



# Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

23 January 2020

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on Wednesday 5 February 2020 at 2.30 pm** and you are requested to attend.

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

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

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

## AGENDA

### 1. APOLOGIES 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 8 January 2020 (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. **M/80/19/PL FORMER POULTRY FARM, LAND WEST OF YAPTON ROAD, MIDDLETON ON SEA PO22 6DY** (Pages 5 - 26)

7. **EP/148/19/PL SCORTON, 9 LIME TREE CLOSE, EAST PRESTON, BN16 1JA** (Pages 27 - 36)

8. **BR/227/19/PL 3 SOUTHDOWN ROAD, BOGNOR REGIS PO21 2JS** (Pages 37 - 44)

### **PLANNING APPEALS**

9. **LIST OF APPEALS** (Pages 45 - 48)

10. **APPEALS PERFORMANCE AND COSTS 1 JANUARY 2019 - 31 DECEMBER 2019** (Pages 49 - 86)

### **OFFICER REPORT UPDATES**

Will be circulated at the meeting.

## **BACKGROUND PAPERS**

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

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

Contact Officers :

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Note : Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via [www.arun.gov.uk](http://www.arun.gov.uk)

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

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## DEVELOPMENT CONTROL COMMITTEE

8 January 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Clayden (Substitute for Roberts), Coster, Edwards, Mrs Hamilton, Lury, Northeast, Mrs Pendleton, Mrs Yeates and Mrs Worne

### 352. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Roberts.

### 353. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 354. MINUTES

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

### 355. AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK, PO21 3AP

AW/237/19/PL – Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 – delivery times & Condition 10 – delivery of goods serving the store in accordance to the Delivery Management Schedule

In considering the application, Members raised a number of concerns in particular relating to its impact on the highway and the safety of road users. It was the view of a number of Members that the vehicles being used for deliveries to the premises would have a significant impact on the safety of the road. Based on the clarification given by the County's Highways Team representative it was not felt that the transport assessment had sufficiently addressed this impact.

Having sought clarification on the voting process as confirmed in the Planning Local Code of Conduct at Part 8, Section 6 of the Council's Constitution, the Chairman then put the officer recommendation for approval to the vote. This was not accepted by the Committee as this recommendation had been rejected by the Committee, the Chairman then sought an alternative proposal. Councillor Bower proposed that "the application be deferred to allow for a tracking survey to be completed along with an independent road safety audit" which was seconded by Councillor Charles. On putting this proposal to the vote, the Committee

RESOLVED

That the application be deferred.

356. BR/306/19/HH 28 ARUN ROAD, BOGNOR REGIS, PO21 5PD

BR/306/19/HH – Two storey side and rear extension, single storey rear extension & replacement front porch.

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

357. M/32/19/PL 46 SEA LANE, MIDDLETON ON SEA, PO22 7RX

M/32/19/PL – New dwelling & separate garage replacing the proposed new house in the previous planning permission ref: M/7/16/PL – Amendment to M/153/18/PL

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

358. M/53/19/PL 7 ALLEYNE WAY, ELMER, MIDDLETON ON SEA, PO22 6JZ

M/53/19/PL – Demolition & erection of 1 No. dwelling

Having considered the detail of the application and a report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

Development Control Committee - 8.01.20

359. WA/59/19/PL PIPPINS, YAPTON LANE, WALBERTON, BN18 0AS

WA/59/19/PL – Provision of an additional 3 No. residential mobile homes. This application is a Departure from the Development Plan

Having considered the detail of the application and the report update, Members received clarification on questions raised with the officers, the Committee

RESOLVED

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

360. Y/83/19/OUT CLAYS FARM, NORTH END ROAD, YAPTON, BN18 0DT

Y/83/19/OUT – Outline application with some matters reserved for the erection of 22 No. dwellings, access roads, landscaping & associated works (resubmission following Y/62/18/OUT). This application is a Departure from the Development Plan.

In considering the application, Members sought clarification on a number of issues relating to the status of the agricultural land and why the application was being recommended for approval when it was a departure from the Development Plan and the Yapton Neighbourhood Plan. Concerns were also raised by some Members about the access to the site which were responded to by the County's Highways Team representative.

In debating the merits of the application, mixed views were expressed with some Members highlighting their concern about the loss of agricultural land and the impact of increased housing development on this site which was outside of the agreed Development Plan; whilst others believed the application would support the Council in meeting the under-delivery of housing targets in the Local Plan, as explained within the officer report. A question was asked about whether the officers had encouraged the developers to make this second application as the previous application had been refused and was now the subject of an Appeal. The Group Head of Planning confirmed that no such request had been made.

A request was received that the voting on this proposal be recorded.

On putting the officer recommendation to the vote, the Committee

RESOLVED

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

Those voting the application be approved were Councillors Bennett, Blanchard-Cooper, Bower, Charles, Clayden, Edwards, Northeast and Mrs Pendleton (8). Those voting against were Councillors Coster, Mrs Hamilton, Lury, Ms Thurston, Mrs Worne and Mrs Yeates (6).

361. BR/120/19/PL & BR/121/19/L THE BANDSTAND THE PROMENADE BOGNOR REGIS

BR/120/19/PL & BR/121/19/L – Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.

Having considered the detail of the application and received clarification on questions raised with the officers, the Committee

RESOLVED

That the application be approved as detailed in the report.

362. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 5.40 pm)



PLANNING APPLICATION REPORT

REF NO: M/80/19/PL

LOCATION: Former Poultry Farm  
Land West of Yapton Road  
Middleton on Sea  
PO22 6DY

PROPOSAL: Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The proposal is for a 2 storey 'L' shaped 66-bedroom care home which will provide 24-hour support and care for the frail elderly, meeting residential, nursing and dementia care needs, including end of life and palliative services. The agents have advised that the average age of residents will be approximately 85 to 90 years. Residents will move into the care home at the point at which their care needs have escalated and when they or their family/carers are unable to address these needs within their own home.

The scheme incorporates the following facilities and features:

- All bedrooms to be equipped with en-suite bathrooms designed for safety and accessibility.
- Communal and amenity spaces incorporating cafe/bar/lounge, hairdressers, cinema room, activity rooms, lounges, dining spaces and quiet rooms.
- On-site kitchen and laundry.
- Staff facilities including lounge, training area and changing rooms.
- Landscaped amenity areas and gardens.
- Car and cycle parking as well as dedicated spaces for deliveries and ambulance.

The maximum ridge height of the proposed development is 9.6m and the lower flat roofed 2 storey section of the development has a height of 6m.

SITE AREA 0.62 hectares

RESIDENTIAL DEVELOPMENT DENSITY 106 bedrooms per hectare

TOPOGRAPHY Predominantly flat.

TREES Protected trees are on site and some are affected by the development.

BOUNDARY TREATMENT	Hedging/fencing between 1 and 3m high along road frontage. To fields temporary wire fencing.
SITE CHARACTERISTICS	2 storey brick dwelling and single storey outbuildings. A public footpath runs along the south boundary. The premises previously operated as a poultry farm, but this use ceased and the property is vacant.
CHARACTER OF LOCALITY	Predominantly rural on edge of residential. Fields to north. Housing estate to south.

**RELEVANT SITE HISTORY**

M/45/16/PL            Demolition of redundant poultry farm buildings & dwelling    ApproveConditionally  
& erection of 13 No. dwellings with associated access,    07-02-17  
car parking & landscaping. This application is a  
departure from the development plan

M/45/16/PL was granted in February 2017 for the demolition of the redundant poultry farm buildings and dwelling and the erection of 13 dwellings with associated access, car parking and landscaping.

The scheme includes a mix of 2, 3 and 4-bed detached, semi-detached and terraced properties, each two storeys in height. The approved built form is orientated such that it would be positioned adjacent to eastern and northern site boundaries with an area of amenity space provided in the southern part of the site (allowing for the retention of the protected trees). A new vehicular access was to be formed from the existing road spur off Silver Birch Drive to the south.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

Objection

- Inadequate infrastructure provision to serve the development.
- Lack of protection, conservation and enhancement of the natural and built environment.
- The proposed development is overbearing.
- With 66 bedrooms on a small site the development looks cramped.
- The proposed development is unneighbourly.
- The site will be viewed by all properties along Yapton Road.
- The overall mass, height and scale is out of keeping with surrounding properties.
- The application states it is two storey but with windows in the roof it could be seen as three storeys.
- Out of character with the street scene.

19 Support (including 14 standard support)

- More care facilities are needed in the area.
- Better scheme than approved houses.

151 objectors raising the following material planning objections:

- The access to the site is narrow and runs across a popular footpath.

- Trees surrounding the proposed site will be negatively affected by the development.
- Local Surgeries and Dentists which are reaching their capacity, would be negatively affected by the increase of patients.
- The area around the site is prone to flooding and this development will increase the risk.
- Increase of vehicles in the area, including vans, lorries, ambulances and construction vehicles which will adversely affect residential amenity and would be 24/7.
- Overdevelopment compared to the surrounding 'quiet' residential area.
- Increased noise pollution for residents who live close to the development as well as light pollution.
- 29 parking spaces is not adequate number for the staff of the care home and the visitors. At staff handover periods a total of 40 to 50 personnel will be at the site along with their 20 to 25 cars.
- Concern over safety of residents of care home and the residents of the area around the care home.
- Concern regarding damage to and possible death to two Ash trees and a Maple tree.
- The area/environment around the development will be negatively affected with a loss of greenery.
- Concern that the building would be out of keeping/character with the surrounding properties.
- Frontier Estate has not submitted a planning application for doing works on the TPO trees.
- Is this care home in the right provision for dementia patients?
- Site access is not sustainable.
- Too many rooms to provide effective care.
- Could be problems with sewage and drainage.
- Unsuitable access for such a commercial development.
- The total building and hardstand area for the care home is 57% of the total site area and not 45.3% as stated on the plans submitted by the agent.
- The comparative increase in ground coverage will be significant and not "moderate" as claimed by the agents.
- The buildings' footprints will change from 940m<sup>2</sup> as approved to 1737m<sup>2</sup>, which equates to an increase of at least 85%.
- The volume of the 13 houses currently allowed will be approximately 5,640m<sup>3</sup>, whilst the proposed care home will be 10,830 m<sup>3</sup>, an increase of 92%. This is not a "moderate" increase.
- Justifying the excessive height of the proposed care home by making comparisons with the commercial buildings to the east (Duke's Motors) is neither reasonable nor right.

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

- County Highways have raised no objection regarding highway safety. This proposal will not result in a significantly worse or severe highway environment.
- With regard to ecology issues the required Phase 1 survey of the site has been undertaken and no evidence of protected species has been found. The suitability of the site for great crested newts has been considered but as there are no ponds located on or near the site it is unlikely that any would be present on the terrestrial landscape.
- Layout will preserve protected trees and acceptable landscaping and sufficient planting will be provided.
- Sale of the footpath is a private matter.
- Works to trees have been investigated by the Tree Officer and the Compliance Officer and it was found that no obvious harm had been inflicted on any protected tree and that only ground vegetation clearance/light pruning to abate nuisance was carried out.
- The floorspace and hardstanding percentages referred to in the representations are not contested by the applicants agent. The figures originally supplied were based only on the main building footprint and parking/access areas and have not been challenged.

Other points raised are addressed in the conclusions section of this report.

<b>CONSULTATIONS</b>
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Arboriculturist  
Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
Parks and Landscapes  
WSCC Strategic Planning  
Ecology Advisor  
NHS Coastal West Sussex CCG  
Sussex Police-Community Safety  
Natural England  
Surface Water Drainage Team  
Economic Regeneration  
Ecology Advisor

**CONSULTATION RESPONSES RECEIVED:**

County Highways - No Objection

- The site currently benefits from an extant permission ref (M/45/16/PL) for 13 residential dwellings.
- The applicant has provided a stage 1 road safety audit and amended access design. The audit highlighted 5 issues to which the designer accepts all 5 recommendations. The access should be secured by condition prior to the commencement of the development.
- It has been established that the site is anticipated to generate 14 two way trips in the AM peak and 13 two way trips in the PM peak. Daily trip generation is anticipated to be 145 two way vehicle trips. The level of trip generation would result in a net AM peak increase of 2 two way trips and 4 PM peak two way trips over the consented scheme. The levels of traffic would not result in a severe impact on the local highway network.
- The applicant proposes to provide 29 car parking spaces, 2 of which would be disabled bays and 6 with active electrical vehicle charging, and the remaining would have the potential to be up be upgraded. 3 spaces would be provided for motorcycles and 6 cycle parking spaces. No concerns on the level of parking proposed.
- A swept path analysis has been provided and shows a refuse vehicle can access and egress the site in a forward gear and all parking spaces are accessible for a car.

Sussex Police - No Objection.

Southern Water - No Objection. Informative requested

Natural England - No Comment.

Drainage Engineer - No Objection. Pre commencement conditions requested.

County Flood Authority - No Objection.

Ecology Officer- No Objection.

- Following submission of the Ecological Impact Assessment (Sept 2019), the bat and reptile mitigation proposed would be suitable and should be conditioned.

- The lighting scheme for the site will need to take into consideration the presence of bats and the scheme should minimise impacts to bats by avoiding unnecessary artificial light spill. Request 6 integrated bat boxes are built into the fabric of the property facing south/south westerly positioned 3-5m above ground.
- Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season. Request 4 bird boxes are installed on the new building and / or trees within the site.
- A number of enhancements to be incorporated within the scheme are requested.

Tree Officer - No Objection. Conditions requested.

- It is noted that the developer is keen to retain T4 and so the proposal is for a suite of tree protection measures about the site access to promote healthy, long-term retention of the same. This intention is supported which is understandable.
- The later Landscape Plan indicates a more ambitious and sensitive use of tree species, which complement the wider landscape and should add long-term value to the site and its environs.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions are imposed. An amended tree planting scheme and landscaping/ecology enhancements have been submitted.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
Within Built Up Area Boundary  
Class B road  
Tree Preservation Order  
Public Right of Way Adjacent to Site

#### DEVELOPMENT PLAN POLICIES

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

ECCSP2	ECC SP2 Energy and climate change mitigation
DSP1	D SP1 Design
HDM2	H DM2 Independent living and care homes
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP2	SD SP2 Built-up Area Boundary

#### 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.

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.

Middleton does not have an adopted neighbourhood plan.

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

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

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

The proposal is considered to comply with relevant Development Plan policies in that there is a significant demand for this type of development in the District and there would not be an unacceptable impact on the character of the area, protected trees, highway safety, visual amenities of the locality or residential amenities of 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**

The site is within the Built-up Area Boundary. The area to the north and west is rural in character with open fields. For reasons expanded on below the development would be in keeping with its immediate surroundings and would not conflict with the aim of Local Plan policy D DM1 to protect and enhance the quality of the environment and protect neighbouring residential amenities. It is outside of the Littlehampton to Middleton-on-Sea Gap between settlements which borders the east side of Yapton Road. It is outside the boundary of the existing Open Space area to the north and west identified in the Local Plan. The site is physically connected to the built up area to the south.

### **IMPACT ON CHARACTER AND VISUAL AMENITY**

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change. Policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Although the site is currently rural in appearance it is now located within the built up area boundary. The development would not be visually isolated and would represent an acceptable expansion of existing built form. It is acknowledged that there are no buildings in the locality with a similar footprint, height and bulk. Whilst the bulk and extent of the building in terms of its length and width across the plot results in a significant and prominent form of development this would not be sufficient to warrant refusal of the application given the extant permission and the context of the site adjacent to residential and commercial built form. The care home would be located adjacent to a residential estate of 2 storey dwellings on the opposite side of the public footpath to the south and opposite industrial units (Middleton Business Park) located on the east side of Yapton Road. This comprises a number of businesses set within a single storey terraced row and a separate two storey detached building used for vehicle repairs. 2 storey residential properties are located immediately to the north-east of the Business Park, extending beyond the northern boundary of the application site.

The scheme has been designed as an attempt to reflect a domestic built form of terraced 2 storey dwellings which would be in context with the backdrop of existing residential properties to the south, albeit that these are detached and of lower height. The National Design Guide (para 40) defines well-designed new development as development which responds positively to the features of the site itself and the surrounding context. The houses adjacent to the site are 2 storeys with pitched roofs and the care home maintains the character and scale of the area which includes the commercial units to the east. The submitted street scene indicating the perspective from the adjacent 2 storey dwellings in Silver Birch Drive indicates that the care home will not be significantly higher (approximately 1.8m). The ridge height of these dwellings is approximately 7.8m compared with the maximum ridge heights proposed of 9.6m. In terms of its relationship with the industrial unit to the east, the height of the proposed unit would accord with the height of the internal buildings within the industrial estate. It would not therefore dominate the surrounding development in terms of its height.

Development along both boundaries is restricted to two storeys in height together with the use of a pitched roof. The articulation of the elevations, together with the treatment of the roof form and the use of a varied palette of high-quality materials, has attempted to break up elevations/mass so that they might appear as a series of distinct elements, but it is acknowledged that it will still be a large single building.

The comparative street scenes submitted as part of the application demonstrate that the difference in height of the scheme is approx. 1.8m greater than the dwellings in Silver Birch Drive which is not a significant difference when viewed from a distance, particularly since there is a 22m gap between the dwellings and the development. The Section Plans indicate that the overall height of the proposed care home development along the North Elevation is not significantly greater than the approved dwelling height. Along the East elevation whilst eaves heights are similar, the difference in ridge height is 2 - 2.6m greater which will increase the prominence of the building. However the increase is not considered to result in harm to character or visual amenity sufficient to warrant refusal on these grounds.

Drawings 023.1 and 023.2 provide site sections showing the proposed building form and ridge heights relative to both the extant scheme and to the surrounding residential and commercial buildings. The proposal does not increase ridge heights when compared to the extant scheme. The heights on the Yapton Road (north to south) elevation are now consistent with those on the east to west elevation, and the opportunity has been taken to increase the separation to the nearest houses and to grade the heights so that they step up into the site.

The building has been designed to be 2 storeys with pitched roofs and has a domestic appearance. The form provides relief and interest to the elevations by incorporating a staggered roof line, creating gaps within the roof form, providing set-backs and gable projections and variety in the palette of materials which reflect the surrounding area. These include a stock brick and elements of render, art stone

detailing and tiled and slated roofs. The design elements help to reinforce local distinctiveness and attempts to produce a building which appears as a series of inter-linking elements. Views into the site from Yapton Road would include communal gardens and soft landscaped boundary treatment. Screening along the northern edge of the public footpath has been amended since the application was originally submitted and is now a 2m high hoop top fence. Landscaping has been bolstered adjacent to the field boundary and incorporates a native hedge which softens the appearance of fencing and this will be in keeping with this rural setting.

The site is generally well screened. The eastern boundary comprises tall trees and hedging and the southern and western boundaries are edged with trees and hedgerows. The northern boundary is well screened from within the surrounding landscape owing to the publically edged and visually more prominent southern and eastern boundaries. The south-eastern corner of the site has a lack of screening when viewed from Yapton Road. This affords clear views of the existing dwelling and wooden outbuilding. The proposed landscaping plan would increase and bolster landscaping and planting in this area and views into the site.

The National Design Guide at para 49 states that well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods. "The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods."

The proposal would accord with this guidance in that it has a domestic scale and creates a positive addition to built form in the area and has a clear identity. Para 50 of the Design Guide defines well-designed places, buildings and spaces "as those which have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion" and "those which are visually attractive, to delight their occupants and other users". The proposed building would have an identity that would be easily recognisable to residents and the local community and in this respect would contribute towards health and well-being. Nearly every ground floor unit has its own external patio area and the communal gardens would be well landscaped and provide an outside area for visitors and relatives to enjoy.

The care home has a footprint similar in shape to that of the approved housing layout, but the depth of the development is increased internally by 6 - 12 m. It is "L" shaped with one section parallel to the northern boundary and the other parallel to Yapton Road which facilitates provision of parking and garden areas within a central space. The northern wing separates the central activity space and garden from a more secure and quiet garden to the north. A minimum of 10m separation is provided between the north boundary and the building providing visual space around the building and reducing its prominence when viewed from outside the site. The distance to the east boundary varies between 4m and 10m. Given the staggered nature of the elevation this provides an acceptable gap to surrounding development and meets the generally adopted guidelines for space between dwellings.

Comparison drawings have been submitted as part of the proposal which indicate the differences in site coverage between the extant and proposed schemes. When including both built form and hardstanding the site coverage will increase and the scheme is no closer to the neighbouring houses. The current proposal incorporates a slight increase in the distance to the southern site boundary and also removes any built form within the western part of the site. The current proposal represents an 85% increase in terms of the building footprint. It was 940sqm as previously approved and is now proposed to be 1,737 sqm.



The approved residential scheme had a density of 75 bedrooms per hectare (compared to 106 per hectare proposed). However, this increased density is understandable as by the very nature that it is a single use building it will be higher than that approved and adjacent residential development.

The increased footprint and increase in density is not overdevelopment given the landscaped space and buffer zone that is retained around the site and the ratio of built form to open space which does not adversely impact on the character of the area. The building will not appear cramped in relation to its site boundaries and will retain adequate space to adjoining development so that it does not appear overbearing or out of context with its neighbours.

The layout of the scheme is informed by the broadly linear development seen in Silver Birch Drive to the south and Yapton Road to the east. It responds positively to its context and surroundings and accords with the local identity of the area and existing built form characteristics. The density of the proposed development is consistent with the residential area to the south. It does not constitute over-development of the site. The depth of the development has increased when compared with the approved layout of residential dwellings, but the scheme still provides adequate landscaping/communal garden areas for residents and visitors and allows for adequate protection of existing trees.

The design seeks to respect the site context, the parameters established through the extant planning permission and Local Plan policies D SP1 and D DM1 which relate to building form and character. These policies seek to ensure the height and massing of new development respects overall streetscape and does not detract from the character of the area. The scheme retains vegetation and supplements this with new planting to help reduce the scale of the care home. This ensures views of the building will read as a series of stepped and varied elevations softened by boundary hedging and enhanced planting.

It is considered the proposal is acceptable in terms of impact on visual amenity/character of the area in accordance with policies D DM1 and DSP1 of Arun Local Plan.

## RESIDENTIAL AMENITY

The northern wing of the care home is located a significant distance from the nearest residential properties (more than 40m from rear residential curtilages) and is located behind existing tree/shrub planting that is to be retained or bolstered. The properties facing Silver Birch Drive are situated along the northern boundary of the site and are over 50m away which is an acceptable separation distance to prevent any harmful overlooking, overshadowing or loss of privacy. The eastern section of the building adjacent to Yapton Road has a gable end which has a ridge height of 8m and would be located 10m from the rear boundary of 4 Silver Birch Drive. No windows are proposed in the elevation and is in any event separated by existing mature landscaping. A minimum of 20m separation is provided between the care home southern gable and the closest neighbouring houses. There would therefore be no materially adverse effects resulting to the residential amenities of adjoining neighbouring properties.

There are no immediate residential properties to the west, north or east of the site. Residential dwellings to the north-east are located on the opposite side of Yapton Road at least 50 metres away. The introduction of new and replacement planting shown in the accompanying Landscape Plan will soften the development and improve the relationship to neighbouring properties.

Outside amenity space for residents is provided as gardens to the north and east of the home which are well screened from traffic activity. Residents will access gardens from the cafe or dayrooms, not via the main entrance. Garden pathways offer easy access to patios, gazebo and seating places for residents and their family/visitors to enjoy. Many of the residents would be housebound and the outside space would be mainly used by some residents and family members/visitors.

Having regard to potential for noise and disturbance, the car parking area is set back a minimum of 10m from the shared site boundary (and over 20 metres from the nearest house) and the intervening space is well-screened. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

#### COMPLIANCE WITH POLICY H DM2 OF ARUN LOCAL PLAN

The applicant has submitted evidence which demonstrates the need for this type of accommodation both nationally and within the Arun District Council area. The proposal would provide a new scheme for 66 bedrooms helping to address the demand for such accommodation in the locality. Policy HDM2 states that new care homes will be permitted where applications can demonstrate compliance with certain criteria and other policies in the Local Plan. The supporting text at para 12.6 of policy H DM2 of the Local Plan acknowledges Arun has one of the highest older populations and highest life expectancies in the County and suggests that the provision of new care homes should be located close to community and social facilities. Policy H DM2 requires new facilities to be located within the built up area boundary and to be easily accessible by foot or public transport as is the case with this site.

The site is physically and visually connected to the existing built up area to the south, it is in walking distance of the shops at Middleton and there are good bus and cycle links to surrounding areas. The site is reasonably accessible to both existing and planned communities in and around Middleton and Felpham. The site connects to local facilities for pedestrians by the existing footpath network accessed from Silver Birch Drive, where access to a range of facilities and services is available including the no. 600 bus service and National Cycle Route 2. These factors are of limited relevance to care home residents given their high levels of dependency, but are important in promoting the sustainability of the site for access by staff and visitors.

Through the detailed design of the accommodation and the provision of care and support, the proposal will allow frail elderly residents, often with dementia, to remain as independent and active as possible.

At a national level, the population aged 85 and over is projected to double from 1.7 million in 2018 to 3.4 million in 2030. In reflecting this demographic change, the NPPF requires Local Authorities to reflect the housing needs of older people in planning policies which includes the provision of care home accommodation. The most recent revisions to PPG are more explicit in stating that "the need to provide housing and housing choice for older people is critical as people are living longer lives and the proportion of older people in the population is increasing." At a County level, the West Sussex Joint Strategic Needs Assessment (JSNA) (2015) refers to a 16% increase in the population of the 85+ age group over the next 5 years.

Arun District Council's Strategic Housing Market Assessment (2012) indicates that care home population will increase by "around 1,470 persons between 2012 and 2030".

In substantiating the SHMA position, the applicant's assessment of demand and supply points to an existing and future shortage of the kind of provision required by local residents. This assessment considers the level of demand for market standard bed spaces within the local catchment area for the site (which is considered at both a 1 mile and a 3-mile travel distance). When accounting for all existing provision (nearly all of which is within older-stock), the current shortfall within a 1 mile radius of the site is 110 bedspaces, indicating that at least 2 care homes of the scale proposed on the subject site would be needed to keep pace with current demand. This level of need is reflected in the wider 3-mile target area within which the majority of prospective residents are likely to live to present. The limited care home supply that is available in the 1-mile and 3-mile catchments includes a prevalence of smaller converted homes and an absence of modern, purpose-built care facilities.

The proposal delivers 66 bedrooms to the local housing stock (minus the loss of the dwelling on the site).

This housing contribution is highly significant in the context of the Council's latest Five-Year Housing Supply Report (dated February 2019) which shows that the Council is currently falling below its 5-year housing supply target, with a current supply of 4.7 years. The proposal will support housing numbers at a time that the Council does not have a five-year housing supply on a site that has good connectivity to services and sustainable transport. A further benefit of the proposal is that it has the potential to free up other sectors of the housing market by releasing much-needed family housing. Residents moving into care homes often 'downsize' from larger dwellings and the proposal delivers a knock-on benefit across the housing chain. This will help to reduce pressure on other sites in the area.

The National Design Guide (para 112) states that successful communities require a range of local services and facilities including workplaces, healthcare and commercial uses which represent the needs and aspirations of the existing and future local community, including all ages and abilities and (para 115) advises that well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages. This includes older people. The proposal would accord with this guidance.

The acknowledged need for this type of accommodation in Arun requires this to be carefully balanced against the approved development which is preferred by many neighbours. Whilst the footprint proposed is larger and a greater proportion of the site area would be built upon any harm to visual amenity and the character of the area would be countered by the demand for this type of development now and in the future.

#### EMPLOYMENT CONSIDERATIONS

The care home has the potential to generate significant employment opportunities, including jobs for local people. It is anticipated that the care home will create jobs for approximately 50 to 55 staff (full-time equivalent) and between 60 and 70 jobs overall (including part-time and full-time positions).

The new facilities will create knock-on employment opportunities, for example, during construction and through associated facilities and services to support the on-going care home operation. This is a significant benefit of the proposals when considering the three principles of Sustainable Development.

#### AFFORDABLE HOUSING

Nursing homes and homes where care is provided fall in Class C2 and on this basis affordable housing contributions are no longer being sought.

#### HIGHWAY ISSUES

The application is accompanied by a Transport Statement, Travel, Plan and Stage 1 Road Safety Audit and the site is sustainably located with good connections to local bus services.

WSCC Highways have raised no objection. The siting of the access route from Silver Birch Drive will be replicated as per the approved scheme and a sensitive construction methodology is proposed in the vicinity of protected trees. The access is fully compliant with visibility splays. The width of the road will be 5.5m allowing for two vehicles to pass. The proposal incorporates safe pedestrian access with footpaths extending into the site with appropriate signage proposed at the crossing with the public footpath.

A total of 29 car parking spaces are provided which includes 2 disabled spaces. 6 with active electrical vehicle charging, and the remaining would have the potential to be up be upgraded. 3 spaces would be provided for motorcycles and 6 cycle parking spaces. A swept path analysis has been provided and shows a refuse vehicle can access and egress the site in a forward gear and all parking spaces are accessible for a car. Parking is located to the front of the building and within the area of the site to the

west and County Highways are satisfied with the level of car parking provided.

There are no resident staff. It is estimated that 20-25 staff on site at any one time (given that staff will be working varying shifts), less than half of the parking provision would therefore be required for staff, with the remainder being for visitors. The applicants do not envisage the need for more than 10 visitor spaces and the level of provision includes an element of spare capacity for times of peak demand. Car parking spaces have increased to reflect comments raised at the public consultation relating to pressures for parking off site.

The level of provision accords with Arun's parking standards which require 1 resident space per 20 bedrooms, 1 space per 8 bedrooms for visitors and 1 space per 5 bedrooms for staff. For a 66-bed home, with a maximum of 25 staff on site, this equates to a total of 25 spaces. At 29 spaces, the scheme includes a surplus of 4 spaces. The car parking numbers are consistent with those accepted on other recent care home schemes in the area, including a scheme in Angmering where a 70-bed care home included 27 spaces. The staff operate in three shift patterns, which are generally between 08.00 and 14.00, 14.00 and 20.00 and 20.00 and 08.00. The timing of shift changes is also staggered. The applicant envisages that a maximum of approximately 20 staff would be on site at any one time although the analysis has been based on 25 staff to ensure that the approach is robust. The figure of 55 staff is the total job creation when accounting for all staff working over all three shifts.

The site is sustainably located with easy access to the 700 bus route which runs every 25 minutes throughout the day. The proposal is therefore considered compliant with policy TSP1 of Arun Local Plan.

#### TREE PROTECTION AND LANDSCAPING

A public access right of way (ref: PROW 160) runs east to west along the south edge of the site. This opens off Yapton Road and continues to open land to the west. Parallel to the footpath, on its northern edge, is an existing watercourse ditch. This path and ditch visually separate the developable site from rear gardens of neighbouring houses to the south. The area contains mature tree and undergrowth, including 3 protected trees close to the proposed access. There is a line of mature trees adjacent to the rear gardens of neighbouring houses to the south and this acts as screening between the houses and the site. The design proposal will retain these features, subject to good practice maintenance, and being within the ownership of the site they will be subject to enhancement and on-going management.

The application is supported by an Arboricultural Method Statement and an Arboricultural Impact Assessment. Although the care home does not fall in the root protection area of the protected trees, the access will incur into them. It is proposed the access road and footways in this location be constructed using a Cellweb tree root protection construction. The tree survey and arboricultural protection plan demonstrate that the demolition and construction elements of the scheme allow for the long-term retention of protected trees and ensures they remain a prominent feature within the site.

Elsewhere in the site, the development will be located outside the root protection areas of the retained trees and, subject to adherence to the measures set out in the accompanying arboricultural method statement and protection plan, these trees will not be adversely affected by the construction works. The scheme proposes four additional tree removals to the previously consented scheme. This comprises two Category U trees and two Category C trees, each of which is considered to be of low quality and limited amenity value. One tree previously proposed for removal can also now be retained.

The majority of the well-established tree screening along the eastern boundary fronting Yapton Road (its most public frontage) is being retained through the layout of the proposal. There is a group Tree Preservation Order extending from Silver Birch Drive southwards (reference TPO/M/1/96), but this will not be affected by the proposed development as it lies outside of the site boundaries.

The north and west boundaries will be a combination of close-boarded timber fencing and native species hedging to create a secure border but with a soft appearance from inside and out. The east boundary to Yapton Road benefits from a combination of hedging and banking. This native species feature will be retained and enhanced with additional planting. As part of the negotiation process additional landscaping has been provided to the scheme and the northern edge of the public footpath has altered to 2m high hoop top fencing which will be softened by shrub planting adjacent to the existing ditch. The southern edge of the footpath would be retained as open grass verge with existing trees.

## ECOLOGY ISSUES

The application includes a Preliminary Ecological Appraisal, Internal and External Bat Survey and a Barn Owl Survey. A Reptile Mitigation Strategy has also been submitted. Subject to satisfactory enhancement which is to be controlled by condition, there would be no unacceptable adverse impact on protected species. These enhancement measures are proposed to increase the site's biodiversity value in accordance with Local Plan Policy ENV DM5.

## FLOOD RISK AND DRAINAGE

A Flood Risk Assessment and Surface Water Drainage Strategy have been provided as part of the planning application. This confirms that all areas of the site proposed for built development lie within Flood Zone 1 and that there is no known history of flooding from fluvial or tidal sources. With regards to surface water, the proposal is to incorporate a Sustainable Urban Drainage System (SuDS) solution that uses attenuation for the surface water that falls on the site, together with permeable surfaces for the car parking. The drainage strategy includes the following measures:

- The roof areas to be suitably drained with sufficient opportunity for infiltration to the ground, where possible, to the proposed underground crate.
- Permeable surfaces throughout the development, including pavements and car parking areas.
- A restricted water discharge point to the existing drainage ditch to the south of the site, which will be enhanced to ensure there is suitable overflow capacity from the site.
- A lowered kerb to the parking area to ensure that excess surface water is routed away from the building, and safely into the drainage ditch.

## SUSTAINABLE CONSTRUCTION

Tackling climate change is a key government priority for the planning system. Proposals for development should demonstrate how they will contribute to the Government's ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. In accordance with policy ECC SP2 of the Local Plan it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

## CONCLUSION

The proposal therefore accords with relevant development plan policies H DM2, D SP1, D DM1 & T SP1 of the Arun Local Plan. The application is recommended for approval subject to the following conditions. A s.106 legal agreement is being drawn up.

If after three months of the date of the resolution the s106 has not been completed and signed delegated authority should be given to the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson refuse the application or in limited circumstances to extend the time to complete

the s106. The reason for refusal is as follows:

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 positive impact on the protected characteristic of age.

**SECTION 106 DETAILS**

The application is subject to a Section 106 Agreement which is being drawn up and seeks library contributions of £13,455 and Fire & Rescue £1,250.

The contributions generated by this proposal shall be spent on expansion of the facilities at Bognor Regis Library. This contribution is considered to be NPPF compliant as being necessary and directly related to the development proposed

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Middleton. However, a recent appeal decision (Blastreat Retirement Home, Arundel) where a similar contribution was requested the Inspectors decision was that such a very general request for a contribution could not be shown to be directly related to the proposed development. As such, this contribution will not be sought as it is not sought to be NPPF compliant.

**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:

PA/001 Site Location Plan

PA/002 Site Plan as Existing

PA/005A Proposed Site Layout Plan

PA/003 Proposed Site Plan Footprint Comparisons

PA/006B Proposed Site Block Plan (showing ground floor arrangement)

PA/010 Rev A Proposed Ground Floor Plan

PA/011 Proposed First Floor Plan

PA/012 Proposed Second Floor Plan

PA/013 Proposed Roof Plan

PA/020 Rev A Proposed South, South Gable end, West gable end and West elevations

SH2 PA/021 Proposed North and East Elevations

PA 022 Proposed Site Sections

PA/023 Proposed Site Sections

002 PO3 Rev 3 Landscape General Arrangement Plan

TR04 Rev A Proposed Access Arrangement

SWDS 01 Proposed Drainage Layout

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

3 No development 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy TSP1 of Arun Local Plan.

5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved

by the Local Planning Authority. The spaces so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy TSP1 of Arun Local Plan.

- 6 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy TSP1 of Arun Local Plan.

- 7 No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for Right of Way no. 160 have been submitted to and approved in writing by the Local Planning Authority and the details so approved shall be completed within 3 months of first occupation of the home.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users in accordance with TSP1 of the Arun Local Plan.

- 8 The development shall proceed in accordance with the Ecological Impact Assessment dated September 2019 and the Reptile and Bat Mitigation Measures and Enhancement Strategy detailed within the report and the ecological enhancements detailed on drawing P06 Rev P07. Details of gaps to be included at the bottom of the fences to allow movement of small mammals across the site shall be submitted to and approved by the Local Planning Authority and the details so approved shall be incorporated within the scheme prior to occupation and retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

- 9 The care home shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the home will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the home 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.

- 10 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 Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify 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, PJC/5256/19/C (sheets 1 to 4), 28/08/2019.  
- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.



Reasons: To comply with BS5837 and policy ENV DM1 of Arun Local Plan 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.

- 11 All activity at the site is to be carried out in strict accordance with Arboricultural Impact Assessment, PJC ref: 5256/19-02 Rev - and Arboricultural Method Statement, PJC ref: 5256/19-03 Rev -.

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.

Reasons: To comply with BS5837 and policy ENV DM4 of Arun Local Plan 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.

- 12 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of Arun Local Plan.

- 13 Landscaping (soft) shall be carried out in accordance with the details shown on plan (Softworks Plan 002\_PO2 rev2). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 14 No development above damp proof course (DPC) level shall take place until precise details of boundary treatments have been submitted to and approved by the Local Planning Authority and the care home shall not be occupied until such treatments have been erected.

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

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

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

- 16 Prior to the commencement of construction works details of a proposed foul and surface water sewerage shall be submitted to and approved in writing by the Local Planning Authority 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.

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

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

- 18 The development 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.

- 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: 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.

- 21      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.

- 22      INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic  
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

- 23      INFORMATIVE: Works within the Highway - Implementation Team  
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.

- 24      INFORMATIVE: Temporary Developer Signage  
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 25      INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

- 26      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.

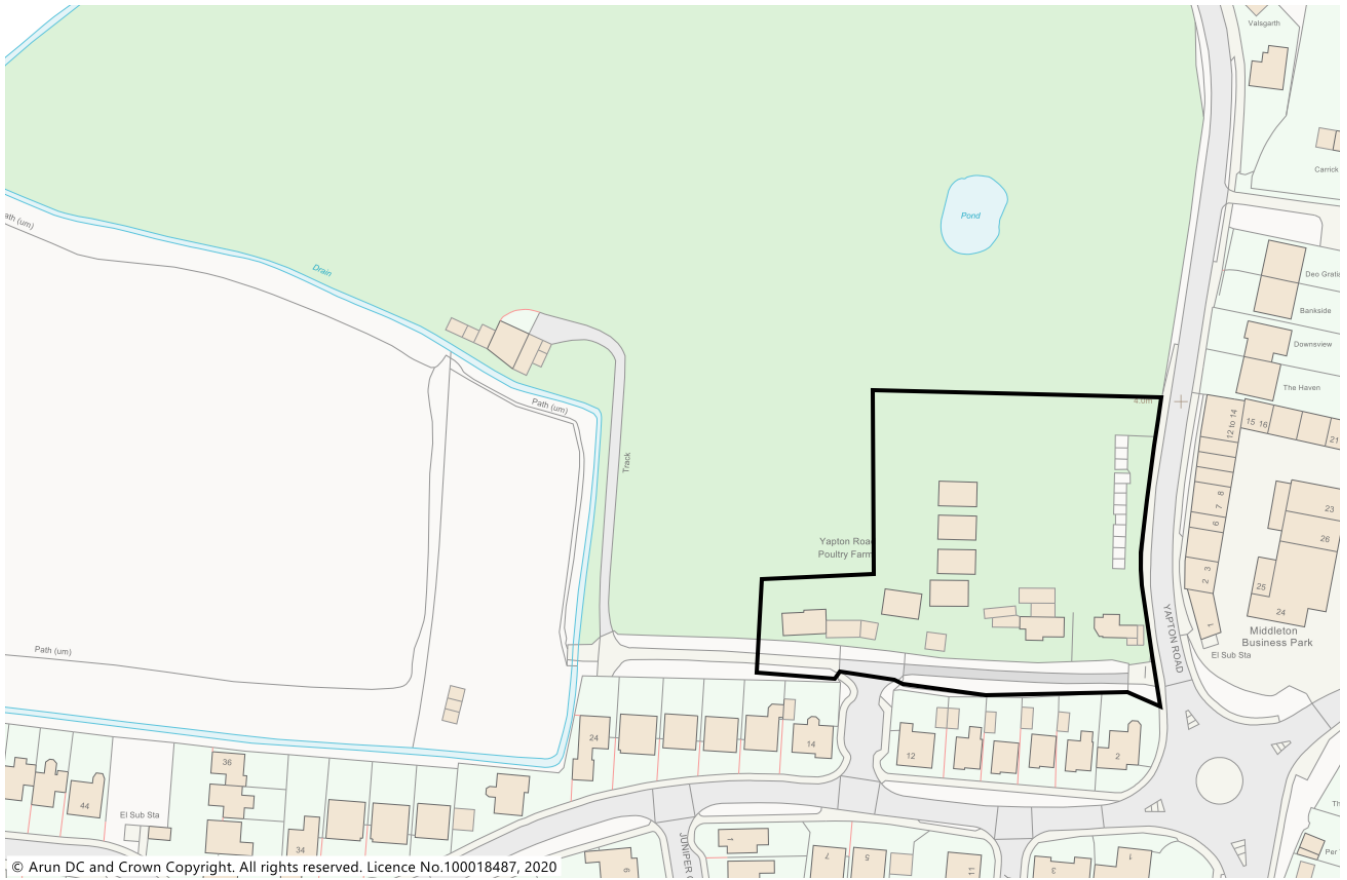
27      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,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

28      INFORMATIVE: The applicant should manage grassland areas to benefit reptiles.

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

**M/80/19/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: EP/148/19/PL

LOCATION: Scorton  
9 Lime Tree Close  
East Preston  
BN16 1JA

PROPOSAL: Application for variation of condition no.2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The proposed amendments to the previously approved (on appeal) scheme comprises the addition of one bedroom at second floor level to the dwellings on plots 4, 5, 6 and 7 and changing these properties from 2 bed (plus study) dwellings to 3 bed (plus study) dwellings. No additional floorspace is created. The external alterations required to facilitate this are as follows:

- Plots 4 and 7: Sky light in roof, and new windows at second floor level in west and south elevation.
- Plots 5 and 6: Dormer window in the west facing roof slope, and new windows in the south elevation.

The proposal also includes additional roof lantern to the end plots and changes to the landscaping to reflect some changes approved when the discharge of conditions was considered. Unit 3 fronting The Street now has an additional patio area and there is a footpath added to the western site boundary.

The application is supported by a Technical Note relating to highway implications.

BOUNDARY TREATMENT

Close boarded fencing to 1.8m high on site frontage. Hedging to North to approx. 2m and to rear to approx. 3m

SITE CHARACTERISTICS

The site was previously occupied by a large detached two-storey property with garden area to the north and south. The main vehicular access to the site was via Lime Tree Close. The site has now been cleared and Construction works associated with planning permission EP/52/18/PL have commenced. A block of garages are located at the end of Lime Tree Close.

CHARACTER OF LOCALITY

Predominantly residential comprising bungalows and two-storey properties. Lime Tree Close has 2 terraces of two-storey dwellings

<b>RELEVANT SITE HISTORY</b>
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EP/52/18/PL	Demolition of existing dwelling & the erection of 7No. residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping.	Refused 08-06-18
		<b>Appeal: Allowed+Conditions 13-03-19</b>

- EP/52/18/PL was allowed at appeal and related to the demolition of the existing detached property on the site and the erection of 7 new dwellings.
- The proposed detached dwellings were amended prior to determination from three bedrooms and a study to 2 bedrooms and a study.
- The approved layout included a private garden for each dwelling. Access to the site was via an amended entrance off Lime Tree Close and two parking spaces were provided per dwelling. The western and southern boundaries of the site were bounded with a new flint wall.
- An additional three car parking spaces were indicated, on the existing verge on the northern side of Lime Tree Close, outside of the application site boundary.

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

East Preston Parish Council

Objection: The increased number of bedrooms per property would give rise to an increase in parking spaces required across the development, resulting in an unacceptable and possibly unsafe increase in on-street parking in the area, particularly in The Street, which is a busy bus route.

Two letters of Objection:

- Parking provision was a concern for local residents when the initial planning application was made and this latest application will only exacerbate these concerns.
- The increase in size of the 4 properties to 3 beds plus a study (which could mean 4 beds) would mean that 8 parking spaces in total is insufficient.
- The developers admit that they are unable to meet the necessary parking requirements on site.
- Assertion that the additional parking requirements can be met by parking on neighbouring streets will mean parking on The Street directly in front of the 'Street Cottages'.
- This will obstruct the entrance to neighbouring driveways and impede the flow of traffic.
- The site is within an area used for parking associated with local schools.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The objections relate to the additional parking demand which would be generated from the 4 additional bedrooms.

The on site parking demand is increased by 4 spaces and no additional provision is made. The proposal does not meet the car parking suggested in the West Sussex Car Parking Demand Calculator or within the more up to date and recently adopted, Arun Parking Standards.

However for the reasons set out in the conclusion section the shortfall is considered acceptable.



## CONSULTATIONS

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

### CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Request conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere as per the conditions applied by the Planning Inspector on application EP/52/18/PL.

County Highways - No Objection. The changes to the number of bedrooms, from 2 beds to 3 beds would take place without increasing the car parking spaces. The site will provide 8 parking spaces, 2 per dwelling. The technical note provided by Reeves Transport Planning (RTP) assesses the WSCC residential car parking demand calculator outputs. These suggest a car parking demand of 11 spaces. As this exceeds the number of spaces provided there may be a parking overspill of 3 spaces. The developers have commissioned a parking survey which found there to be a parking stress of only 38% in the daytime, with plenty of on-street parking capacity for an overspill of 3 parking spaces.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:  
 Within Built Up Area Boundary  
 Tree Preservation Order  
 Listed Cottage opposite

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

<u><a href="#">East Preston Neighbourhood Plan 2014 Policy 1</a></u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4	Design in Character Area Three

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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**SUPPLEMENTARY POLICY GUIDANCE:****POLICY COMMENTARY**

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

The Neighbourhood Development Plan

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

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

Policies 1 & 4 of the East Preston Neighbourhood Plan apply and have been taken into account in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality, the established character of the surrounding area or highway safety.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant permission for development which affects the setting of a listed building, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Grade II Listed Building opposite.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

The principle of the development has been approved under planning permission EP/52/18/PL. The

number and position of units within the site is not altered in this application. It is only the changes proposed in this application which can be considered. The main criteria against which the application will be assessed is contained within Arun Local Plan policies D DM1, DSP1 and TSP1 and Neighbourhood Plan policies 1 and 4 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

#### BACKGROUND CONSIDERATION OF SIMILAR APPLICATION

A proposal for similar type of development has been the subject of relatively recent appeal.

Application AW/340/13 for the variation of condition 2 following a grant of planning permission AW/295/10/ to increase the number of bedrooms within each unit by 1 resulting in 10 additional bedrooms with no additional parking included was refused at Committee on 12-03-2014 on the grounds of insufficient parking (causing pressure for on-street parking) and unsuitable accommodation.

The application went to appeal and was allowed. The Inspector concluded that there was a shortfall of between 6 and 12 spaces. It was likely residents would need their cars for day to day use. The Inspector concluded that the increase in on street parking would not be significant and would not dominate the area which had a suburban character and appearance. As a result the Inspector concluded that the proposal would not harm the character and appearance of the area.

#### DESIGN AND VISUAL AMENITY

The scale, massing, height and density remain unaltered from the approval. Bedroom numbers are proposed to be increased but not the number of units.

The siting of the units, proximity to the site frontage and the height and length of the development adjacent to both road frontages is approved. The proposed development does not increase the footprint, and built form across the site and does not alter the ability to provide landscaping/screening to the frontages to an acceptable level.

The proposed second floor windows on the south elevations of plots 4-7 are small, proportionate high level circular windows serving the staircase that would have no detrimental impacts on the appearance of the proposed dwellings. The proposed second floor windows on the west elevations of plots 4 and 7 are sympathetic in size and design to the remainder of their respective dwellings. The skylights within the roof of plots 4 and 7 would not be visible from the streetscene due to the roof design.

The proposed dormer windows on the (front) west elevation of plots 5 and 6 are of a modest scale and do not dominate the roofscape. As a result, they would not have any material impact on the wider streetscene and would accord with Arun Local Plan policies D DM1 and D SP1 and Policies 1(i) and 4(i) of East Preston Neighbourhood Plan. The provision of a footpath to the development would only be used for access by residents and would not be visually obtrusive or look out of place in the street scene.

#### RESIDENTIAL AMENITY

The units to the rear have 12 metres to the boundary and 21m between properties. None of the proposed windows would have any impacts on the privacy available to the proposed or existing properties. The proposed second floor windows on the south side of Plot 4 are over 30 metres from the nearest property to the south. The proposed second floor windows on the south side of Plots 5, 6 and 7 would look onto the predominantly blank northern elevations of the proposed adjacent properties. The proposed new windows on the west elevations of Plots 4-7 will have no greater impact on the privacy of Plots 1-3 than the existing approved first floor windows. These distances are adequate to prevent any materially adverse overbearing or overlooking resulting. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

## HIGHWAYS &amp; PARKING

EP/58/18/PL provided a total of 14 parking spaces on site. The demand calculator data at that time suggested that, there would be a total demand of 14 car parking spaces, which included unallocated resident spaces and visitor spaces. This was accepted as acceptable by the appeal Inspector when approving this application.

The proposed additional bedrooms for plots 4-7 would result in each of these dwellings increasing in size from 2 bed (plus study) dwellings to 3 bed (plus study) dwellings. Parking demand is now dictated by Arun's Parking Standards Supplementary Planning Document January 2020 and when these are used the change from 2 bed dwellings to 3 bedroom dwellings would increase the parking generated by 1 space per unit resulting in a total demand of 4 spaces. If the proposed study rooms are included in car parking standards there would be no additional increase because the demand for parking does not increase above 3 bedrooms in this location.

There is not capacity to provide additional spaces within the site and there is limited capacity for on-street parking in Lime Tree Close. As a result, the agent's have submitted a Technical Report which includes a parking survey undertaken on neighbouring streets. The Parking Beat Study was used to provide an overall parking capacity. This approach was used to confirm whether the proposal exceeds the typical threshold for maximum parking stress and allows the free flow of traffic to be maintained. Parking stress is the recognised approach to showing the usage level in percentage terms. Parking Stress Surveys have become the accepted standard approach to assess the current parking profile and provide an understanding of the impact on the parking capacity of any new development. The results show the level of parking stress, which does not correlate with blocking of the road. The results establish that the current average parking stress during the day is 31%, with a maximum night-time stress of 26%. If the maximum parking demand generated by the proposal is added then this could increase the parking stress to 38% and 33% respectively.

The highway consultants used by the applicant have applied a typical threshold of parking stress before it becomes a material concern at 80%. A 38% parking stress means that, on average, just over a third available on-street parking spaces are occupied at the times expected to be reflecting the highest usage levels. Increasing the parking stress can impact areas such as safety, access by the emergency services, traffic flow, refuse collection, delivery of goods and amenity generally. Below 80%, the applicants and WSCC consider that parking is not a material issue that could reasonably constitute a severe transport impact.

There is no evidence to suggest that there is less than sufficient on-street parking capacity to accommodate the parking demand that this proposal will generate, without impeding the free flow of traffic or affecting the current parking provision. Indeed the submitted data indicates that it is likely that parking demand will be accommodated easily within the on-site parking provision. Therefore although the proposal does not meet the level of parking identified in adopted standards, it has been satisfactorily demonstrated that the level of overspill parking is appropriate and any harm resulting would be acceptable and the requirements of policy TSP1 in terms of highway safety are met. The level of parking is appropriate in accordance with part (d) of TSP1 of Arun Local Plan, in that the submitted Technical Report identifies that the effects of the development on the local road network is acceptable and would not be considered severe.

WSCC have considered this evidence and have no objection to the proposal in terms of highway safety or parking provision. Given the above advice the proposal would not be contrary to Policy1(ii) of East Preston Neighbourhood Plan since although the level of parking provided does not meet adopted parking standards the deficit does not adversely affect road safety to a material extent or result in unacceptable levels of on-road parking demand.

## IMPACT ON HERITAGE ASSET

The proposal does not alter the impact this development would have on the Character Area defined within the NP or any nearby listed buildings. Since it has been assessed that the development has no adverse impact on the setting of the listed building it is not considered that a Heritage Statement is essential in this particular case.

The proposal would conserve the setting of the Listed Building and would not result in any harm, the requirements of Paragraph 193 of the National Planning Policy Framework are met (consideration under Paragraph 196 is not relevant). The proposal therefore accords with policies HER SP1 and HER DM1 of Arun Local Plan.

## SUMMARY

In conclusion, this development would not have significant impacts upon the local character of the area including listed buildings, or highway safety. In accordance with the above considerations the proposal development is recommended for approval subject to the following conditions.

### HUMAN RIGHTS ACT

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

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

### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

### RECOMMENDATION

#### APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:  
 LT.LOC.003, LTC.BLOCK.004, LT.LAND.004, LT.SV.001, LT.SC.002, LTC.PLOT4.006, LTC.PLOT5&6.006, LTC.PLOT7.006, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001

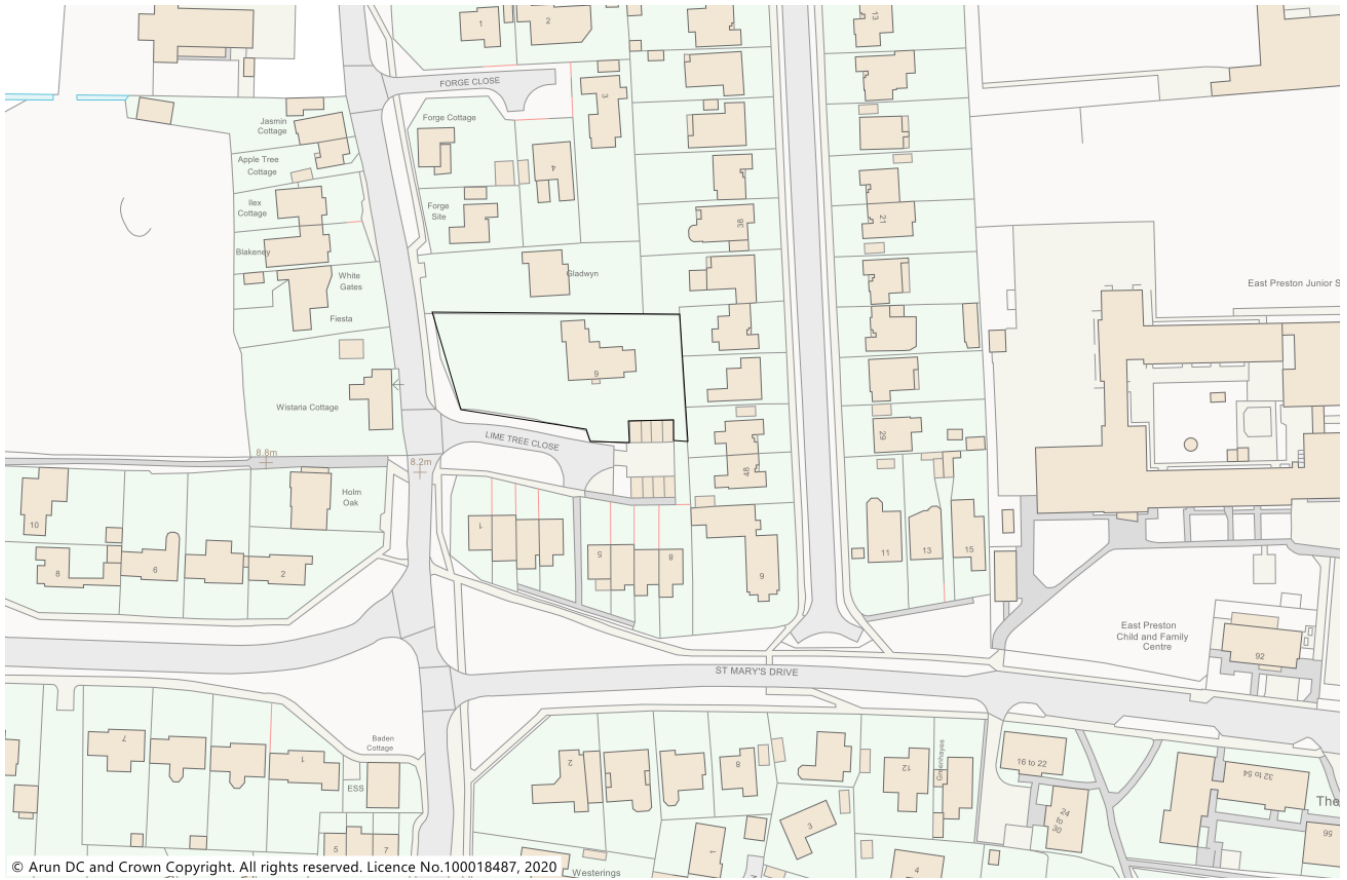
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission EP/52/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number EP/52/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 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.

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

**EP/148/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: BR/227/19/PL

LOCATION: 3 Southdown Road  
Bognor Regis  
PO21 2JS

PROPOSAL: Removal of condition 5 imposed under BR/84/16/OUT (APP/C3810/W/16/3153767) relating to - details of all trees/bushes/hedges to be retained along with measures to protect them during demolition & construction works.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Removal of condition 5 imposed under BR/84/16/OUT (APP/C3810/W/16/3153767) relating to - details of all trees/bushes/hedges to be retained along with measures to protect them during demolition & construction works.

The approved development of 2 semi-detached 3 bed dwellings has been implemented and completed.

SITE AREA 0.06 hectares.

RESIDENTIAL DEVELOPMENT APPROXIMATELY 33 DWELLINGS PER HECTARE.

DENSITY (NET)

TOPOGRAPHY Predominantly flat.

TREES Two medium-sized trees on the site (close to the boundary with 3 Southdown Road), one of which is a Tulip Tree (T1) and the other an Ornamental Cherry Tree (T3). There is also a small Acer (T2). The application proposes to remove the Acer. Also on site, there is an Apple Tree (T4) to be relocated and Apple (T5) and Pear (T7) trees to be retained in situ.

There is a very large Oak tree (T6) in the rear garden of 13 Burnham Avenue, the RPA of which significantly overlaps the development site, and is a third party tree. There are then some small trees in other parts of 3 Southdown Road's garden. The trees on and adjacent to the site are not subject of a Tree Protection Order and the site is not in a Conservation Area.

BOUNDARY TREATMENT

- \* 2.5m high wall to the boundary with Southover Road, 18 Southover Road, 13 Burnham Avenue & the rears of properties fronting Burnham Avenue;
- \* 1.8m high close boarded fence to no. 5 Southdown Road;
- \* 1.8m high close boarded fence to no. 3 Southdown Road; and
- \* 1.8m high close boarded fence to the side of 15 Burnham

Avenue.

SITE CHARACTERISTICS

Prior to the implementation of BR/84/16/OUT, the site formed part of the curtilage to 3 Southdown Road. It consisted of a lawned area with footpath and planted beds, which had been separated from the property by a fence. Access was provided Burnham Avenue between 13 and 15 and this access led to a car port and garage.

Now that planning permission has been completed, the site consists of 2 x two storey, semi-detached 3 bed dwellings arranged with a staggered building line but broadly in line with the building line of 10-18 Southover Road.

CHARACTER OF LOCALITY

Residential area characterised by two storey terraced houses on Southover Road & nos. 3-13 Burnham Avenue, semi-detached houses at 15-27 Burnham Avenue and predominantly detached dwellings with large gardens in Southdown Road. 1 and 3 Southdown Road are particularly large plots. There is unrestricted on-street parking in Burnham Avenue but spaces are limited.

<b>RELEVANT SITE HISTORY</b>
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BR/193/19/DOC	Retrospective approval of details reserved by condition imposed under APP/C3810/W/16/3153767 (BR/84/16/OUT) relating to Condition Nos 5 - trees/bushes/hedges to be retained, 6 - construction method statement, 7 - surface water drainage, 8 - refuse & recycling, 10 - cycle storage (Please note that these houses have already been built).	DOC Part Approved 18-07-19
BR/153/17/RES	Application for approval of reserved matters following outline approval BR/84/16/OUT relating to appearance & landscaping	ApproveConditionally 18-09-17
BR/84/16/OUT	Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/15/OUT).	Refused 16-06-16  <b>Appeal: Allowed+Conditions 30-01-17</b>
BR/237/16/OUT	Outline application for construction of 1 no. detached dwelling & associated works	App Cond with S106 04-01-17

BR/84/16/OUT - Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/15/OUT). Refused. Allowed at appeal, 30/01/2017.

Condition 5 (trees) as follows:

No development shall take place, including demolition, until details of all trees/bushes/hedges to be retained, along with measures to protect them during demolition and construction works, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with such approved details.

BR/193/19/DOC - Retrospective approval of details reserved by condition imposed under APP/C3810/W/16/3153767 (BR/84/16/OUT) relating to Condition Nos 5 - trees/bushes/hedges to be retained, 6 - construction method statement, 7 - surface water drainage, 8 - refuse & recycling, 10 - cycle storage (Please note that these houses have already been built). Discharge of condition 5 (Trees) - Refused 18/07/2019.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council

Objection (18/09/2019)

- Having regard to ADC's Tree Officer comments, in decision notice dated 18th July 2019 in respect of BR/193/19/DOC, object to the harm/loss of trees and consider that measures to protect them should remain in place.

Objection (13/01/2020)

- Discussed ADC's Tree Officer. Comments within the report included the findings from two site visits by the Tree Officer. It was evident that there had been little regard for implementation of the required ground/tree protection measures and it was too late for any visiting Officer to be confident that no significant damage had occurred to the ongoing health and vitality of retained trees both on and off-site.

Continue to OBJECT to planning application.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

Parks and Landscapes

Arboriculturist

### CONSULTATION RESPONSES RECEIVED:

ADC Trees Officer -

· I refer in part to previous comments (4th July 2019) in response to BR/193/19/DOC and where I registered an objection to the application to discharge condition 5. This application seeks to remove that condition.

· I stand by my earlier comments and while on and off-site trees may be surviving or indeed flourishing as the applicant states; on the balance of probability, damage would have been inflicted on some of those trees as a direct result of the unauthorised actions taken.

· I have sought technical advice from senior colleagues in our planning department, with specific regard

to the planning process and what options exist for us to progress this matter.

- At this late stage of post-construction, condition 5 can no longer affect the development in the positive way it was intended. As such, it ceases to be necessary, enforceable or reasonable, so will not satisfy the 'tests' for making of conditions as described in guidance within the NPPF.

- As it stands, I see no reason to object to this proposal on arboricultural grounds.

#### COMMENTS ON CONSULTATION RESPONSES:

Noted. Whilst it is unfortunate the tree/ground protection measures have not been put in place and that process has not been followed during the construction process, given the development is completed, there is no practical purpose to retain the trees condition (5) of the original permission (BR/84/16/OUT) and it would no longer meet the tests of the NPPF being necessary, enforceable or reasonable.

#### POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary  
Pagham Harbour Zone B  
Bognor Reef SSSI 2km  
Felpham SSSI 2km

#### DEVELOPMENT PLAN POLICIES

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

ENVDM4 ENV DM4 Protection of trees

#### 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.

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

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

There are no applicable policies in the Bognor Regis Neighbourhood Plan.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it is not necessary to maintain the condition.

#### 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

##### PROTECTION OF TREES

The trees on and adjacent to the site are not the subject of a Tree Protection Order and the site is not located within a Conservation Area. One of the trees, the very large Oak (T6), the Root Protection Area of which significantly overlaps the site, is in third party ownership (313 Burnham Avenue).

In accordance with BS: 5837 2012, trees in relation to design, demolition and construction should be afforded adequate respect and protection. It is also a material consideration in the Town & Country Planning Act (1990).

Paragraph 170 of the NPPF seeks to contribute to the natural and local environment by recognising the intrinsic character and beauty of the countryside, including trees and woodland.

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. As such, it was considered necessary and relevant to add planning conditions regarding tree protection for trees on/adjacent the site.

##### PRINCIPLE

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1.necessary;
- 2.relevant to planning;
- 3.relevant to the development to be permitted;
- 4.enforceable;
- 5.precise; and
- 6.reasonable in all other respects.

##### IMPACT ON TREES

The Tree Officer objected to BR/84/16/OUT as there were a number of trees on and near to site that could potentially be affected by the construction/demolition process and no protection measures had been proposed. The application was refused but allowed on appeal ( APP/C3810/W/16/3153767). The Planning Inspector attached condition 5 (trees) to ensure the protection of trees, in accordance with the NPPF and Arun Local Plan policy ENV5.

Whilst it is unfortunate that the tree/ground protection measures have not been put in place and that due

process has not been followed during the construction process, given development is completed, there is no practical purpose to retain the condition 5 of BR/84/16/OUT and it no longer meet the tests of the NPPF of being necessary, enforceable or reasonable.

## CONCLUSION

The development has now been completed and, as such, this condition is no longer necessary, enforceable or reasonable and as a result can be agreed to be removed.

## 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

- 1           INFORMATIVE: Except for condition number 5 which has now been removed all other conditions imposed on BR/84/16/OUT shall apply.
- 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.

## BACKGROUND PAPERS

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

**BR/227/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

- A/158/18/PL**  
**Received:** 27-07-19  
Land Rear Of 1 To 6 The Cottrells Angmering  
Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings NO ADC 962 04 rev A & 13 rev B for drawings No ADC 962 20 & 21 (ground & first floor plans & roof plan). This application affects the character & appearance of the Angmering Conservation Area.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/19/3233230
- AW/131/19/T**  
**Received:** 12-07-19  
12 Hunters Close Aldwick Bay Estate Aldwick  
Reduce height by 8m to 1 No. Lombardy Poplar tree.  
**Written Representations**  
**PINS Ref:** APP/TPO/C3810/7494
- BE/69/19/OUT**  
**Received:** 06-01-20  
The Cottage Shripney Road Bognor Regis  
Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan  
**Written Representations**  
**PINS Ref:** W/4000456
- BR/229/17/PL**  
**Received:** 01-08-19  
Land to rear of 41 - 47 Pevensey Road Bognor Regis  
Erection of 3 No. dwellings, 1 No. detached garage, parking & alterations to existing access & driveway (resubmission following BR/200/16/PL).  
**Written Representations**  
**PINS Ref:** APP/C3810/W/19/3230749
- BR/281/18/PL**  
**Received:** 12-08-19  
99 Victoria Drive Bognor Regis  
Demolition of existing dwelling & erection of a three story building to provide 9 No. flats, 6 No. 1 bed & 3 No. 2 bed units with associated amenity areas, access & car parking.  
**Written Representations**  
**PINS Ref:** APP/C3810/W/19/3229025
- CM/16/18/PL**  
**Received:** 21-08-19  
Land to the rear of Bairds Farm Shop Crookthorne Lane Climping  
Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.  
**Informal Hearing**                      **04-12-19**  
**PINS Ref:** APP/C3810/W/19/3227374
- CM/18/19/PL**  
Land at Entrance to **Page 45** ~~Valeford~~ Gardens Horsemere Green Lane Climping

**Received:** 11-11-19      Erection of 2 No 3 bed dwellings with off-road parking and associated landscaping  
*Written Representations*  
**PINS Ref:** W/400227

**EP/82/19/HH**      31 Cheviot Close East Preston  
**Received:** 12-12-19      Erection of a fence  
*Written Representations*  
**PINS Ref:** APP/C3810/D/19/3242111

**FG/16/19/T**      3 Lavender Court 38 Ferringham Lane Ferring  
**Received:** 25-04-19      Fell 1 No. Himalayan Cedar tree.  
*Written Representations*  
**PINS Ref:** APP/TPO/P3800/7334

**FG/35/19/PL**      Quercus Nursery Littlehampton Road Ferring  
**Received:** 27-08-19      Variation of condition 2 following a grant of planning permission FG/52/18/PL - permit deliveries to be made to the site by HGVs. No more than 5 times per week between the hours of 05.00 & 06.00 & in addition to deliveries made during the hours of 06.00 to 19.00.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3232526

**K/19/19/HH**      Little Tangley Middle Way Kingston Gorse East Preston  
**Received:** 12-12-19      Two storey rear extension with a small canopy projecting the footprint to the front. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration.  
*Written Representations*  
**PINS Ref:** APP/C3810/D/19/3241331

**K/5/17/HH**      Kingston Manor Kingston Lane Kingston  
**Received:** 17-08-17      Construction of a Detached 6 Bay Barn with Log Store  
*Written Representations*  
**PINS Ref:** APP/C3810/W/17/3175616

**LU/210/19/PL**      Inglecroft Toddington Lane Littlehampton  
**Received:** 19-11-19      Demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net) - Resubmission of LU/133/19/PL  
*Written Representations*  
**PINS Ref:** W/4000248

**LU/3/19/PL**      Empty Supermarket Premises Avon Road Littlehampton  
**Received:** 11-11-19      Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace GIA (A1 (Shops) and/or A2 (Financial & Professional Services) and/or A3 (Food & Drink) and/or D1 (Non-residential Institutions)) together with the provision of car & cycle parking, landscaping & associated works. This

application affects the setting of listed buildings & affects the character & appearance of the East Street, Littlehampton Conservation Area.

***Written Representations***

**PINS Ref:** W/4000221

**M/17/19/PL**

***Received:*** 01-08-19

14 Baldwin Close Middleton-On-Sea

1 No. 1-bedroom dwelling & rear extension on existing dwelling (resubmission following M/99/18/PL).

***Written Representations***

**PINS Ref:** APP/C3810/W/19/3232982

**R/72/19/PL**

***Received:*** 13-12-19

6 Manor Road Rustington

Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.

***Written Representations***

**PINS Ref:** W/4000366

**Y/20/18/OUT**

***Received:*** 23-10-19

Land adjacent to Bonhams & Flints Hoe Lane Flansham

Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). This application is a Departure from the Development Plan.

***Informal Hearing***                      **15-01-20**

**PINS Ref:** APP/C3810/W/19/3236911

**Y/62/18/OUT**

***Received:*** 19-11-19

Clays Farm North End Road Yapton

Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works. This application is a Departure from the Development Plan.

***Written Representations***

**PINS Ref:** APP/C3810/W/19/3234972

**ENF/505/12/**

***Received:***

Hales Barn Farm Arundel Road Norton West Sussex

***Written Representations***

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

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AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 5 February 2020

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Information Paper

Subject : Appeals Performance & Cost  
1 January 2019 – 31 December 2019

Report Date: January 2020

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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 2019 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 2019 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 10 April 2019, a report to Committee reported appeal performance for the 2018 calendar year. In summary, performance for this period was as follows;

- 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 equated to a 10% reduction in success rate over 2017.
- Of all planning appeal decisions, 48% were made in accordance with the recommendation of officers.

## **2.0 ALL APPEALS**

- 2.1 A total of 43 appeals were determined in 2019, an increase of 14 over that determined in 2018. Of these, 26 were dismissed representing a success rate for the Council of 61% of all appeals dismissed. That equates to a 23% increase in success rate over 2018.

## **3.0 WRITTEN REPRESENTATIONS**

### Overall performance

- 3.1 A total of 41 appeals were determined by written representations in 2019. Overall, 24 appeals were dismissed. This equates to a success rate of 58% being dismissed and an increase of 14% of appeals dismissed by written representation procedure in 2019 over that dismissed in 2018.
- 3.2 A procedural measure was adopted after the 2018 appeals performance where each application that is recommended for refusal needed to be agreed by the Group Head for Planning. This has had a positive result on appeal performance.

### Officer performance

- 3.3 Those appeals made following a refusal in accordance with an officer decision made under delegated powers had a success rate of 59% being dismissed. That equates to 24 out of 41 appeals, which is an increase of 7% in officer performance over the previous year.

### Committee performance

- 3.4 There was 1 appeal arising out of a committee decision to refuse permission contrary to the recommendation of officers. This was eventually allowed by the Inspectorate (BE/74/18/PL).

## **4.0 INFORMAL HEARINGS**

- 4.1 During 2019, there was one appeal determined by way of informal hearing which was allowed. The officer recommendation to refuse was agreed by Committee (A/51/18/PL).

## **5.0 PUBLIC INQUIRIES**

- 5.1 During 2019, there was one appeal determined by way of an Inquiry and it was dismissed in accordance with the officer recommendation (AB/36/18/PL).

## 6.0 **MAJOR PROPOSALS**

6.1 During 2019, there were six appeals classified as a 'major' scheme. These were:

- LU/162/17/PL – Land north and west of Toddington Farm Cottages, Toddington Lane, Littlehampton. Demolition of existing building, erection of 10 residential dwellings.

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

- BN/6/18/RES – Lillies, Yapton Road, Barnham. Reserved matters application relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings.

This appeal was allowed following an officer's delegated decision to refuse. Officers believed the proposals were a poor layout and poor quality open space provision and location. The Inspector concluded that the proposals were satisfactory.

- BN/28/17/RES – Land r/o Lillies, Yapton Road, Barnham. Reserved matters application relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings.

This appeal was dismissed following an officer's delegated decision to refuse. The Inspector agreed with officers that the proposed layout was unsatisfactory in terms of open space provision.

- LU/133/19/PL – Site at Inglecroft, Barn Close, Littlehampton. Demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings.

This appeal was for the Council's failure to determine this application within the prescribed period and was dismissed following the officer's recommendation to refuse. The applicants agent would not agree to the pre-commencement conditions around surface water drainage and the information submitted with the application was inadequate. The Inspector agreed that, in the absence of such a condition requiring approval of surface water drainage details, the proposals were unacceptable.

- AB/36/18/PL – Blastreat, Fitzalan Road, Arundel. Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly.

This appeal was dismissed following an officer delegated decision to refuse. The Inspector agreed with officers that the scale and bulk of the proposed block of flats would harm the character and appearance of the area. He did not agree that the loss of a non designated building of heritage character (proposed to be demolished) was unacceptable but he agreed that a case had not been made as to whether it could be retained. He agreed with the new policy of the Arundel Town Council

Neighbourhood Plan (policy AR3) that the site should be considered for a fewer number of dwellings aimed at first time buyers and provide appropriate levels of affordable units.

- A/51/18/PL - Pounds Place, Roundstone Lane, Angmering. Demolition of existing dwelling & erection of a 64-bedroom care home.

This appeal was allowed following an officer and committee decision to refuse. The application was refused because the proposals failed to assimilate with the adjoining development sites or provide visual or pedestrian linkages to the sites to the north and south. Unfortunately, the Inspector considered this to be an acceptable scheme in what was a poor decision for the Council in trying to ensure good planning and sites being developed strategically (not piecemeal).

## 7.0 **COSTS**

- 7.1 The costs of defending appeals during 2019, 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 this appeal.

Site	Decision	Counsel costs (£)	Consultant Costs (£)	Overall Cost (£)
Blastreat, Fitzalan Road, Arundel.	Dismissed	£8,000	£12,000	£20,000
TOTAL (£)		£8,000	£12,000	£20,000

## 8.0 **SUMMARY OF ISSUES**

- 8.1 Attached to this report as **Appendix 2** is a summary of all the appeal decisions received in the 2019 period.
- 8.2 Generally, those Arun 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 have also been given significant weight. This is to be expected as they are policies that are in conformity with good planning principles within the NPPF.
- 8.3 The Arun Local Plan was adopted in July 2018 so Inspectors have given full weight to Arun Local Plan policies on design and residential amenity (D SP1 & D DM1).
- 8.4 Unlike previous years, in 2019 Inspectors generally supported Arun's householder policies and agreed with officers as to what constitutes unacceptable harm to the



appearance of a dwelling and that of the area it sits in the case of all 3 householder appeals that were determined.

8.5 The schedule of appeal summary for all appeals determined in 2019 attached to this report highlights the issues raised by Inspectors when making decisions.

8.6 The schedule in Appendix 2 reveals all 17 appeals where the Inspector has disagreed with officer recommendation. The areas of disagreement are as follows:

- In eleven of the decisions (65% of cases) the Inspectors disagreed with officer's view that proposals would result in unacceptable harm to the areas character and appearance. This demonstrates 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 three appeal decisions Inspectors have disagreed that proposals would have an adverse effect on neighbour's residential amenity. Two of these decisions were as a result of an Environmental Health objection on excessive noise on neighbours/future inhabitants from what was proposed. In the other decision the Inspector noted design features which would preclude a proposed extension having an overbearing impact on neighbours.
- In three appeals, Inspectors disagreed that a sites location outside the built up area did not necessarily mean that it should be refused on sustainability grounds. 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 clearly established why. In these decisions Inspectors were of the mind that the appeal proposal was set within other residential development which made them sustainable and not remote development.
- In three appeals the Inspector disagreed with officer's opinion that the impact of a change to a Heritage property (Listed Building) and/or the setting of a neighbouring heritage property (Listed Building) was unacceptable. 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.
- There was one appeal where the Inspector disagreed with West Sussex County Council Highway advice that proposals were inadequate in terms of provision of parking and/or highway safety.
- There were two other appeals where members of the Development Control Committee disagreed with officers from the County Council concerning highway safety and the Inspectors eventual decision disagreed with Council members on this point. It is important to give considerable weight to the advice given by West Sussex Highways.
- An enforcement appeal found against the Council on grounds that a breach of Condition Notice (BCN) citing discrepancies with approved plans were not sufficient to justify the service of a BCN. This is a useful decision for

enforcement officers to measure the amount of acceptable differences with approved plans.

8.7 There was only one case in 2019 where DCC Members resolve to overturn officer recommendations to approve 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 represented overdevelopment of the site which would harm the character of the area. Where members choose to refuse in such cases they must articulate why they consider overdevelopment/harm to the character of a given area to result from proposed development.
2. In this case Members were also of the view that the proposed parking/access arrangement would cause harm to highway safety. The Inspector noted that there was no evidence given that there was limited on street parking. This conflicted with the Inspectors site visit when numerous spaces were seen to be available. Again, if a reason for refusal is to withstand an Inspectors scrutiny it must be backed up by evidence.

## **9.0 COSTS AWARDS AGAINST THE COUNCIL**

9.1 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.

9.2 In 2019 there were 6 applications for costs. 5 of these were against the Council where no costs were awarded and the other was an application made by the Council where no costs were awarded.

9.3 The central issue to Inspectors decision on cost applications is whether the party claimed against has behaved unreasonably where an appeal should not have been necessary and has therefore resulted in unnecessary financial expense by the aggrieved party. In the following cases Inspectors were of the view that the Council reasonably refused the applications in question:

- BR/52/18/PL: sought costs due to delay in processing application and failed to substantiate reason for refusal.
- EP/160/18/PL: argued that the Council's approach to the application for variation of the condition was contradictory to the Council's initial appraisal for the application to alter and extend the building.
- BN/6/18/RES & BN/28/17/RES: argued that the Council on the basis that the size/location was established at outline stage.
- A/51/18/PL: sought to argue that the Council had failed to take into consideration the need for the type of accommodation being proposed.

- LU/133/19/PL: costs were sought on the grounds that the Council should have approved the application based on the information submitted.

## **10.0 APPEAL RESULTS IN NEIGHBOURING AUTHORITIES FOR 2019**

- 10.1 Worthing Borough Council had 18 appeals determined. Of these 12 were dismissed. This represents a success rate of 67%.

## **11.0 UNDER PERFORMING PLANNING AUTHORITY?**

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

- 11.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.

- 11.3 In the case of Arun for the period 31/03/16 – 31/03/18, it records the number of major application decisions as 87 which have resulted in 6 appeals. Of these 5 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 5.7% in terms of quality of decisions. This compares to 2.2% for England as a whole. The six major appeals that have been allowed in this period are;

- CM/1/17OUT – refused against officer recommendation
- Y/80/16/OUT – refused under delegated powers
- AL/8/16/OUT – refused under delegated powers
- BE/77/16/OUT – called in by Secretary of State and allowed in line with officer recommendation.
- A/51/18/PL – Refused in accordance with officer recommendation
- BN/6/18/RES - refused under delegated powers

- 11.4 Other authorities in West Sussex perform as follows;

Chichester	-	1.8% (5 decisions)
Horsham	-	1.4% (6 decisions)
Mid Sussex	-	1.6% (10 decisions)

- Adur - 0% (no appeal decisions on major proposals)
- Worthing - 0% (no appeal decisions on major proposals)
- Crawley - 0% (2 decisions)

11.5 Whilst the performance of the Council does not put it at risk of ‘special measures’ it has to be acknowledged that it is poor when compared to the national average and the performance of our adjoining authorities. Nationally, Arun is 321 out of 344 authorities. With particular reference to those ‘majors’ for the 2019 year, it is considered that the decision to refuse was absolutely correct but we have received some poor decisions from Inspectors who have been satisfied to allow sub-standard development proposals.

## 12.0 CONCLUSIONS

12.1 When compared to 2018, the above shows that there has been a 23% increase in the overall success rate in terms of the Council’s ability to defend appeals. At a success rate of winning 61% of all appeals the Council has not met its corporate target of winning 70% of appeals for the last 5 years.

12.2 The performance of the Council in defending appeals in 2019 is set out in the table below.

### 1 January 2019 – 31 December 2019

	<b>Total dismissed (%)</b>	<b>In accordance with officer recommendation (%)</b>	<b>In accordance with decision made by DC Committee (%)</b>
All appeals	61%	60% (26/43)	0% (0/2)
Written Reps	58%	59%	0%
Informal Hearing	0%	0%	0%
Public Inquiry	100%	100%	-

12.3 Written reps appeal decisions in accordance with officer recommendations have improved by 6% from 52% in 2018 to 58% in 2019.

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## **Background Papers:**

Appendix 1 - Appeals Figures 2015-2019

Appendix 2 – Appeals Summary 2019

**Contact:** Juan Baeza

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Appeal Figures 2015 – 2019

APPENDIX 1

	2015	% Dismissed	2016	% Dismissed	2017	% Dismissed	2018	% Dismissed	2019	% Dismissed
Total number of appeals	52		39		25		29		43	
Total dismissed	24	46 %	19	49 %	12	48 %	11	38%	26	61%
<b>Written Reps</b>	47		34		23		25		41	
Total dismissed	24	51%	17	50 %	12	52 %	10	44%	24	58%
Decision in acc with officer recommendation	22	65 %	17	57 %	12	63 %	9	52%	24	59%
Decision in acc with DC Committee	1	33 %	1	25 %	1	25 %	2	50%	0	0%
<b>Informal Hearing</b>	3		3		0	0	1		1	
Total dismissed	3	100 %	1	33 %	-	-	0	0%	0	0%
Decision in acc with recommendation	1	50 %	1	33 %	-	-		0%	0	0%
Decision in acc with DC Committee	1	50 %	-	-	-	-		100%	1	0%
<b>Inquiry</b>	2		2		2		3		1	
Total dismissed	0		1	50 %	-	-	0	0%	1	100%
Decision in acc with recommendation	-	-	1	50 %	2	100 %	2	66%	1	100%
Decision in acc with DC Committee	0	0	1	50 %	-	-	0	0%	-	-

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
A/3/18/PL Land at Arundel Road/A27 Angmering	Change of use of land to storage (B8 Storage or Distribution), erection of barn & hardstanding (resubmission following A/111/17/PL).	Refused (R) - R – Dismissed (D)	<p style="text-align: center;">Written Representation (WR)</p> <p>The effect of the proposed development on road safety.</p> <p>The National Planning Policy Framework 2018 (NPPF) makes clear that development should only be refused planning permission on highway grounds if there would be an unacceptable impact on highway safety.</p> <p>Accordingly, I intend to take a precautionary approach to this matter and conclude that the use of land for a B8 storage and distribution use would result in a material increase in traffic movements to/from the site.</p> <p>Based on the horizontal alignment of Arundel Road and my own observations and notwithstanding that vehicles might be slowing down on the approach to the A27 junction, I consider that northbound speeds are considerably higher than 10mph. The Council has commented that ‘observed speeds are low past the site’. However, without a speed survey that proposition it is nothing more than assertion.</p> <p>The appellant has suggested conditions to ensure the provision of a banksmen at all times and restrictions on vehicles sizes/movements to/from the site. However, conditions of this nature would be difficult if not impossible to enforce and, therefore, would not satisfy the tests for the use of conditions set out in Government Planning Practice Guidance.</p> <p>I conclude that the development would cause unacceptable harm to highway safety contrary to Policies TSP1, TDM1 and EMPDM1 of the Arun District Council Local Plan 2018. and TM1 of the Angmering Neighbourhood Plan 2015 and paragraph 109 of the NPPF.</p>
Y/88/17/HH Dyers Croft Main Road Yapton	Demolish existing open garage/store & replace with garage	R-R-D	<p style="text-align: center;">WR</p> <p>In the balance, the proposed extension would cause harm to the significance of the listed building for which there is insufficient justification, such that the harm is not outweighed by public benefits as required by paragraph 196 of the Framework. As a result, the proposal would not accord with Development Plan or national policy on the preservation of heritage assets and would fail the statutory tests in sections 16(20 and 66(1) of the 1990 Act. For the reasons given above it is concluded that both appeals should be dismissed.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
Y/89/17/L Dyers Croft, Main Road Yapton	Listed building consent to demolish existing open garage/store & replace with garage.	R-R-D	<p style="text-align: center;">WR</p> <p>In the balance, the proposed extension would cause harm to the significance of the listed building for which there is insufficient justification, such that the harm is not outweighed by public benefits as required by paragraph 196 of the Framework. As a result, the proposal would not accord with Development Plan or national policy on the preservation of heritage assets, and would fail the statutory tests in sections 16(20 and 66(1) of the 1990 Act. For the reasons given above it is concluded that both appeals should be dismissed.</p>
R/267/17/PL Rustington Hall Nursing Home	2 storey block of 6 No Flats comprising of 4 No. 2 bed & 2 No. 1 bed flats.	R-R-D	<p style="text-align: center;">WR</p> <p>The living conditions of occupants of 5, 6 and 7 Paddock Green, and Rustington Hall Cottage, with particular regard to outlook and the character and appearance of the area.</p> <p>Conclude that whilst the proposed development would not harm the living conditions of occupants of No 5, it would cause unacceptable harm to the living conditions of occupants at No 6, No 7 and Rustington Hall Cottage.</p> <p>The development would cause no unacceptable harm to the character and appearance of the area. It would therefore comply with Policy D DM1 of the Local Plan which amongst other things states that development should reflect or improve upon the character of the site and the surrounding area, and Policy D SP1 of the Local Plan, which also states that development proposals should reflect the characteristics of the site and local area.</p>
AL/129/17/PL Land East of Forge House	Demolition of existing garage, demolition of portion of flint wall to re-instate pedestrian access onto Nyton Road & erection of 2 No. dwellings with associated car parking, cycle storage, bin storage & gardens. This application may affect the setting of a Listed Building.	R-R-Allowed with Conditions (ALC)	<p style="text-align: center;">WR</p> <p>The dwellings would appear as one dwelling when viewed from the street scene, the detailing would utilise brick with flint panels and plain tiled roofs, replicating details found within the immediate area including Applecroft which is next to Deene, and combining a mixture of old and new. By locating the proposal adjacent to the more varied and modern dwellings the proposal would sit comfortably within the street scene.</p> <p>The ridge height of the proposed building would be very slightly lower than Forge house and the building would be smaller in width when viewed from the public realm, it would also be set back from the front boundary. Planting would be included along the boundary between the proposal and Forge House, along with a new flint wall. When taken collectively these design considerations would ensure that the proposed dwellings would not appear as a dominant addition when viewed alongside Forge House. Furthermore, there would be an adequate</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>separation distance between the proposal and the locally listed building to ensure that it retained its spacious, somewhat solitary character.</p> <p>No impact on setting of nearby Grade II Listed Building. Conflict with ANDP policy EH11 is outweighed by reuse of removed material to erect further flint walls within the site.</p>
BN/25/18/PL Parsonage Farm	Change of use of land for dog training and exercising.	R-R-ALC	<p style="text-align: right;">WR</p> <p>The prevailing daytime noise environment cannot be considered tranquil, and can be expected to become noisier at times. Within the context of the established commercial use of the shopping village, it is indeed reasonable to both expect and accept that levels of noise are substantially greater than if the locality was wholly residential in character, and that some such noise is inevitably generated by dogs and their owners.</p> <p>The Council has not provided any data relating to measurement of noise levels generated by the use in the past, or which might therefore be anticipated in the future. Past noise complaints are referenced, but no details are provided of their number, nature, source, timing or frequency, or whether all such complaints were reasonable. Further anecdotal reference is made within the submissions to noise levels being 'worse than ever', but without any clear point of evidential reference. The Council has also drawn attention to videos which show dogs running around and barking on part of the land currently in use, but not forming part of the proposed site. However, the fact that one or more dogs barked on one or more occasions does not indicate that such barking caused any harm, or indeed that the use of the proposed site would be inappropriate. Indeed, it would be clearly unreasonable to characterise all noise that has been or might be generated by dogs within or adjacent to the site as harmful.</p> <p>A condition could be imposed to bring future hours of operation more closely in line with those of the shopping village. Such a condition has been proposed by the Council and no objection has been raised by the appellant. As this would restrict early and late opening, reasonable scope therefore exists to substantially remove the potential for disturbance at times when it is least acceptable, and therefore most likely to cause harm. I further note that during the winter the actual hours of operation, as too the intensity of the use of the site are likely to be reduced in line with the hours of daylight.</p> <p>I see no reason to consider that improved management would fail to achieve a</p>



Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>reduction in noise relative to past levels, or that continuing improvement could not be achieved. This is particularly in view of the Council's stated willingness to utilise other statutory means to control noise nuisances should they arise.</p> <p>I see no reason to consider that use of the proposed site would be likely to give rise to an 'unacceptable adverse effect' on the living conditions of residents in the area as claimed by the Council. Allowing the appeal would not however be an indication that the generation of noise nuisances would be permissible and reiterate that it would remain the case that such nuisances did arise, reasonable scope would exist for them be addressed by separate statutory means.</p>
BE/17/18/PL 37 Norbren Avenue	Proposed 2 bed bungalow	R-R-D	<p style="text-align: center;">WR</p> <p>The area features 2-storey dwellings of generally matching design and predominately semi-detached form, set back from the pavement, regularly aligned and regularly spaced. Development within both streets therefore has a strongly consistent planned layout and distinctive visual character.</p> <p>The proposed dwelling would be a chalet bungalow. As such the dwelling type and design would be acutely at odds with that of dwellings which currently characterise both Norbren Avenue with Greencourt Drive, and for this reason incongruous within the street scene. Though I acknowledge that bungalows can be found within other streets in the surrounding area, these have no bearing on the visual character of the site's immediate setting.</p> <p>The position of the dwelling would align with the frontage of No 53, but would be set well forward of No 37. The frontage on Norbren Avenue would also be angled relative to the front boundary, creating a narrow and tapering front garden, with relatively little space left between the pavement and the south-east corner of the dwelling. The arrangement would be appreciably at odds with the regular layout and set back of dwellings along Norbren Avenue, and the spacing between the proposed dwelling and No 53 would be atypically close. Considered in combination this would cause the dwelling to appear cramped within its plot, and intrusive within the streetscene.</p> <p>The bedroom window would however provide the potential to overlook more or less the whole of the back-garden space of No 53. This would cause significant harm to the privacy of its users which could not be resolved through obscure glazing of the bedroom window. This is because the complete loss of outlook from the room would create unacceptable living conditions for its occupants.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>As the Council has no adopted external space standard, I have taken into account the number and type of occupants likely to be supported by the proposed dwelling. In this case it is reasonable to consider that the dwelling would be most likely to attract an individual or couple. Even so, the outdoor space provided would be very small in area. This would comprise part of the current 'front' garden of No 53, which is located on the corner. Boundary screening would be required given the high level of exposure of this space to public view, which along front boundaries within the immediate setting commonly involves hedging. The space required to accommodate hedging would reduce the garden area further, as too would the projecting bow window. It appears unlikely therefore that the space would be capable of comfortably supporting the range of roles generally expected of outdoor amenity space, such as seating as drying. I additionally note that both the hedge and dwelling would be likely to partially shade the space at different times of the day, and that there would be no direct access into the garden from the dwelling. Each would further accentuate the limited usability of the space.</p> <p>Though the appellant indicates that the space on the east side of the proposed dwelling could accommodate both parking and outdoor amenity space, the level of parking provision within the scheme was only judged acceptable by the Council on the basis that 2 cars could park tandem within this space. It is reasonable to suppose that 2 adult occupants might well have a car each. Parking of 2 cars would require more or less the whole of the space. Furthermore, the space would also contain a bin store. As such there appears to be little or no potential to accommodate suitable amenity space on the east side of the proposed dwelling.</p> <p>The impact on the living conditions of occupants of the existing dwellings in terms of garden space would be acceptable in both cases, despite the reduction in the amount of garden space.</p> <p>It is highly unlikely that manoeuvring of vehicles into the parking spaces would give rise to a level of noise disturbance or air pollution sufficient to harm the enjoyment of the garden space at No 53.</p>
EP/52/18/PL 9 Lime Tree Close	Demolition of existing dwelling & the erection of 7No. residential dwellings, with associated	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, the setting of nearby listed buildings. The appellant has submitted a revised plan Ref: LT.SL 006, with the appeal. This shows the creation of 2 additional parking spaces for visitors, and a pedestrian</p>

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	parking, amended access location from Lime Tree Close & landscaping.		<p>walkway in the existing northern grass verge of Lime Tree Close. This is intended to overcome concerns expressed by the Council and neighbours with regard to road safety and visitor and local parking provision.</p> <p>The proposed dwellings would be very similar in scale, siting and plot size to other properties in the area, including the existing terraced houses on the south side of Lime Tree Close and would not appear cramped.</p> <p>The 14 proposed parking spaces would be appropriate to the scale of the proposed development. Being located in the middle of the plot, the location of the parking area would be sensitive to the character and appearance of the area and would not be unduly prominent in wider views of the site, particularly with regard to the setting of Wisteria Cottage.</p> <p>Based on the foregoing, the Inspector is satisfied that the development would not harm the character and appearance of the area.</p> <p>The architectural design approach adopted by the appellant also seeks to provide a design that sits well with the more rural feel of parts of East Preston, and the listed cottages in particular. The scale and design of the proposed terrace reflects the local cottage typology, particularly though its roof profile, choice of materials and considered detailing, without being a poor pastiche of any of the existing listed cottages.</p>
FG/194/17/PL 1 South Point	Erection of 1 no. 1 bed dwelling - Resubmission of FG/135/17/PL	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the development on the character and appearance of the area; and on the living conditions of existing and future residents, with particular regard to the provision of outdoor amenity space. The immediate open setting of the existing apartment building would be preserved. There would also be a reasonably sized gap between the building and No.3 Beehive Lane. Consequently, the proposed building would not appear cramped in relation to its surroundings. The site would not appear overdeveloped. there would be no harm to the character and appearance of the area. There is no conflict with policies D DM1 and D SP1 of the Local Plan, policy 1A of the Ferring Neighbourhood Plan ("Neighbourhood Plan"), nor the relevant parts of the National Planning Policy Framework (2018).</p> <p>The proposed building is functionally connected to the landscaped space which</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>would surround it, in a similar manner to the adjacent apartments. Both the living room and bedroom have patio doors which open out on to this area. Consequently, there is a clear intention that it will provide external amenity space for the new unit. he proposal provides satisfactory outdoor amenity space for existing and future residents and there would be no harm to their living conditions. The proposed building is functionally connected to the landscaped space which would surround it, in a similar manner to the adjacent apartments. Both the living room and bedroom have patio doors which open out on to this area. There is a clear intention that it will provide external amenity space for the new unit..</p>
LU/162/17/PL Land North & West of Toddington Farm Cottages	Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access.	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the proposal on the character and appearance of the area; highway safety; and the provision of a financial contribution towards infrastructure. The proposal would accord with the general pattern of development in the locality. The dwellings would be similar in terms of scale, their design would utilise a range of materials which would assist in breaking up the built form whilst adding some visually interesting elements. The built form would be set back from Toddington Lane, and would be enhanced through the use of soft landscaping which would allow it to sit comfortably within the street scene.</p> <p>Whilst there would be a concentration of hardstanding within the centre of the site to provide parking, this would be broken up through the use of open sided car ports, and the layout of rear gardens. As such I find that the proposal would sit comfortably within, and respond positively to, the character and appearance of the area. It would therefore comply with Policy D DM1 of the Local Plan with regards to ensuring that development is of a good quality and high standard of design. subject to ensuring that the splays are maintained, which could be secured by a condition, the proposed splays would provide adequate and safe access. Accordingly I find that the proposed access as shown in the amended plan would safely accommodate the passing of vehicles on the access way itself, and would allow safe access and egress from the appeal site onto Toddington Lane.</p> <p>Pedestrian access to the site would be provided via access points on the northern boundary, and the main access to the site. The original suggested width of the footpath would accord with the guidance in Manual for Streets. However, the plans do not identify areas of street lighting, and the footpath is on a sharp bend. The proposed ramped access would be on the northern side of the site, and pedestrians would need to walk around the site to utilise the ramp.</p>

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			<p>Accordingly, the amended plan delineating a 2.0 metre footpath would be more suitable for this particular site, and would ensure that those with limited mobility or those with pushchairs would be able to use the footpath safely to access the site via the ramp. the appellant has secured three safe and accessible points of access for pedestrians. The provision of a boundary footpath is a benefit on this site and would significantly improve the current position. the proposal would provide a safe means of access for vehicles and pedestrians. On-site parking would be suitable for the proposed development. It would therefore comply with Policy T SP1 of the Local Plan and the Framework a financial contribution to education facilities within the area would not be necessary and, thus, the absence of a provision in this respect would not be a reason to find against the proposal.</p>
<p>M/51/18/PL 5A Tuscan Avenue and 6 Main Drive, M-O-S</p>	<p>Demolition of properties and construction of 1No new building comprising 1No 3bed and 1No 1bed properties.</p>	<p>R-R-D</p>	<p style="text-align: center;">WR</p> <p>The main issues are:          -The effect of the proposal upon the character and appearance of the area;          -Whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to internal and outdoor living space;          -The effect of the proposal upon the living conditions of neighbouring occupants of no 5 Tuscan Avenue, with particular regard to outlook and privacy.</p> <p>The proposal would cause unacceptable harm to the character and appearance of the area. Planning policies require all development proposals to be well designed and reflect the characteristics of the site and local area.</p> <p>The proposal would not provide adequate living conditions for future occupiers, having regard to the internal arrangement and provision of usable outdoor space.</p> <p>Subject to the imposition of an appropriate planning condition to ensure that these windows remain obscure glazed, the proposed development would not harm the living conditions of the residents of no 5, with particular regard to privacy and outlook.</p>
<p>WA/76/17/PL Land South of Wandleys Farm</p>	<p>Application of four Affordable Intermediate Sale Homes and one Full Market home with associated car</p>	<p>R-R-ALC</p>	<p style="text-align: center;">WR</p> <p>The main issues are;          • the effect of the proposal on the character and appearance of the area; and          • whether the proposed development is in a suitable location having regard to the development plan and other material considerations.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	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.		<p>The proposed scheme would sit comfortably within the context of Wandleys Lane and would comply with Policy D SP1 Design which seeks to ensure proposal make efficient use of land whilst reflecting the characteristics of the area. It would contribute to the local character and would therefore comply with Policy HP13 of the Walberton Neighbourhood Plan which seeks to ensure that development is of a high quality that creates a sense of place appropriate to its location.</p> <p>It would be located within walking distance of bus routes within Fontwell and also the cycle network and would therefore comply with Policy T DM1 which advises development should be within easy access of public transport services. Future occupiers would also be a relatively short distance from Walberton which provides a range of services to address day to day needs and therefore reduces the need to travel long distances, as advocated by Policy TSP1 of the Local Plan which identifies Walberton as a village/suburban centre. The proposal would also promote the aims of the Framework which advises at paragraph 77 that local planning authorities should support opportunities to bring forward rural exception sites that would provide affordable housing to meet identified local needs. When assessed in its entirety the proposal would deliver a development in accordance with Policy SD SP1 of the Local Plan which encourages sustainable development.</p>
FG/168/18/PL 4 Sea Lane Ferring	Erection of 2 bedroom single story dwelling to the rear of existing property	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to 6 Sea Lane.</p> <p>The proposed layout would not result in any direct overlooking between windows. The windows at the proposed dwelling would be at ground floor only, so any views towards neighbouring gardens would be screened by boundary treatment. As such I do not find harm in relation to loss of privacy. The proposed dwelling is single storey with a pitched roof which would set its bulk away from neighbouring properties and detailed evidence has not been submitted which persuades me that the proposed development would result in a loss of light nor be overbearing to neighbouring occupiers.</p>
R/197/18/HH 1 Pigeonhouse Lane	Rear ground & first floor extension & front first floor gable extension.	R-R-D	<p style="text-align: center;">WR</p> <p>I consider that the proposed first floor extensions would have a harmful, overbearing effect which would detrimentally restrict outlook from the facing ground floor habitable room windows of 9 Cross Road and its patio. On this basis the proposal again conflicts with LP Policies D DM1 and D DM4 which, amongst other things, require proposals to provide a high standard of amenity and ensure</p>

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			<p>that extensions do not have an adverse overbearing effect on neighbouring properties.</p> <p>I acknowledge that the appellants seek to enhance the living accommodation for their growing family and wish to stay in the area for schools and due to the fact that they have a business local to the area. I also understand that the property may require a level of investment, updating and refurbishment and that the proposed works would go some way to creating a more energy efficient and sustainable home. I note that there were no objections raised to the proposal from the Willowhayne Estate and that their particular requirements were satisfied and therefore I fully understand why the appellants were disappointed with the outcome of the planning application and, no doubt, will also be with my decision. I fully understand the appellants' frustration that the Planning Officer did not view the proposals from the rear of their property, although ultimately this does not have a bearing on the outcome of the appeal.</p> <p>Overall, I find that these factors in favour of the proposal do not outweigh the harm that the proposal would have upon the character and appearance of the host dwelling and the wider area, in addition to the living conditions of the occupants of 9 Cross Road, in regard to a reduction of outlook therefrom.</p>
WA/75/17/PL Sunny Corner, Copse Lane, Walberton	Erect 9 houses with associated car parking	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"> <li>• the effect of the development on the character and appearance of the area, including with regard to lighting; and</li> <li>• whether the site is a suitable location for residential development in respect of the potential for future occupants to access everyday local facilities and services and facilities, by a range of modes of transport.</li> </ul> <p>The site is currently a field. This is located between West Walberton Lane and Copse Lane, immediately adjacent to the edge of the developed area of Walberton. Existing residential development with boundaries abutting the site, is located to the south, the east, and to the north-east. Woodland to the north, and field boundaries to the west, otherwise provide a high degree of visual and physical containment. This is further accentuated by the fact that only a small sliver of land containing the main access to the site links it to West Walberton Lane, with other spaces lying between.</p> <p>Considered in relation to the existing layout of Walberton, development of the site</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>would, for the above reasons, effectively achieve a 'rounding off' of the northern boundary of the settlement. Given very limited visibility of the site from West Walberton Lane, the development would furthermore have no significant effect on the existing 'gap' between Walberton and Fontwell as viewed from the lane.</p> <p>In terms of its location, the proposed development would be sited some distance from the edge of the BUAB but would be directly adjacent to existing housing which forms an identifiable part of the developed area of Walberton. Services in Walberton are few in number and scale but given their proximity to the development they would see likely use by future occupants. This could help to sustain these services, benefitting the broader rural community. Similar would also be true of services available in nearby Barnham and Fontwell.</p>
ENF/513/17 Greengates	Extension Erected in Breach of condition 2	Breach of Condition Notice – ALL	<p style="text-align: center;">WR</p> <p>When considering whether something has been constructed in accordance with a planning permission, the extent that the development that complies with the plans submitted has to be considered as well as the extent that it does not accord with the plans. In this case there is substantial agreement with the main plan and elevation and the small error of around 250mm at the front corner is relatively small and to my mind de minimis.</p> <p>Therefore, planning permission is not required for what has been completed and the appeal on ground (c) succeeds.</p>
FG/137/18/PL 11 Telgarth Road  Application for costs by Council	Application for variation of a condition 2 imposed under planning permission FG/180/16/HH relating to approved plans	R-R-D  Application for cost made by Council dismissed	<p style="text-align: center;">WR</p> <p>Telgarth Road is characterised by detached houses, which are generally a mix of one and two storeys in height and reasonably modest in size. There is no overriding design or style of dwelling in this area. The appearance of the host dwelling is relatively dominant in the streetscene due to its position close to the road and two storey height, however the pitched roof to the main front roofslope moderates this somewhat.</p> <p>The extensions and alterations as approved included a modest single storey porch forward of the main building line. Notwithstanding the fact that it would be set down from the main ridge and that it would be flat roofed, the size, scale and bulk of the proposed two storey front projection would change its character from a modest entrance porch to a large, visually dominant two-storey element to the front elevation. Consequently, the resultant dwelling would be bulky in the streetscene in terms of its massing and scale and would be unacceptably dominant in this context.</p>



Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>The materials proposed include timber cladding, which is found elsewhere on the host property. As such the use of this material would not have a harmful effect on the character and appearance of the area. However, timber cladding is solid and opaque and as such it would not reduce the perception of the size of the proposed first floor front extension. Therefore, I am not persuaded that the materials proposed would mitigate the harm identified above.</p> <p>The velux roof windows approved as part of the original consent<sup>1</sup> would lie flush with the pitched roof and would be similar in appearance to others in the roofslope. The proposed development would result in an increase in size, height and depth at first floor level which, for the reasons set out above, would be more harmful to the character and appearance of the area than the approved scheme. I am not presented with any substantive evidence which suggests that a two storey element to the front porch is likely to lead to this property being better maintained than the dwelling without it.</p> <p>Therefore, for the reasons above, the proposed development would be harmful to the character and appearance of the area and, in this respect, would be contrary to Policies D DM1 (Aspects of form and design quality) and D DM4 (Extensions and alterations to existing buildings (residential and non-residential)) of the Arun Local Plan 2011-2031 Adopted July 2018. For the reasons above, this appeal should be dismissed.</p>
FP/45/18/T Japonica 9 Lionel Avenue	Fell 1No. Silver Birch and 1No. Ash Tree.	R-R-D	<p style="text-align: center;">WR</p> <p>The main issues are: the impact of the proposed felling of the tree on the character and appearance of the area; and whether sufficient justification has been demonstrated for its proposed felling.</p> <p>With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for its proposed felling.</p>
BE/74/18/PL 1 Finch Gardens	Erection of 1 No. attached dwelling	A (Officer)-R (Committee) -ALC	<p style="text-align: center;">WR</p> <p>The main issues were the effect of the development on the character and appearance of the area and highway safety.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>Design of the property follows the fenestration and detailing of host property and the height and form is comparable to terraced properties in the area. The built form would not be located closer to the road than the garage and would align with 27 Finch Gardens. The visual impact would not be harmful to the spaciousness or layout of the estate. The proposal would not be overdevelopment and accord with D DM1 and S SP1 AND Bersted Neighbourhood Plan ES1, HDQ2 and HDQ5.</p> <p>The scheme accords with WSCC parking calculator and complies with BNDP policy HDQ8 which requires a minimum of 2 spaces per dwelling. No evidence to suggest the proposal would exacerbate any parking issues. The proposal provides safe access and promotes sustainable transport and complies with T SP1 and there is no conflict with para 108 of the NPPF.</p>
FG/191/18/PL Land R/O 21 Ocean Drive	Erection of 2 No. 3 bed chalet style dwellings with associated parking, landscaping & bin store.	R-R-D	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of existing and future residents, with particular regard to the provision of outdoor amenity space and noise and disturbance.</p> <p>Despite finding that the proposal provides satisfactory outdoor amenity space for future residents, including the reduced plot for No 21, it was concluded that the development would fail to minimise the impacts on the neighbouring properties contrary to Arun Local Plan policy D DM1 (3). The level of activity along the drive will inevitably increase serving three dwellings, and in my view would result in an unacceptable level of noise and disturbance having an adverse impact on the privacy and quiet enjoyment of these adjoining properties and gardens. The development would also result in some overlooking of the rear garden of 11 Ocean Drive. Whilst an element of mutual overlooking is expected in residential areas the irregular plot shape and layout of the development would introduce additional angles of views between properties Located to the east of the appeal site is 2 Chalet Close, an extended bungalow which occupies a modest plot. Both proposed properties would be sited in close proximity to its boundary and whilst the upper floor windows are to serve bathrooms the relationship would result in the development having an enclosing and overbearing impact on this property. Additionally, as the proposed properties would be located to the southwest of 2 Chalet Close there would also be a level of overshadowing..</p>
BR/52/18/PL Bradlaw House 5	Change of use from mixed use	R-R-D	<p style="text-align: center;">WR</p> <p>The main issues were the effect of the proposal on the character and appearance</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
Sudley Road	development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units).	Costs against ADC Dismissed	<p>of the area and adequate living conditions for future occupiers.</p> <p>Appeal property is prominent in street scene and is a building designated as local character.</p> <p>The proposal includes a mansard roof and loss of chimneys resulting in loss of symmetry in windows in front elevation of the roof which appears imbalanced and cluttered compared to existing building on floors below. The use of the mansard roof would appear oppressive and incongruous resulting in harm to the character of the building and general character of area and conflict with D DM1 and D DM4 of the Local Plan. Weight was given to the harm to the non-designated heritage asset and the proposal conflicted with HER DM2. The additional accommodation proposed did not outweigh the considerable harm caused. The proposal was also contrary to Policies 1 and 2 of the Bognor Regis Neighbourhood Plan.</p> <p>5 of the flats fail to meet national space standards. The number of units proposed would not provide suitable living conditions with regards to habitable floorspace. The location of waste facilities would result in disturbance to occupants of a unit. Two of the units (basement) would not have an acceptable outlook as would the accommodation in the roof. The proposal would conflict with D DM1 and D DM2.</p> <p>The benefit of bringing the building back in to use would not outweigh harm.</p> <p>An application for costs was submitted by the appellant. The Inspector concluded the Council behaved reasonably.</p>
EP/160/18/PL - 11 Beechlands Close	Variation of condition No.3 imposed under planning reference no: EP/45/17/HH relating to the proposed materials	R-R-D Costs Refused	<p style="text-align: center;">WR</p> <p>The main issue is the effect that varying the condition to allow the retention of the tiles fixed to the roof would have on the visual amenities of the area and its character and appearance.</p> <p>However, the tiles actually used are in marked contrast to those previously on the building and the latter or very similar tiles in the form of a pale red / buff colour are also used for the nearby and adjoining properties on the same side of the Close. The 'dark grey, smooth shine finish' tiles stand out from any of the surrounding roofs and instead of helping to blend the substantially different roof within its immediate setting (the objective of the condition in the permission), they serve only to harmfully exacerbate its larger size and different form.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>The result is that this combination of the scale and design of the roof to No. 11 and the choice of this particular tile results in it drawing the eye from whichever vantagepoint it is observed. These not only include views from the public realm in Beechlands Close but also in private views from the gardens of Nos. 15, 17 and 19 Vermont Way, with No. 17 particularly affected. I see no reason in this case to exclude these private views from <i>'the interests of amenity'</i> mentioned in the reason for the condition. And from my own observations on my visit, I share the assessment of the Council and local residents that the contrast in the roof covering with that of nearby dwellings has a significantly harmful effect on the visual amenities of the area and thereby its character and appearance.</p> <p>No unreasonable behaviour on the part of the Council was found and as a result the application for cost by the appellant was refused.</p>
EP/185/18/PL Land R/O Beechlands Cottages	Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats (resubmission following EP/7/18/PL).	R-R-D	<p style="text-align: center;">WR</p> <p>The main issues are the effects of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to the outlook and privacy of the occupiers of 125 North Lane (No 125).</p> <p>Whilst the plot widths of the proposed dwellings would be comparable with those of Beechlands Cottages, the plot depths would be shorter, and substantially smaller than those of the dwellings on Beechlands Close and North Lane. The overall plot sizes of the proposed development would therefore be smaller than the prevailing plot sizes around three sides of the site. Furthermore, the rear garden depths of the proposed development would not reflect those of the neighbouring dwellings and the overall pattern of development in the area, which is important to its character and appearance. When these factors are taken together, the proposed development would be unduly cramped. the proposed development would be detrimental to the character and appearance of the surrounding area and thus conflict with Policy DDM1 of the Arun Local Plan 2011-2031 (2018) (ALP) in this regard and with Policy 1 of the East Preston Neighbourhood Plan (EPNP), which safeguard character and appearance. The proposed development would also not accord with the National Planning Policy Framework (the Framework) in so far as it seeks to achieve well-designed places. the proposed development would result in unacceptable harm to the living conditions of the occupiers of No. 125 by way of outlook and privacy. It would therefore conflict with Policy QESP1 and with Policy DDM1 of the ALP in this regard, which safeguard the living conditions of occupiers of nearby properties.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
BR/215/18/PL 75 Highfield Road	Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.	R-R-D	<p style="text-align: right;">WR</p> <p>The main issue was the effect of the proposed development on the living conditions of future occupiers and existing residents, with particular reference to on-street parking.</p> <p>The Inspector stated that at the time of his site visit, there was no evidence of pressure for on-street parking spaces in Highfield Road in the vicinity of the appeal site. However, that given the time of day (lunchtime) this is unremarkable as many residents may have been away from their homes either at work or going about their daily business.</p> <p>However, the Inspector noted that Highfield Road has double yellow lines in parts and that because of the predominantly terraced housing there is a general lack of off-street parking between the railway bridge and the small parade of shops at the junction with Highfield Gardens. The Inspector also acknowledged the presence nearby of a takeaway and convenience store which will also contribute to parking demand, particularly in the early evening.</p> <p>The Inspector acknowledged the appellants parking survey but noted that the available spaces in the vicinity of the site would be relatively low such that residents would need to park further away. This then supports the objections of residents and is in line with the view of Highways that parking is currently at a premium along Highfield Road and on-street parking spaces are limited.</p> <p>The Inspector did not consider that it would be reasonable for existing residents in the vicinity of the appeal site to have to routinely park further away from their homes in the evening and overnight than they do now. Also stated that despite sustainable nature of the site, there is no guarantee that future occupiers of the flats would not own a vehicle.</p>
A/46/18/RES Land West of Brook Lane	Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.	R (officer) - R (Committee) - ALC	<p style="text-align: right;">WR</p> <p>The access arrangements for the proposal would operate within capacity for predicted traffic flows within the area. The proposed access arrangements would allow vehicles to enter and exit the roundabout from all directions and would avoid vehicles waiting to enter the site from the A259. Provided the visibility splays were retained in compliance with Stage 1 Road Safety Audit – Road Safety Audit Response Report, the access and egress of vehicles would not have an adverse impact on the safe functioning of the highway network.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>The Stage 1 Road Safety Audit, Road Safety Audit Response Report and Plan show a proposed linkage to the adjacent site. This reflects the plan submitted with the application (SPRUST (BROOK LANE) .1/10 Rev B) however plan (SPRUST (BROOK LANE) .1/10 Rev D more accurately identifies the roundabout and the specific link to the adjacent site. In this respect it provides a greater degree of certainty but does not materially change the scheme. The proposed vehicular access for the scheme would serve the residential development and would provide access to the mixed-use retail scheme on the adjacent site through the incorporation of the mini-roundabout. As such I am satisfied that the proposed access would not preclude the adjacent site from being developed, should such development be found to be appropriate.</p>
BE/102/18/PL 312 Chichester Road	Erection of 1 no. dwelling.	R-R-D	<p style="text-align: right;">WR</p> <p>No character issues.</p> <p>However, harm to amenity of residents:</p> <p>Vehicles entering and leaving the parking area of the new dwelling would do so in extremely close proximity to the retained rear garden of the host property, and to its side wall, which contains clear-glazed ground and first floor under staircase and landing windows and an obscure-glazed ground floor bathroom window.</p> <p>The anticipated amount of traffic associated with a three-bedroom, family sized dwelling, including visitor and delivery vehicles, would lead to unacceptable levels of noise and disturbance (the latter from vehicle lights) close to the host dwelling thereby causing significant harm to the living conditions of the occupiers of this dwelling.</p> <p>The use of a non-loose surface material would not mitigate the identified noise and disturbance impacts associated with vehicle engines. And there is no evidence of sufficient space to provide adequate buffer planting and even if that were to be the case, it would take some time to reach maturity.</p> <p>Not satisfied that there is room to provide planting and/or acoustic fencing alongside No 312 which would adequately mitigate the harmful impact of engine noise and car lights on that property.</p> <p>“In the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it has not been satisfactorily</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			demonstrated that material harm would not be caused to the living conditions of the occupiers of 310 and 312 Chichester Road. For this reason, I cannot conclude that the proposal would accord with LP Policies D DM1 and QE SP1 which, amongst other things, aim to protect residential amenity.”
LU/7/19/PD Unit 4 Hawthorn Road	Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to provide 30 self-contained flats (14 studios & 16 one-bed flats)	Objection(O)-O-ALC	<p style="text-align: center;">WR</p> <p>The main issue is the effect of the proposal on the living conditions of future occupiers with particular regard to noise.</p> <p>Whilst windows may have to be closed for a significant proportion of the time, much of this would be during specific events, such as use of the compacting unit to the west and deliveries to the supermarket to the east. The fact that sufficient ventilation would be maintained mechanically, but that windows could be opened to allow future occupiers to respond to the environment, would allow residents choice. From the evidence provided, these events are likely to be at regular times and for finite periods, so in such circumstances some flexibility for the residentials would be to their benefit.</p> <p>I recognise that allowing the windows to open may increase the likelihood of complaints from future occupiers due to noise, as it can then be heard within the dwellings. However, having the opportunity to open the windows does give the occupiers more flexibility and ability to close to reduce the noise to appropriate levels.</p>
BN/38/18/L Parsonage Farm House Lake Lane	Listed building consent for an annexe extension ancillary to the main dwelling.	R-R-ALC	<p style="text-align: center;">WR</p> <p>There would, contrary to the view expressed in representation and the Council’s Statement, be some removal of historic fabric, to accommodate the door between the existing building and the addition, but this would be within a rubble wall at the location of the existing garage lobby and stair, and evidence of the same would remain untouched to the far side. As a result, it is concluded that the proposal would be acceptable in its effect on the listed building and its setting.</p>
R/182/18/PL 55 Milton Ave	Demolition of garage & construction of 1 No. 2-storey dwelling.	R-R-D	<p style="text-align: center;">WR</p> <p>The main issue is character and appearance, with particular regard to the streetscene.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			I acknowledge that the appellant considers that the development would not be unduly apparent in public views so as to cause any overriding demonstrable harm to the street scene. However, the proposed development would still be visible and I consider that the development would appear as unusually cramped and at odds / out of character with the surrounding streetscene in general. As such, the proposed development would be contrary to Policies D SP1 and DDM1 of the ALP and paragraph 127 of the National Planning Policy Framework, which seeks among other criteria to ensure that development is: sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place.
M/17/19/PL 14 Baldwin Close	1 No. 1-bedroom dwelling & rear extension on existing dwelling (resubmission following M/99/18/PL).	R-R-D	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 11 Baldwin Close in respect of outlook.</p> <p>Notwithstanding that the proposed dwelling would extend across the full width of the site at the frontage, taking into account its position relative to other buildings, it would not upset the feeling of space around buildings in Baldwin Close or result in an unduly cramped form of development. Moreover, it would not have an adverse influence on the street scene or disrupt the general open layout of development.</p> <p>The separation distance between the south elevation of the proposed dwelling and the north elevation of No 11 would be about 10.0 metres. Taking into account the scale, position and height of the proposed two-storey dwelling, which would be approximately 7.0 metres high at the ridge, it would be dominant and overbearing upon the outlook from the windows on the north elevation of No 11.</p>
FG/220/18/PL Land adjacent to Elm Lodge Tamarisk Way	Erection 1 No. dwelling with integral garage.	R-R-D	<p style="text-align: center;">WR</p> <p>Harmful overbearing impact on the occupiers of the host property</p> <p>Harmful loss of privacy to the occupiers of Magalia, Tamarisk Way.</p> <p>Contrary to Para. 127 of the NPPF 'developments will function well and promote a high standard of amenity, health and well-being for existing and future users'.</p>
BN/11/19/HH The Lillies, Yapton Road	Single garage	R-R-D	<p style="text-align: center;">WR</p> <p>By virtue of its forward positioning within the open frontage of the dwelling, would result in a significant dominating structure within the open frontage of the existing two-storey dwelling.</p>



Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>As such the proposal would be at odds with the pattern of development of the surrounding area.</p> <p>The proposal would not comply with the Framework's clear emphasis on good design.</p>
BR/155/19/PL The Mews, 1-6 Mead Lane, Bognor Regis	Replace 27 No. rotten wooden windows with PVCu double glazed windows on north, south, east & west elevations.	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the Upper Bognor Road and Mead Lane Conservation Area (the Conservation Area).</p> <p>Whilst the proposal would involve a significant number of windows, the coordination of colour and the provision of windows in the same style as the existing, would preserve the authenticity of the building. I have very limited evidence before me to suggest that the windows would be of a subservient quality or that they would not be maintained.</p> <p>The property is within the vicinity of a number of listed buildings which are experienced within the setting of a collection of buildings demonstrating the evolution of the area as a seaside location. Views of the windows would be limited as there are minimal vantage points that allow public views of the property. This, in conjunction with the proposed colour and design, would ensure that the building continued to sit comfortably as part of the conservation area and would not result in harm to the setting of the nearby listed buildings.</p>
FG/219/18/PL 11 Ocean Drive Ferring	Demolition & erection of 1 No. dwelling with associated parking & turning.	R-R-ALC	<p style="text-align: center;">WR</p> <p>The proposal would have a ridge height in excess of the neighbouring properties however, the use of a shallow hipped roof and retained building line would reduce the visual appearance of the dwelling in the street-scene. Furthermore, the undulating height pattern in the surrounding built environment would not make it incongruous with the character and appearance of the area.</p>
BN/6/18/RES The Lillies Yapton Road	Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance,	R-R-ALC Costs Refused	<p style="text-align: center;">WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the area having particular regard to the public open space.</p> <p>The apartment block would be located at the rear of the site, and the public open space would be provided just over half way down the site. By locating the public</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access		<p>open space in front of the apartment block it would have a greater visual presence, be easily accessible for all residents of the proposal, and assist in breaking up the built form. In addition, a further drainage space would be provided to the rear of the apartment block, which would enhance the general level of openness of the site in its entirety. The open space between the Lillies and the adjacent Angels Nursery site could be linked by the proposed footpath.</p> <p>The proposed layout would provide a visually dominant and strategically sited open space, which would provide a pleasant respite in the built form. The location of the apartment block to the rear of the site, adjacent to the parking spaces and set back from the footpath would create a suitable buffer between the public realm and the private space of future residents. The proposal would provide a logical grain of development that would retain a level of openness and secure the optimum use of the open space.</p>
EG/108/17/OUT 10 Downview Road	Outline application with all matters reserved for a 3 bedroom chalet style bungalow. Resubmission of EG/89/17/OUT	R-R-D	<p style="text-align: center;">WR</p> <p>The main issue is the effect of the proposal upon the character and appearance of the area.</p> <p>The proposal would be to the rear of a property fronting Downview Road but would be visible in the street scene by reason of the wider visual gap created by the driveway. The severance of the plot and an additional dwelling in the back garden would appear incongruous in the locality and be uncharacteristic and discordant. The piecemeal nature of the proposal would fail to maintain the area's character. The development could set a precedent – the cumulative effect of piecemeal developments would lead to more serious harm to the character of the area.</p> <p>The proposal would conflict with D DM1 and D SP1 of the Local Plan and ES6 of the Neighbourhood Plan and paras 122 and 127 of the NPPF.</p>
BN/28/17/RES Land R/O The Lillies	Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale	R-R-D Costs Refused	<p style="text-align: center;">WR</p> <p>The main issues are the effect of the proposal on the character and appearance of the area having particular regard to the public open space; and whether the proposal would provide adequate living conditions for future occupiers with particular regard to privacy.</p> <p>The public open space would be orientated to sit behind the apartment block. The public open space would largely be hidden from view and blocked by the development of the flats, it would not contribute to the openness of the site, and</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>those visiting the site would essentially be met by a blanket of built form at this part of the scheme. The open space would visually appear as linked to the apartment block, and wider use of the space would functionally be discouraged due to the siting of the apartment block.</p> <p>The location of the public open space to the rear of the site would result in an overly intensive grouping of development. The dwelling houses would be punctuated by the apartments functioning as a visual and physical wall, and the overall appearance of the site when considered in its entirety would have a distinct lack of space.</p> <p>Whilst the front of the apartment block has a natural boundary due to the footpath, the rear would be largely exposed to the open space. The footpath would run alongside the apartment block, and whilst soft landscaping may provide a limited level of privacy, without full details of the type and nature of landscaping the inspector was not satisfied on the evidence that it would be effective enough to ensure a defensible boundary that would secure an adequate level of privacy for future occupiers of the scheme.</p> <p>The proposal would result in a perception of mass of built form covering a large part of the site, with no apparent respite. The open space at the rear of the site would be largely shielded from public view which would not only be detrimental to the spacious character that could be achieved but would also physically deter any public use of the space. The location and orientation of the apartment block would create an unsatisfactory relationship between those using the open space and the future occupiers of the apartment block. The inspector was not satisfied that soft landscaping could, in this context, be secured that would safeguard the privacy of the occupants of the apartment block without compromising the level of public open space.</p>
BR/267/18/T 4 Pinewood Gardens	Fell 1No. Liquid Amber tree	R-R-D	<p style="text-align: right;">WR</p> <p>The main issues are the impact of the felling on the character of the area and if sufficient justification has been provided.</p> <p>The tree is a large mature specimen visible from numerous vantage points. It displays a good level of visual amenity and makes a positive contribution to the character of the area. The loss of the tree would erode the mature and verdant landscape of the locality and harm the character. Insufficient justification has been provided to justify the felling.</p>
LU/133/19/PL Site	Application for full	Non determination-	WR

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
of Inglecroft Barn Close	planning permission for the demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net).	D  Cost application dismissed	<p>The main issue was whether the imposition of pre-commencement conditions would meet the requirements of Paragraph 55 of the National Planning Policy Framework (the Framework) as supported by the national Planning Practice Guidance.</p> <p>The Inspector found that a pre-commencement condition in respect of the provision of a Surface Water Management Plan is necessary in this case. The imposition would inform the final layout if needed, and is reasonable to ensure it complies with the Development Plan. As such it will reduce the risk of flooding in the locality, and the associated effects this can have on human safety and property. The imposition of such a pre-commencement condition in this case is therefore clearly justified as per the requirements of Paragraph 55 of the Framework</p> <p>The Council have suggested a pre-commencement condition in respect of a Construction Management Plan in order to manage the impact on the neighbouring occupants. Given that the appeal site is located within a residential area with dwellings on all sides such a condition would be necessary in this case in order to protect the living conditions of neighbouring occupiers. there is a clear justification for the imposition of such a pre-commencement condition as per Paragraph 55 of the Framework.</p> <p>A pre-commencement condition related to potential contamination on the site.</p> <p>The appeal site was previously a horticultural nursery. It is unclear whether the appeal site, and its former use, was subject to the application of pollutants or not.. In the absence of such information, it is not possible to fully assess whether the site contains any contamination and what works, were such contamination to be found, would be required. This is not dissimilar to the advice provided by the Council's Environmental Health Team, who suggested the use of a pre-commencement condition.</p> <p>Paragraphs 178 and 179 of the Framework indicate that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. Given the previous use of the site, it would be reasonable to seek the provision of such information prior to works starting on site. Such a pre-commencement condition is clearly justified and would be reasonable and necessary in this instance as per Paragraph 55 of the Framework.</p>
AB/36/18/PL	Demolition of existing	R-R-D	INQUIRY

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
Blastreat	buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area		<p>The main issues were:  The effect of the proposed development on the character and appearance of the street-scene and the surrounding area.  The effect of the proposed development on the setting of designated and non-designated heritage asset.  Whether it would be viable to redevelop the appeal site in the way sought by ANP2 Policy AR5.  Whether the type and mix of housing proposed would be acceptable. Whether the submitted planning obligation would satisfactorily address the impact of the proposed development.  Whether the proposal would amount to sustainable development as set out in the Framework.</p> <p>As the Council accepts that it is currently unable to demonstrate a 5 year supply of deliverable housing land, this proposal has to be considered under the tilted balance set out in paragraph 11(d)(ii) of the Framework. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p> <p>In this case there would clearly be some significant benefits arising from the provision of 46 much-needed units of accommodation for elderly persons, along with the economic and social benefits which would flow from the provision of these new dwellings, as detailed above. These dwellings would assist in addressing the shortfall of some 333 dwellings arising from the fact that the Council can, at present, only identify a 4.7 year HLS.</p> <p>However, these benefits would come at a cost – not least the fact that the appeal proposal would not satisfy the environmental objective of sustainable development, and therefore cannot be considered to represent sustainable development. This is because the proposed development would have an adverse impact on the character and appearance of the street-scene and the surrounding area and would fail to retain the non-designated heritage asset on the appeal site. This places the appeal proposal at odds with relevant Local Plan policies referred to above, which carry weight regardless of the Council's lack of a 5 year HLS. Moreover, by failing to clearly show that the quantum and/or form of development sought through ANP2 Policy AR3 would not be viable, the proposal would also be in conflict with ANP2 Policies AR3 and AR5.</p>

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			<p>The Inspector considered that the massing and the eastern elevation of the proposed building would sit reasonably comfortably in this part of the street-scene, especially with the increased set-back proposed from the edge of the carriageway. He accepted that the design has tried to reflect a brewery style of building and would not be unacceptably out of keeping with its surroundings.</p> <p>However, the proposal to the north of the appeal site. would present an uncharacteristically tall and largely unbroken length of frontage. The building would appear unacceptably dominant and out of keeping with the character of the surrounding area, especially that opposite the appeal site on the northern side of Fitzalan Road. Because of the depth of the proposed buildings the single-storey link would be unable to prevent the appearance of terracing from most viewpoints. Moreover, although the submitted plans show small areas of planting at the proposed access and along the site frontage, with some small trees, this would not result in any meaningful 'greening' of this part of Fitzalan Road, or any real softening of the tall and largely unbroken frontage. This would clearly be at odds with the character to the north and west of the site, where significant trees and planted garden areas are common. The siting of the proposed buildings very close to the road would be appreciably at odds with the general positioning of buildings to the north and west of the appeal site.</p> <p>The appellant has not paid sufficient heed to the community view expressed first in Policy 5 of ANP1 and more recently in Policy AR3 of ANP2, that approximately 24 dwellings is seen as the appropriate capacity of this site. the Council's view that buildings of the size, form and massing proposed would contrast starkly and unfavourably with the pattern of development.</p> <p>immediately to the north of the site, from where its main elevation would be viewed, and to the west. As such, and notwithstanding my favourable findings with regards to the proposed eastern elevation, on balance the appeal proposal would have an unacceptable impact on the character and appearance of the street-scene and the surrounding area. Accordingly it would be in conflict with Local Plan Policies D SP1, D DM1 and SD SP1a, along with Policies AR3 and AR5 of the ANP2,</p> <p>The proposed development would not have an unacceptable impact on the significance of any of the designated heritage assets identified. There was no requirement in ANP1 to seek to retain the former brewery building on the appeal</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>site in any redevelopment proposals, pursuant to Policy 5. However, now that ANP2 has been approved at referendum it is necessary to have full regard to Policy AR5 which does seek to retain and incorporate this building into any redevelopment scheme, subject to viability considerations. The appellant's position is that retention of this building would not be viable, and that in this regard the demolition of the building would not place the appeal proposal in conflict with Policy AR5.</p> <p>On the basis of the best, detailed evidence available to the inquiry it has been shown to not be viable to pursue either of the 2 options tested. However, it is also the case that there are some unanswered questions and queries regarding the work which under-pins the appellant's conclusions in this regard, and neither of these options would reflect the amount and/or type of development favoured by the local community through ANP2. As a result, I do not feel able to come to a definite conclusion as to whether or not it would be viable to develop the appeal site in the way sought by ANP2 Policy AR5.</p> <p>It is concluded that the type and mix of housing proposed through this scheme would not be an acceptable development option for this site.</p> <p>A contribution, via a legal agreement, of £1,134 was requested by West Sussex County Fire and Rescue Services, with the SoCG stating that this would be used towards the supply and installation of additional fire safety equipment to vulnerable persons' homes in the West Sussex County Fire and Rescue Services area. It is not considered that this very general request for a contribution could be shown to be directly related to the proposed development. The appellant should not be required to make such a contribution in this case.</p>
BR/229/17/PL Land to rear of 41-47 Pevensey Road	Erection of 3 No. dwellings, 1 No. detached garage, parking & alterations to existing access & driveway (resubmission following BR/200/16/PL).	R-R-ALC	<p style="text-align: center;">WR</p> <p>The main issues are 1) would development be at risk of surface water flooding increase or increase flood risk elsewhere and 2) the effect of the proposal in relation to sites of international importance for nature conservation. Based on a flood risk assessment submitted on 4<sup>th</sup> June 2019 the concerns previously raised by the Council have been mitigated subject to appropriate conditions.</p> <p>The s106 agreement would mitigate any likely effect on Pagham Harbour.</p> <p>It should be noted that whilst the appeal was allowed the appellant submitted the</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			flood risk assessment during the appeal process which satisfied the Council's drainage engineers. As this addressed the only reason for refusal if that information had been available at the time of the original decision the scheme would have been approved and there would have been no need to appeal.
BE/107/18/PL 42 Westfied	1 No. attached dwelling.	R-R-D	<p style="text-align: center;">WR</p> <p>The main issue is the effect of development on the character and appearance of the area.</p> <p>The two storey development would be on a corner plot and set back to allow a dwelling. As a result of the staggered layout the rear elevation would be closer to no.44 significantly reducing the separation distance adversely impacting the spaciousness between the two properties which contributes to the character of the area. The side elevation with only a window at first floor level would appear incongruous in the street scene. Due to the siting, scale and massing the development gives the site is not capable of accommodating the scale of development proposed. It would appear cramped which would have a detrimental effect on the surrounding area.</p> <p>The proposal would be contrary to policies D DM1 and D SP1 of the Local Plan, ES1 and HDQ2 of the Neighbourhood Plan and paras 122 and 127 of the NPPF (2019). The lack of a 5 year housing land supply did not outweigh the harm.</p>
A/51/18/PL Pound Place	Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.	R (Officer) – R (Committee) - ALC  Costs against ADC Dismissed	<p style="text-align: center;">HEARING</p> <p>Character and appearance The site is located within an area where the prevailing character is one of residential development. The form and layout of the dwellings varies along Roundstone Lane. There are dwellings surrounding the site in Lambert Way, Brougham Grove and on the opposing side of Roundstone Lane. There is an area of open space along Alexander Avenue which the site would be adjacent to. The Council accept that there is no policy conflict in terms of formal provision of public open space for the scheme. The area of concern relates to the footprint of the building, its position and the amount of space around the building and resulting localised harm.</p> <p>It would be possible to secure the detail of the boundary treatments and when viewed from Alexander Avenue the existing open areas would continue to provide setting to the appeal site. The plans demonstrate that the height and design of the building would provide a height and appearance that would complement the</p>



Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>existing housing. As such I consider that the garden area within the site and the areas in Alexander Avenue taken together would be sufficient to provide setting and relief to the building. The height and design of the building would provide a height and appearance that would complement the existing housing. The garden area within the site and the areas in Alexander Avenue taken together would be sufficient to provide setting and relief to the building.</p> <p>The combination of the set back from the road, scale and design of the building, retained trees and the new landscaping proposed would ensure that the provision of the new building would not be overly prominent or appear out of place within the street scene, from both close and long views. Indeed, the plans demonstrate that the elevation that may be glimpsed from the elevated position on the pavement opposite would have the appearance of a large dwelling. As such it would not appear out of character.</p> <p>There is no dispute that the appeal scheme would not reflect the illustrative layout shown in the Masterplan3 document. Nevertheless, the masterplan itself is clear that the illustrative layout is one possible way that development could be laid out, it is no binding. Therefore, given my overall findings on character and appearance, I do not consider that a scheme that departs from the illustrative layout can be resisted solely on that point.</p> <p>The appellants outlined that it would be possible to provide a footpath across the site frontage. There would not be any other linkages between the site and the wider area. However, a footpath across the frontage would sit outside of the red line site. In addition, it would not connect to another footpath to the north of the site. As such whilst it would be desirable, I do not consider that this requirement is necessary for this scheme to go ahead. It has been demonstrated the scheme would accord with the aim to provide landscaping that would complement the existing area and provide an attractive neighbourhood for residents.</p> <p>It is concluded that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with LP policies D SP1, D DM1, T DM1, T SP1 and NP policies HD5, HD6, HD7 and TM1 which amongst other things seek to secure high quality new development that reflects the characteristics of the site and local area.</p>

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