considered to have any significant impact upon the neighbouring residential amenities of neighbouring dwellings, as a result of its siting allowing a significant separation distance to nearby dwellings. The residential property 'White Cottage' is located to the North-West of the application site, resultant of a separation distance of over 25m, and the aspect of the development, there is not considered to be any overshadowing, or loss of light as a result of the proposed extension. However, the proposed windows on the Western aspect of the proposed extensions have the potential to result in a loss of privacy to the occupiers of this dwelling by way of overlooking. To overcome this a condition is recommended that these windows are obscure glazed and non-opening below 1.7m from the internal floor level.

As such the proposal complies with policies D DM1(3), D DM4(c) and QE SP1 of the Arun Local Plan.

#### **HIGHWAYS**

Highways England were consulted on the application for the creation of the Honda dealership (approval

FG/39/18/PL), and confirmed that the development would have no adverse impact on the Strategic Highway Network. There will not be any alterations to the vehicular access to the site. The proposed development is an office extension, and therefore, the increase in vehicular movements, will not be to the extent as to require an increase in demand for parking beyond that existing on site. Pedestrian access is via the same entrance as vehicular access and will remain unchanged with this expansion. The existing site has no bicycle parking nor does the proposal.

#### **WATER AND DRAINAGE**

The Council's Drainage Engineers were consulted on this application, and state that as this proposal involves no increase in impermeable footprint of the development, the conditions on previous consent FG/39/18/PL are satisfactory for the site. As such the proposal will comply with policies W DM3 and QE DM4 of the Arun Local Plan 2011-2031.

#### **CONCLUSION**

The development does not give rise to unacceptable harm in design and visual amenity terms. It is also not harmful to amenity in general and is acceptable in highway impact terms.

The character of the area within which the site is located is not that of open uninterrupted countryside in terms of character and appearance. The vicinity of the site has the character of a reasonably well defined developed area within the wider open countryside. This area is a comparatively compact one and there are not considered to be unacceptable implications for the wider open countryside nor for the setting of the South Downs National Park.

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

#### **HUMAN RIGHTS ACT**

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

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

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

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.

<b>RECOMMENDATION</b>
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## 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 - P001 - Nov 2017
- Proposed Office (Expansion) - Plans & Elevations - 17036-HNW-00-XX-DR-A-P210 - Dec 18

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.

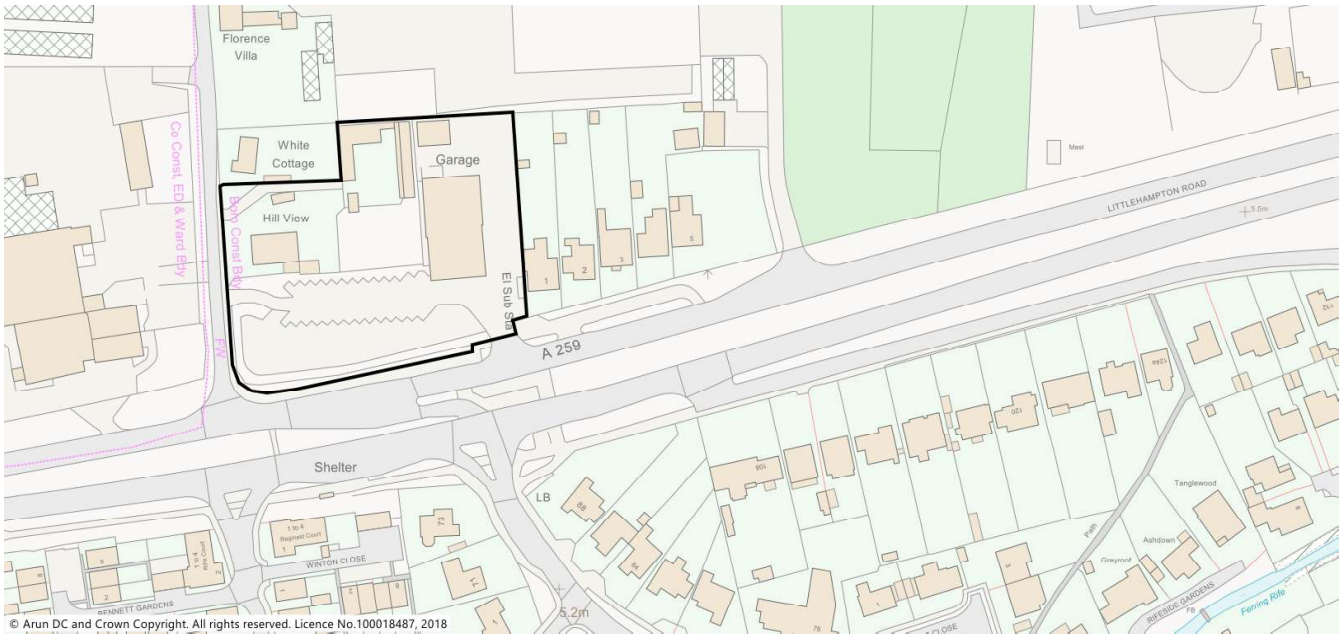
- 3 The windows on the Western elevation of the extension shall at all times be glazed with obscured glass and fixed to be non-opening to 1.7m from the internal floor level, in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1(3) 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.



**FG/228/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: BR/273/18/PL

LOCATION: The Gables Hotel  
28 Crescent Road  
Bognor Regis  
PO21 1QG

PROPOSAL: Change of use from Hotel (C1 Hotels) to 4 No. Flats (C3 Dwelling House) including enlarged dormer & additional door on SE elevation.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Provide four one bedroom flats over 3 floors. One of the flats (B) will be over two floors and have access to the first floor balcony. It is proposed to enlarge the dormer on the north east side elevation (this will serve a second hall/stairs) and amend the secondary door on the front (south east) elevation. The new dormer measures 2.95m wide by 2.59m high and 1.9m deep. It is to be clad in materials to match the existing dormers. The plans show an area for bin storage and bicycles down the side of the building protected from the street by a 2m high close boarded fence.

SITE AREA 0.026 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 153 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT Low white painted wall to the front and mix of low walls and fir tree/hedging to rear boundaries.

SITE CHARACTERISTICS The site comprises a two storey white rendered building with additional accommodation in the roof. There are 8 existing bedrooms over 3 floors. There is a small first floor balcony on the front. Existing dormers within the roof to the front and to the (north east) side. The building has a longstanding use as a hotel but is understood to be vacant and was most recently used as a HMO for overseas workers. There is no parking on the site. Small front garden with access down to the side to a small triangle shaped rear garden.

CHARACTER OF LOCALITY The site is in a town centre setting with mixed residential and commercial uses. There is a shop with residential use above at no. 30 and a dwelling at 26. There is a large public car park to the south and an open car wash on the opposite side of Crescent Road. No. 26 does not have any roof level windows which could be affected by the proposed enlarged dormer.

Pre-application advice in respect of 5 flats was given in March 2018 when it was concluded that it would likely be refused owing to the loss of valuable tourist accommodation in conflict with emerging policy

TOU SP1 and saved Arun Local Plan DEV36 and due to insufficient internal living space provision for two of the proposed flats contrary to emerging policy D DM2 and the "Technical housing standards - nationally described space standard" March 2015.

The application has been revised with now 4 flats proposed and a "Marketing and Viability Statement" has been provided.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

**OBJECTION** - The application goes against the Neighbourhood Plan, namely: - Policy 7 - Promotion of Tourism and Beach Service Points. The NP recognises the crucial importance of the tourism industry for the Bognor Regis economy. Development of new and existing tourist facilities will be supported as a crucial part of improving Bognor Regis as a visitor destination. With regeneration on the cards for Bognor Regis, Members feel it is important to protect existing hotels, in this particular area, which will be much needed.

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

It is not considered policy 7 of the Neighbourhood Plan is relevant as it clearly states support for the development of new and existing tourist facilities and does not provide any protection to existing tourist facilities.

## **CONSULTATIONS**

Economic Regeneration

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

### **CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS - No objection. Comment that:

- There is no off-street parking at the property;
- Under a C1 hotel use of 8 bedrooms a maximum parking demand of eight spaces could have resulted;
- The 4 x 1-bedroom flats could see a demand for three car parking spaces;
- The site is sustainably located;
- The plans indicate that bicycle storage will be provided and the LHA advise that this be maintained in perpetuity via a suitably worded condition; and
- It is not considered that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC DRAINAGE ENGINEERS - As no change in the roof area, have no comments to make. Any alterations to surface water drainage should be designed and constructed in accordance with building regulations.

ADC ECONOMIC DEVELOPMENT - The property has not been used for tourism accommodation for some 10 years or more and in recent years, it has been used as an HMO, was rated for business rates and is not in a particularly prominent tourist location. On this basis raise no objection.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to control hours of working during the conversion phase, to prevent any light pollution and to protect future residents from noise from the road or the car wash opposite. Appropriate sound insulation should be installed between flats, with particular attention being paid between the bedroom of Flat C and the bathroom of Flat D - this will be addressed by Building Control.

### COMMENTS ON CONSULTATION RESPONSES:

In respect of the Environmental Health comments, the applicant has been requested to agree a pre-commencement condition to ensure that residents are protected from external noise sources. The applicant has suggested they will provide the required information prior to determination. Members will be updated in respect of the information that is provided and Environmental Health's response to this.

### POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and  
Pagham Harbour Zone B.

### DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

### 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.

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

## **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 change of use from hotel to residential flats would not have an adverse impact on the existing provision of tourist accommodation within the area and that the change of use would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining 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:

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, schools, medical services and a railway station. The proposed flats could contribute to the economic and social needs of the Bognor Regis area.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, para 123 states where there is an existing or anticipated shortage of land for meeting

identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land.

#### LOSS OF THE HOTEL:

ALP Policy TOU DM1 states existing visitor accommodation will not be granted permission for a change of use unless it is demonstrated the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. The policy requires that (a) alternative visitor uses have been fully explored; (b) an appraisal is supplied to indicate that the use is no longer viable; (c) that there is evidence that the site has not been made deliberately unviable; and (d) there is evidence of the suitability of the site to accommodate the alternative use.

The NPPF does not contain specific guidance in respect of safeguarding tourism uses. It is noted that para 85 (f) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of town centres and that therefore policies should encourage residential development on appropriate sites.

In response to the concerns raised at the pre-application stage, the applicants have provided a "Marketing and Viability Statement". This sets out that:

- 28 Crescent Road was marketed for sale early in 2016 as it was vacant and no longer viable;
- The owner/occupier could not generate enough income from the guest house to sustain it, at the time of marketing there were no employees as they could not be sustained on the occupation rates;
- When it was marketed, the selling agent commented that property would be suitable for conversion or full re-development for residential use;
- According to the selling agent, there had not been any further hotels or guest houses on the market in the area since July 2016 and the majority of the smaller ones in the area have been converted;
- The hotel was purchased in July 2016 and has been marketed as such ever since;
- There have been no bookings at the hotel since the purchase;
- The owners have been using the guest house privately for the previous year to house employees who travel in from abroad on a short term basis; and
- The Gables Hotel has been unviable for over two years and is not a loss of valuable tourism.

The Councils Economic Development officers have appraised the application and have stated that the property has not been used for tourism accommodation for some 10 years or more and is not in a particularly prominent tourist location. They raise no objections to the change of use.

On the basis of the above evidence the proposal accords with policy TOU DM1 of the Arun Local Plan.

#### DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan 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. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible

locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

Policy D DM4 requires extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place.

The proposals seeks to make minimal changes to the exterior of the building and will preserve the existing appearance. There are no concerns with the replacement door on the front elevation. The dormer is to the side and though higher and wider than the existing is no deeper and will be relatively hidden from view by the existing chimney. It is not considered that the dormer conflicts with D DM4.

The proposal therefore complies with ALP policies D DM1 and D DM4.

#### **PARKING PROVISION:**

In respect of parking, ALP policy T SP1 states that: "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 scheme includes no off-street parking. The site is in an accessible town centre location within a few minutes walk from Bognor Regis railway station, bus stops and food stores and other shops and services. The Railway station provides regular train services to Barnham, Chichester, Littlehampton, Arundel and beyond. Due to its central location, it is not considered necessary for future occupiers to have access to a car and if they do then they would need to pay for parking or apply for a residents permit for use on nearby roads. It is not considered that any on-street parking would lead to a highway safety issue. This is supported by the WSCC Highways advice.

It is noted that the building has 8 bedrooms whereas the new use would comprise of four 1 bedroom flats. WSCC advise that the parking demand for an 8 bed hotel would equate to 8 spaces whereas the demand associated with the 4 flats is 3 spaces. A condition will be imposed to ensure that the cycle storage is secure and is retained in perpetuity.

The proposal accords with T SP1 of the ALP and with the guidance on highway safety in the NPPF.

#### **RESIDENTIAL AMENITY:**

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. Policy D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

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".

There are no new windows and although there are changes to the building layout, these are not considered to result in new amenity impacts to neighbouring or nearby properties. The enlarged dormer will serve a hall/landing area which faces towards the roof slope of 26 Crescent Road and does not permit overlooking of existing windows. The proposal complies with policies D DM1 and QE SP1.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The following is a breakdown of the proposals versus the space standards:

Flat - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

A - 1S/1B/2P - 50m<sup>2</sup> - 50.8m<sup>2</sup> - Y

B - 1S/1B/2P - 50m<sup>2</sup> - 63m<sup>2</sup> - Y

C - 1S/1B/1P - 39m<sup>2</sup> - 38m<sup>2</sup> - N

D - 1S/1B/1P - 39m<sup>2</sup> - 39.4m<sup>2</sup> - Y

3 out of the 4 flats comply. Flat C is only 1m<sup>2</sup> short and not considered to be so significant or harmful to warrant refusal. Policy D DM2 is clear that the national space standards are for guidance only and that flexibility is to be allowed for conversions.

The scheme includes a small communal rear garden and a private balcony to one of the four flats. The site is also within a short walk of Hotham Park and the beach front. Therefore, residents will have easy access to outdoor spaces for recreation etc.

The proposal complies with policies D DM1 & D DM2 and with the guidance within the NPPF (paragraph 127).

#### PAGHAM HARBOUR:

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 4 dwellings results in a contribution of £3,484 at the current rate and it is this that is secured by the signed legal agreement.

#### SUMMARY:

The proposed conversion of this property is considered to represent an efficient use of urban land and does so without compromising the character/appearance of the existing building, the existing tourism offer of Bognor Regis, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and also complies with all development plan

policies. The recommendation to approve is therefore made subject to the following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**SECTION 106 DETAILS**

This decision will be granted with a S106 legal agreement relating to a contribution of £3484 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

**RECOMMENDATION**

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:

- 17085-101 Rev A "Location and Site Plans";
- 17085-420 "Proposed Floor Plans (Ground and First)";
- 17085-421 "Proposed Floor Plans (Second and Roof)"; and
- 17085-520 Rev A "Proposed Elevations".

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

accordance with policies D DM1, T SP1 and QE SP1 of the Arun Local Plan.

- 3 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM1

- 4 The materials and finishes of the external walls and roof of the dormer extension hereby permitted shall match in colour and texture with those of the existing building and in accordance with the submitted application form.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle storage spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Such approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 6 None of the new flats shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 No external lighting shall be installed on the building or site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

- 8 All bathroom/toilet windows shall be glazed with obscured glass or have obscure film permanently applied.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

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

- 10 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £3,484 towards the provision of accessible natural open green spaces to serve the Pagham area.

**BR/273/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: A/114/18/PL

LOCATION: Broadlees  
Dappers Lane  
Angmering  
BN16 4EN

PROPOSAL: Demolition & erection of 70 bed care home within Use Class C2 (replacing building 4 approved by A/27/16/PL), access, parking, landscaping and other associated works

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The proposal is for a 70 bed care home scheme split over 2.5 storeys. This includes communal facilities such as lounges, a coffee shop and hairdressers, 27 car parking spaces including 2 disabled spaces and cycle parking.

The materials for the elevations include facing brickwork, render, hanging tiles and flint and the roof would comprise red/brown roof tiles.

The layout will take advantage of the slope of the site by creating a lower ground floor with bedrooms and communal spaces facing over the south of the site.

SITE AREA 0.7 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 100 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Some hedging and preserved trees to west and south and timber fencing to others.

SITE CHARACTERISTICS The dwelling has been demolished and the site cleared of buildings.

CHARACTER OF LOCALITY The site is located within the built up area of Angmering with an allocated site for 800 dwellings to the north and a mixture of two storey/steeply pitched chalet style detached dwellings to the west on the other side of Dappers Lane. Angmering village centre is approximately 500m away along Water Lane.

Immediately south the other side of Water Lane there is a single storey building associated with an angling business and west of this there is a line of 2 storey terraced housing along the western edge of Weavers Lane which, after approximately

300m, meets the High Street.

Immediately north of the site is a former horticultural business (St. Denys Nursery) which includes a two storey dwelling. The site has recently been granted permission for the greenhouse to be demolished and 8 B1 units be erected. Immediately north of this there is another existing complex of B1 units together with extant permission for another 8 B1 units. Further north lie employment and residential uses in sporadic form until you reach Patching.

To the east and north of the site, beyond the allocated housing site, lies the South Downs National Park (SDNP) with its network of Public Footpaths. The SDNP boundary line is approximately 500m to the east and 1km to the north.

## RELEVANT SITE HISTORY

A/151/18/CLE	Application for a lawful development certificate following grant of planning permission A/27/16/PL for an existing development - confirmation that permission has been lawfully commenced	
A/27/16/PL	Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works. Departure from the Development Plan.	App Cond with S106 09-02-17
A/134/13/	Outline application for demolition of Broadlees and erection of up to 27 x 2 bed age restricted cottages, a 60 bed care home, laundry room, managers cottage and guest suite, with associated car parking This is a departure from the development plan.	Refused 31-01-14

Planning approval A/27/16/PL related to demolition of the existing house and outbuildings and the development of 53 care apartments (45 x 2 bed & 8 x 1 bed) within Class C2 (Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). The accommodation was spread over 4 detached blocks. The 2 blocks fronting onto Dappers Lane were 3 storey and the two to the rear of the site were 2 storey.

The proposal also included communal gardens, 55 car parking spaces, 8 cycle spaces, a new 2m wide footpath from the site entrance along the east of Dappers Lane and a crossing point onto the west side of Dappers Lane to adjoin the footway that ends at the Water Lane/Dappers Lane junction. The application also included a s106 agreement for financial contributions towards libraries, fire services and additional GP services and provision of highway works connected to the new footpath.

The previous permission was for apartments over a wider area and had a similar access road and



landscape arrangement as the current application. The proposed apartments were split into four individual buildings with the largest of these being at the South-West corner of the site. The proposed application site relates to this block and surrounding land in the SW corner of this wider site. The red edge is around the area of unit 4 approved under planning permission A/27/16/PL. The remainder of the site is within the blue edge. The applicants intend to build out the remainder of the site in accordance with the previously approved permission.

The proposals closely reflect the original approved scheme. The submitted site plan shows that the original footprint closely follows the proposed, and the elevations are similar in building line, scale and appearance. The roof plan, ridge and eaves heights are also readily comparable to those which have been approved, along with the style, materials and building elements.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Angmering Parish Council

Objection: The Parish Council is minded to support the application as a whole, but objects until it has sight of full plans for mitigation of surface and foul drainage issues. At a future date, once the Parish Council has viewed these plans and is satisfied by them, it may consider withdrawing the objection.

68 Objections (including ward member and 47 standard letters)

- Dappers Lane site is not suitable for 29 Care Apartments and a 70 bed Care Home.
- The Transport Assessment and Travel Plan is based on unproven assumptions.
- The buildings are not of 'domestic' scale.
- The revised building is too high and the protruding gables do not enable the scale to be 'justified'.
- This is an over-development with a considerable increase in noise and pollution.
- Current facilities are below what is already required and there is no capacity of local medical services available to meet the needs of the residents and patients.
- Unacceptable piecemeal development.
- Increased risk of foul and surface water flooding.
- Concern regarding height which will be incongruous to the area. The height of the building will also impact on the view and amenity of the South Downs National Park.
- Will lead to cars parking on Dappers Lane, Water Lane and Weaver's Hill, causing congestion.
- Access / egress to planned facility is too close to a hazardous junction.

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

The previous approval and the built residential development to the west and southwest of the site together with other sporadic development along the eastern edge of Dappers Lane makes the impact on the character and appearance of the area acceptable.

There is no highway objection to the proposal in terms of parking provision.

NHS seek a financial contribution towards additional GP provision.

## **CONSULTATIONS**

NHS Coastal West Sussex CCG

Engineering Services Manager

Engineers (Drainage)

Economic Regeneration

Southern Water Planning  
Arboriculturist  
Parks and Landscapes  
Highways England  
WSCC Strategic Planning  
Surface Water Drainage Team  
Environmental Health  
Planning and Housing Strategy

**CONSULTATION RESPONSES RECEIVED:**

County Highways - No Objection

Footway - Whilst the provision of a footway along Water Lane would provide some benefits for future residents and employees of the proposed development in conjunction with that proposed as part of planning approvals A/99/17/OUT (for 175 dwellings) and A/40/18/OUT (for 525 dwellings), the provision of a footway would not be a requirement for this application or reason for refusal.

Access - The proposed access associated with the approved development of this site for 53 care apartments (A/27/16/PL) is acceptable to WSCC, and the access associated with A/40/18/OUT has also been safety audited and no issues were raised concerning the proximity of the junctions.

Layout - Vehicle tracking has been provided and is accepted. The site will provide 27 car parking spaces in line with standards and would be expected to generate a peak demand of 20 spaces. A total of 4 cycle parking spaces are to be provided in line with standards.

Southern Water - No Objection. Informative requested.

Environmental Health - No Objection. Conditions requested.

Affordable Housing Officer - Objection.

The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 11 units are proposed such as on this site. The applicants are proposing to provide 0 dwellings for affordable housing which does not meet this specific policy requirement. The Council's Affordable Housing Policy extends to impact C2 developments, as the proposal is acknowledged to be, and not just C3 use.

All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (21 units) of affordable housing on-site as part of the development with the tenure as above;
- b) Provide 21 units for affordable housing elsewhere in the district as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,680,000 (21 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

2nd Response - No Objection. Findings of Council commissioned viability study are accepted.

Landscape Officer - As this is a proposal for a development of sheltered apartments for the elderly there would be no requirement for play or play area contribution. However greening to soften the development

would be required on a development of any kind. It is recommended that the indicative scheme would appear suitable for use and location, but full landscaping details should be conditioned.

NHS - Contributions of £70,348 would be requested towards improved facilities at The Coppice GP surgery.

Drainage Engineer - No Objection. Conditions requested.

County Drainage - No Objection

Highways England - No Objection

Economic Development - Request if permission is granted the developer works with local businesses to provide opportunities during the build process for them to be a part of the supply chain.

Legal - Advice in relation to red edge of application site.

The application can proceed to be determined. However if approved the applicant is not legally entitled to implement both permissions as implementation of this latest application (if approved) would prevent full implementation of the existing permission and this application does not incorporate the existing permission.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and relevant conditions included.

With regard to the legal advice it was suggested to the agent that this application was withdrawn and resubmitted with an amended scheme relating to the whole of the application site approved under A/114/18/PL. However they have not chosen to pursue this option. Therefore approval of this application will result in two permissions one of which can't be fully implemented. In addition this application requires a section 106 Agreement to secure contributions and these would be additional to those secured under planning permission A/14/18/PL.

**POLICY CONTEXT**

Designation applicable to site:  
Within Built Up Area Boundary

**DEVELOPMENT PLAN POLICES**

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way

TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

[Angmering Neighbourhood Plan 2014 POLICY HD2](#) Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

#### 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The relevant policies in the Angmering Parish Neighbourhood Plan have been taken into account in the consideration of this application.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there are no adverse impacts in respect of visual and residential amenity and the character of the area that would significantly and demonstrably outweigh the benefits of granting planning permission.

#### **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**

In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly DDM1 and DSP1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area. The proposal is considered to be in keeping with its urban setting and to accord with these policies.

The made Angmering Neighbourhood Plan (2015) contains the following policies relevant to principle considerations:

Policies HD1 & HD2 apply to housing supply and carry reduced weight as they are out of date.

Policy HD1 excludes the site from within the built up area boundary, but with the adoption of the Arun Local Plan it is now within the boundary.

Policy HD4 refers to use of compatible materials, policy HD5 refers to height of buildings and policy HD8 refers to car parking.

The adopted Local Plan is up to date in respect to the supply of housing, but the proposal does not comply with the Neighbourhood Plan in terms of the supply of housing policies since it lies outside the built up area boundary and is therefore contrary to the policy requirement that development of Angmering village is focused within the built up area boundary.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that, in instances where there is a conflict between two elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the built up area boundaries in the Local Plan are the determinant boundaries.

In terms of height and footprint the principle of development on this part of the site has already been approved under A/27/16/PL where the footprint and height were very similar to that proposed under this application. It is only the impact of the slight change in appearance of the building and the different use and the resultant impact on the character and appearance of the area and residential amenity which will form the basis of consideration of this application.

##### **VISUAL AMENITY AND CHARACTER OF THE AREA**

The impact of development in this position and of this scale was previously not considered to be out of keeping when compared to the extensive amount of residential development to the west and south west of the site. Immediately to the north, whilst less developed there are significant pockets of B1 development either existing or with planning permission. To the east of the site is the approved scheme

for the care apartments and beyond that approved strategic housing allocations. Further east is the South Downs National Park and the impact in this respect will be mitigated by the approved housing surrounding the site and the proposed landscaping.

The scale of the proposal reflects the type of development approved whilst trying to keep within the domestic scale of the surrounding context. The perceived scale of the development is minimised by the use of a variety of materials such as brick and flint, along with the incorporation of different features to break up the overall mass of the building. Within the local area there is a mixed palette of materials and styles, however red brick is predominantly used together with flint walls with brick detailing. The materials also now incorporate reference to tile hanging which was not previously included, but is not inappropriate in this location.

From the access road to the north the building appears as a two storey residential scale building, with the upper floor within the roof through the incorporation of dormer windows. This is very similar in scale and appearance to that already approved. The south side has a large terrace which reduces the height on this side, and this boundary is also well screened with an existing tree belt. The building is orientated such that it is surrounded by landscaped gardens which assist in its assimilation into the wider area.

Given the design, materials, footprint and height of the proposal it is considered to accord with policies DSP1 and DDM1 of Arun Local Plan. The incorporation of materials which reflect those used locally meets the requirements of policy HD4 of Angmering Neighbourhood Plan and it has been demonstrated that the built form reduces the impact on their surroundings in accordance with policy HD5 Built Form.

#### RESIDENTIAL AMENITY

In terms of impact of the building on neighbouring residential amenity there will be no material impact to the east given that the footprint and height of the building are as previously approved under A/27/16/PL and the fenestration alterations are mainly changes to window sizes and design.

There are no additional first floor windows in the end elevations of the development serving bedrooms which face onto the previously approved units on the site. To the west the properties are sufficiently distant for the impact to be acceptable. This is further so when the existing and proposed screening of the site is taken into account. The proposal would not therefore adversely impact on the residential amenities of adjoining properties and is compliant with policy DDM1 of Arun Local Plan.

In so far as external amenity space and proposed bedroom sizes are concerned, these are considered to be acceptable and in line with nationally prescribed space standards.

It is considered that the development, in tandem with the proposed landscaping scheme that would deliver enhanced screening along the whole boundary of the site, would have an acceptable impact on neighbouring amenity in compliance with policy DDM1 of Arun Local Plan and the NPPF.

#### ACCESS AND TRANSPORT

The site is currently accessed from Dappers Lane, which is the only access point to the site. This access will be shared with the previously consented care apartments being coordinated as a part of the wider development of the site.

From a design perspective the Council had sought to secure a single point of access on this section of Dapper's Lane as a single point of access serving different development sites is a significantly improvement on two separate access points in close proximity.. It asked the agent for this application and that for the adjoining site to the north A/40/18/OUT to provide a shared access. This has not been achieved. County Highways confirmed that the proposed access associated with A/27/16/PL was acceptable and that the access associated with A/40/18 /OUT had also been safety audited and no

issues were raised concerning the proximity of the junctions.

However, from a design perspective the lack of single access point serving development sites together is a significant negative aspect of the proposals.

Parking spaces will be available near the building entrance with a number of disabled bays closest to the entrance. There will be 27 spaces including 2 disabled spaces with adequate space outside the building for ambulances to park.

There is also the provision of a motor cycle space, and behind this area, adjacent to the entrance is covered cycle storage.

In terms of the proposed parking and associated layout there is no material difference to that proposed by approved A/27/16/PL when County Highways considered it to be acceptable.

The proposal would therefore accord with policy TSP1 of Arun Local Plan and policy HD8 of Angmering Neighbourhood Plan.

#### **ECOLOGY/BIODIVERSITY**

The site consisted of residential curtilage with hardstanding, outbuildings and grazing land. The development will significantly alter this landscape introducing new gardens, trees and open space.

An ecology appraisal of the site was carried out by Middlemarch Environmental Limited and concluded that the proposal is unlikely to impact on any protected species and their associated habitat and that no mitigation or further surveys were required. The proposal would therefore accord with policy ENVDM5 of Arun Local Plan.

#### **DRAINAGE AND FLOODING**

The applicants submitted a Flood Risk Assessment & Drainage Statement. This confirms the site is in Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions. The Environment Agency and ADC/WSCC Engineers have raised no objection to the proposals subject to conditions.

The proposal is therefore compliant with policy WDM2 of Arun Local Plan which requires that development in flood risk areas is accompanied by a specific Flood Risk Assessment to demonstrate that the development will be safe.

#### **IMPACT ON SOUTH DOWNS NATIONAL PARK**

The site is located adjacent to existing, allocated and approved development. The site is opposite residential development on the west side of Dappers Lane and to the north and west is encircled by Angmering North Strategic site allocation which will provide 800 units. It will not therefore appear as an obtrusive or prominent feature in the landscape and would not adversely impact on views into or out of the Park. It would therefore be compliant with policy LAN DM1 of Arun Local Plan.

#### **INFRASTRUCTURE**

Policy INF SP1 of the Local Plan requires applicants' to provide the costs of additional infrastructure required to service their development and mitigate their impact. This is usually done through the signing of a legal agreement.

The NPPF sets out the Government's policy on planning obligations in Para's 55 and 56 which advise that legal agreements should only be used where conditions cannot and should meet tests of being necessary, directly related and fairly and reasonably related in terms of scale and kind.

The applicants are progressing a Section 106 Legal Agreement to secure financial contributions which consists of :

- Healthcare contribution (£70,348) for additional healthcare capacity. The Council is awaiting comments from the NHS to confirm what type of project they are requesting this to fund. Committee will be updated on the comment received and advised on whether officers consider their requests to be CIL compliant.
- Fire and rescue contribution (£753) to be used towards the supply and installation of additional community fire link smoke detectors to vulnerable persons homes in West Sussex Fire and Rescue Service Southern Area serving Angmering.
- Libraries contribution (£9,228). To be used towards flexible shelving to enable increased community use at Angmering Library.

The final two contributions are site and use specific so are considered to be compliant with the Community Infrastructure Levy.

The applicant is willing to pay contributions to mitigate against the impact of the development in respect to infrastructure issues such as libraries and health, but following the independent viability assessment carried out it is clear that there is only a total S106 contribution that can be payable of £33,026. Therefore further payments beyond this cannot be viably made.

The contributions have been requested by the relevant regulatory authority and are reasonably related in scale and kind to the development proposed. However, it has been necessary to determine whether the application should be refused on the basis of the lack of contributions.

The NHS have advised that since this not a strategic site, they are conscious that the principle of CIL / S.106 should be followed with regard to proportionate contributions from all developers and are considering whether they are agreeable to the lower contribution levels in this case. At this stage the precise details of the allocation of the monies are being determined, but will be reported to Committee once determined. Further, even though the fire and libraries contributions do not exceed the pooling limits and are CIL compliant it has been decided to allocate all of the contributions towards the NHS on the basis that the perceived demand for this infrastructure is deemed greater.

The pooling for contributions towards The Coppice surgery in Rustington has reached the maximum total as has the limit for healthcare at Angmering Medical Centre. There is one contribution for general health care in Angmering (not at the medical centre) relating to A/27/16/PL (Erection of 53 care apartments on the Broadlees site) designated in Council records as an appropriate pool.

While it is appreciated that there is local concern over the current state of infrastructure provision within the area and the additional pressures further development would have on this, the securing of contributions by means of a Section 106 Legal Agreement is the accepted way of dealing with infrastructure demands. This process has been followed in this case and refusal on these grounds would therefore not be justified. The monies available are limited. As set out above all available contributions would be provided to the NHS by way of a Section 106 Agreement.

#### **AFFORDABLE HOUSING**

The preceding section of the report outlines infrastructure contributions required as part of this development all of which have been agreed with the applicants. In so far as an affordable housing contribution, in line with policy AH SP2 of the ALP, is concerned the applicants have submitted a viability



assessment to the Council's Housing Strategy and Enabling Manager who evaluated this viability assessment through the use of external consultants.

He concluded that the Council accepts the overall conclusions of the Council's retained viability consultant, DSP, that affordable housing provision cannot be supported by way of a financial contribution.

The NPPF places significant emphasis on local planning authorities being aware of the difficulties of housing viability and encourages planning decisions that reflect any measured and identified problems. In this context it is considered that the absence of an affordable housing contribution is acceptable.

## **CONCLUSIONS**

It is considered that in accordance with relevant Development Plan policy and other material considerations, there are significant arguments in favour of supporting the development proposed and planning permission is recommended subject to the conditions set out overleaf.

If after two months of the date of the decision the s106 has not been completed and signed delegated authority should be given to the Director of Planning and Economic Regeneration to refuse the application for the reason that:

(1) The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

## **HUMAN RIGHTS ACT**

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

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

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

Duty under the Equalities Act 2010

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

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

## **SECTION 106 DETAILS**

The draft Section 106 Agreement is currently being agreed with the applicant.

Precise details of the allocation of any monies are awaited to ensure they are CIL compliant. The Committee will be updated on this when it meets.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

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

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

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

- o 1877-HIA-04-XX-DR-A-01001 - Site Location Plan
- o 1877-HIA-ZZ-XX-DR-A-01002 - Proposed Site Layout Plan
- o 1877 HIA 04 01 DR A 02001- Proposed Lower Ground Floor Plan
- o 1877 HIA 04 02 DR A 02002 - Proposed Ground Floor Plan
- o 1877 HIA 04 03 DR A 02003 - Proposed First Floor Plan
- o 1877 HIA 04 XX DR A 04002 - Proposed Elevations (Drawing 1 of 2)
- o 1877 HIA 04 XX DR A 04003 - Proposed Elevations (Drawing 2 of 2)
- o 1877 HIA 04 XX DR A 04001- Street Elevations
- o B16005 - 101 G - Landscaping Proposals Plan
- o 3834/01 Rev B - Surface and Foul Water Drainage Strategy
- o 1877-HIA-ZZ-XX-DR-A-0001 - Substation, cycle stands, bin store - Floor Plans and Elevations

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing 1877-HIA-ZZ-XX-DR-A-01002.

Reason: In the interests of road safety in accordance with policy TSP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 1877-HIA-ZZ-XX-DR-A-01002. These spaces shall thereafter be retained at all times for their designated purpose.

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

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

The Plan shall provide for :

- a. An indicative programme for carrying out the works.
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in construction and development.
- h. Wheel washing facilities.
- i. Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy DDM1 of the Arun Local Plan .

- 7 No part of the development shall be occupied until the footway has been extended along Dappers Lane into the development, including where this crosses the highway onto Water Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy DDM1 of the Arun Local Plan.

- 8 Prior to occupation of any of the building, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040 and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 of the Arun Local Plan.

- 10 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy DDM1 of the Local Plan.

- 11 Before the development commences the applicant shall provide an Acoustic Report to demonstrate the way in which services to the proposed accommodation such as any form of mechanical ventilation including air conditioning; laundry and/or kitchen mechanical air handling system impact upon the nearest noise sensitive resident, proposed and existing.

The rating level of the noise emitted from any external plant or equipment associated with this use shall not exceed the existing background noise level by more than 5dB(A). The measurements and assessments shall be made in accordance with BS4142:2014, Methods for Rating and Assessing Industrial and Commercial Sound. The report shall detail how the assessment has been undertaken, the results and mitigation measures required for the development. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy QE DM1.

- 12 Deliveries/collection by commercial vehicles shall only be made to or from the site between the hours of 08:00 and 18:00 hours Monday to Friday; 08:00 and 13:00 hours on any Saturday and not at all on any Sunday, Public or Bank Holiday.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 13 The use hereby permitted shall not be commenced until equipment to be used to discharge of odour and fumes from the kitchens has been specified and agreed in writing by the Local Planning Authority. The applicant shall have regard to DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 as updated 2018.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policy QE SP1.

- 14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 15 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

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

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies 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.

- 16 The development shall not commence until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing

- 17 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 18 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and

approved, in writing, by the Local Planning Authority:

1. A remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

- 19 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained 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.

- 20 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with polices W DM1, W DM2 and W DM3 of the Arun Local Plan.

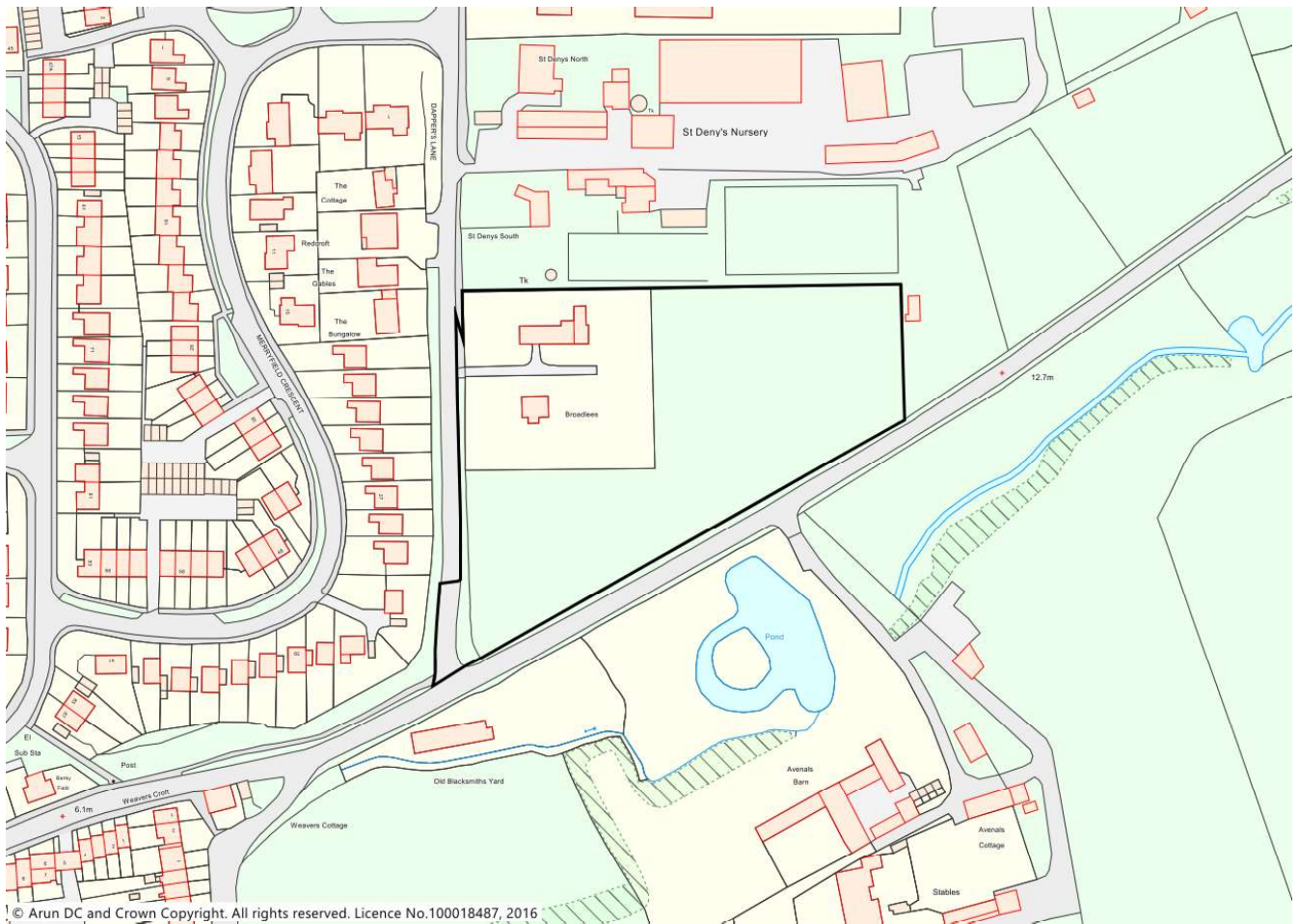
- 21 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage

Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 22 **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.
- 23 **INFORMATIVE:** This permission grants permission for foul water drainage to be disposed via the mains sewer system and does not grant consent for an on site foul pumping station.
- 24 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 25 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105)to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 27 **INFORMATIVE:** ADC's Economic Development Department advise that the developer signs the Developer and Partner Charter and produces a suitable Skills and Employment Plan for the development.
- 28 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>.
- 29 **INFORMATIVE:** The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Environmental Health Department for further information Tel 01903 737755, E mail [Food.Safety@Arun.gov.uk](mailto:Food.Safety@Arun.gov.uk)

**A/114/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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**PLANNING APPLICATION REPORT**

**REF NO:** AW/315/18/HH

**LOCATION:** 14 Churchill Avenue  
Aldwick

**PROPOSAL:** Retention of fence on front, side and rear elevation.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** The application proposes the retention of a fence to the front, side and rear of the property.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Aldwick Parish Council provided an objection;

Members strongly oppose the application on the grounds that it compromises the established spatial character and pattern of the place and because it conflicts with the Parish Design Statement.

Members agree the application is in direct conflict with DDM4 (e) of the Arun Local Plan and Parish Design Statement page 71.

No representation received from nearby occupiers.

**CONSULTATION RESPONSES RECEIVED:**

None

**POLICY CONTEXT**

Designation applicable to site:

Built up area boundary

PD restriction

**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

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
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**SUPPLEMENTARY POLICY GUIDANCE:****CONCLUSIONS****PRINCIPLE**

The key policy is considered to be DDM1 of the Arun Local Plan.

Aldwick Parish Design Statement is also relevant to the determination of the application with the property located within Area 15.

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.

**DESIGN AND VISUAL AMENITY**

The proposal is sited to the side and rear of the dwelling and as such due to the siting of the development and the dwelling it is visible within the street scene. The fence extends approximately 6m along the front of the dwelling however does not project beyond the principal elevation, 17m along the side of the property and 6m to the rear. The fencing to the rear is screened by hedging.

The dwelling is sited essentially on a corner plot adjacent to an open space with a path alongside the dwelling for access to the rear at Downing Close. The area also has an open plan condition which is evident within the surrounding area with very few examples of boundary treatment to the front of the properties. This makes the fence appear as an alien feature and as a result is also out of character.

By virtue of its siting the fence appears out of character within an open plan estate and as such appears as an alien feature ultimately in conflict with DDM1 of the Arun Local Plan. This impact is reduced by virtue of the enclosure being to the side and rear rather than forward of the existing dwelling.

**RESIDENTIAL AMENITY**

Due to the siting of the fence and with no properties to the side elevation it is not considered to harm neighbouring amenity by way of overshadowing or overbearing.

**SUMMARY**

Whilst the application conflicts with the policies DDM1 and the Aldwick Parish Design Statement the application is recommend for approval. This due to the personal circumstances of the applicant. Personal circumstances are themselves capable of being a material consideration and therefore can be taken into account when coming to a determination.

Due to health problems the fence allows for a safe and secure area for an assistance dog to exercise when the applicant is unable to leave the property. Due to the siting of the dwelling, it is highly visible to anyone wishing to see inside and who wished to check routines and accessibility and as a result the fence provides improved privacy and security for the applicant.

There will be a condition included with the permission which permits the removal of the fence when the property is no longer occupied by the current applicant so as to retain the character of the area in the long term.

## 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 positive impact on the protected characteristics (disability).

## RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The fence shall be removed and all resulting debris removed from the site within 3 months following the applicant ceasing to occupy the property.

Reasons: To protect the character of the area whilst allowing the applicant privacy and security and in accordance with policy D DM1 of the 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.

**AW/315/18/HH - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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SITE CHARACTERISTICS	7 existing show persons plots each comprising of various mobile homes, touring caravans, trailers and small timber buildings. In some cases, some of the touring caravans are being occupied residentially by extended family members. The plots include garden areas, parking, storage/maintenance areas and storage for refuse/recycling.
CHARACTER OF LOCALITY	Rural and surrounded on most sides by fields used for grazing. To the east and south east, beyond a pony paddock lies a further travelling show persons site comprising of 4 permanent plots. Beyond this to the east and south lies a horticultural nursery and a church building. The closest residential dwellings are considered to be: <p>(a) Aldingbourne Barn (former Farm Shop converted into two dwellings under AL/35/16/PD) (to the east) - 150m to the building/curtilage;</p> <p>(b) 4 Aldingbourne Nurseries Cottages (to south east) - 225m to dwelling, 217m to the edge of their curtilage; and</p> <p>(c) Oldbury Farm (148 Marsh Lane) (to north west) - 330m to dwelling, 170m to the edge of their land.</p>

<b>RELEVANT SITE HISTORY</b>
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AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/10/14/	Application for Removal of Condition 7 imposed under AL/119/10 relating to period of occupation on the land. Departure from the Development Plan.	ApproveConditionally 21-05-14
AL/78/12/	Permission to retain earth bund.	ApproveConditionally 12-10-12
AL/52/12/	Application for variation of condition 6 following grant of planning permission AL/119/10/ relating to landscaping/tree planting	ApproveConditionally 13-09-12
AL/119/10/	Change of use of land from agricultural land to provide 3 permanent plots for travelling showpeople & pony paddock - to include the landscaping of part of the frontage to the neighbouring site known as Aldingbourne	ApproveConditionally 27-04-11

Farm Shop (This is a departure from the development plan) - Resubmission of AL/92/10

Temporary permission was given in April 2011 (AL/119/10) for the change of use of the land from agricultural to provide 3 plots for travelling show people and a pony paddock. Also included was the landscaping of part of the frontage to the neighbouring site known as Aldingbourne Farm Shop. This permission included conditions to restrict the number of residential mobile homes and to prevent the 9 approved touring caravans from being occupied residentially.

There have been three applications since the temporary approval of AL/119/10/ in April 2011. The first, AL/52/12/ sought a variation to the landscaping condition to allow the planting to be completed after occupation of the site. The second, AL/78/12 sought permission to retain an earth bund that had been erected at the rear of the site. Both of these were approved.

AL/10/14/ made AL/119/10 permanent. This was granted together with conditions to require additional planting (including the extension of the planted landscape bund inward into the site to close the visual gap afforded from Nyton Road across the site in the vicinity of the Aldingbourne Farm Shop toward the Travelling Show persons site) and the approval of a lighting scheme.

Application AL/23/17/DOC approved the details of lighting in respect of the Aldingbourne Farm Shop site to the south east. The approved details are as follows:

- 3m high metal pole mounted yard lighting - maximum 10,000 lumens (equivalent to 100 watt LED), downward facing at an angle of 30 degrees from the horizontal with a beam angle of 90 degrees and to be turned off at 10pm (thereafter operating on a Passive Infrared Sensor (PIR) basis with a 10 minute delay or until movement has ceased);
- Gate mounted lantern lighting - max 750 lumens and to operate on a PIR basis between dusk & dawn; and
- Lighting mounted under the eaves of each chalet - neutral coloured max 750 lumens bulb and to operate on a PIR basis solely between dusk and dawn;

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

Initially objected on 19th December 2018: "In determining this application the development on the whole site needs to be clarified. Activity on this site is not consistent with NP policies and is outside the settlement area"

A further objection was received 7th January 2019: "The Parish Council requires adequate landscaping and screening of this site to comply with the NP". Further explanation was received on 23rd January to say that the applicant must comply with ADC's conditions and screen the site, until then the Parish Council objects to the application.

Two letters of objection from residents of Marsh Lane (to the north west of the site):

(1) Harm to the rural and historical character of the landscape;

- (2) Harm to views from Marsh Lane dwellings particularly during the winter months;
- (3) Landscaping should have been implemented in 2011;
- (4) Need for extensive screening for the Marsh Lane residents;
- (5) Need for a 10 foot high fence to replace the existing 6 foot one (particularly at the southern end of the western boundary);
- (6) Need for a landscaped bund to the boundary;
- (7) Need a condition to ensure long term management of the landscaping;
- (8) Lighting is harmful to living conditions of Marsh Lane residents;
- (9) Lighting attached to mobile homes should be removed; and
- (10) The directional lighting plans need to take into consideration the effect on nearby residents.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

**OFFICER COMMENTS:**

In response to the Parish Council comments:

- This application seeks to both clarify/regularise the existing situation and also add further plots; and
- Additional landscaping/screening is being proposed and will be secured by conditions.

In response to the local resident comments:

- (1) This is considered in the conclusions, however regard should be this is an existing site with permanent permission for show persons plots, the boundaries of which do not change;
- (2) This is considered in the conclusions section, however there is no right in planning law to a view and the only consideration is whether the proposed development will have a harmful impact on the living conditions of these properties;
- (3) Noted;
- (4) The applicant has proposed additional tree planting;
- (5) Noted however it is not considered that such a fence would be appropriate to the rural landscape;
- (6) Noted however it is not considered that there is space to provide this;
- (7) Noted. The applicant has also agreed to this; and
- (8) - (10) This will be discussed in the conclusions section.

**APPLICANT COMMENTS:**

The applicant has made the following comments in response to the objections:

- The applicant has spoken to the Parish and has indicated his desire to resolve past transgressions and ensure that all future conditions are complied with;
- The applicant will ensure that landscape and boundary screening are maintained over a period of time for it to take root and become effective;
- It would not be appropriate to consider this application together with any concerns over landscaping or lighting at the adjacent "Aldingbourne Farm Shop" site;
- The applicant would be willing to discuss further enhancements to the adjacent site if permission is forthcoming on the application site;
- The application is not contrary to any of the ANDP policies;
- The photomontages are informed by professional opinion, appropriate guidance and industrial standards. They are reasonably and accurately representative of the views from Marsh Lane;
- The landscape assessment was undertaken during summer. In the main equipment is not stored along the west boundary and additional tree planting will provide good screening over a period of years;
- There is only one 'significant' gap in existing planting along the west boundary but there are other



smaller gaps;

- It is for the local authority to assess whether the proposed landscaping will be sufficient;
- There are other white rendered buildings within Norton and elsewhere in the local area such that white buildings are not inappropriate in the landscape;
- It is not accepted that the site has the appearance of an industrial estate;
- The Guidelines for Landscape and Visual assessment require that assessment is made of the views from residential properties and not the edge of any land within their ownership;
- Lights attached on mobile homes would face away from the western boundary and if on the eastern side of the site for the new plots are even further away from Marsh Lane;
- The illumination proposed is for safety purposes and is an absolute minimal requirement. The lights provided (side mobile lights, gate lights and minimal yard lights) are all comparatively low height or low level lighting arrangements;
- The mobile homes are no more than a single storey and that single storey is only ever elevated by approximately no more than 15cm;
- A landscaped bund could be provided to the western boundary but due to space constraints could be no more than 1m wide and so could only be around 0.5m high; and
- The visual impact of a 10 foot panel fence would not be in keeping with the local character of the area and would further 'industrialise' the landscape character.

## CONSULTATIONS

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

## CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection subject to a condition to secure cycle storage. Comment that:

- There are presently 9 mobile homes with 2 cars each, generating a capacity for 18 cars on site, with a potential trip rate of 5 cars in the morning peak and 5 in the evening;
- During the summer months this will be lower due to attendance at fairs which can last over a few months, and for weeks at a time during the winter;
- The proposal will see a net increase in 8 plots, creating a total of 11 plots on the site. This will result in a maximum of 13 mobile homes with 2 car parking spaces each;
- The number of cars on site will rise from 18 to 26, increasing the overall trip rate to 7 trips in the morning and evening peak hours. (This is based on a rule of thumb trip rate of 6 trips per mobile home per day);
- Car parking spaces appear to provide ample space within each plot;
- There will also continue to be periodic movements of large 16.5m lorries although these will be tidal in nature; usually all departing at the same time and returning at the same time;
- The likelihood of cars or lorries travelling in and out of the access simultaneously would be unusual, unless it was during a period of time when no fairs were on and the site was fully occupied;
- The existing access is wide enough to accommodate the largest vehicle using the site;
- Swept path diagram 1032-02 Rev A, provides clarity over how a 16.5m articulated lorry can manoeuvre through the existing access road from Nyton Lane;
- There is space at the end of the access road for the parking and turning of HGVS allowing for exit in forward gear;
- Walking to and from the site is not supported by any pedestrian infrastructure given its rural location,

although bus stops are within walking distance providing some alternative travel choices.

- Refuse collection will continue as it currently does; however the swept path diagrams confirm a refuse vehicle would be able to enter and exit in forward gear if required.

ADC LANDSCAPE - no objection subject to condition to secure a more detailed planting plan. Comment that:

- The proposed development site benefits from previously implemented landscape treatment which helps to screen views from Nyton Road;
- The northern boundary of the site has some existing semi-mature vegetation but currently does not provide a full screening solution, resulting in some views into the site;
- This boundary has been recently planted with a band of trees and hedging, with particular focus to filling the gaps, which will increase the screening properties;
- The additional trees which have been proposed under the current application will further enhance the screen to ultimately provide a double row of trees and a hedge;
- The pine trees will assist in screening views all year round particularly if planted in groups in the most sensitive locations;
- The crowns of the tree strip will filter views of the development site in the early years and the hedging will mature to provide additional cover above the boundary fencing as the trees increase in height;
- The new trees should be planted at staggered intervals with the existing trees to be most effective;
- Further planting is required along the boundary closest to the public footpath due to the sparse nature of the boundary vegetation in the north-west corner of the site; and
- Careful attention to maintenance will be required to ensure the successful establishment of this planting, replacing failed species as necessary.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to restrict the occupation to travelling show persons and to impose an hours restriction on the repair of motor vehicles.

ADC DRAINAGE - no objection subject to the imposition of standard drainage conditions.

COUNCILS ECOLOGIST - no objection subject to conditions on lighting and vegetation clearance.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Notwithstanding the advice of the ecologist, it is not proposed to impose a condition to require approval of lighting as the application is accompanied by a scheme which proposes the same type of lighting as approved on the Aldingbourne Farm Shop site to the south east. A condition will be imposed to ensure the lighting is installed in accordance with the scheme submitted and that shielding is used to prevent unnecessary light spillage.

It is not proposed to impose a cycle storage condition as plots are large enough to provide cycle storage and there are also existing sheds/hurts within the plots that could serve the same purpose.

Environmental Health Officers have requested a condition restricting motor repairs between 09:00 & 16:00 Mondays to Fridays and 10:00 & 13:00 on Saturdays (with no such activities on Sundays or Bank Holidays). However, the applicant has stated within supporting documents that:

"The hours of operation for repairs to machinery and vehicles would occur on site up until 6.00pm to Monday to Saturday from the previously permitted 4.00pm. We believe that these hours are reasonable as the nearest residential properties are located approximately 340m away at Marsh Lane. There will be no work on vehicles or machinery permitted on Sundays or Bank Holidays. Our client will accept a planning condition to this effect as these hours are entirely reasonable."

The hours requested by the applicant reasonable given the distances to closest residential properties. The Environmental Health condition will be amended to reflect the hours requested by the applicant.

The Landscape Officer has not identified need for a bund or a higher fence to screen the west boundary.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built up Area Boundary;  
Special Control of Adverts;  
WSCC Mineral Consultation Area (Sharp Sand and Gravel); and  
Class B Road.

## DEVELOPMENT PLAN POLICES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

### [Joint Minerals Local Plan 2018:](#)

<u><a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY EH1</a></u>	Joint West Sussex M9 Safeguarding Minerals Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...  Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...  Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY	Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2016 POLICY Unlit village status

EH10

Aldingbourne Neighbourhood Plan 2016 POLICY Promoting Sustainable movement

GA1

Aldingbourne Neighbourhood Plan 2016 POLICY Footpath and cycle network

GA2

Aldingbourne Neighbourhood Plan 2016 POLICY Parking and new development

GA3

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

XXX7 Planning Policy for Traveller's Sites

**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.

Relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the safety or convenience of the highway, no harm to the existing character of the landscape and no harm to the amenity of nearby local residents.

**OTHER MATERIAL CONSIDERATIONS**

The site benefits from valid planning permission (AL/119/10 & AL/10/14) for the use of the land for the permanent occupation of travelling show people. The effect of those two permission was to allow for 3

permanent plots with each plot comprising of 2 mobile homes and 3 touring caravan pitches.

There is a permission for lighting at the adjacent site (Aldingbourne Farm Shop) granted by the discharge of condition 10 of AL/47/14/PL under ref AL/23/17/DOC. The current proposal for lighting has been based on the scheme approved on the adjacent site.

## CONCLUSIONS

### PRINCIPLE:

The Arun Local Plan -

Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria or is in accordance with other policies in the Plan which refer to a specific use or type of development. It is therefore necessary to consider the proposal against policy H SP5 "Traveller and Travelling Showpeople accommodation" of the ALP. If the proposal complies with that policy, then it would be acceptable in principle in respect of new development within the countryside.

Policy H SP5 covers both travellers and showpeople. The policy states that within the plan period (2011-2031), provision must be made in the district for 7 plots for travelling showpeople. It goes on to list a number of criteria to be used when determining applications. These are summarised below:

- (a) Appropriate in scale to the setting including having regard to nearby residential development;
- (b) Not be located in flood risk areas or near refuse sites, industrial sites or similar.
- (c) Be well located with respect to the highway network and enable easy and safe access to sustainable settlements - but also not be adjacent to major transport corridors;
- (d) Not be located in areas designated for nature conservation and not result in any harm to such areas;
- (e) Make effective use of previously developed or derelict land.
- (f) Be located so that there is no negative impact on the safety, amenity and privacy of the neighbouring residents/land uses. There should be adequate space for storage on site;
- (g) Incorporate appropriate landscaping and boundary treatment, including existing natural landscape features such as trees and hedging. New boundary treatments are to be in keeping with the surrounding area;
- (h) Be served by an adequate water supply and appropriate means of sewage disposal; and
- (i) Be located to ensure there is no adverse impact on the historic environment.

The proposal is appropriate in scale having regard to the characteristics of the site and the distance from nearby dwellings. The site is not affected by flood risk and is not near refuse or industrial sites. The site allows for good access onto the highway network whilst not being directly adjacent to a major transport corridor (A27). The site is not located on or near a wildlife designation. This is an existing site so it follows that the additional plots will be on previously developed land. Residential amenity and landscape character issues are discussed elsewhere but there is no harm to these aspects. The site benefits from utility connections and there are no nearby heritage assets affected. The proposal accords with policy H SP5 and by association is also acceptable in principle as per policy C SP1.

Policy H SP5 ends by stating ADC will produce a "Gypsy and Traveller and Travelling Showpeople Site Allocations document" (DPD) to identify land for permanent pitches to meet need identified. The DPD will be informed by an updated "Gypsy and Traveller and Travelling Showpeople Accommodation Assessment" (GTAA) due to be published in 2018." The Council is currently working on this DPD which is expected to be ready for consultation in Spring 2020 and adoption in Spring 2021.

The "Coastal West Sussex Gypsy and Traveller Accommodation Assessment" (GTAA) was published in

October 2018. It identifies a need for 14 additional plots in Arun over the period to 2036 for Travelling Showpeople households that meet the planning definition of a Travelling Showperson. It identifies a need for up to 1 additional plot for unknown Travelling Showpeople households that may meet the planning definition. Therefore, there is a need for 15 new plots until 2036.

To support the GTAA, the Council commissioned a "Gypsy, Traveller and Travelling Showpeople Sites Study" (2013). This study identifies a number of sites across the District with some potential to meet identified needs. The study includes Nyton Stables as a site that could provide for 4 more plots.

#### Aldingbourne Neighbourhood Development Plan -

It is necessary to consider policies of the Aldingbourne Neighbourhood Development Plan (ANDP) which was made in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the Arun Local Plan. Map E of the ANDP includes a Built Up Area Boundary (BUAB) drawn around the settlement of Westergate and the site is clearly outside of this BUAB.

ANDP Policy EH1 states development will not be allowed outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. In this case, the proposal is considered to be in accordance with policy H SP5 of the Arun Local Plan (see analysis elsewhere in these conclusions) and there is no conflict with the ANDP.

The benefits of the proposal (namely additional supply of plots to meet the demand) outweighs harm given this is an existing site and there are no available alternative sites to meet showpersons needs. This is acknowledged by the GTAA and Arun District Gypsy and Travellers Sites DPD. Any alternative site that may come up would separate families/extended families and generate unnecessary travel between sites.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the Aldingbourne Neighbourhood Development Plan and the Arun Local Plan, would be resolved in favour of the latter.

#### National Planning Policy Guidance -

Para 4 of the National Planning Policy Framework (NPPF) states the NPPF should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) first published in March 2012 and revised in August 2015. Policies within the PPTS are relevant to this application:

Policy C (para 14) states "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community"

Policy H discusses the determination of planning applications. It requires applications be assessed and determined in accordance with the presumption in favour of sustainable development, the application of specific policies in the NPPF and the PPTS.

It goes on to list at para 24 those issues (amongst other relevant matters) that local authorities should consider when determining planning applications for traveller sites. These are as follows:

(a) the existing level of local provision and need for sites;

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

Para 26 then states: "When considering applications, local planning authorities should attach weight to the following matters:

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

This site was previously greenfield, it is currently in permanent use as a travelling showpersons site and therefore developed in nature. As will be discussed below, the site has a considerable amount of landscaping to external boundaries and within the site to demarcate the plot boundaries. Additional landscaping is to be provided. The effect of landscaping is not considered to isolate the site from the surrounding area.

#### Summary of Principle -

There is a clear need identified within the ALP and the GTAA for additional show persons plots in the District. Although the ALP states that 7 new plots must be provided until 2031, the GTAA sets out a need for 15 until 2036. The proposal is for 8 new plots and this is not significantly greater than the 7 in the Local Plan and less than the 15 identified in the GTAA. Nyton Stables has been identified as a potential location for at least 4 new plots.

The proposal accords with national planning policy guidance and policy H SP5 of the Arun Local Plan. Due to policy compliance the proposal is acceptable in principle despite the countryside location. Having established the principle, it is necessary to assess the proposal in respect of other development control criteria including impact on landscape character, the impact on the highway, residential amenity issues and light pollution

#### LANDSCAPE CHARACTER:

Policy D DM1 requires development makes the best possible use of land by reflecting or improving upon the character of the site and the surrounding area, in terms of scale, siting, layout, density, building materials and landscaping. It states that development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "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".

The applicant has recognised that there are concerns from neighbouring land owners as to views of the site. A landscaping proposal has been proposed which attempts to strengthen existing tree and hedgerow planting and ensure that gaps are filled in. This proposal has been provided in concept form alongside a Landscape Report which concludes that the development will not be detrimental to the

landscape character and visual amenity of the receiving environment.

The application has been assessed by the Councils Landscape Officers who raise no objection to the landscaping and do not consider that the development will result in any adverse impact on the character of the landscape. Conditions are proposed to secure a detailed planting plan and ensure a management plan is put in place to ensure that the landscaping proposals achieve the desired result.

The proposal accords with policies D DM1 and LAN DM1 and that there will be no significant or permanent harm to the local landscape as a result of the intensification of this existing site.

#### HIGHWAY SAFETY:

Policy T SP1 seeks to ensure that development provides safe access on to the highway network, accommodate the efficient delivery of goods and supplies, gives priority to pedestrian & cycle movements and creates safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter. The policy requires appropriate levels of parking are provided in line with West Sussex County Council guidance on parking provision.

ANDP policy GA3 requires parking be provided in accordance with the standards adopted at the time.

It is necessary to have regard to para 108 of the NPPF which 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". Para 109 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 advice of WSCC Highways is summarised above and it is clear that they have no objections. They consider that although there will be an increase in vehicle trips, this does not give rise to any improvements to the access and that there is sufficient car and larger vehicle parking provision within plots. They state that a 16.5m articulated lorry can manoeuvre through the access road from Nyton Lane and such larger vehicles will be able to enter and exit the site in a forward gear.

Although the site is not particularly well located to allow for walking to be a viable alternative to the use of the car, there are bus stops nearby. It would also be possible to cycle to Westergate to access shop and services.

It is considered the proposal is in accords with policy T SP1 of the Arun Local Plan, policy GA1 of the ANDP and with the National Planning Policy Framework (paras 108 & 109).

#### RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity.

It is necessary to have regard to para 127 (f) of the NPPF which states policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

There is concern from residents of Marsh Lane to the west/north west that the site harms their amenity and that this will get worse with the additional plots. As noted elsewhere, the closest dwelling on Marsh



Lane is Oldbury Farm around 340m from the edge of the site. It is accepted that the edge of the land within the ownership of Oldbury Farm is closer (170m) but it is only appropriate to assess impact on a neighbouring dwelling house (i.e. its windows) or its immediate private garden. Oldbury Farm and associated land is more than a sufficient distance away so there will be no adverse impact to their living conditions. Other nearby residential dwellings are also sufficiently far enough away.

There is no right in planning law to a view and it would not be considered due to the distances that the Marsh Lane residents outlook would be harmed. The addition of the landscaping discussed above will further screen the existing site and improve its appearance to views from residents.

Therefore, there is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

#### LIGHT POLLUTION:

Arun Local Plan policy QE DM2 states that:

"Outdoor lighting schemes will be considered against the following criteria:

- a. No adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation;
- b. Light levels being the minimum required for security and working purposes;
- c. Minimising the potential glare and spillage; and
- d. The degree to which outdoor lighting can be powered by on-site renewable sources.

Where appropriate, the Local Planning Authority will seek to control the times of illumination."

ANDP policy EH10 states that proposals which detract from the unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The proposed lighting scheme includes the following:

- (a) 3m high metal pole mounted yard lighting - maximum 10,000 lumens (equivalent to 100 watt LED), downward facing at an angle of 30 degrees from the horizontal with a beam angle of 90 degrees and to be turned off at 10pm (thereafter operating on a Passive Infrared Sensor (PIR) basis with a 10 minute delay or until movement has ceased);
- (b) Gate mounted lantern lighting (approx 1m high) - max 750 lumens and to operate on a PIR basis between dusk & dawn; and
- (c) Lighting mounted under the eaves of each mobile home - neutral coloured max 750 lumens bulb and to operate on a PIR basis solely between dusk and dawn.

The applicant has provide the following justification for the lighting scheme:

- (1) Generally, showpeople move from events at night and return home during that period. During the winter months they would be required to move their rides and equipment into their yards in the dark in the absence of lighting;
- (2) Health and Safety Guidance states that 'Places where work is done around moving vehicles during the hours of darkness should be well lit (for example, with floodlights)';
- (3) Low level bollard lighting would not provide the level of lighting to ensure the safety of the show persons community;
- (4) The yard lighting proposed, whilst limiting the amount of skyglow, by orientating the lights downward, is required to ensure that light can pass over machinery and equipment so as to not cause shadows or

blind spots. The column mounted lighting has been designed to reduce light spill away from the site. This is greatly assisted by the existing and proposed landscape boundary treatment;

(5) The position and number of lights is equally important to ensuring that there are no shadows or blind spots created by the machinery;

(6) When returning home late at night after fairs showpersons sites must be well lit;

(7) Sites must also be well lit for emergency vehicles; and

(8) The proposed lighting is modest in scale and in terms of the number of lights proposed, the nature of lighting proposed, the height of columns proposed and the level of illumination proposed.

The lighting proposed is based on the lighting arrangement approved under AL/23/17/DOC.

The nearest residents most likely to be affected are located some 340m away on Marsh Lane. Additional landscaping will assist with mitigating some of the light pollution to these houses. It should be noted there is no objection to lighting from the Environmental Health.

There is existing lighting in the area including elevated lighting on Aldingbourne Nurseries glasshouse premises and pole mounted lights in the car park of the Plymouth Brethren Church both to the southeast of the site.

The lighting is reasonable for the needs of the site users, is not excessive, will not harm the amenity of nearby residents and does not, having regard to existing nearby sites, result in the introduction of lighting into what is otherwise a completely dark location. There is no conflict with QE DM2 or EH10.

#### **SUMMARY:**

It is clear from the above analysis that there is an existing demand for addition travelling show persons plots. As this is an existing site and no addition land outside of its boundaries are required it is appropriate to provide additional plots at this site. The above analysis has demonstrated the proposal accords with national planning policy guidance and development plan policies in respect of the principle of development in the countryside, landscaping, lighting, residential amenity and highway safety. It is recommended that permission is granted in accordance with the following conditions. The applicant has agreed to the two pre-commencement conditions.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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## 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.

<b>RECOMMENDATION</b>
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## 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 ref CTP/5153/LO1 (R2);  
Existing and Proposed Plots ref 1032-03 Rev A;  
Proposed Site Plan ref 1032-02 Rev A;  
Proposed Lighting Plan ref 1032-10;  
Proposed Section A-A ref 1032-07;  
Proposed Section B-B ref 1032-08;  
Proposed Section C-C ref 1032-09;  
Landscape Proposals ref 18307-2-101 Rev B;  
Lighting Column Elevations 1; and  
Lighting Column Elevations 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, T SP1 and H SP5 of the Arun Local Plan.

- 3 The lighting scheme shall be implemented in accordance with the approved details including the two plans showing column lighting, the "Proposed Lighting Plan" ref 1032-10 and the description of lighting contained with paragraphs 6.22 and 6.23 of the Planning, Design & Access Statement. The lighting shall also utilise shielding to prevent any unnecessary artificial light spill. The lighting approved shall be installed and then maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan and policy EH10 of the Aldingbourne Neighbourhood Development Plan.

- 4 The occupation of the 13 mobile homes hereby approved shall be restricted to the occupation of members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined in "Planning policy for traveller sites" (August 2015)

Reason: To safeguard the site against inappropriate use in accordance with Arun Local Plan policies C SP1 and H SP5.

- 5 Development shall not commence in respect of the new plots, 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.

- 6 The development of the new plots shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 Within 3 months of the date of this planning permission, a detailed landscaping scheme (planting plan) shall be submitted for approval by the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the approval of the scheme by the Local Planning Authority and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 8 Within 3 months of the date of this planning permission, a landscape management plan, including management and maintenance schedules for all new planting, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved.

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

9 Any onsite repairs to any vehicles including HGV's shall only take place between the hours of 09:00 to 18:00 Monday to Saturday. There shall be no repairs to vehicles on Sundays or Bank Holidays. Any associated waste products in whatever form shall be disposed of legally outside of the site.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, H SP5, QE SP1 and QE DM1.

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

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

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

12 **INFORMATIVE:** 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.

13 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 14 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.
- 15 **INFORMATIVE:** The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

**AL/107/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

- A/3/18/PL** Land at Arundel Road/A27 Angmering  
**Received:** 15-11-18 Change of use of land to storage (B8 Storage or Distribution), erection of barn & hardstanding (resubmission following A/111/17/PL).  
*Written Representations*  
**PINS Ref:** APP/C3810/W/18/3209225
- 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/17/18/PL** 37 Norbren Avenue Bersted  
**Received:** 01-02-19 Proposed 2 bed bungalow  
*Written Representations*  
**PINS Ref:** APP/C3810/W/18/3218074
- BN/25/18/PL** Land to east of Parsonage Farm Yapton Road Barnham  
**Received:** 29-01-19 Change of use of land for dog training and exercising.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/18/3214454
- BR/267/18/T** 4 Pinewood Gardens Bognor Regis  
**Received:** 04-02-19 Fell 1No. Liquid Amber tree  
*Written Representations*  
**PINS Ref:** APP/TPO/C3810/7203
- FG/137/18/PL** 11 Telgarth Road Ferring  
**Received:** 14-03-19 Application for variation of a condition 2 imposed under planning permission FG/180/16/HH relating to approved plans  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3222806
- FG/168/18/PL** 4 Sea Lane Ferring  
**Received:** 13-01-19 Erection of 2 bedroom single storey dwelling to rear of existing property  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3221037
- FP/45/18/T** Japonica 9 Lionel Avenue Bognor Regis

- Received:** 18-07-18 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/267/17/PL**  
**Received:** 13-02-19 Rustington Hall Nursing Home Station Road Rustington  
2 storey block of 6 No Flats comprising of 4 No. 2 bed & 2 No. 1 bed flats.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/18/3219716
- WA/75/17/PL**  
**Received:** 12-02-19 Land adjacent to Sunny Corner Copse Lane Walberton  
9 No. dwellings with associated car parking, bin storage & landscaping & creation of new access road from existing access onto West Walberton Lane. This application is a Departure from the Development Plan.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/18/3210153
- WA/76/17/PL**  
**Received:** 07-01-19 Land South of Wandleys Farm Wandleys Lane Walberton  
Application of four Affordable Intermediate Sale Homes and one Full Market home with associated car parking, garaging, landscaping and bin storage and the creation of 2 new accesses onto Wandleys Lane. This application is a Departure from the Development Plan.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/18/3209249
- Y/88/17/HH**  
**Received:** 05-02-19 Dyers Croft Main Road Yapton  
Demolish existing open garage/store & replace with garage. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/18/3201903
- Y/89/17/L**  
Dyers Croft Main Road Yapton

**Received:** 05-02-19

Listed building consent to demolish existing open garage/store & replace with garage.

***Written Representations***

**PINS Ref:** APP/C3810/W/18/3201903

**ENF/513/17**

Green Gates Shripney Road Bognor Regis West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/18/3201500

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## AGENDA ITEM NO. 9

### ARUN DISTRICT COUNCIL

#### DEVELOPMENT CONTROL COMMITTEE – 10 April 2019

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##### Information Paper

Subject : Appeals Performance & Cost  
1 January 2018 – 31 December 2018

Report Date: March 2019

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#### EXECUTIVE SUMMARY

The purpose of this report is to advise Members on how the Council has performed in the calendar year 2018 in respect of appeals.

### **1.0 INTRODUCTION**

1.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2018 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.

1.2 On 9 May 2018, a report to Committee reported appeal performance for the 2017 calendar year. In summary, performance for this period was as follows;

- Overall, the Council was successful in defending 48% of all planning appeals.
- There was a success rate of 52% for appeals heard by way of written representations; 52% of decisions were made in accordance with the recommendation of officers and 25% in accordance with the decision of Committee i.e. contrary to officers' recommendations.
- There were no appeals heard by way of informal hearing.
- During 2017, there were two appeals determined by way of an Inquiry. In both cases planning permission was granted in line with the officer recommendation.

## **2.0 ALL APPEALS**

- 2.1 A total of 29 appeals were determined in 2018, an increase of 4 over that determined in 2017. Of these, 11 were dismissed representing a success rate for the Council of 38% of all appeals dismissed. That equates to a 10% reduction in success rate over 2017.

## **3.0 WRITTEN REPRESENTATIONS**

### Overall performance

- 3.1 A total of 25 appeals were determined by written representations in 2018, the same number as those appeals determined by written representations in calendar year 2017. Overall, 11 appeals were dismissed, 14 were allowed. This equates to a success rate of 44% being dismissed, a reduction of 8% of appeals dismissed by written representation procedure in 2017.

### Officer performance

- 3.2 Those appeals made following a refusal in accordance with an officer decision made under delegated powers had a success rate of 52% being dismissed. That equates to 13 out of 25 appeals, which is a reduction of 10% in officer performance over the previous year. This is well below the target and also well below neighbouring authorities (see section 11).

A procedural measure has been introduced where each application that is recommended for refusal it needs to be agreed by the Group Head for Planning before a delegated officer decision is made. It is hoped that this way the officer drop in performance can be reversed in 2019.

### Committee performance

- 3.3 There were 2 appeals arising out of a committee decision to refuse permission contrary to the recommendation of officers; one was allowed and one was dismissed. This equates to a committee performance of 50%.

## **4.0 INFORMAL HEARINGS**

- 4.1 During 2018, there was one appeal determined by way of informal hearing (The Regis Centre). This appeal was allowed and therefore represented and overall performance of 0%. The officer recommendation to approve was overturned by Committee.

## **5.0 PUBLIC INQUIRIES**

- 5.1 During 2018, there were three appeals determined by way of an Inquiry. All 3 appeals were allowed. One appeal was allowed following an officer recommendation to approve which was overturned by Committee, one allowed following a delegated

officer decision to refuse and the other allowed at a Call-in inquiry in accordance with the officer recommendation,

## **6.0 MAJOR PROPOSALS**

6.1 During this period, there were four appeals classified as a 'major' scheme for development outside of the Arun Local Plan defined built up area. These were:

- CM/1/17/OUT – Land west of Church Lane and south of Horsemere Green Lane. Outline application for the erection of up to 300.

This appeal was allowed following an overturn by Committee of the officer's recommendation to approve.

- Y/80/16/OUT – Land to the south of Ford Lane and east of North End Road. Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100.

This appeal was allowed following an officer's delegated decision to refuse.

- AL/8/16/OUT – Land south & west of Barnside and east of pond Hook Lane. Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space.

This appeal was allowed following an officer's delegated decision to refuse.

- BE/77/16/OUT - Land West of New Barn Lane. Outline application with all matters reserved for up to 50 residential units.

This appeal was called in by the Secretary of State and was allowed in line with the officer's recommendation to approve.

## **7.0 COSTS**

7.1 The cost of defending appeals during 2018, where Counsel and consultants were used is set out in the table below. It should also be noted that significant officer time was also spent managing these appeals.

Site	Decision	Counsel costs (£)	Consultant Costs (£)	Overall Cost (£)
Land west of Church Lane and south of Horsemere Green Lane.	Allowed	£22,000	£4,000	£26,000
Land to the south of Ford Lane and east of North End Road.	Allowed	£8,500	-	
Land West of New Barn Lane. Outline application with all matters reserved for up to 50 residential units	Allowed	£6,000	-	£6,000
<b>TOTAL (£)</b>		<b>£36,500</b>	<b>£4,000</b>	<b>£32,000</b>

## 8.0 SECRETARY OF STATE CALL-IN INQUIRIES

8.1 Below is a list of recent call-in inquiries that the Council has had to defend in recent years and the costs and delays associated with those.

Application	Address	Inquiry	Cost	Delay	Decision
Y/19/16/OUT	Land off Burndell Road, Yapton.	Called In	£5,500	13 months	Allowed
WA/22/15/OUT	Land East of Fontwell Avenue, Fontwell.	Called In	£33,500	19 months	Allowed
Y/60/14/OUT	Ford Lane East of North End Road Yapton	Recovered	£36,604	23 months	Refused
BE/77/16/OUT	New Barn Lane, Bersted	Called In	£6,000	13 months	Allowed



## **9.0 SUMMARY OF ISSUES**

- 9.1 Attached to this report as Appendix 2 is a summary of all of the appeal decisions received in the 2018 period.
- 9.2 Generally, those Local Plan policies that are used in the defence of householder appeals and more minor proposals are afforded significant weight by Inspectors when determining appeals. Similarly for householder appeals where Neighbourhood Plans have been made and policies referred to they too have been given significant weight. This is to be expected as they are policies that are in conformity with good planning principles within the NPPF.
- 9.3 During the early part of 2018 and prior to the adoption of the new Local Plan in July 2018 Inspectors were affording very little weight to the emerging policies in the 2018 Local Plan. Since adoption policies in the new Local Plan are given full weight and as a result policies on design and residential amenity (D SP1 & D DM1) have been afforded due weight.
- 9.4 It can be noted that unlike previous years Inspectors support for Arun's householder policies has fallen below 50%. This can possibly be understood to be that a number of different Inspectors have, on a number of occasions, tended to disagree with officers view of what constitutes unacceptable harm to the appearance of a dwelling and that of the area it sits in. What is becoming clearer year on year is that it is getting a lot more difficult to defend appeals for small scale development and Inspectors are a lot more relaxed about the more minor planning applications.
- 9.5 The schedule of appeal summary for all appeals determined in 2018 attached to this report highlights the issues raised by Inspectors when making decisions.
- 9.6 In the case of written rep appeals 43% of all Inspectors decisions were in agreement with the officer decision to refuse the application.
- 9.7 The schedule in Appendix 2 reveals all 15 appeals where the Inspector has disagreed with officer recommendation. The areas of disagreement are as follows:
- In thirteen of the decisions (87% of cases) the Inspectors disagreed with officer's view that proposals would result in unacceptable harm to the areas character and appearance. This clearly requires that when refusing applications on grounds of character and appearance a greater examination/understanding of the area is required before using this as a reason for refusal.
  - In four appeal decisions Inspectors have disagreed that proposals would have an adverse effect on neighbour's residential amenity. One of these decisions would now be avoided as the Council no longer relies on its own room size standards but rather those prescribed nationally and another one would have fallen away had it been identified at application stage that an HMO comprising 6 rooms could have

been created without requiring permission. Therefore a HMO proposing 7 rooms is not significantly greater to warrant refusal in terms of character and residential amenity.

- In two appeals, Inspectors disagreed that a sites location outside the built up area did not necessarily mean that it should be refused on sustainability grounds. Where the location of an appeal property is remote and if officers, as a result, are to use the reason for refusal that it will generate a reliance for car borne transport in conflict with NPPF guidance then it needs to be established why.
- In one appeal the Inspector disagreed with officer's opinion that the change of the appearance of a heritage property in a conservation area from the replacement of windows was unacceptable. A more rigorous assessment of the NPPF and Paras 189 – 192 is required where it sets out a clear process in considering impacts on heritage assets.
- An advert appeal was found against the Council on grounds of pedestrian safety. The advice of County Highways was not accepted by the Inspector. Officers need to give greater scrutinise to the advice given by consultees.
- In one appeal the Inspector concluded that officers were at fault for not suggesting conditions to address the issue of unacceptable noise. In finding against the Council the Inspector also awarded costs against the Council. In that same appeal the issue of unacceptable highway safety was disagreed with on the grounds that, in line with the NPPF, it was not severe.

9.8 In some cases DCC Members resolve to overturn officer recommendations to approve. In 2018 there were 5 cases when this took place and the eventual appeal was allowed. The areas of disagreement are as follows:

1. The Inspector could find no compelling evidence to substantiate Members' view that the proposal would endanger occupier's safety by the building being close to a railway line. Costs were awarded against the Council for using this as a reason for refusal. Where members choose to refuse in such cases they must have the support/evidence of expert professional advice.
2. In two appeal decisions for residential development outside the built up area boundary inspectors concluded that, at the time, the Council's supply of housing was below 5 years and could not find a compelling case for unacceptable harm in terms of character and appearance. Whilst the Council now finds itself to have a 5year supply of housing members still have to make a careful analysis of the character before refusing on grounds of character and appearance. Inspectors base their decisions on a close examination of what they consider to be the character of the area.
3. In the case of the Regis Centre the Inspector found against Members on grounds of design excellence and lack of parking. In the case of parking costs were awarded against the Council for failure to provide credible evidence in this respect. Members when wanting to go against the advice of statutory consultees must have compelling evidence to the contrary when using this as a reason for refusal. This was a point in question when Members refused the application on

land west of Church Lane, Climping. The inspector in this case found the highway credentials of the proposal acceptable.

## **10.0 COSTS AWARDS AGAINST THE COUNCIL**

10.1 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.

10.2 During this period, there were 3 awards of costs. In all 3 cost decisions the Council had costs awarded against it. The 3 cost applications are:

- Regis Centre, Bognor Regis (BR/156/16/PL). An application for an award of full cost was made by the appellant. In deciding to award a partial award the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated for failure to substantiate a highway reason for refusal. Negotiations are still taking place to have the cost agreed to approximately £10,000 versus the appellant's claim of £50,000.
- Ford Lane, Yapton (Y/80/16/OUT). Partial costs were awarded against the Council for a failure to acknowledge at an earlier stage that two reasons for refusal could adequately be dealt with through the imposition of conditions. Had the Council confirmed this and agreed such conditions early in the appeals process (instead of at the start of the inquiry) it would have avoided these costs. The costs incurred were £10,000.
- Land west of Brook Lane and south of A259, Angmering (A/44/17/OUT). Partial award of cost awarded against the Council for failure to give evidence to support the reason given for refusal concerning proximity to railway line. This was a decision made contrary to officers recommendation which the Council were unable to provide satisfactory evidence to support at the appeal, The costs agreed with the appellant amounted to £6,517.00.

10.3 In the case of BR/156/16/PL & A/44/17/OUT above these were officer recommendations to approve which were overturned at Development Control Committee. This is a reminder that decisions need to be supported by evidence when dealing with technical matters and that when a decision is taken that is not supported by evidence, the Council will be at risk of significant costs.

## **11.0 APPEAL RESULTS IN NEIGHBOURING AUTHORITIES FOR 2018**

- 11.1 Worthing Borough Council had 15 decisions. Of these 12 were dismissed and 3 allowed. This represents a success rate of **80%**.
- 11.2 Chichester District Council had 60 decisions of which 44 were dismissed representing a success rate of **73%**.
- 11.2 Horsham District Council had 82 appeal decisions. Of these 65 were dismissed and 17 allowed. This represents a success rate of **79%**.

## **12.0 UNDER PERFORMING PLANNING AUTHORITY?**

- 12.1 The Government's document 'Improving Planning Performance (2018)' says that the performance of Local Authorities in deciding applications for planning permission enables development to deliver home ownership, building homes people can afford to buy and supporting economic growth. It also states that a Local Planning Authority can be considered as not fulfilling this role by reference to the criteria in this document and it may be that "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications".
- 12.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.
- 12.3 In the case of Arun for the period 01/01/16 – 31/12/17, it records the number of major application decisions as 82 which have resulted in 7 appeals. Of these 6 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 7.3% in terms of quality of decisions. This compares to 2.3% for England as a whole.
- 12.4 There are only 10 other planning authorities in England with a poorer performance against this criteria. Other authorities in West Sussex perform as follows;
- |            |   |   |
|------------|---|---|
| Chichester | - | 1.8%  |
| Horsham    | - | 1.4%  |
| Mid Sussex | - | 4%  |
| Adur       | - | 0%* (*no appeal decisions on major proposals) |
| Worthing   | - | 0%* (*no appeal decisions on major proposals) |
| Crawley    | - | 0%  |

### 13.0 **CONCLUSIONS**

- 13.1 When compared to 2017, the above shows a 10% reduction in the overall success rate in terms of the Council's ability to defend appeals. The Council has not met its corporate target of winning 70% of appeals for the last 5 years.
- 13.2 The performance of the Council in defending appeals 2018 is set out in the table below.

#### **1 January 2018 – 31 December 2018**

	<b>Total dismissed (%)</b>	<b>In accordance with officer recommendation (%)</b>	<b>In accordance with decision made by DC Committee (%)</b>
All appeals	38%	48%	20%
Written Reps	44%	52%	50%
Informal Hearing	0	100%	0%
Public Inquiry	0	66%	0%

- 13.3 Overall, written reps appeal decisions in accordance with officer recommendations have dropped by 11% from 63% in 2017 to 52% in 2018. In terms of Hearings and Public Inquiries there has been 80% Inspector agreement with officer recommendations.

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#### **Background Papers:**

Appendix 1 - Appeals Figures 2014-2018

Appendix 2 – Appeals Summary 2018

**Contact:** Juan Baeza

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Appeal Figures 2014 – 2018

APPENDIX 1

	2014	% Dismissed	2015	% Dismissed	2016	% Dismissed	2017	% Dismissed	2018	% Dismissed
Total number of appeals	48		52		39		25		29	
Total dismissed	33	69 %	24	46 %	19	49 %	12	48 %	11	38%
<b>Written Reps</b>			47		34		23		25	
Total dismissed	33	72 %	24	51%	17	50 %	12	52 %	10	44%
Decision in acc with officer recommendation	31	67%	22	65 %	17	57 %	12	63 %	9	52%
Decision in acc with DC Committee	1	17 %	1	33 %	1	25 %	1	25 %	2	50%
<b>Informal Hearing</b>			3		3		0	0	1	
Total dismissed	0	0	3	100 %	1	33 %	-	-	0	0%
Decision in acc with recommendation	1	100 %	1	50 %	1	33 %	-	-		0%
Decision in acc with DC Committee	0	0	1	50 %	-	-	-	-		100%
<b>Inquiry</b>			2		2		2		3	
Total dismissed	0	0	0		1	50 %	-	-	0	0%
Decision in acc with recommendation	0	0	-	-	1	50 %	2	100 %	2	66%
Decision in acc with DC Committee	-	-	0	0	1	50 %	-	-	0	0%

Site	Proposal	Recommendation/ Decision/Appeal Decision	Issues Raised by Inspector
AL/8/16/OUT Land South & West of Barnside	Outline app. With all matters reserved for residential development of up to 14 dwellings	Refused(R) – Refused(R) - Allowed(ALC)	<ul style="list-style-type: none"> <li>• The Council is progressing its new Local Plan, and examination hearings have taken place. However, the Plan (Arun Local Plan 2011-2031) has not yet been adopted, and it may be subject to change. This limits the weight I can accord its policies.</li> <li>• The main issue is the effect of the proposed development on the character of the area.</li> <li>• Given the enclosure of the site, the location of the existing structures within it, and in the context of the changing pattern of development in this section of Hook Lane, the low density and semi-rural character of this part of Hook Lane would not be unduly diminished. The appeal proposal is in outline form and there is no reason why the design should not be of a high quality that reflects local character and respects and enhances local distinctiveness.</li> <li>• The appeal proposal would therefore not conflict with saved policy GEN7 in the Arun District Local Plan 2003 or policies H1 and H3 of the Aldingbourne Neighbourhood Development Plan 2014-2034 (NP).</li> </ul>
AW/38/17/PL 74 Barrack Lane, Aldwick	Demolition of existing dwelling house & annex & erection of 5No. dwellings, with access drive & associated works. Re- submission of AW/80/16/PL	R-R-Dismissed (DIS)	<ul style="list-style-type: none"> <li>• The main issues are; <ul style="list-style-type: none"> <li>- The effect of the proposal on the character and appearance of the area.</li> <li>- The effect of the proposal on the living conditions of neighbouring occupiers.</li> <li>- Whether the proposal would provide adequate parking.</li> </ul> </li> <li>• I find that the proposal would cause significant harm to the character and appearance of the area. It would conflict with saved Policies AREA1 and AREA2 of the Arun District Local Plan 2003 (the Local Plan) with regards to ensuring that development makes a positive contribution to, and enhances the Area of Special Character and the Conservation Area. The proposal would not provide a development which demonstrated a high quality of design and layout and would fail to protect trees subject to a TPO, in conflict with the aims of Policies GEN 7 and GEN 28 of the Local Plan.</li> <li>• The proposal would conflict with paragraphs 17 and 64 of the National Planning Policy Framework with regards to securing high quality design.</li> <li>• I find that the proposal would fail to provide adequate living conditions for future occupiers of the proposal, and in respect of plot 1, for occupiers of no 78</li> </ul>

			<p>Barrack Lane.</p> <ul style="list-style-type: none"> <li>On the basis of the evidence submitted I am satisfied that the access to Plot 5 could be provided to ensure that the proposal provided adequate and accessible parking.</li> </ul>
AW/316/17/HH 28 Blenheim Court	Detached Garage	R – R - ALC	<ul style="list-style-type: none"> <li>The main issues in this appeal are: <ul style="list-style-type: none"> <li>a) The effect of the proposal on the street scene, and</li> <li>b) The effect of the proposal on the living conditions of the neighbours at No 47 St Peters Close, with particular regard to outlook.</li> </ul> </li> <li>I conclude that the proposal would respect the street scene. There would be no conflict with Policy GEN7 of the Arun District Local Plan 2003 (Local Plan), the Aldwick Parish Design Statement and the National Planning Policy Framework (Framework) and in particular Section 7, all of which seek a good standard of design which respects the local context.</li> <li>I conclude that there would be no material harm to the living conditions of the neighbours at No 47 St Peters Close, with particular regard to effect on outlook. There would therefore be no conflict with Policy GEN7 of the Local Plan as well as one of the core principles of the Framework both of which seek a good standard of amenity for existing and future occupiers of land and buildings.</li> </ul>
AW/11/18/HH 1 Wilman Gardens Aldwick	Boundary Wall	R-R-DIS	<ul style="list-style-type: none"> <li>The main issue in this appeal is the effect of the proposal on the street scene.</li> <li>The proposal would provide a solid edge along the boundary and would remove the verge which currently contributes to the open and verdant character and appearance of the local area. The re-siting of the wall along the boundary edge would be a visually discordant feature which would be enclosing to the currently open vista into Wilman Gardens from Blondell Drive. It would be visually intrusive and out of character with the more open street scape in the local area.</li> </ul>
AW/328/17/OUT 14 Princess Ave Aldwick	Outline application with some matters reserved for the conversion of existing dwelling into 5 self contained flats	Approve (A) - R – DIS	<ul style="list-style-type: none"> <li>The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the future residents of the flats, having regard to internal space.</li> <li>The development would harm the character and appearance of the area by reason of its poor design. Accordingly, the proposal would conflict with policies D DM1, D DM4 and D SP1 of the Arun Local Plan (ALP) 2011-2031 (2018).</li> <li>Taking into account that the proposed size standards comply with the government's technical housing standards – the Nationally Described Space Standards all these considerations, the accommodation size for the flats 1, 3 and 5 would be acceptable and not harmful to the living conditions of future residents. The proposal would comply with ALP policy D DM2.</li> </ul>
A/176/17/PL	Construction of	R-R-DIS	<ul style="list-style-type: none"> <li>The main issues are whether the appeal site is a suitable location for the</li> </ul>



Land between Badgers/Ashurst	2 houses		<p>proposal, and the effect on the character and appearance of the area with particular regard to the Local Green Space.</p> <ul style="list-style-type: none"> <li>Overall the siting, scale, design and introduction of this level of built form at this location would conflict with Policy HD5 of the Neighbourhood Plan which requires proposals to properly demonstrate how they have considered the impact of the proposed built form on the surroundings, and that development should follow the character of the existing built form and should integrate with development and the landscape setting.</li> </ul>
A/44/17/OUT Land west of Brook Lane and south of A259, Angmering	Demolition of existing buildings on site and the erection of a mixed use development comprising residential units and care home	A – R - ALC	<ul style="list-style-type: none"> <li>The main issue is whether the proposal would provide suitable access to public transport provision and whether prospective occupiers would enjoy safe living conditions with regard to the proximity to the railway line.</li> <li>Whilst I accept that the closest bus stops are some distance from the site, they would be accessible and, taking all these matters into account, there would be suitable access to public transport from the proposed development.</li> <li>The site is directly adjacent to the railway line. Further residential development is located on the other side of the railway. Information would be provided at reserved matters stage regarding the layout and landscaping of the development, including boundary treatment. These details would demonstrate how the occupants of the proposed development would be kept safe taking account of the proximity to the railway.</li> </ul>
BN/8/17/PL Meadow View, Highground Lane, Barnham	The development proposed is change of use of an outbuilding to 1 no. 2 bed dwelling.	R – R - ALC	<ul style="list-style-type: none"> <li>The main issue in this case is whether, in the light of national and development plan policy, the appeal site is a suitable one for housing in terms of its location in the countryside and accessibility.</li> <li>As the effects of the current proposal would be neutral in relation to the character and appearance of the appeal building, the development would not conflict with policy GEN7 on that point. It would, however, for the reasons given above, give rise to conflict by not reducing the need to travel by private car.</li> </ul>
BE/77/16/OUT Land West of New Barn Lane	Outline application with all matters reserved for up to 50 residential units	A – R - ALC	<ul style="list-style-type: none"> <li>There is a persistent undersupply of housing locally and concludes that the supply of housing is 2.07 years.</li> <li>There would be some harm to the character and appearance of the area by the introduction of built environment. However, given the proximity to the settlement edge, the adjoining development site, surrounding landscape, and flat topography, this harm would be limited, and that with planting that harm would be reduced over time.</li> <li>The proposal would not have a detrimental effect on the free flow of traffic or highway safety on the surrounding road network as a result of the additional traffic generated.</li> </ul>

			<ul style="list-style-type: none"> <li>• Overall there would be a net benefit in terms of reducing flood risk in the area, the proposal would not result in flood risk for the occupiers of the new development and the development would not increase the risk of flooding elsewhere.</li> <li>• The proposed development makes reasonable provision for any additional community and social infrastructure needs arising from the development.</li> </ul>
BE/83/17/PL Land adjacent to 385 Chichester Road & 24 Ashurst Close	1 No. dwelling & associated parking.	R – R - ALC	<ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the character and appearance of the area.</li> <li>• The plot tapers towards the junction, however the dwelling would be located towards Ashurst Close, and I am satisfied that the siting of the dwelling would allow for adequate outdoor amenity space for future occupiers that would not be to the detriment of neighbouring occupiers. I find that the proposal would reflect the established character of the area, and would sit comfortably within the appeal site.</li> </ul>
BR/156/16/PL The Regis Centre	Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space	A - R – ALC	<ul style="list-style-type: none"> <li>• The main issues are: <ul style="list-style-type: none"> <li>i) Whether the scheme demonstrates sufficient design excellence having regard to the local character and qualities of the area and the aspirations for the regeneration of the seafront and town as a whole.</li> <li>ii) Whether the scheme would provide acceptable levels of parking to meet the needs of the development and the wider role of the town as a tourist destination.</li> <li>iii) Whether the particular contributions sought in respect of local infrastructure are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.</li> </ul> </li> <li>• When considered as a whole the proposed scheme would represent design excellence. The scheme would incorporate landscaping, and the use of materials to match and complement the local context. The appearance of the buildings and their uses would be of high quality. The scheme would be in line with the objectives set out in the supporting text of Policy 8a of the NDP. The approach would relate strongly to Bognor Regis's identity as the first purpose built resort. The scale of the buildings and general simple block form would be sympathetic to smaller buildings close to the sites but also respectful of those with more significant scale such as the tower block, striking the right balance between these factors. The design of the buildings take inspiration from Sir Richard Hotham noted for his involvement in the development of Bognor Regis as a tourist destination, and respects the historic and built environment of the</li> </ul>

			<p>town. The scheme would respond to and integrate with the local surroundings.</p> <ul style="list-style-type: none"> <li>• I conclude that the scheme would provide acceptable levels of parking to meet the needs of the developments and the wider role of the town as a tourist destination. It would not be in conflict with Policy 8b of the NP and Policy Area 7 of the adopted Local Plan.</li> <li>• There is no evidence to suggest that as the landowner the Council would never enter into a planning obligation, and the Council's position may change. To my mind the factors present in this case do not point to there being no prospect of the Council entering into a s106 agreement. There are no other planning reasons why the condition should not be attached. This would mean that the condition would meet the six tests set out in the Framework and that the infrastructure contributions requirements would be achieved.</li> </ul>
CM/1/17/OUT Land West of Church Lane, Climping	Outline application for the erection of up to 300 dwellings	A – R - ALC	<ul style="list-style-type: none"> <li>• Although there are now no outstanding issues between the main parties, concerns have been raised by third parties in relation to a number of matters. These concerns relate to highway safety, the potential effect on heritage assets, ecology and the loss of agricultural land, drainage and flooding, and the size of the development and its consequent effect on local infrastructure.</li> <li>• Measures have also been agreed by the appellant including a new footway along Crookthorn Lane, and for the Oyster Catcher junction, a scheme of street lighting and refreshing road lining and signage, and clearance of vegetation to improve visibility. Also agreed is a scheme to improve cycle crossing facilities at the Yapton Road / Oyster Catcher junction. There is now no highway reason why the appeal scheme should not proceed.</li> <li>• Outside the site but within the village are a number of listed buildings, including the Grade I Parish Church of St Mary, as well as various Grade II listed buildings. There is also a scheduled ancient monument comprising the Climping Deserted Medieval Village, located adjacent to the Church, as well as a number of non-designated heritage assets. Historic England's initial concerns have been addressed, and it now raises no objections to the scheme. Although it is possible that the appeal site may contain archaeological remains, both the Council and appellant agree that a suitably worded condition could be imposed to deal with this matter.</li> <li>• The ecological investigations undertaken do not suggest that permission should be withheld on ecological grounds, subject to appropriate conditions being attached to any permission<sup>24</sup> including the implementation of an Ecology Management and Mitigation Plan.</li> </ul>

			<ul style="list-style-type: none"> <li>• The site falls within the category of the best and most versatile agricultural land. Although Policy SO DM1 (Soils) of the Local Plan does not permit the development of such land, this restriction does not apply where the site is specifically allocated for development, as in this case,</li> <li>• A Flood Risk Assessment<sup>25</sup> confirmed that the majority of the site is within Flood Zone 1 where there is a low probability of flooding. The impact from groundwater and surface water flooding was considered to be potentially moderate. A Surface Water Drainage Assessment<sup>26</sup> indicates that a sustainable urban drainage system could adequately mitigate effects of the development.</li> <li>• Concerns have been raised regarding the size of the scheme and its consequent effect on local infrastructure, including education and medical facilities. However, I am satisfied that the completed planning obligation (discussed below) means that the proposed development would make appropriate and necessary provision for infrastructure.</li> </ul>
EP/59/17/PL Tudor Lodge, Sea Road, EP	Demolition of existing dwelling and erection of 7 dwellings	R – R - ALC	<ul style="list-style-type: none"> <li>• The main issue in this case is the effect of the development on the character and appearance of the area, and in particular the Area of Special Character.</li> <li>• The well-tended hedge on the South Strand boundary would be retained, and that boundary opened up by removal of the existing high, close boarded fence. As there would be space for planting at the corners of the site and within the front garden areas, I also conclude that the development would not undermine the green and well-planted character of the area.</li> </ul>
R/210/17/HH 7 Orchard Gardens	Retention of wooden gate & raised bed planter to front.	R – R - ALC	<ul style="list-style-type: none"> <li>• The main issue is the effect of the development on the character and appearance of the area.</li> <li>• I am not persuaded that the planter and gate at No 7, which is in part of the estate that is only visible from the immediately surrounding area, is harmful.</li> </ul>
EP/148/17/PL 20 Lashmar Road	1 No. dwelling with associated car parking, dropped kerb access & planting.	R – R - DIS	<ul style="list-style-type: none"> <li>• The main issue in this appeal is the effect of the proposal on the character and appearance of the Lashmar Road area of East Preston.</li> <li>• The visual effect of the site constraints and the design solution chosen is of a cramped form of development relative to the site boundary. The result is an incongruous addition to the street-scene that would appear out-of-place and would therefore not be well-integrated with existing built form, whilst eroding the openness of the road.</li> </ul>
FP/234/17/PL 10 South Road	1 residential detached chalet	R – R - DIS	<ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the character and appearance of the area.</li> </ul>

Felpham	on the land to the rear		<ul style="list-style-type: none"> <li>The design and style of the dwelling would not be out of keeping with the varied design of dwellings in the cul-de-sac and the wider area. However, the siting of the access, the introduction of prominent urban development, and the resultant harm to the character of the area, would introduce a pattern of development that would be harmful to the verdant and sylvan style of this cul-de-sac.</li> </ul>
FG/8/17/PL Land North of Littlehampton Rd	Camping facilities comprising 23 eco yurts	R – R - DIS	<ul style="list-style-type: none"> <li>The main issues are:- <ul style="list-style-type: none"> <li>- The effect on the character and appearance of the area.</li> <li>- The effect on the significance of the Scheduled Ancient Monument and Registered Park and Garden.</li> <li>- Whether, in the light of national and development plan policy, the development would be acceptable in terms of accessibility and environmental considerations.</li> </ul> </li> <li>As a visible intrusion into a largely rural area, on a relatively exposed hillside site, the development would not be particularly well-integrated with its surroundings. It would as a result of this and its appearance in views of Highdown Hill have a harmful effect on the setting of the National Park when viewed from the south.</li> <li>As the development would have the effect of diminishing the rural setting of the Scheduled Ancient Monument by introducing built development into the countryside close to it, and as it would intrude into long views of it, I consider that it would harm the setting of this heritage asset, and thereby, its significance.</li> <li>The site would not be particularly easy to reach by public transport, as the railway station is some distance away and there is no controlled crossing over the A259. While the submitted information hints at the use of a shuttle, no evidence has been put before me of the operation of such a service, and I cannot therefore be sure that it would be a sustainable one which would effectively offset the use of private cars to access the site. There would therefore be no benefits in encouraging sustainable patterns of travel.</li> </ul>
FG/162/17/PL 1 Upper West Drive	Demolition of existing detached garage & erection of 1 No. dwelling.	R – R - DIS	<ul style="list-style-type: none"> <li>The main issue is the effect of the development on the character and appearance of the area, including the Sycamore tree subject to a tree preservation order (TPO).</li> <li>When that characteristic of the development is coupled with the footprint of the bungalow, which would around double that of the existing garage, and the new building occupying much of the space that currently exists between No 1 and the garage, I consider that this development would not be respectful of its surroundings. That is because it would have a cramped appearance compared with the development that characterises the area within the immediate vicinity of No 1.</li> </ul>

			<ul style="list-style-type: none"> <li>I would expect the occupiers of the bungalow to seek, at the very least, to have the Sycamore pruned repeatedly and were such pruning to be undertaken that would reduce the amenity contribution this tree makes to the streetscene.</li> </ul>
LU/283/17/HH Flat 1 56 South Terrace	Removal & erection of fence.	R – R - DIS	<ul style="list-style-type: none"> <li>The main issue is the effect of the fence on the character and appearance of the host property and the surrounding area.</li> <li>The fence at No 56 projects above the existing boundary wall and its pillars. As a consequence it appears both prominent and out of proportion. The use of horizontal boarding, which has been painted grey, appears at odds with materials used in the boundary treatments elsewhere in the street. In my view the fence is an alien and incongruous addition to the street scene which detracts from the appearance of the host property and the terrace of which is it a part. This is not only harmful to the immediate vicinity of the site, but is also to the detriment of public views of the building from the public open space between South Terrace and the promenade.</li> </ul>
LU/111/17/PL 19 Bayford Road	Change of use of existing residential property (C3 Dwellinghouses) to form 1 No. 7 bedroom HMO (Sui Generis).	R – R - ALC	<ul style="list-style-type: none"> <li>The main issues in this case are:- <ul style="list-style-type: none"> <li>whether, in the light of development plan policy relating to housing mix, the development would be an appropriate one; and</li> <li>the effect of the development on the living conditions of neighbouring occupiers in respect of noise and disturbance.</li> </ul> </li> <li>Bayford Street is a long street, and the total of identified HMO properties would represent a small proportion of the large number of residential properties in it. The appellant has pointed out that the property would be capable of being converted to a small house in multiple occupation (HMO) through the exercise of permitted development rights, and this appears to me to be a fall-back position with a realistic chance of occurring.</li> <li>I conclude as a result that the effect of this development would be the provision of a single additional room over the number which could be achieved through the exercise of permitted development rights, which would therefore be marginal in effect.</li> </ul>
LU/243/17/PL 56-57 Pier Road	Demolition of existing detached garage & erection of 1 No. dwelling.	R – R - DIS	<ul style="list-style-type: none"> <li>The main issue is whether the proposed development would be at unacceptable risk from tidal flooding.</li> <li>Notwithstanding the proposed mitigation measures, therefore, I do not consider that these would be sufficient safeguards in the light of the more vulnerable and highly vulnerable nature of the accommodation and the nature of any severe flood event.</li> </ul>
R/64/17/PL	Demolition of	R – R - DIS	<ul style="list-style-type: none"> <li>The main issue is the effect of the development on the character and</li> </ul>

St Marys Close, Hurst Road, Rustington	the existing dwelling and erection of 4 residential dwellings.		<p>appearance of Hurst Road.</p> <ul style="list-style-type: none"> <li>• Their plot widths the replacement houses would have a relatively tight and regimented siting relationship with one another, with there being limited space between them. In that regard the width of St Marys Close corresponds with the combined width of the three dwellings directly opposite. The properties opposite having a quite spacious appearance, a characteristic that the new development would not share. My concern in this regard is not with the plot densities per-se but with the lack of space between the houses.</li> <li>• I therefore consider that the development would not be respectful of Hurst Road's streetscene.</li> </ul>
R/177/17/A 16A Ash Lane, Rustington BN16 3BZ	The advertisement proposed is a wooden A board.	R – R - ALC	<ul style="list-style-type: none"> <li>• The main issue in this appeal is the effect on public safety.</li> <li>• It is set back from the footway running north to south along the main through road. It is placed over a bollard in a fairly wide paved area and has significant space around it.</li> </ul>
R/99/17/PL Rustington Parish Church Hall, 77 The Street	Replace 6 No. windows on south elevation & 4 No. windows on east elevation with double glazed PVCu windows.	R – R - ALC	<ul style="list-style-type: none"> <li>• The main issue is the effect of the proposal on the significance of the building as a heritage asset, and on the character and appearance of the Rustington Conservation Area.</li> <li>• Having mind to the location of the windows in question and the varied nature of the rear of the building with evidence of previous additions and changes, it is concluded that the significance of the building as far as the conservation area and its role as a locally listed building within the Local Plan resides almost entirely at the front elevation and the west side flank elevation, both clearly visible from The Street and both clearly displaying architectural interest and use of materials.</li> </ul>
R/51/18/HH 27 Jubilee Avenue	Demolition of existing single garage and erection of detached double garage.	R- R - ALC	<ul style="list-style-type: none"> <li>• The main issues are the effects of the proposed development firstly, on the character and appearance of the area and secondly, on the living conditions of occupiers of No 29 Jubilee Avenue with particular reference to outlook.</li> <li>• The as built detached double garage comprises a simple pitched roof and extends to almost the width of the garden. It is taller than these other ancillary buildings but views are limited along the access road by their presence and boundary planting. Views from the adjacent public open space are also limited, angled between established tall planting and seen in the context of a variety of ancillary buildings, staggered by heights and gently sloping ground level. The building does not appear significantly incongruous in the local or wider area.</li> </ul>

			<ul style="list-style-type: none"> <li>From what I saw during my site visit, the garage is set back at the rear of the garden whilst its roof slopes away from the host and neighbouring properties. I consider that its design and positioning, combined with the openness of the gardens and presence of other outbuildings and background landscaping means the development does not have an unacceptably overbearing impact. Despite the replacement garage being taller than its predecessor, the outlook both from the adjoining property and its garden area has not unacceptably changed.</li> </ul>
WA/86/17/PL Pippins, Yapton Lane	Continuation of use of land for the stationing of 3 No. residential mobile homes	R – R - ALC	<ul style="list-style-type: none"> <li>The main issues are; <ul style="list-style-type: none"> <li>(i) The effect of the proposal on the character and appearance of the area,</li> <li>(ii) Whether or not the site is suitable for development having regard to its accessibility to local services and facilities.</li> </ul> </li> <li>As the site is almost entirely contained, and the caravans are seen within the context of existing area of built form, I find that the proposal integrates comfortably with its surroundings and complies with Policy GEN7 of the LP in respect of responding to the local character of the site and area.</li> <li>It is probable that future occupiers would be dependent on the private vehicle to access facilities and services.</li> <li>I am of the opinion that for the purposes of the totality of the development plan and the Framework that this would be a sustainable form of development which weighs greatly in its favour.</li> </ul>
Y/80/16/OUT Land to the south of Ford Lane/east of North End Road, Yapton.	4.5 hectares of residential development partly comprising 3.4 hectares of land for up to 100 dwellings.	R – R - ALC	<ul style="list-style-type: none"> <li>The main issues are: <ul style="list-style-type: none"> <li>- whether adequate provision would be made towards the infrastructure requirements arising from the proposed development;</li> <li>- the impact on the living conditions of future occupiers of the site from potential noise generated within the adjacent Orchard Business Park;</li> <li>- the impact of the proposal on the operation and safety of the road network.</li> </ul> </li> <li>An executed second UU was submitted and, as a consequence, the Council no longer pursued its reason that the proposal failed to take account of the full requirements for infrastructure that would be generated.</li> <li>At the Inquiry it became common ground between the Council and the appellant that the issue of potential noise could be addressed through the imposition of a condition requiring, if necessary, the proposal's layout and dwelling design to be subject to a scheme of mitigation at the appropriate reserved matters stage. On the above basis I accept that this would provide a suitable means of addressing this issue.</li> </ul>



			<ul style="list-style-type: none"> <li>It has not demonstrated conflict with paragraph 32 of the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Nor has it shown that highway safety would be unacceptably compromised.</li> </ul>
Y/48/17/HH 8 Canal Road, Yapton	Replace 4ft fence with 6ft closeboard wooden panel fence	R – R - ALC	<ul style="list-style-type: none"> <li>The main issue is the effect of the fence on the character and appearance of the area.</li> <li>The fence would not appear unduly dominant.</li> </ul>
Y/77/17/OUT Lake Barn, Maypole Lane	The erection of detached single storey dwelling house	R – R - ALC	<ul style="list-style-type: none"> <li>The main issues are; <ul style="list-style-type: none"> <li>(i) The effect of the proposal on the character and appearance of the area, and</li> <li>(ii) Whether or not the site is suitable for residential development having regard to its accessibility to local services and facilities.</li> </ul> </li> <li>Development of the site for one dwelling would be a continuation of the linear form of development along Maypole Lane. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be single storey, and having regard to the existing mature planting along the boundary and the surrounding built form, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point.</li> <li>I do not consider that the appeal site is any less sustainable than those sites within close proximity that have been referred to by the appellant. This approach to the consideration of this issue is consistent with the Braintree judgement of 15 November 2017, which has provided clarification in respect of the interpretation of 'isolated homes' for the purposes of paragraph 55 of the Framework.</li> </ul>

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