

PLANNING APPLICATION REPORT

REF NO:	P/165/21/PL
LOCATION:	Land at Spinnaker View Paghham PO21 3FL
PROPOSAL:	New vehicular access entrance, relocated parking bays, and pedestrian access associated with the redevelopment of the rear of Inglenook Hotel as 9 No. dwellings. This application is in CIL Zone 4 (zero rated) as other development. This application may affect the setting of a Grade II Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The purpose of this application is to agree changes to land rear of the Inglenook Hotel/Spinnaker View sites where they adjoin to enable the creation of a vehicular access and separate pedestrian access from the Inglenook site. The new access will result in the loss of a three bay visitor parking area and it is proposed to relocate these to the west in place of landscaping. The pedestrian access will be just west of these. The vehicle access will be 4.8m wide (matching Spinnaker View) with 5m radii and visibility splays of 2.4m by 43m.
TREES	Replacement parking spaces are in the Root Protection Area (RPA) of a Poplar tree (TPO/P/2/15) on the southern side of Spinnaker View. This was designated at the time of P/125/14/PL and its RPA is shown on plans approved at that time.
SITE CHARACTERISTICS	The site consists of part hardstanding (including footway), part grassed space and part shrub landscaping alongside a 1.8m high close boarded fence. The site area is 87 square metres and the site is predominantly flat.
CHARACTER OF LOCALITY	Residential location between one established site and one in the process of being constructed.

RELEVANT SITE HISTORY

P/159/21/PL	Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.
P/171/21/DOC	Approval of details reserved by condition imposed under

ref W/4001476 (P/58/19/PL) relating to Condition Nos 10 - proposed location of one fire hydrant or stored water supply, 12 - soft & hard landscaping, 14 - materials & finishes and 15 - boundary treatments.

P/119/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage and 14 - materials, finishes & detailing for external walls and roofs.	DOC Part Approved 15-10-21
P/84/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage, 8 - badger survey and 9 level survey.	DOC Part Approved 22-07-21
P/58/19/PL	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.	Refused 05-03-20 Appeal: Allowed+Conditions 18-12-20
P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	ApproveConditionally 12-03-20
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

P/159/21/PL is an application for changes to the Inglenook development, part of which concerns the access to the development and will see the approved access to the south of the Inglenook cease other than for emergency access. Access will be from Spinnaker View subject to the approval of this application.

P/171/21/DOC is a current application to discharge conditions relating to P/58/19/PL. This may need to be withdrawn & resubmitted should P/165/21/PL be granted as the condition numbers will be different (or the applicant could have these granted against P/58/19/PL and then reapply against P/165/21/PL).

P/119/21/DOC and P/84/21/DOC have already agreed the discharge of certain conditions related to

P/58/19/PL.

P/58/19/PL was allowed on appeal in December 2020 and included access from Pagham Road alongside the southern side of the Inglenook Hotel. The permission has been lawfully commenced although some conditions are in breach due to development being above damp proof course level. Some plots have been built in accordance with the proposals set out in P/159/21/PL (in respect of extra height and accommodation in the roof of plots 8/9) in conflict with the approved scheme.

On P/58/19/PL Pagham Parish Council expressed a desire for access to be from Spinnaker View. This was raised with the applicant at the time who advised this was not possible due to two ransom strips which would decrease profitability of the site by two thirds. This was reported in the Committee report from 06/11/19 as a response to the Parish Council comments.

The desire to create access into Spinnaker View came up during Committee debates on P/58/19/PL and is a matter of public record via the online video recordings of the meetings on 06/11/19 & 04/03/20 and the printed minutes of the 04/03/20 meeting.

P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings. This has been part implemented (removal of the boundary wall and the outer wall of the modern side extension). P/125/14/PL relates to the Spinnaker View development.

REPRESENTATIONS

Pagham Parish Council - this application vindicates its previous view that access alongside the Inglenook Hotel was not viable. An access through Spinnaker View is the safer option. However recognise concerns of residents and so whilst minded not to object urge ADC members to arrive at a decision which ensures safety without compromising the rights of residents in Spinnaker View.

As at 12/01/22, thirty-four letters of objection raising the following concerns:

- Loss of turning area within Spinnaker View;
- Loss of landscaping and harm to wildlife corridor running along the fence;
- Using Spinnaker View land to create new parking for the Inglenook site;
- Insufficient parking provision particularly visitor parking;
- Loss of Spinnaker View footway means that residents will have to walk in the road;
- Harm to views of Spinnaker View residents;
- Loss of privacy as Spinnaker View will no longer be private;
- No capacity in Spinnaker View bin store for bins from the development;
- Refuse vehicles will block Spinnaker View for a longer period to collect refuse from the site;
- Harm to existing services in Spinnaker View;
- Harm from access to the Root Protection Area of Poplar Tree in the Spinnaker View;
- Highway safety concerns due to intensification of Pagham Road/Spinnaker View junction;
- Spinnaker View residents would have to foot the bill for increased maintenance costs arising from the increased use of the private road;
- Spinnaker View residents are the legal owners and will not give permission for the access, removal of the fencing or landscaping;
- Notice was not initially correctly served and then not received by Spinnaker View Management company until 20/12/21 despite the applicant saying it was done on the 10/12/21;
- The approved Inglenook access is perfectly fine as it was agreed by the Inspector;
- The objection of the previous site owner/applicant to having access adjacent to the Inglenook should be discounted;
- This proposal makes a mockery of the planning process as costs were awarded against Arun DC in the

appeal;

- The whole development is driven by greed and the residents are being punished;
- The Council decided the agreed access is not safe despite giving it permission and now want to change it;
- Harm to Mill Farm residents due to overlooking and loss of light from enlarged buildings;
- P/58/19/PL has not been implemented correctly as the hotel side extension was not completely removed; and
- Enforcement action should be taken against the new houses not being built to approved plans;

COMMENTS ON REPRESENTATIONS RECEIVED:

Pagham Parish comments are noted. On P/159/21/PL they stated they supported the application in respect of the proposed access through Spinnaker View without comment about the residents.

Matters relating to highway safety, loss of landscaping and impact on trees are discussed in the report conclusions. The following comments are provided in respect of the other issues:

- The application does not propose to create new parking spaces for the Inglenook. The new parking spaces are to replace the 3 to be lost by the access and will continue to serve Spinnaker View residents. There is no loss of parking (and no requirement in the site area for any additional);
- The proposal will alter the streetscene but there is no right to a view in planning law and this change will not be so significant to result in harm to local character;
- Additional movements associated with the Inglenook development will not have a noticeable impact on the environment of Spinnaker View and there will be no loss of privacy from such movements;
- It is not proposed that Inglenook residents use the Spinnaker View bin store, their own bin storage arrangements are the subject of condition 17 in the recommendation associated with P/159/21/PL;
- The additional wait due to refuse servicing from Spinnaker View would not be significant;
- It is accepted the applicant did not serve Notice on the Spinnaker View management company but this was rectified on 10th December and a subsequent email from a resident included correspondence from Southernbrook Estate Management Limited which confirmed it was received on this day;
- Planning applications are considered on their own merits and although the planning history is a material consideration this does not mean that a different proposal cannot now be considered;
- The Inglenook site owner has not commented on this application and there is nothing to prevent a different proposal from being considered;
- It is not possible to reconsider the merits of the previous appeal decision or the costs decision;
- The Council has not yet decided anything and are not driving this application;
- Objections concerning overlooking/loss of light, removal of the hotel side extension and non-compliance with approved plans relate to P/159/21/PL and have been considered in that report; and
- It is not possible to consider the motives of applicants, land ownership, associated land maintenances costs or impacts on services as these are not material planning considerations in planning law. Should there be disruption to services then the developer would need to make arrangements with the relevant land owner to relocate these.

It is not necessary to own land to make a planning application provided notice is served on the landowner (notice was served on the Spinnaker View Management Company on 10/12/21). A planning permission cannot be implemented without the approval of the landowner.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC HIGHWAYS - the proposals are comparable to P/159/21/PL to which no objections were raised. Their comments on that application raised no objections and stated that:

- Spinnaker View is a private road not maintained at public expense, therefore the comments on this road are advice only;
- Comments relating to capacity/accessibility would be as advised in comments on P/58/19/PL;
- The access would take the form of a 4.8m wide bellmouth. This has been designed in accordance with design speeds from Manual for Streets of 20 mph with visibility splays provided at 25m from the point of access which is appropriate;
- There is sufficient visibility in both directions at the junction of Spinnaker View/Pagham Road and there have been no recorded Road Traffic Collisions in the vicinity of the existing junction;
- A 2m pedestrian link has been included to connect Spinnaker View with the site; and
- No concerns with the replacement visitor parking spaces.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Part within/part outside the Built Up Area Boundary;
Close to a Grade II Listed Building (The Inglenook Hotel);
Pagham Harbour Zone B;
Within 2km Buffer of Pagham Harbour SSSI;
Within 2km Buffer of Bognor Reef SSSI;
Area of Special Control of Adverts;
Current/Future Flood Zone 1; and
TPO/P/2/15.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no current Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with policies relating to countryside development and biodiversity but also complies with policies relating to highway safety, amenity, trees and heritage.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

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

The proposal complies with this in that it preserves the setting of the nearby Listed Buildings due to the existing planting and other development in the intervening space. This proposal will also contribute to a reduction in vehicle movements alongside the listed Inglenook Hotel which is positive.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the Conclusions below.

CONCLUSIONS

PRINCIPLE:

The site is predominantly located in the Built Up Area Boundary (BUAB) but a few small parts of the red

edge are in land associated with the Inglenook which is designated countryside. Although there is some very minor conflict with Arun Local Plan (ALP) policy C SP1, there is no associated harm to the character or appearance of the countryside as the works are between two residential developments and so entirely in character with the surroundings.

The new access to Spinnaker View will determine whether changes to P/159/21/PL can physically go ahead or not (although they can still be determined regardless). Should P/159/21/PL and P/165/21/PL be granted then the developer would have a choice of permissions to implement on the Inglenook site (P/58/19/PL or P/159/21/PL) and both remain valid unless and until the implementation of one makes the implementation of the other physically impossible. Should the developer not be able to get legal permission for the access into Spinnaker View they may still be able to revert back to the original permission and thus use the approved access alongside the Inglenook.

HERITAGE ASSETS

There are Listed Buildings to the east including the Grade II Listed Inglenook Hotel as well as other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm and 247 Pagham Road).

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The submission does not consider heritage impacts however, this was fully considered on P/58/19/PL and a heritage statement was submitted at that time which was accepted by the Conservation Officer who did not consider there to be any harm.

The Conservation Officer has not responded to this consultation but did comment on P/159/21/PL and stated the proposal would not result in any harm to the significance or setting of the nearby heritage assets. The Conservation Officer was aware of the proposed alternative access when considering P/159/21/PL as it was stated the reduction in use of the access alongside the Inglenook may have a positive impact. There is no harm and it is not necessary to assess the benefits per para 202.

The proposal is in accordance with ALP policies HER SP1 and HER DM1 in that there is no harm to the setting of the nearby Listed Buildings. The proposal complies with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The effect of the application will be to enable the Inglenook scheme to be accessed from Spinnaker View and thus allow the changes proposed by P/159/21/PL to take place. The existing Inglenook access would then be retained in its current state for emergency use only.

WSCC Highways raise no objections. They consider the Spinnaker View/Pagham Road junction is suitable for the additional movements associated with the Inglenook scheme. They advised on P/58/19/PL that an additional 43 two-way vehicular movements would be anticipated per day and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. They raise no concerns with the Inglenook/Spinnaker View junction design.

A resident raised concern that the effect of this proposal would be to remove the footway on the northern side of Spinnaker View and force residents to walk in the road. The proposal will result in the loss of approximately 50m of this footway and it is noted there is no footway on the opposite side of the road. The loss is not significant and there is mown grass on the opposite side where persons could walk safely. As an alternative, residents could walk into the Inglenook site, use the shared surface and exit back onto pavement within Spinnaker View. Traffic speeds are very low on the Spinnaker View estate and there is plenty of pedestrian visibility so this will not generate any harm to the safety of pedestrians.

The parking bays will in part be located opposite the turning head in Spinnaker View but they do not intrude on the carriageway and there is no loss of the approved turning provision. The 3 bay visitor parking spaces (where the access will go) may alternatively currently be used for turning but they were approved as visitor spaces and it was noted on a site visit there was a car parked in this area.

The proposal accords with ALP policy T SP1.

LANDSCAPING, TREES & BIODIVERSITY:

The proposal results in the loss of parts of a narrow strip of landscaping along the northern edge of Spinnaker View. This has a width varying between 1.3m at the west end and around 5m at the east end. As will be seen from the officer presentation, this area has is part grassed/part planted with shrubs/trees which are 1.8m high (shrubs) or 5m high (small trees). The proposal introduces new hardstanding in the RPA of a TPO Poplar tree on the south side of Spinnaker View.

ALP policy D DM1 states all new developments will be expected to incorporate existing and new tree planting as an integral part of development proposals. Policy ENV DM4 requires TPO protected trees or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss. ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on site. The Arun Design Guide encourages the provision of street trees in development layouts.

The loss of parts of the landscaped area is unfortunate and will result in some localised harm to the environment and the amenities of residents but it clear that this is required in order to facilitate access to the site and so the benefits do outweigh the loss. There is conflict with policy ENV DM5 in that the proposal harms biodiversity and does not make any alternative provision. A landscaping condition could not be imposed to require new planting on a 2:1 ratio as there is no available space in the application site area for replacement planting. However, the loss to biodiversity is very minor.

In respect of the impact on the TPO Poplar tree, the Spinnaker View access road and turning head is within the RPA and this was acceptable due to it being constructed using a no-dig methodology. It would seem appropriate that this same approach can be taken here. The Tree Officer has been consulted and the response will be reported to the Committee by a report update. Should this result in new conditions then the recommendation will be amended at that time.

Subject to there being no concerns with the impact on the TPO tree, then the proposal is in accordance with ALP policies D DM1, ENV DM4 and ENV DM5.

SUMMARY:

Notwithstanding the concerns of the local residents and the conflict with countryside and biodiversity policies, any resulting harm will be very minor and it would not be sustainable to refuse on this basis. There are no concerns with highway safety, amenity or heritage impact. Therefore, it is recommended that this application be approved with 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.

CIL DETAILS

This type of development is not liable for CIL.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

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

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

- Location Plan 2020-6289-LO01 Rev C;
- Site Layout 2020-6289-000 Rev E*;
- Block Plan 2020-6289-BL01 Rev C*;
- and
- Access Overview and Visibility Splays 2020-6289-002 Rev E.

* Only insofar as they relate to the vehicular access, pedestrian access & new visitor parking spaces.

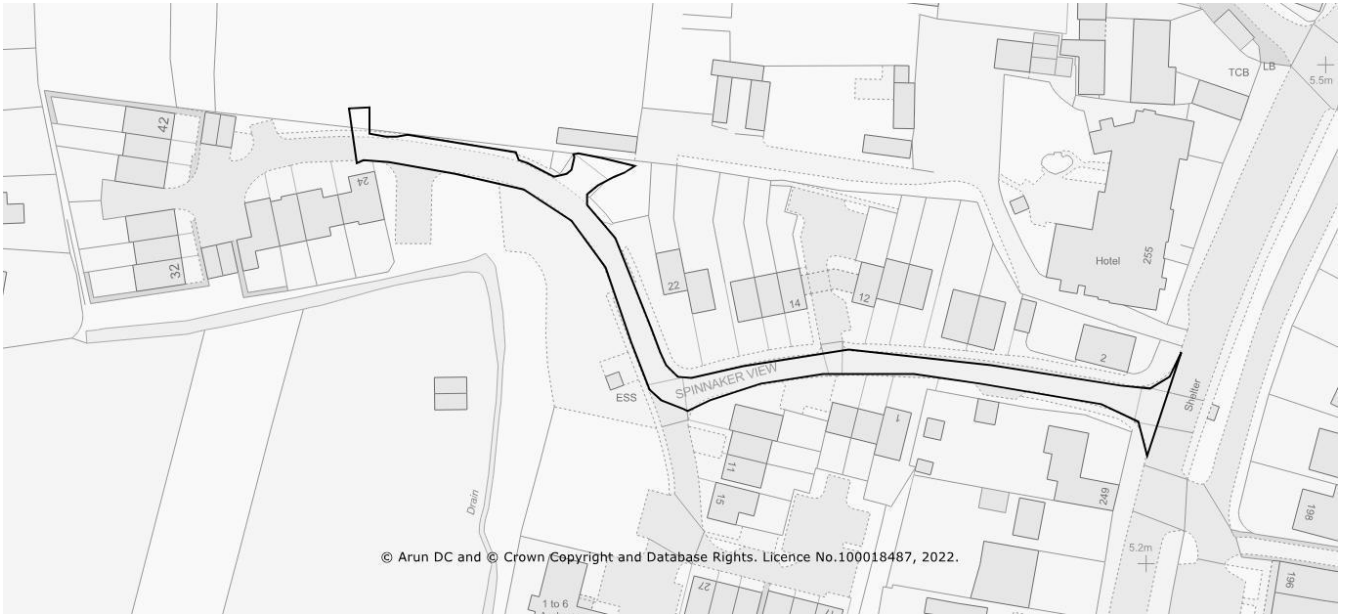
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.

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

BACKGROUND PAPERS

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

P/165/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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